

IV: DESIGN AND IMPROVEMENT STANDARDS

A. PURPOSE

All subdivisions approved by the governing bodies shall comply with the provisions of this section as applicable except where granted a variance (see Section II.G).

B. GENERAL STANDARDS

The design and development of a subdivision shall conform with adopted growth management plans, zoning ordinances, health department regulations, and City/County Airport control provisions. The design and development of subdivisions shall provide satisfactory building sites which are properly related to topography and shall preserve the natural terrain, natural drainage, existing topsoil, trees, and natural vegetation to the extent possible (MCA 76-3-608(4)). Clustered residential subdivision development design, as provided for in MCA 76-3-509, which encourages open space and clustered housing locations, is encouraged.

C. COMMON AREAS AND NOXIOUS WEEDS

The required homeowners' association is responsible for maintenance of all common areas, including the dry hydrant facility, if any, and for the control of noxious weeds. Control of noxious weeds is also the responsibility of the individual lot owner in areas without homeowners' associations. In case of failure by such individual lot owner or by a homeowners' association to maintain common areas and facilities and dry hydrants, the County may cause the required maintenance to be done and assess the cost thereof as taxes back to the individual lot owners.

D. LANDS UNSUITABLE FOR SUBDIVISION

Lands which the governing bodies have found to be unsuitable for subdivision shall not be subdivided for building or residential purposes unless the hazards are eliminated or mitigated. Mitigation measures should be suggested by the subdivider with the application. Unsuitable lands may have one or more of the following potential hazards:

Flooding; snow avalanches, rock falls, or land slides; unstable soils; steep slopes in excess of 25% grade; high water table; inadequate, polluted, or non-potable water supply; high voltage or high pressure gas lines; air or vehicular traffic hazards, congestion; inadequate access; and lands placing unreasonable burdens on the general public such as requirements for the excessive expenditure of public funds or environmental degradation.

E. FLOODPLAIN PROVISIONS

Each subdivided parcel with individual water and sewer system shall contain at least one acre of buildable land outside the floodplain portion of a delineated 100-year floodway as defined by the official Town of Columbus and/or Stillwater County Flood Hazard Maps, contained in the Stillwater County Floodplain Regulations, and approved by the County Floodplain Administrator.

1. For major subdivisions where the floodway portion of a delineated floodplain has not been identified, the subdivider shall survey the 100-year floodway and floodplain and delineate same on the preliminary plat in conformance with Appendix C.
2. The governing body shall waive this requirement where the subdivider contacts the Stillwater County Floodplain Administrator who states in writing that available data indicates that the proposed subdivision is not in a floodway or floodplain.
3. All identified floodway and floodway fringe portions of the 100-year floodplain shall also be delineated on the final plat.

F. CONSTRUCTION SETBACKS FROM PERENNIAL STREAMS AND WATER BODIES

The river, stream, pond, and lake frontage property in Stillwater County is among the most desirable for new development. It is also recognized that the frontage is of major ecological importance for wildlife habitat and protection of water quality.

Minimum construction setbacks may be specified by the County in order to protect riparian areas, wetland, trout spawning areas, streambank stability, non-degradation of water quality, critical wildlife habitat, important historical or archaeological sites or viewsheds. The issue of setbacks must be raised at the Pre-Application Meeting.

The Planning Staff, Planning Board, and Commission may consult with appropriate agencies, (including but not limited to the State Department of Fish, Wildlife, and Parks; the Environmental Protection Agency; U.S. Fish and Wildlife Service; the U.S. Forest Service; the Stillwater County Conservation District; and the State Historic Preservation Office), prior to determining a setback. Mitigation measures proposed by the subdivider shall be considered prior to establishing a setback.

G. IMPROVEMENT DESIGN

Engineering plans, specifications, and reports required in connection with public improvements and other elements of a subdivision required by the governing bodies shall

be prepared by a registered professional engineer or a registered land surveyor as their respective licensing laws allow.

H. LOTS

1. Each lot shall contain a satisfactory building site properly related to topography and conforming to the most recent DEQ Regulations, any adopted zoning Regulations, and these Regulations.
2. No single lot shall be divided by a Town or County boundary line.
3. No single lot shall be divided by a public street, road, alley, or right-of-way.
4. Each lot shall have access to a public or private street.
5. Alleys may not be used to provide the primary means of access to a lot in new subdivisions.
6. Corner lots shall have driveway access to the same street or road as interior lots.
7. Corner lots shall be of sufficient area to provide acceptable visibility for traffic safety.
8. Side lot lines shall be at substantially right angles to street or road lines and radial to curved street or road lines.
9. Lots and/or houses shall be clearly numbered or otherwise identified. If adjacent to existing platted lots, lot or house, numbers shall correspond accordingly.
10. Show proposed building site grade on the preliminary plat.

I. STREETS, ROADS, ALLEYS, AND SIDEWALKS

1. Information regarding proposed roads must be submitted to the Planning Office with the subdivision application to include: length, width, turning radii, fill, base, sub-base, surfacing, and cross-section drawings. The governing body may require any or all of the following: paving, curb, gutter, alley construction and gravelling, sidewalks, drainage facilities, and paved connection to the nearest existing paving.
2. Approval of roads will be made by the appropriate governing body only after passing inspection by the County Road and Bridge Superintendent or Columbus

Public Works Director. The appropriate governing body will accept roads for dedication only as part of the final plat approval process and at their discretion.

3. In each subdivision where the appropriate governing body has not accepted dedication of the roadways therein, the plat and each instrument of conveyance of the lots therein must contain acknowledgment of the improvement and maintenance provisions for such roadways via the following or similar statement, “The purchaser or owner of lots in this subdivision understand that roadways within the subdivision are for public, mail delivery, and emergency access, and the continued improvement and maintenance thereafter of such roadways after the filing of the final subdivision plat—to include snow removal, sign replacement, and bridge reconstruction—are the obligation of the subdivision lot owners through the subdivision homeowners’ association.” Failure by the subdivision homeowners’ association to properly maintain the roadway may lead the appropriate governing body to correct the failure and file a lien against the subdivision lots to insure repayment for such work.

4. All major subdivisions are required to pave internal roads. Minor subdivisions with access from paved road must provide a paved 50-foot apron. Paving must be completed prior to final plat approval.

New subdivisions in or proposed for annexation to the Town of Columbus must be provided paving, curbs, gutters, and sidewalks per Columbus standards.

All subdivision applications must be accompanied by a Waiver of Rights to Protest form, as part of the Subdivision Improvements Agreement, signed by the applicant landowner and applicable to all future landowners, wherein the subdivision waives the right to protest the creation by the County of certain rural special improvement districts or road improvement districts in or adjacent to and serving the subdivision.

5. Street or Road Design:

a. The arrangement, type, extent, width, grade, and location of all streets shall be considered in their relation to existing and planned streets, to topographical conditions and to public convenience and safety, and in their relation to the proposed uses of the land they will serve.

b. In areas where the Stillwater County Soil Survey designates severe limitations in soil stability, aggregate surfacing thickness road design shall be based upon analysis of sub-grade foundation strength.

c. Residential driveways in major subdivisions shall not have direct access to collector highways.

d. Where a subdivision abuts a collector, the governing body may require frontage roads, turn lanes, and prohibit access along the rear property line, deep

lots, or other appropriate actions to adequately protect residential properties and to separate local traffic from arterial or collector traffic.

e. State, Town, and County road encroachment permits or approvals must be obtained.

f. Local streets shall be designed to discourage through-traffic.

g. Streets which are a continuation of existing streets outside the proposed subdivision shall be aligned to assure their center lines coincide.

(1) Where straight continuations are not physically possible, the center line offset shall not be less than 125 feet.

(2) Continuation of existing streets shall have the right-of-way width of at least that of the existing streets unless otherwise specified by the governing body.

h. Dead-end streets are prohibited. Where future street extension is proposed, or where extension of the street is not possible, a temporary or permanent cul-de-sac and/or hammerhead T intersection shall be provided.

i. Half streets are prohibited except where essential to the development of the subdivision and where the governing body is assured that it will be possible to require dedication or provision of the other half of the road when the adjoining property is subdivided.

j. Names of new streets aligned with existing streets shall be the same as those of the existing streets. The proposed street name(s) shall be reviewed by the Town Public Works Director and/or the County GIS Department and street names are subject to approval of the governing body.

k. A second access shall be required for all subdivisions with ten or more lots.

l. No more than two lots may share a driveway.

m. All proposed off-site improvements shall meet the local government standards for that improvement. The specifications will be reviewed and approved by the Town Public Works Director and/or the County Road and Bridge Superintendent.

n. Private Roads: The driving width of all private roads and bridges must be at least 24-feet wide, and private roads must have provisions for maintenance, signage, and emergency access. Private roads must at a minimum meet the requirements for local streets in Table IV-3. An application for a variance must be submitted and approved for all private roads that deviate from design standards.

o. All public road and bridges must meet the requirements shown in Tables IV-2 thru 3 and in Figures IV-1 thru 3

p. In platted, unincorporated townsites, alleys may not be used to access new dwellings.

q. In platted, unincorporated townsites, construction of structures on undeveloped lots requires a road encroachment permit from the County Road and Bridge Department.

r. In platted, unincorporated townsites, which involve any extension of County road right-of-way or easement, construction of new road or development in a County right-of-way, requires review by the County Planning Office and County Road and Bridge Department Supervisor. Reviewers shall respond in writing within 30 days to a request for road extension, and the applicant may not start construction of any improvements including structures until such extension has been approved and a County Road Encroachment Permit obtained. With such new road construction or extension in platted townsites, the County may require any or all of the following: paving, curb, gutter, alley construction and gravelling, sidewalks, drainage facilities, and paved connection to the nearest existing paving.

6. Intersections:

a. Streets shall intersect at right angles, except when topography precludes, and in no case shall the angle of intersection be less than 60 degrees.

b. Two streets meeting a third street from opposite sides shall meet at the same point or their centerlines shall be offset at least 125 feet.

c. Intersection design shall provide acceptable visibility for traffic safety as indicated by the designed operating speeds on the individual roadways.

d. Intersections of local streets and/or roads with collectors shall be kept to a minimum.

e. Horizontal of streets shall ensure adequate sight distances. When street lines deflect more than five degrees, connection shall be made by horizontal curves.

7. Sidewalks, when required by the governing body, shall be located to facilitate access to school bus stops whenever possible.

8. General Improvements:

a. All roadway improvements including pavement, curbs, gutters, sidewalks, and drainage shall be constructed in accordance with the specifications and

standards prescribed in these Regulations, the Montana Public Works Standard Specifications, the Town of Columbus Standards, and/or Stillwater County standards. Sidewalks in residential subdivisions shall be boulevard type.

b. In areas with severe soil limitations, aggregate surface thickness road design must be adjusted accordingly.

c. Existing trees and other vegetation shall be preserved where possible. The governing body may require plantings for buffering, screening, or soil erosion prevention.

d. Street name and traffic control signs shall be installed at all intersections and other appropriate locations as per direction of the County Road and Bridge Superintendent or Columbus Public Works Director.

e. If mail delivery will not be to each individual lot within the subdivision, the developer shall provide an off-street area for mail delivery within the subdivision in cooperation with the U.S. Postal Service and the jurisdiction having responsibility for the road. The governing body will not be responsible for maintaining or plowing any mail delivery area.

9. Town of Columbus Standards:

The purpose of this section is to set out specific design standards which apply to the Town of Columbus and the surrounding zoning jurisdictional area.

a. In addition to the general standards found in Chapter IV of these Regulations, the Town of Columbus Standards for Public Works Improvements and the Rules and Regulations Governing Utility Services and Streets the following shall also apply:

(1) Design:

(a) Streets and roads in subdivisions shall meet the design specifications in Table IV-1 and Figures IV-1 and IV-2.

(b) Alleys shall be a minimum of 20 feet in width.

(c) Sidewalks or walkways shall be provided when required by the governing body and shall be a minimum width of 5 feet.

(d) The road cross section shown in Figure IV-1, may be utilized in proposed subdivisions when approved by the Town Public Works Director and the County Road and Bridge Superintendent.

(e) Rights-of-way for pedestrian walks, not less than 10 feet wide, shall be required where deemed essential to provide access to schools, playgrounds, shopping centers, transportation, and other community facilities.

(f) Sidewalks, trails, and pedestrian right-of-ways shall follow the location and design standards set forth in the Columbus Area Trails Plan whenever possible.

(2) General Improvements:

(a) Street lights may be required by the governing body on all streets within the subdivision. Where required they shall be designed to meet or exceed the following minimum standards:

Location	Average Horizontal Foot Candles
Entrance Streets	1.2
Other Local Streets	.9

(b) Off-street parking may be required consistent with the applicable zoning requirements.

(c) If no on-street parking is to be provided, signs prohibiting parking shall be required.

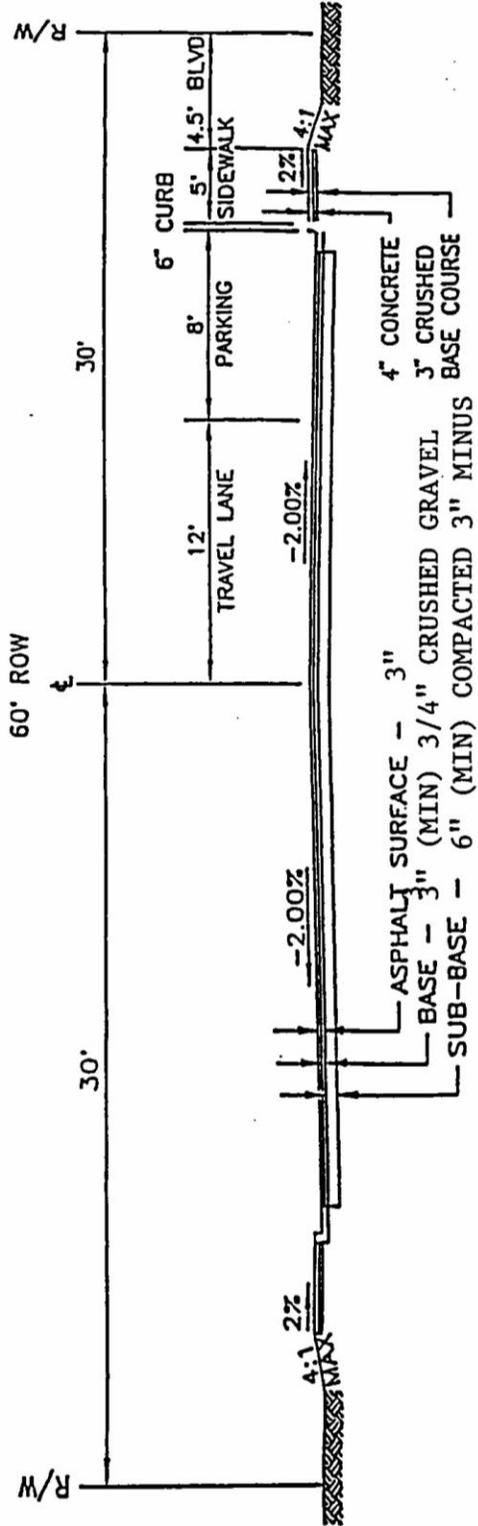
**TABLE IV-1
ROAD DESIGN STANDARDS FOR COLUMBUS AND THE SURROUNDING ZONED AREA**

		MINOR COLLECTOR	LOCAL STREET
1	Minimum right-of-way width	60 ft	60 ft
2	Minimum travel lane width (a)	26 ft	24 ft
3	Minimum curb radius or Edge of Pavement at Intersections	25 ft	15 ft
4	Maximum grades (b)/minimum grades	8% / 0.5%	9% / 0.5%
5	Approaches onto Public Roads		
	a. minimum sight distance	200 ft	150 ft
	b. minimum width	35 ft	30 ft
	c. maximum grade for 20 feet	5%	5%
	d. minimum grade for 20 feet	1%	1%
6	Curvature (c)		
	a. design speed	30 mph	25 mph
	b. maximum curve	23 deg	53.5 deg
	c. minimum radius	249 ft	107 ft
7	Bridges		
	a. Curb to Curb widths	36 ft	34 ft
	b. AASHTO (d) design load	HS-20	HS-20
	c. Vertical clearance	16.5 ft	14.5 ft
8	Cul-de-Sacs & Turnarounds	Long Cul-de-Sac	Short Cul-de-Sac
	maximum length	600 ft	100 ft
	cul-de-sacs: minimum outside right-of-way radius	60 ft	40 ft
	cul-de-sac: minimum outside roadway radius	48 ft	35 ft
	"T" or "Y" Turnaround		
	backup lengths (2 required)		60 ft each
	inside turning radius		26 ft
	outside turning radius		38 ft

- Notes:**
- (a) Where parking will be permitted add 8 feet on each side. If guardrail installation is required or a shoulder is desired, add 2 feet to each side of roadway.
 - (b) Grades over 10% must not exceed 100 feet in length.
 - (c) Curvature is based on a super elevation of 0.08/feet.

FIGURE IV-1

MINIMUM DESIGN STANDARDS - STREET SECTION WITH CURB AND GUTTER

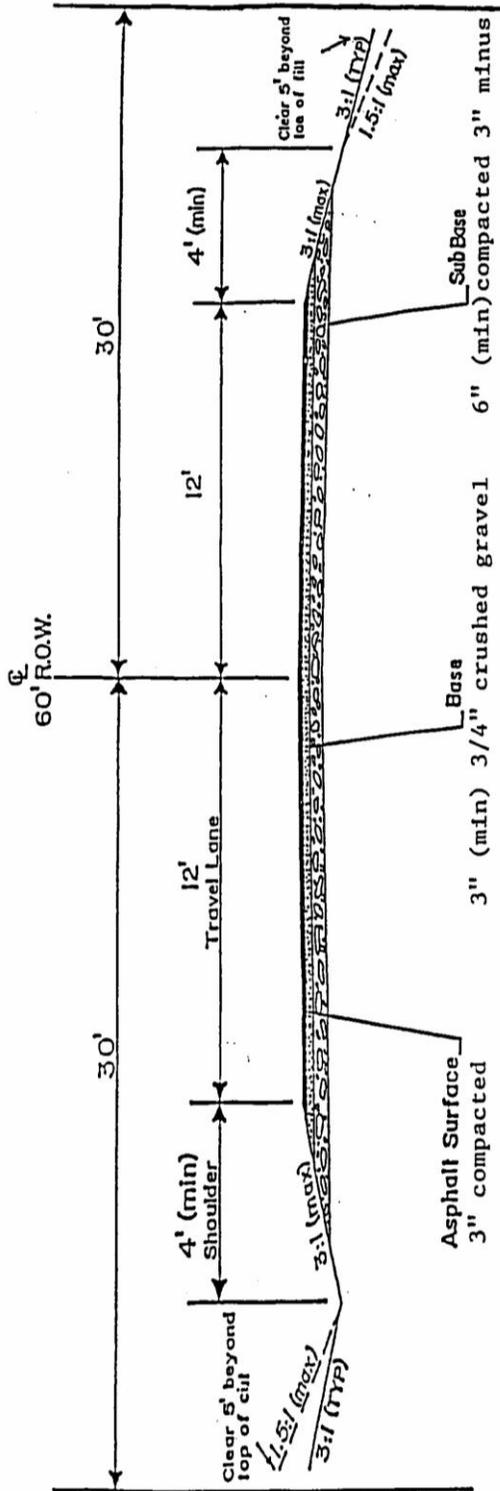


NOTE:

1. Superelevate where appropriate
2. All surfacing courses, including subgrade, shall be compacted per MPWSS.

FIGURE IV-2

Minimum Design Standards-Street Section with Drainage Swales



Notes:

1. Crown grade .02'/ft.
2. Superelevated where appropriate
3. All surfacing courses, including subgrade, shall be compacted per MPWSS.

Town of Columbus and Stillwater County, Montana, Draft Subdivision Regulations;
Nov2005

**TABLE IV-2
ROAD DESIGN STANDARDS FOR UNINCORPORATED COMMUNITIES**

		COLLECTOR	RURAL	UNINCORPORATED
1	Minimum right of way	60 ft	60 ft	60 ft
2	Minimum travel lane width (d)	2-12 ft	2-12 ft	2-12 ft
3	Maximum grades (a)			
	a. flat & rolling terrain	8%	10%	10%
	b. hilly terrain (b)	8%	10 % (f)	10% (f)
4	Minimum stopping distance	200 ft	150 ft	150 ft
5	Curvature (c)			
	a. design speed of road	30 mph	20 mph	20 mph
	b. maximum curve	19 deg	53 deg	53 deg
	c. minimum outside roadway	300 ft	120 ft	120 ft
6	Cul-de-sacs/Turnarounds			
	a. maximum length		1000 ft	600 ft
	b. cul-de-sacs: minimum outside right-of-way radius		60 ft (d)	40 ft (d)
	c. cul-de-sac: minimum outside roadway radius		48 ft (d)	20 ft (d)
	d. "T" turnaround: backup lengths (2 required)		30 ft each	30 ft each
7	Bridges			
	a. Curb to Curb widths	36 ft	24 ft (d)	34 ft
	b. AASHTO design load (e)	HS-20	HS-20	HS-20
	c. Vertical clearance	16.5 ft	14.5 ft	14.5 ft

Notes:

- (a) Flat and rolling terrain is that with a cross slope of less than 15%
- (b) Hilly terrain is that with a cross slope of 15% or greater.
- (c) Curvature is based on a superelevation of .08/feet.
- (d) Where parking will be permitted add 8 feet.
- (e) American Association of State Highway Transportation Officials.
- (f) If over 8% must be on a south-facing slope; allowed only with a variance.

**TABLE IV-3
ROAD DESIGN STANDARDS THE RURAL AREA**

		COLLECTOR	LOCAL
1	Minimum right of way	60 ft	60 ft
2	Minimum travel lane width (d)	2-12 ft	2-12 ft
3	Maximum grades (a)		
	a. flat & rolling terrain	8%	10%
	b. hilly terrain (b)	8%	10% (f)
4	Minimum stopping distance	350 ft	150 ft
5	Curvature (c)		
	a. design speed of road	30 mph	20 mph
	b. maximum curve	19 deg	53 deg
	c. minimum outside roadway	300 ft	120 ft
6	Cul-de-sacs/Turnarounds		
	a. maximum length		1000 ft
	b. cul-de-sacs: minimum outside right-of-way radius		60 ft (d)
	c. cul-de-sac: minimum outside roadway radius		48 ft (d)
	d. "T" turnaround: backup lengths (2 required)		60 ft each
7	Bridges		
	a. Curb to Curb widths	28 ft	24 ft (d)
	b. AASHTO (e) design load	HS-20	30 ft each
	c. Vertical clearance	16.5 ft	14.5 ft

Notes:

- (a) Flat and rolling terrain is that with a cross slope of less than 15%
- (b) Hilly terrain is that with a cross slope of 15% or greater.
- (c) Curvature is based on a superelevation of .08/feet.
- (d) Where parking will be permitted add 8 feet.
- (e) American Association of State Highway Transportation Officials.
- (f) If over 8% must be on a south-facing slope; allowed only with a variance.

b. Water Supply and Sanitary Systems: The following shall apply as appropriate:

(1) Where the subdivision is within 500 feet of the service area of a public water supply or sewer treatment system, as defined and approved by the Montana Department of Environmental Quality (DEQ), the subdivider shall install complete water system and/or sanitary sewer treatment facilities in accordance with the requirements of the water or sewer system administrator, the Town of Columbus Standards for Public Works Improvements (if applicable), the Rules and Regulations Governing Utility Services and Streets, and DEQ. The subdivider shall submit plans and specifications for the proposed facilities to the Town Public Works Department and DEQ. A variance may be granted if Columbus or the system administrator does not wish to allow the subdivision to connect, the cost of service is an economic hardship, or the required timeframe is an economic hardship.

(2) Where public water supply or sewer treatment system is/are not within a serviceable distance or not made available to the subdivider, the subdivider shall apply to DEQ and the County Sanitarian for subdivision review under their regulations, for all lots 20 acres or less.

(3) For lots 20 acres to 160 acres in size, approval by the County Sanitarian must be obtained.

c. Solid Waste: The subdivider shall assure that provisions for collection and disposal of solid waste are available and meet the regulations and minimum standards of the Town of Columbus Standards for Public Works Improvements, the Rules and Regulations Governing Utility Services and Streets, and DEQ.

(1) The means for solid waste collection and disposal shall be subject to approval by the Solid Waste Board.

(2) Easements for collection sites and solid waste containers may be required depending on distance from existing facilities.

J. ADDRESSING

The addresses for all lots must be obtained from the County GIS Department prior to dwelling unit construction.

1. Individuals requiring a physical address must contact the GIS Department and fill out an Application for a Physical Address and pay a \$25 fee.
2. On the application the individual must indicate whether a driveway has been put in or the location marked. Once the driveway locations are identified, the location will be GPS'd by the GIS Department and the individual notified of the physical address.
3. The physical numbers will then be issued to the individual to be posted at the start of the individual's driveway.

K. OFF-SITE IMPROVEMENTS

New subdivisions may be assessed when the review process determines that there will be impacts to existing public facilities because of the new subdivision. Such public facilities include but are not limited to roads, bridges, and public water and sewer systems (MCA 76-3-510). When a facility will be impacted, the following may be required as a condition of subdivision application approval:

1. Proportionate share of the increased cost to the facility may be assessed as a condition of approval; or the subdivider may submit plans with the application for the upgrade of the facility and to pay for the proportionate share needed by the proposed subdivision.
 2. The process for assessing the amount of the cost of upgrading the facility shall be:
 - a. Determine whether or not the public facility serving the proposed subdivision is adequate to meet the needs of the proposed subdivision and built to the local jurisdiction's standards for that facility. Identify the deficiencies.
 - b. If the facility does not meet the standards or is not adequate to serve the proposed subdivision, determine the cost to bring the facility up to standard.
 - c. Determine when the facility was scheduled to be upgraded and the standards planned. Determine the difference in standards and the cost involved. This will generate the proportionate share the subdivider will need to pay for the improvements.
 - d. The payment of the cost shall be made before the final plat is recorded.
 3. The appropriate governing body may modify the procedure on a case by case basis if it determines an alternative method proposed is more equitable to the subdivider and will protect the current taxpayers of the Town/Stillwater County.

L. GRADING AND DRAINAGE

1. The drainage system and facilities required for any surface run-off affecting the subdivision shall meet minimum DEQ standards and are subject to the approval of the governing body.
2. Curbs, gutters, or swales (drainage ditches) may be required in all subdivisions.
3. Natural terrain for drainage ditches will be used as much as possible.
4. Culverts shall cross roads and streams at approximately right angles and be large enough to accommodate run-off from upstream drainage areas and a ten-year, six-hour storm. The design of culverts shall be consistent with the requirements of the agency (Stillwater County, Town of Columbus, Montana Department of Transportation) issuing the permits needed to install the facility.
5. Plans, specifications, and reports required with the grading and drainage plan shall be prepared by a registered professional engineer or a registered land surveyor as their respective licensing laws allow. The applicable portions of the Montana Public Works Standard Specifications and these Regulations must be utilized.
6. The construction and installation standards of the American Association of State Highway and Transportation Officials (AASHTO) and the State Department of Transportation Drainage Manual (Chapter 7-hydrology, 9-culverts, 10-bridges, and 13-storm drainage systems) will be utilized.

M. UTILITY EASEMENTS

Such easements shall be provided as per the utility company providing same with the approval of the appropriate governing body.

1. Easements may also be provided for drainage, vehicular or pedestrian access, water, septic, sewer facilities, and/or other uses determined by the local government during review of the proposed subdivision. Easements for irrigation laterals that can be moved as needed do not need to be described by metes and bounds.
2. Easements shall be shown by metes and bounds on the preliminary and final plats. If the easement is recorded, the book and page and/or the document number shall be shown on the face of the plat in lieu of the metes and bounds description.
3. Written easements which clearly define the rights, roles, and responsibilities of each party will be required whenever sewer, septic or water facilities,

and/or roads/access and driveway easements are either shared or located on adjacent property.

4. The subdivider must provide adequate and appropriate easements for the construction and maintenance of utilities within the subdivision. The subdivider must obtain any easements necessary to extend utilities to the subdivision.

5. Utility easements located between adjoining lots must be centered on lot lines. If easements are placed in the street, they must be located between the roadway and the right-of-way line.

6. Utility easements must be 30 feet wide unless otherwise specified by a utility company or governing body.

7. When a utility is to be located in an existing, dedicated right-of-way, a notice of utility occupancy must be obtained from the governing body, or local or state highway department.

8. In addition to showing the location of utility easements on the plat with dashed lines, the following statement must appear on the final plat:
“The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as ‘Utility Easement’ to have and to hold forever.”

N. AGRICULTURAL WATER USER FACILITIES

Whenever an agricultural water user facility or ditch crosses the proposed subdivision or an existing easement is referenced in the title policy, easements and dedication language must be placed on the face of the plat. In addition, the following shall apply:

1. If the size of the easement is not clear, it shall have a minimum width of ten feet from centerline on each side of the facility. A larger easement may be required which includes the width of the facility plus ten feet on each bank. All easements shall be shown on the face of the plat by metes and bounds description or with the book and page of record and/or reception number.

2. The following statement shall be on the final plat relating to existing agricultural water user facilities:

"The undersigned hereby grants unto each and every person, firm, or corporation that has a documented water right or agricultural water user facility, as shown on this plat, an

easement for the maintenance and repair of said agricultural water user facilities shown on the plat.”

3. No trees or woody shrubbery may be planted in such easements.

O. FENCING PROVISIONS

Historical location and ownership/responsibility of perimeter fencing will transfer to all subsequent owners of any subdivision lots. It is the responsibility of the subdivision lot owner to avoid harmful interactions with historical agricultural practices and neighbors outside of the subdivision.

P. PARKLAND REQUIREMENTS

Consistent with the appropriate parkland policies for each jurisdiction, the following shall apply:

1. A subdivider shall dedicate to the governing body cash, park improvements, or/and land donation equal, (except as provided in Subsections 2, 3, and 6 below) as follows:

- a. 11% of the area of the land proposed to be subdivided into parcels of one-half acre or smaller; and/or

- b. 7.5% of the area of the land proposed to be subdivided into parcels larger than one-half acre and not larger than one acre; and/or

- c. 5% of the area of the land proposed to be subdivided into parcels larger than 1 acre and not larger than three acres; and/or

- d. 2.5% of the area of the land proposed to be subdivided into parcels larger than 3 acres and not larger than five acres.

2. When a subdivision is located totally within an area for which density requirements have been adopted, or pursuant to existing zoning regulations, the governing body may establish park dedication requirements based on the community need for parks and the development densities identified in the plans or regulations. Park dedication requirements established under this subsection are in lieu of those provided in Subsection 1 above, and may not exceed 0.03 acres per dwelling unit.

3. As per (MCA 76-3-621(3), a park dedication may not be required for:

- a. land proposed for subdivision into parcels larger than 5 acres;

- b. subdivision into parcels that are all nonresidential;
- c. a subdivision in which parcels are not created, except when that subdivision provides permanent multiple spaces for recreational camping vehicles, mobile homes, or condominiums; or
- d. a subdivision in which only one additional parcel is created.

4. Park dedication is required for subsequent minor subdivisions as described in MCA 76-3-609(3)—unless only one additional lot is being created—and for first minor subdivisions from a tract of record (as described in 76-3-609(2)) if the proposed subdivision plat indicates development of condominiums or other multifamily housing, zoning regulations permit condominiums or other multifamily housing, or any of the lots are located within the Columbus municipal limits (MCA 76-3-621(8)(a)).

5. The governing body, in consultation with the applicant, the Planning Board, and park board that has jurisdiction, may determine suitable locations for parks and, giving due weight and consideration to the expressed preference of the subdivider, will determine whether the park dedication must be a land donation, cash donation, park improvements, or a combination thereof.

6. The governing body may use cash-in-lieu monies to acquire, develop, or maintain—within its jurisdiction—parks, public open space, or conservation easements only if such areas are within a reasonably close proximity to the proposed subdivision; and the governing body has formally adopted a park plan that establishes the needs and procedures for use of the money.

a. The governing body may not use more than 50% of the cash-in-lieu monies for park maintenance.

b. Cash-in-lieu monies may also be used in parks defined as regional in nature in the adopted park plan(s).

7. The local governing body shall waive the park dedication requirement if:

a. The preliminary plat provides for a planned unit development or other development with land permanently set aside for park and recreational uses sufficient to meet the needs of the persons who will ultimately reside in the development;

b. the area of the land and any improvements set aside for park and recreational purposes equals or exceeds the area or value of the dedication required under preceding Subsection 1; and

c. the preliminary plat provides long-term protection of critical wildlife habitat, cultural historical or natural resources, agricultural interests, or aesthetic values.

8. Subject to the approval of the local governing body and acceptance by the school district trustees, a subdivider may dedicate a land donation provided in Subsection 1 to a school district, adequate to be used for school facilities or buildings.

9. Cash-in-lieu of park land is determined by the current fair market value of the unsubdivided, unimproved land as estimated by the written opinion of two independent real estate professionals.

Q. FIRE PROTECTION

1. All subdivisions must be planned, designed, constructed, and maintained so as to minimize the risk of fire, and to permit the effective and efficient suppression of fires to protect persons, property, and forested areas. All subdivisions shall have the availability, through a fire protection district, of fire protection services adequate to respond to fires that may occur within the subdivision. If a subdivision is not located within one mile of a fire department or in a fire district or fire service fee area, one of the following fire protection arrangements shall be provided.

- a. If contiguous to a fire district or fire service area, the subdivision shall annex into the fire district or fire service area.
- b. If the annexation is unsuccessful, the subdivider/property owner(s) shall either:
 - (1) contract for fire protection services; or
 - (2) form a new fire district or fire service area and contract with an existing rural fire district or fire service area.

2. Fire Prevention and Control Plan (FPCP): All applications for proposed subdivisions in “high” to “extreme” fire hazard areas as determined by the Fire Protection Authority Having Jurisdiction (FPAHJ) shall contain a FPCP which details how the subdivision will meet the requirements of this Section. Provisions for the FPCP shall be included in the homeowners’ association agreement, if any, and in the subdivision improvements agreement (SIA). (A copy of the Fire Hazard Assessment Determination Form is in Appendix F.) The statement “This subdivision is located in a high to extreme fire hazard area” must be noted on the final plat.

3. Water Supply Requirements: All new subdivisions containing four or more lots shall provide for adequate water for fire protection by meeting either a, b, or c below for minimum water supply requirements. This includes subsequent minor subdivisions which bring the total number of lots in the existing subdivision to four or more; such cumulative subdivisions must comply with all the requirements of this section such as maintenance, access, reimbursement, and determination of high and extreme fire hazard areas. All fire protection provisions must be in place before filing of the final plat. Variances to these standards must follow the variance procedures outlined in Section II.

G. 1. of these Regulations. The governing body will rely on the recommendation of the FPAHJ when determining whether or not to grant a requested variance.

a. a municipal water supply system meeting National Fire Protection Association (NFPA) standards or the current Montana fire code;

b. a 10,000-gallon, year-round water source, approved by the FPAHJ, with a six-inch dry hydrant-type fitting capable of flowing 1000 gallons per minute (gpm) and a 2.5-inch dry hydrant-type fitting, located not more than 1000 feet from the furthest point of any structure in the subdivision; or

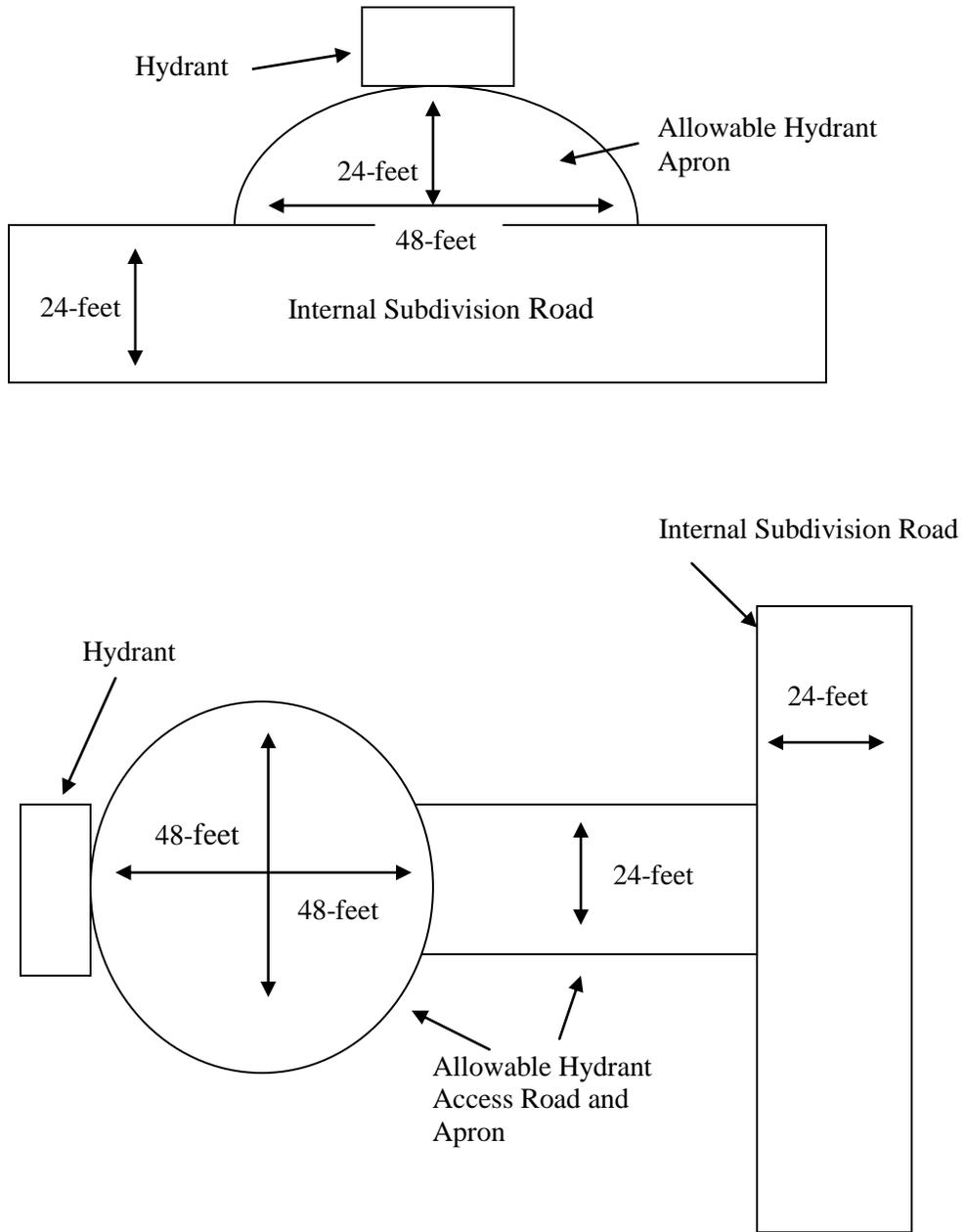
c. a 30,000-gallon, year-around water source, approved by the FPAHJ, with six-inch and 2.5-inch dry hydrant-type fittings capable of flowing 1000 gallons per minute (gpm) located not more than one-half road mile from any structure in the subdivision.

d. All dwellings in excess of 3600 square feet or over 35 feet from the lowest abutting ground level to the top of the highest part of the structure should have automatic sprinkler systems designed and certified by a professional licensed to design and install such systems.

e. For buildings other than one- and two-family dwellings, the minimum fire flow and duration shall be as specified in Table H.5.1 of NFPA 1, Uniform Fire Code.

f. An all-weather access road to and the apron area for the hydrant must at a minimum meet the design standards for a gravel road section as outlined in Figure IV-3. The access road must be 24-feet wide and the apron must have a 48-foot radius to allow for the passing and turning around of fire apparatus (see Figure IV-4 for examples of allowable hydrant aprons). An 18- by 24-inch aluminum reflective sign with red letters on a white background attached to a standard County road sign post five feet above the ground and clearly visible from the access road must be provided. The sign must contain the words "Dry Fire Hydrant" and the address of the hydrant (obtained from the County GIS Department). The person designated by the County Commissioners to be the Dry Hydrant Liaison (DHL) must be invited to review the installation of the dry hydrant and the construction of the access road and apron; he/she will inspect the construction and installation upon completion and must be provided with as-built drawings of the facility. The DHL must coordinate his activities with the FPAHJ and provide a written summary of his findings and a recommendation to the Planning Office, in order that this summary may become part of the decision-making process of the final plat.

Figure IV-4 Hydrant Aprons



4. The subdivider/developer shall provide detailed descriptions, specifications, and drawings of all components of the proposed fire protection water tank(s) or pond to include fittings and couplings, capacity, risers, and construction material shall be provided with the preliminary plat application. As-built drawings signed by the contractor must be submitted to the DHL upon completion of construction. The DHL will inspect the facility during and after construction for compliance to these Regulations.

5. **Water Supply Maintenance:** Homeowners' associations are responsible for the continued operation and maintenance of fire protection systems within their respective subdivisions, (and for continued implementation of the FPCP in areas of high to extreme fire hazard), and the SIA and homeowners' association agreements must provide detail for this responsibility. Fire protection systems include but are not limited to dry hydrant or water storage facility, fittings needed by the FPAHJ to connect to the storage facility, water supply, power supply—if applicable, and access. If the FPAHJ determines that maintenance is not being addressed appropriately, the FPAHJ may perform such maintenance—or have it performed, and such cost will be assessed, as provided by statute, against the lot owners of the subdivision.

6. Fire protection facilities described herein for subdivisions may also be maintained by rural special improvement districts formed at the time of subdivision approval or by areas of the County at any time. The documents creating such districts must be submitted with the preliminary and final plats.

7. **Fire Department Authority, Access, and Use:** Duly authorized fire fighting agencies are authorized to enforce fire protection provisions in these regulations as approved by the local governing body by the State Department of Justice. The FPAHJ shall have unrestricted use in perpetuity to all water supply systems for fire suppression, training, and systems testing.

8. **Additional Water Supply Requirement:** The FPAHJ may require additional fire protection system components in areas of high to extreme fire hazard.

9. **Reimbursement for Joint Use of Fire Protection Systems:** If a subsequent subdivision may be served adequately by an existing fire protection system, as determined by the FPAHJ, the developer of the subsequent subdivision must contribute a proportionate share of the original cost of providing fire protection systems for his subdivision to the party responsible for the existing fire protection system. The subsequent developer may also, at the direction of the FPAHJ, upgrade an existing fire protection system. Subsequent developers must also share in the on-going maintenance of such facilities. Owners of existing systems may not prohibit new subdivisions from using their existing system nor demand prohibitively high reimbursement costs.

10. **High and Extreme Fire Hazard Areas:** Subdivisions in high or extreme fire hazard areas, as determined by the FPAHJ, shall include the following in the FPCP:

- a. an analysis of the wildfire hazards on the site as influenced by existing vegetation and topography;
- b. a map showing the areas to be cleaned of dead, dying, or severely diseased vegetation;
- c. a map of tree growth to be trimmed to reduce interlocking tree canopies;

d. identification of roads, driveways, and bridges that are sufficient for emergency vehicle access and fire suppression activities; (Slopes/grades on all roads and driveways must be shown.)

e. Designate building envelopes. Building sites may not be located on slopes greater than 20 percent or at the apex of fire chimneys (usually drainageways or swales which tend to funnel or otherwise concentrate fire toward the top of the slope).

f. At least two entrances/exits must be provided and constructed to County minimum standards except that the turning radii must be 100 feet minimum for curves, and bridges must be built to carry 20 tons and constructed of non-flammable materials. Roads must be cleared of all slash.

g. Open space, park land, trails, etc. should be located to separate residences and other buildings from densely vegetated and forested areas.

h. The standards in the July 1993 *Fire Protection Guidelines for Wildland Residential Interface Development* shall be used in developing the FPCP.

i. The FPCP must be in place and approved by the FPAHJ before final plat approval. No building of dwelling units shall commence before approval is obtained by the FPAHJ.

11. Fire protection water tanks shall be constructed from plastic, concrete, fiberglass, or other materials approved by the FPAHJ. The capacity of the tanks shall be a minimum of 10,000 gallons with approved dry fire hydrant fittings.

12. A fee must be paid at the time of submission of preliminary plat to cover the cost of subdivision and fire fighting facilities plan review.

13. The further a subdivision is from the base for emergency services, such as fire, ambulance, and police services, the more subject the subdivision will be to delays caused by road and weather conditions and availability of personnel and equipment.

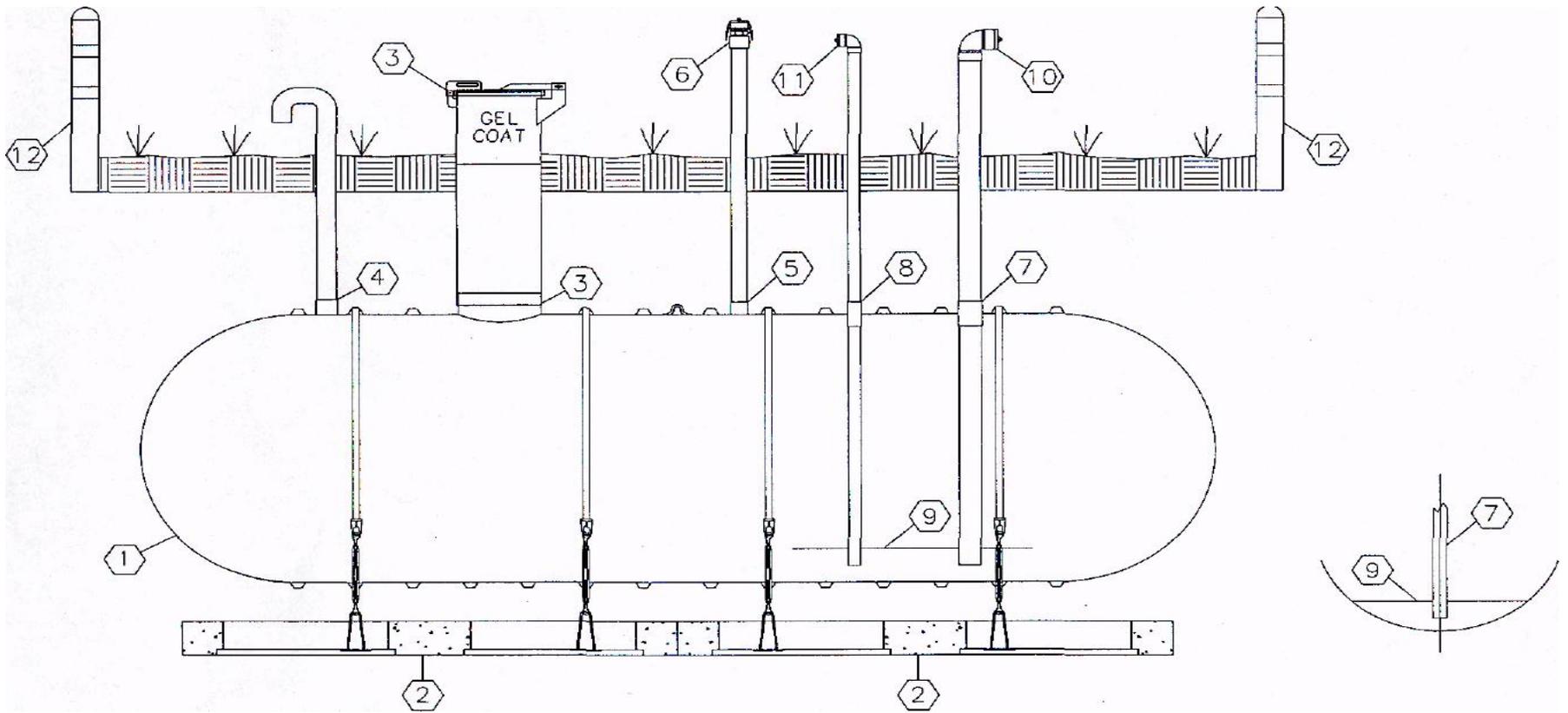


Figure IV-5 FIRE WATER STORAGE

1. Single-wall FRP tank, 8' dia, 10,000 gal (nominal)
2. Precast deadman system with hold-down strap and turnbuckle assy (Optional)
3. 24" dia (nominal) access opening with hinged and lockable access
4. 6" NPT vent (screened!)
5. 4" NPT fill
6. 4" auxiliary fill with cam lock connection (Optional)
7. 6" NPT full coupling and 6" PVC suction down pipe with Wale threaded adapter
8. 3" NPT full coupling and 3" PVC suction down pipe with Male threaded adapter
9. FRP anti-vortex plat
10. 6" primary suction with cap
11. 2.5" auxiliary suction with cap
12. Protective bollards (4 total—1 on each corner)

Figure IV-4

R. AIRPORT STANDARDS

For Subdivisions within the adopted Airspace Map for the Columbus Airport Woltermann Memorial, the following shall apply:

1. compliance with all applicable airport zoning height requirements, airspace maps, and related standards,
2. provision of an Air Navigation Easement (see Definitions Section).
3. notice of all subdivisions within the adopted airspace map for the airport will be provided to the FAA and Montana Aeronautics along with the other service providers.

S. TRAFFIC IMPACT ANALYSIS

A traffic impact analysis will be required when the proposed subdivision contains 26 or more residential lots. Non-residential lots traffic analysis needs will be determined at the time of the Pre-application Meeting. The trip generation rates shall be based on the most recent edition of the “Trip Generation” manual published by the Institute of Transportation Engineers.

1. The analysis shall be prepared by a registered engineer with expertise in transportation planning.
2. The Traffic Impact Analysis will be written with supporting documentation including maps and other information as specified below. At minimum, it shall include:
 - a. existing traffic circulation, conditions, and patterns;
 - b. anticipated traffic circulation conditions and patterns generated by the proposed subdivision;
 - c. the effect on the existing road network; and
 - d. recommendations to alleviate negative effects.
3. The Traffic Impact Analysis will be reviewed as part of the proposed subdivision and may be reviewed by a traffic engineering consultant as provided in Section II. B.6. of these Regulations.
4. Subdividers will be required to repair damage done to existing roads serving new subdivisions containing five or more lots during construction of the new subdivision and its improvements to include cement and dump truck trips made during construction of the dwelling units or commercial facilities. Estimation of such damage based on subdivision build-

out will be made by the County Planning Staff and County Road Bridge Superintendent/Columbus Public Works Director. A bond covering the estimated cost of damage and projected damage must be submitted by the applicant subdivider prior to the filing of the final plat of the subject subdivision.

T. MOBILE HOME PARK STANDARDS

1. Mobile Home Spaces:
 - a. Mobile home spaces must be arranged to permit the safe and practical placement and removal of mobile homes.
 - b. All mobile homes must be located at least twenty 25 feet from any property boundary line abutting upon a public street or highway right-of-way and at least 20 feet from other boundary lines of the park.
 - c. The mobile home pad must be located at least 15 feet from the street that serves it.
 - d. The size of the mobile home pad must be suitable for the general market to be served and must fit the dimensions of mobile homes anticipated.
 - e. A mobile home pad may not occupy more than one-third of the area of its space. The total area occupied by a mobile home and its roofed accessory buildings and structures may not exceed two-thirds of the area of a space.
 - f. The mobile home pad shall be improved to provide adequate support for the placement and tie-down of the mobile home.
 - g. No mobile home or its attached structures, such as awnings and carports, may be located within 20 feet of any other mobile home or its attached structures.
 - h. No detached structure, such as a storage shed, may be located within 5 feet of any mobile home or its attached structures.
 - i. A minimum of two off-street parking spaces must be provided on or adjacent to each mobile home space. Parking spaces shall be 9 feet by 20 feet in size. The driveway must be located to allow for convenient access to the mobile home and be a minimum of 12 feet wide.
 - j. One guest parking space must be provided for each ten mobile home spaces. Group parking may be provided.

k. The limits of each mobile home space must be clearly marked on the ground by permanent flush stakes, markers, or other suitable means. Location of space limits on the ground must be approximately the same as those shown on the approved plans. Precise engineering of space limits is not required either on the plans or on the ground.

l. The rules governing the operation of the park must require that each mobile home be skirted within 30 calendar days after it is moved to a space. The skirting must be of a fire-resistant material similar to that of the mobile home exterior.

m. Minimum space area for each mobile home shall be 6,000 square feet.

2. Streets:

Streets within a mobile home park must meet the design standards for Streets and Roads shown herein. Streets must be designed to allow safe placement and removal of mobile homes.

a. Streets must be designed to provide safe access to private or public roads.

b. Roads within the mobile home park must be designed to provide safe traffic circulation and parking.

c. One-way roads must be at least 15 feet wide; two-way roads must be at least 24 feet wide. If parking is to be allowed on the road, add eight feet to the total required width for each lane of parking allowed.

3. Gas System:

a. A readily accessible and identified shutoff valve controlling the flow of gas to the entire gas piping system must be installed near to the point of connection of the liquefied petroleum gas container.

b. Each mobile home lot must have an accessible, listed gas shutoff installed. This valve must not be located under a mobile home. Whenever the mobile home lot gas outlet is not in use, the shutoff valve must be plugged to prevent accidental discharge.

U. RECREATIONAL VEHICLE PARK STANDARDS

1. Recreational Vehicle Spaces:

a. Spaces in recreational vehicle parks must be arranged to allow for the safe movement of traffic and access to spaces.

b. Roads within recreational vehicle parks must be designed to provide safe traffic circulation and parking. One-way roads must be at least 15 feet wide; two-way roads must be at least 24 feet wide. If parking is to be allowed on the road add 8 feet to the total required width for each lane of parking allowed.

c. Recreational vehicles must be separated from each other and from other structures by at least 15 feet. Any accessory structures such as attached awnings must, for purposes of this separation requirement, be considered part of the recreational vehicle.

d. No recreational vehicle space may be located less than 25 feet from any private or public street or highway right-of-way.

e. Minimum space area for each recreational vehicle shall be 1,500 square feet.

2. Density:

The density of a recreational vehicle park must not exceed 25 recreational vehicle spaces per acre of gross site area.

V. CONDOMINIUMS, TOWNHOMES, OR TOWNHOUSES

Unless exempted by section 76-3-203, MCA, all condominium, townhome, or townhouse developments are subdivisions subject to the terms of the MSPA as follows:

1. If no division of land will be created by a condominium, townhome, or townhouse subdivision, the development must be reviewed under the procedures contained in the Stillwater County Building for Lease or Rent regulations, available through the Planning Office.

2. If a proposed condominium, townhome, or townhouse development will involve a division of land, the subdivision must be reviewed under the procedures contained in Section II.

3. Condominium, townhome, or townhouse developments must comply with applicable standards contained herein (Section IV, Design and Improvement Standards).

4. Condominium, townhome, or townhouse developments must also comply with all provisions of the Unit Ownership Act, Sections 70-23-102 through 70-23-703, MCA.