

Memorandum

REPORT TO: City Commission

FROM: Bailey Minnich, Development Review Planner
Chris Saunders, Community Development Manager
Erin George, Community Development Director
Jennifer Giuttari, Assistant City Attorney

SUBJECT: Ordinance Provisionally Adopting A Text Amendment to Revise Division 38.330 (Wireless Facilities), Section 38.710.160 (Submittal Materials for Telecommunications), and Division 38.800 (Definitions) within Chapter 38 of the Bozeman Municipal Code, Application 26074

MEETING DATE: June 16, 2026

AGENDA ITEM TYPE: Ordinance

RECOMMENDATION: Having reviewed and considered the staff report, draft ordinance, public comment, recommendation from the Community Development Board, and all information presented, I hereby adopt the findings presented in the staff report for application 26074, and move to provisionally adopt the ordinance.

STRATEGIC PLAN: 1.3 Public Agencies Collaboration: Foster successful collaboration with other public agencies and build on these successes.

BACKGROUND: The City adopted the present code structure of telecommunication regulations in 1998 to respond to changes in federal law. In adopting these local laws, the City understands that it has a duty to protect the public health, safety, and welfare. The City recognizes that this duty must be considered when it regulates the placement, construction, and modification of wireless facilities. The City's local government authority to regulate wireless facilities is governed by the federal Telecommunications Act of 1996 which substantially preempts local control of telecommunication regulations.

The application proposes the adoption of code amendments necessary to ensure that the telecommunication and wireless facilities code under Bozeman Municipal Code (BMC) 38.330 Wireless Facilities is compliant with evolving federal law. The proposed wireless facilities standards are intended

to ensure the City is properly regulating the location, placement, dimension, and design of wireless and telecommunication facilities, in compliance with federal and state law, FCC rulings, and case law updates.

The complete proposed amendments were published for public notice on May 2, 2026, May 9, 2026, and May 30, 2026, and subsequently combined and reformatted into the attached Ordinance. No public comments on the proposed amendments have been submitted at this time.

The Community Development Board, in their capacity as the Planning Commission, made a recommendation of approval to the City Commission on June 1, 2026 after conducting their public hearing, considering the draft document and public comments, and reviewing the required criteria for decision. The Board made a separate motion to amend Section 38.330.040.B.1.f *Aesthetics, All wireless facilities*, which has been double-underlined within the draft Ordinance and draft Division 38.330 Wireless Facilities, linked below and at the end of the attached staff report. Staff does not have a concern with the recommended language proposed by the Planning Commission at this time.

- [Draft Ordinance XXXX - Wireless & Telecommunications Ordinance](#) [External Link] Showing all edits
- [Division 38.330 Wireless Facilities](#) [External Link] clean text showing final text
- [Section 38.710.160 Submittal Materials for Telecommunications](#) [External Link] clean text showing final text
- [Division 38.800 Definitions](#) [External Link] clean text showing final text

This is the first text amendment the City has processed under the Montana Land Use Planning Act (MLUPA). The Unified Development Code (UDC), at BMC Division 38.770, contains the process for completing text amendments and references the specific criteria of MLUPA as outlined in 76-25-304(2), Montana Code Annotated (MCA). The City's review of the MLUPA criteria is provided in the attached staff report. The proposed text amendment complies with all public hearing and notice requirements outlined within BMC 38.770.030.

UNRESOLVED ISSUES: None

ALTERNATIVES: As recommended by the Commission.

FISCAL EFFECTS: None at this time.

Attachments:

[26074 Staff Report - Wireless Facilities Ordinance_City Commission.pdf](#)

[26074 Division 38.330 Wireless Facilities_CDB Proposed](#)

[Amend.pdf](#)

Report compiled on: June 4, 2026