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RESOLUTION 2013-16

A GRANITE COUNTY RESOLUTION
TO ADOPT CERTAIN AMENDMENTS
TO THE GRANITE COUNTY SUBDIVISION REGULATIONS

WHEREAS the Granite County Board of Commissioners, on October 2, 2006, unanimously passed RESOLUTION 2006-27 which adopted the Granite County Subdivision Regulations with an effective date of October 2, 2006; and

WHEREAS, Granite County has completed a review of sectional updates to the Granite County Subdivision Regulations; and

WHEREAS, the Granite County Planning Board, on October 10, 2013, held a public hearing on the proposed Subdivision Regulation amendments at which there was limited public comments on the fire section of the amendments; and

WHEREAS, after receiving and carefully considering all comments, the Planning Board concluded the public hearing and recommended changes to the Granite County Board of Commission; and

WHEREAS, the Granite County Board of Commission, Town Council of Philipsburg and Town Council of Drummond held a joint public hearing on the proposed Subdivision Regulation amendments on Wednesday, November 20, 2013, at 10 a.m., in the Granite County Courthouse, Courtroom, 220 N. Sansome, Philipsburg; and

WHEREAS, the Granite County Board of Commissioners, Town Council of Philipsburg and Town Council of Drummond received and carefully considered public comments on the Planning Board recommended Granite County Subdivision Regulation amendments on November 20, 2013.

NOW, THEREFORE, BE IT RESOLVED that it is the intent of the Board of County Commissioners to adopt the proposed Subdivision Regulation amendments as set forth in and attached hereto as Exhibits A, B and C; and,

BE IT FURTHER RESOLVED that the effective date for these amendments is the date of adoption of this resolution.

ADOPTED AND PASSED this 3rd day of December, 2013.

BOARD OF COUNTY COMMISSIONERS
OF GRANITE COUNTY



Scott C. Adler
Scott C. Adler, Chairman

Clifford Nelson
Clifford Nelson, Commissioner

Barton C. Bonney, Commissioner

ATTEST: *Blanche McLure*
Blanche McLure, Clerk

Approved As To Form And Content:

Christopher G. Miller
Christopher G. Miller, County Attorney

Exhibit A

Resolution 2013-16

Addition of:

Section VI-T Agriculture

All subdivisions which abut active agricultural lands shall:

1. Ensure through design and mitigations the proposed development
 - a. does not diminish or contaminate livestock or irrigation water supplies;
 - b. does not obstruct or impair irrigation canals, headgates, ditches, culverts or other irrigation facilities.
 - c. Prevent the spread of fire through managing fire fuels.

2. Subdivision shall be designed to avoid blocking or altering natural drainages

3. Impose deed restrictions or covenants, running with the land and enforceable by Granite County that shall commit present and future landowners to:
 - a. Construct and maintain fences capable of keeping out livestock;
 - b. Prevent harassment of livestock by dogs and other pets;
 - c. Right to farm language including:
 - i. Property owners should be aware that they are in farm and ranch country and shall conduct their activities accordingly;
 - ii. Residential uses should be accomplished in a manner that is sensitive to adjoining ranch uses;
 - iii. Pets should be adequately controlled to provide that they do not become a nuisance on adjoining ranches;
 - iv. Property owners acknowledge that farm and ranch related activities may cause temporary minor disturbances or annoyances to the residential uses;
 - v. Use of agri-chemicals and herbicides and pesticides are a part of good farming practices and may occur on adjoining properties;
 - vi. Property owners acknowledge the owners of neighboring property may conduct animal control practices on their respective property;
 - d. Prevent the spread or dispersion of noxious weeds, litter, or hazardous materials onto adjacent properties.

Exhibit B

Resolution 2013-16

Add section First Minor Subdivision – Short Form to Section II-A-5

First Minor Subdivision – Short Form

The subdivider may at the preapplication meeting request from the Board to use the Short Form for first minor subdivisions which are creating two or fewer lots, have received sanitation approval, have existing legal and physical access from a public road and when less than 1 acre will be disturbed for road/improvements.

1. A completed and signed Subdivision Application Form
2. The required review fee
3. A preliminary plat
4. A vicinity sketch
5. A topographic map;
6. Lienholders' acknowledgement of subdivision;
7. Recorded Documentation of legal and physical access;
8. All proposed easements, and specifically all utility easements to and within the proposed subdivision, including those for Agricultural Water User Facilities;
9. Existing covenants and deed restrictions;
10. Existing water rights;
11. Proposed road plans;
12. Encroachment permits from Montana Department of Transportation or the local jurisdiction.
13. Proposed easements;
14. Proposed disposition of water rights;
15. Fire risk rating analysis
16. Weed management plan and re-vegetation plan;
17. Road maintenance agreement for shared access;
18. FIRM or FEMA panel map and letter identifying floodplain status;
19. Approved Montana Department of Environmental Quality or Tri-County Sanitarian sanitation sites for all parcels;
20. Letter identifying and proposing mitigation of potential hazards or other adverse impacts as identified in the pre-application meeting and not covered by any of the above required materials; and
21. Such additional relevant and reasonable information as identified by the Subdivision Administrator during the pre-application meeting that is pertinent to the required elements of this section.

Exhibit C
Resolution 2013-16

Granite County Subdivision Regulations – Fire Protection Section

VI-Q Fire Protection – Low to Medium

Fire hazard designation may be determined by the local fire protection authority, the Community Wildfire Plan or an independent wildfire assessment. Granite County will give preference to the designation set by the local fire protection authority. 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 in order to protect persons, property, and forested areas. Measures must include:

- a. The placement of structures Subdivisions located outside of the Georgetown Lake Zoning District are required to place a covenant or plat restriction on newly created lots stating all new structures must be placed a minimum of twenty feet (20') from property lines so as to minimize the potential for flame spread and to permit adequate access for fire fighting equipment. Subdivisions located within the Georgetown Lake Zoning District must comply with new structure setbacks as defined by the zoning regulations.
- b. ~~The presence of adequate fire fighting facilities on site, including an adequate water supply and water distribution systems with legal and physical access and legal use of the water for fire protection, training and maintenance purposes.~~ Subdivisions must show the presence of on-site or off-site water sources. All water sources, whether on-site or off-site, must be approved by the local fire jurisdiction prior to preliminary plat application. A letter from the local fire jurisdiction verifying water source approval must accompany the preliminary plat application. Subdivision may provide payment for development of off-site water sources to the fire service area or fire district which the subdivision is located within or contracted with. On-site water may be required as determined by the local fire district or fire service area.
- c. The availability, through a fire protection district or ~~other means~~ contract of services with a fire district, of fire protection services adequate to respond to fires that may occur within a subdivision.

VI-R Special Requirements for Subdivisions Proposed in Areas of High or Very High Fire Hazard

Fire hazard designation may be determined by the local fire protection authority, the Community Wildfire Plan or an independent wildfire assessment. Granite County will give preference to the designation set by the local fire protection authority. For areas

identified as wildfire high hazard areas by the local fire protection authority, Montana Department of Natural Resources and Conservation, the Community Wildfire Protection Plan, a local fire protection authority, the Bureau of Land Management, or the United States Forest Service, the following apply:

- a. A Fire Prevention and Control Plan approved by the local fire service area or fire district must accompany the submission of any application for preliminary plat approval.
- b. The Fire Prevention and Control Plan must include the following items:
 - i. An analysis of the wildfire hazards on the site, as influenced by existing vegetation and topography;
 - ii. A map showing the areas that are to be cleared of dead, dying, or severely diseased vegetation, including a continued vegetation management plan;
 - iii. A map of the areas that are to be thinned to reduce the interlocking canopy of trees;
 - iv. The identification of roads, driveways, and bridges are sufficient for emergency vehicle access and fire suppression activities. Slopes of all roads and driveways must be provided. Signage must be provided. Snow removal areas outside of ditches must be provided.
 - v. A map showing building envelopes if proposed
- vi. Covenant(s) requiring compliance with Wildland Interface guidelines including:
 - a) Survivable space as defined by current state fire standards;
 - b) Additional on-site water requirements as identified by the local fire district or fire service area;
 - c) Fuel breaks and greenbelts;
 - d) Covenant demonstrating continual compliance with survivable space standards.
- ~~e. The Fire Prevention and Control Plan must be implemented before the governing body will approve the final plat, and will be considered part of the subdivider's obligations for land development. The local fire chief, or designee as determined by the governing body, will inspect and approve the implementation of the Fire Prevention and Control Plan. The Plan will not be considered fully implemented until the fire chief or designee has given written notice to the planning board or subdivision administrator that the Plan has been completed as approved by the governing body.~~
- d. Provisions for the maintenance of the Fire Prevention and Control Plan fire guidelines shall be included in the covenants, conditions, and restrictions for the development. A property owners' association must be formed and designated to enforce the covenants, conditions, and restrictions.
- e. At least two entrances/exits must provide escape routes for residents and access to the subdivision by fire-fighting vehicles for subdivisions of 15 lots or more or where identified by the local fire protection authority. In-line cul-de-sacs may be considered for accessing 14 lots or less. In-line cul-de-sacs shall be built with a minimum right-of-way radius of 75 feet and a minimum roadway radius of 60 feet. The governing

- body must review gates for subdivisions proposed to be gated. Bridges providing access to the subdivision must be built to a design load of HS 20 and constructed of non-flammable materials. Road rights-of-way must be cleared of slash.
- f. Building sites may not be located on slopes greater than 25 percent or at the apex of “fire chimneys.” (Topographic features, usually drainage ways or swales, which tend to funnel or otherwise concentrate fire toward the top of steep slopes.) Areas of 25 percent slope or more shall be noted on the plat as unbuildable.
- g. An on-site water supply of sufficient volume for effective fire control must be provided in accordance with standards set by the appropriate local fire protection authority. In the absence of such standards, the subdivider must at least provide the following for effective fire control: Subdivisions must show the presence of on-site or off-site water sources. All water sources, whether on-site or off-site, must be approved by the local fire jurisdiction prior to preliminary plat application. A letter from the local fire jurisdiction verifying water source approval must accompany the preliminary plat application. Subdivision may provide payment for development of off-site water sources to the fire service area or fire district which the subdivision is located within or contracted with. On-site water may be required as determined by the local fire district or fire service area.
- a) A central water systems with a minimum continuous flow of 1,000 gallons per minute; or
 - b) Cisterns, reservoirs or fill ponds:
 - i) For single dwelling units: minimum capacity of 2,500 gallons
 - ii) For 6 or more dwelling units: minimum capacity of 500 gallons per dwelling unit.
 - iii) A maintenance and operations plan must be provided to ensure that water is available on a year round basis.
 - iv) Legal and physical access must be provided to access each area.
- h. Subdivisions located outside of the Georgetown Lake Zoning District are required to place a covenant or plat restriction on newly created lots stating all new structures must be placed a minimum of twenty feet (20') from property lines so as to minimize the potential for flame spread and to permit adequate access for fire fighting equipment. Subdivisions located within the Georgetown Lake Zoning District must comply with new structure setbacks as defined by the zoning regulations.
- i. The availability, through a fire protection district or contract of services with a fire district, of fire protection services adequate to respond to fires that may occur within a subdivision.