

# Memorandum

**REPORT TO:** Community Development Board

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

**SUBJECT:** 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 ([Legislative](#))

**MEETING DATE:** June 1, 2026

**AGENDA ITEM TYPE:** Ordinance

**RECOMMENDATION:** Having reviewed and considered the staff report, draft ordinance, public comment, and all the information presented, I hereby adopt the findings presented in the staff report for application 26074 and move for the Community Development Board in its capacity as the Planning Commission to recommend approval of the amendments.

**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, and subsequently combined and reformatted into the attached Ordinance

- [Exhibit A](#) - Division 38.330 Wireless Facilities [External Link]
- [Exhibit B](#) - Section 38.710.160 Submittal Materials for Telecommunications [External Link]
- [Exhibit C](#) - Division 38.800 Definitions [External Link]
- [Draft Ordinance XXXX](#) - Wireless & Telecommunications Ordinance [External Link]

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 board.
- FISCAL EFFECTS:** None at this time.

Attachments:  
[Draft Ordinance XXXX - Wireless Telecommunications.pdf](#)  
[26074 Staff Report - Wireless Facilities Ordinance.pdf](#)

Report compiled on: May 26, 2026