**Chapter 16.40 Design and Improvement Standards**

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16.40.010 Conformance with Regulations

The design and development of a subdivision must conform with any applicable zoning or other regulations.

Enc December 5, 2007, Aff/Renumb/Amend Ord 465 November 6, 2019

16.40.015 Natural Environment

The design and development of subdivisions must provide satisfactory building sites, which are properly related to topography, and should, to the extent possible, preserve the natural terrain, natural drainage, existing topsoil, trees and other existing vegetation.

Enc December 5, 2007, Aff/Renumb/Amend Ord 465 November 6, 2019

16.40.020 Lands Unsuitable for Subdivision

Land that the Planning Board, as determined by a licensed professional, deems unsuitable for subdivision because of natural or human caused hazards may not be subdivided for building or residential purposes unless the hazards are eliminated or will be overcome by approved design and construction techniques.

Enc December 5, 2007, Aff/Renumb/Amend Ord 465 November 6, 2019

16.40.025 Floodplain Provisions

Land located in the floodway of a one-hundred (100) year flood event as defined by Title 76, Chapter 5, MCA, or other land determined by the governing body to be subject to flooding may not be subdivided for building or residential purposes or other uses that may increase or aggravate flood hazards to life, health or welfare, or that may be prohibited by state or local floodplain or floodway regulations.

1. If any portion of a proposed subdivision is within two-thousand (2,000) horizontal feet and twenty (20) vertical feet of a live stream draining an area of twenty-five (25) square miles or more, and no official floodway delineation or floodway studies of the stream have been made, the subdivider shall provide in detail to the floodplain Management Section of the Water Resources Division of the Montana Department of Natural Resources and Conservation, a flood hazard evaluation, including the calculated one-hundred (100) year frequency water surface elevations and/or one-hundred (100) year floodplain boundaries. This detailed evaluation must be performed by a licensed professional engineer experienced in this field of work. After the floodplain Management Section of the Water Resources Division has prepared a report delineating the floodway, the subdivider must submit it to the Planning Board (or Subdivision Administrator) along with the Environmental Assessment required for the preliminary plat.
2. Procedure: If any portion of a proposed subdivision is within two-thousand (2,000) horizontal feet and less than twenty (20) vertical feet of a watercourse draining an area of twenty-five (25) square miles or more, and no official floodplain or floodway delineation (study) of the stream have been made, the subdivider shall provide in detail the calculated one-hundred (100) year frequency water surface elevations and/or one-hundred (100) year floodplain boundaries. This detailed information must be performed by a licensed professional engineer experienced in this field of work.
3. Submission of Report: This information shall be submitted at the time of preliminary plat application. This information may be submitted, upon the request of the Planning Board or Subdivision Administrator, to the Floodplain Management Section, Water Resources Division, Department of Natural Resources and Conservation (DNRC) for review and concurrence.
4. Detailed information to be submitted, must include the following:
   1. Certification by a licensed professional engineer.
   2. Overall Plan View: An overall scaled plan view (project) map with identified scale for vertical and horizontal distance showing the following:
      1. Watercourse.
      2. Floodplain boundaries.
      3. Location of property.
      4. Contours.
      5. Cross sections.
      6. Bridges or other contractions in the floodplain.
      7. USGS gauging stations (if any).
      8. Benchmark(s): The location and elevation of a temporary benchmark(s) established within the subdivision and referenced to mean sea level with appropriate elevation adjustment.
      9. Cross Sectional Information.
5. Cross section elevations and stations should be determined at points representing significant breaks in ground slope and at changes in the hydraulic characteristics of the floodplain (e.g., points where ground cover, soil, or rock conditions change).
6. Each cross section must cross the entire floodplain. The cross section alignment should be perpendicular to the general flow of the watercourse (approximately perpendicular to contour line). Occasionally, wide floodplains require a dog-leg alignment to be perpendicular to the anticipated flow lines. Shots should be taken at the water’s edge and measurement taken (if elevation shots cannot be taken) to determine the channel bottom shape. Cross sections must be accurately located on a USGS 7½-minute quad sheet.
7. The number of cross sections needed, and the distance between cross sections will vary depending on the site, the slope of the watercourse, the slope of the channel, and the hydraulic characteristics of the reach. A minimum of four (4) cross sections are required over the entire reach with at least two (2) cross sections at the property where the elevations are desired. Additional cross sections must be taken at bridges, control structures, or natural constrictions in topography.
8. Water Surface: Elevation of the water surface is to be determined by survey as part of each valley cross section.
9. Supporting Documentation: Engineering report of computer computations, calculations, and assumptions that may include:
   1. Hydrology (Research of published hydrology or calculations showing how hydrology was derived).
   2. Input Files (hardcopy and on diskette).
   3. Output Files (diskette only).

The above requirement is waived if the subdivider contacts the Water Resources Division and that agency states in writing that available data indicate that the proposed subdivision is not in a flood hazard area.

Enc December 5, 2007, Aff/Renumb/Amend Ord 465 November 6, 2019

16.40.030 Improvement Design

Engineering and survey plans, specifications, and reports required in connection with public improvements and other elements of the subdivision required by the governing body must be prepared by a professional engineer or a professional land surveyor as their respective licensing laws allow in accordance with the MSPA and these regulations.

Enc December 5, 2007, Aff/Renumb/Amend Ord 465 November 6, 2019

16.40.035 Lots

1. Each lot must contain a satisfactory building site and conform to health department regulations, applicable zoning regulations and these regulations, and be properly related to topography and should to the extent possible preserve the natural terrain, natural drainage existing top soil, tree’s and existing vegetation.
2. No lot may be divided by a municipal or county boundary line.
3. Each lot must abut and have access to a public or private street or road. Alleys may not be used to provide the primary access to a lot.
4. Corner lots, must have driveway access to the same street or road that provides access to interior lots.
5. Corner lots on arterials and collectors must have driveway access on a secondary street, as set out by the City of Dillon, or the Montana Public Works Standards and must be designed to provide acceptable sight distances for safe vehicular movement.
6. No lot may have an average depth greater than three (3) times its average width.
7. Side lot lines must be at substantially right angles to street or road lines and radial to curved street or road lines.
8. Through, or double frontage lots are prohibited except when they are essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography or orientation.

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16.40.040 Blocks

1. Blocks must be designed to assure traffic safety and ease of traffic control and circulation, to accommodate the special needs of the use contemplated, and to take advantage of the limitations and opportunities of the topography.
2. Unless otherwise approved, block length must not be more than sixteen-hundred (1,600) feet.
3. Blocks must be wide enough to allow for two (2) tiers of lots unless a narrower configuration is essential to provide separation of residential development from traffic arteries, or to overcome specific disadvantages of topography and orientation, or unless the governing body approves a design consisting of irregularly shaped blocks indented by cul-de-sacs.
4. Rights-of-way for adequate and safe pedestrian access, at least ten (10) feet wide, must be provided where deemed essential to provide circulation to schools, playgrounds, shopping, transportation, and other community facilities.

Enc December 5, 2007, Aff/Renumb/Amend Ord 465 November 6, 2019

16.40.045 Streets and Roads

All streets and roads must be in built in compliance with the Montana Public Works Standards.

1. Proposed road plans and profiles as required to be submitted with the application package pursuit to Section 16.10.080 DMC of these regulations; are subject to approval by the Director of Operations, in accordance with the current Montana Public Works Standards.
2. The arrangement, type, extent, width, grade, and location of all streets must be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and the proposed uses of the land to be served by them.
3. Roads must meet the design specifications in Table 1.
4. Where streets terminate, either a cul-de-sac or “T” turnaround must be provided at the terminus. Cul-de-sacs and “T” turnarounds must conform to the design specifications in Table 1 and the Montana Public Works Standards.
5. All streets must either be dedicated to the public or be private streets to be owned and maintained by an approved property owners’ association.
6. Residential driveways must not have direct access to primary highways. Any vehicular access onto a state highway must be approved by the Montana Department of Transportation.
7. Local streets must be designed so as to discourage through traffic.
8. Whenever a subdivision abuts or contains an existing or proposed arterial highway or major thoroughfare, the governing body may require frontage roads or other treatment as may be necessary to adequately protect residential properties and to separate arterial and local traffic.
9. Half streets are prohibited except when they are essential to the development of the subdivision and when the governing body is satisfied that the other half of the street will be dedicated to the public when the adjoining property is subdivided. When an existing half street is adjacent to a tract to be subdivided, the other half of the street must be platted within the new subdivision.
10. The alignment of all streets and roads must provide adequate sight distances.
11. Intersections. The following requirements apply to intersections:
    1. streets must intersect at ninety (90) degree angles except when topography prohibits this alignment. In no case may the angle of an intersection be less than sixty (60) degrees to the center line of the roadway being intersected.
    2. two streets meeting a third street from opposite sides must be offset at least one-hundred and twenty-five (125) feet for local roads and three-hundred (300) feet for arterials or collectors.
    3. no more than two streets may intersect at one point.
    4. intersections of local streets with major arterials or highways must be avoided.
    5. intersections must be designed to provide adequate visibility for traffic safety based on the designed operating speeds of the intersecting roadways.
    6. hilltop intersections are prohibited, unless no alternatives exist. Intersections on local roads within one-hundred (100) feet of a hilltop are prohibited. Intersections on arterial and collector roads within two-hundred (200) feet of a hilltop are prohibited. If no alternative to a hilltop intersection exists, additional traffic control devices will be required.
    7. the grade of approaches to major highways may not exceed five (5) percent.
12. Names of new streets or roads aligned with existing streets must be the same as those of the existing streets. Proposed street names may not duplicate or cause confusion with existing street names, and are subject to approval by the governing body.

Enc December 5, 2007, Aff/Renumb/Amend Ord 465 November 6, 2019

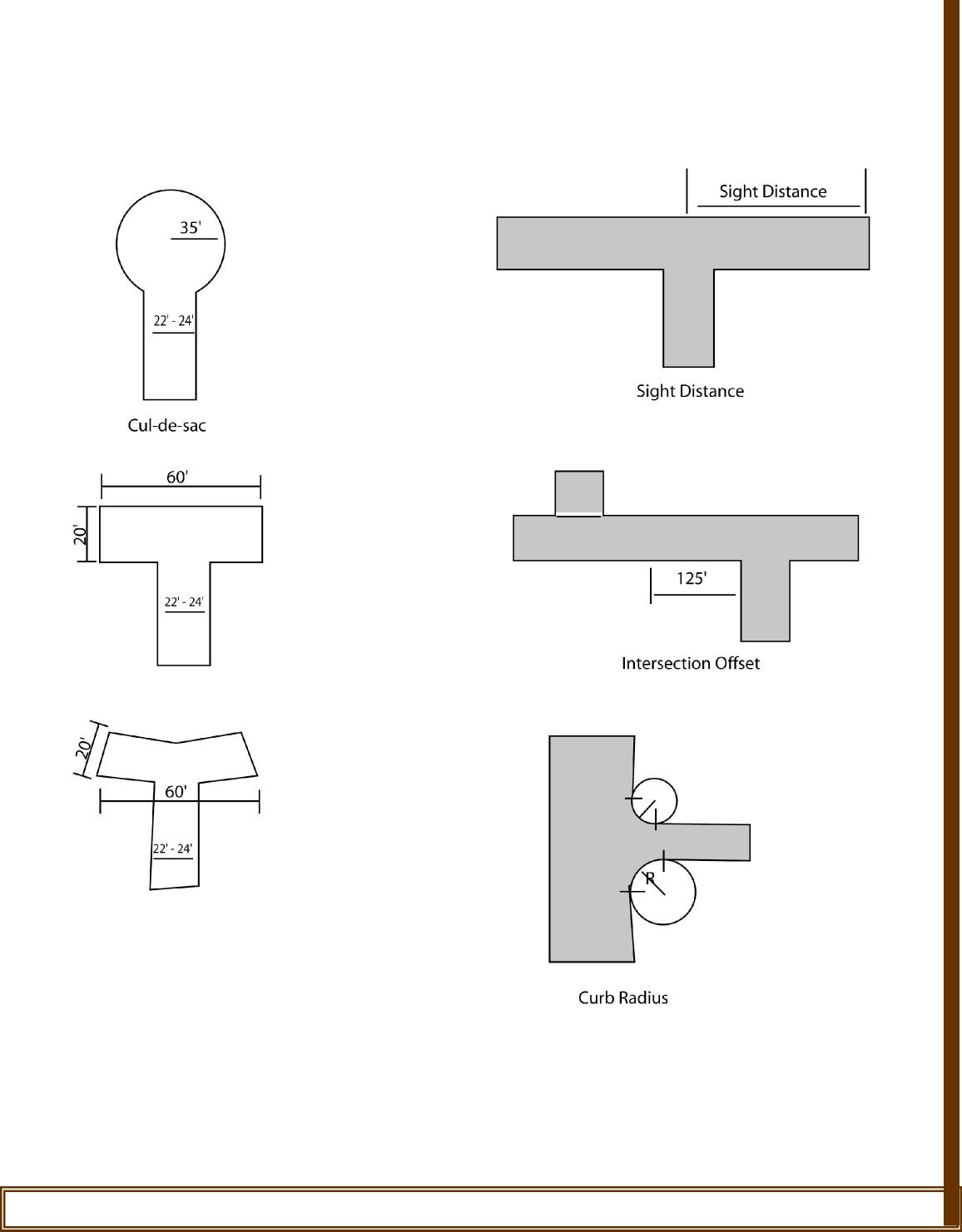
16.40.050 Improvements

All roadway improvements including pavement, curbs, gutters, boulevards, sidewalks, and drainage must be constructed in accordance with the specifications and standards prescribed in these regulations using materials approved by the governing body.

1. Roadway subgrades must be free of topsoil, sod, vegetation or organic matter, soft clay, and other substandard materials. Subgrades must be properly rolled, shaped, and compacted, and must be approved by the governing body.
2. Streets and roads must be designed to ensure proper drainage. This may require surface crowning, culverts, curbs and gutters, drainage swales and storm drains. Planted or landscaped strips may be required to segregate traffic on arterials.
3. Where access from a public road to the subdivision will cross properties not owned by the subdivider, the subdivider must obtain proper easements of sufficient width to satisfy the requirements of Table 1 and the Montana Public Works Standards.
4. Easements must be granted by each property owner in a signed and notarized document.
5. The location of any road easement must be shown on the plat or on a supplemental map. The existence of easements must be noted on the face of the final plat and on any deeds or other instruments conveying lots within the subdivision.
6. Existing trees and other vegetation must be preserved whenever appropriate. Plantings may be required for buffering, screening, or prevention of soil erosion and are subject to approval by the governing body.
7. Boulevards shall be required in all residential subdivisions and on arterial streets. Further delineation and setbacks shall be governed by zoning. Boulevards must be platted at the same time as the subdivision. Maintenance of boulevards shall become the responsibility of the lot owner.
8. Street lights will be required in subdivisions proposed within or adjacent to areas with existing street lighting. Street lighting may be required in other areas when necessary to protect public safety.
9. Street or road signs and traffic control devices of the size, shape, and height approved by the governing body must be placed at all intersections. Traffic control devices must conform to the standards contained in the Manual on Uniform Control Devices available from the Montana Department of Transportation.
10. When required by the United States Postal Service, the developer must provide an off-street area for mail delivery.
11. An area for the safe loading and unloading of school children may also be required.

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| TABLE 1: Road Geometrical Design Standards for Subdivisions | | |
| Minimum Design Standards | Minor Collector | Local Road |
| 1. Minimum right-of-way Width    1. Level terrain    2. Hilly terrain | 60 ft. | 50 ft.  60 ft. |
| 1. Minimum Roadway Width | 26 ft. | 24 ft. |
| 1. Minimum curb radius or edge of pavement at intersections | 25 ft. | 15 ft. |
| 1. Maximum grades | 8% | 10% |
| 1. Approaches onto Public Roads    1. Minimum sight distance    2. Minimum width    3. Maximum grade for 20’ | 200 ft.  35 ft.  5% | 150 ft.  30 ft.  5% |
| 1. Curvature    1. Design Speed    2. Maximum curve    3. Minimum radius | 30 mph  23  249 ft. | 20 mph  53.5  107 ft. |
| 1. Cul-de-sacs/Turnarounds    1. Maximum road length    2. Cul-de-sac: minimum outside right-of-way radius    3. Cul-de-sac: minimum outside roadway radius    4. “T” turnaround: backup lengths | -  -  -  - | 1000 ft.  40 ft.  35 ft.  30 ft. each |
| 1. New Bridges    1. Curb-to-curb widths    2. Design load capacity    3. Vertical clearance | 26 ft.  HS-25  4.5 ft. | 24 ft.  HS-25  14.5 ft. |

Enc December 5, 2007, Aff/Renumb/Amend Ord 465 November 6, 2019



16.40.055 Drainage Facilities

1. The drainage system and facilities required for any surface run-off affecting the subdivision are subject to approval by the governing body. Subdivisions containing lots less than twenty (20) acres in size must also be reviewed and approved under Title 76, Chapter 4, MCA, by the DEQ.
2. A grading and drainage plan as required by Section 16.10.080 (20) DMC is subject to approval by the Director of Operations, in accordance with the Montana Public Works Standards.
3. Curbs and gutters or swales will be required based on the character of the area, density of development, and nature of adjoining properties. Curbs and gutters of adjoining properties must be extended in conformance with current specifications of local and state authorities.
4. Culverts and bridges of adequate size must be provided and installed by the subdivider where drainage channels intersect any street or road right-of-way or easement. All culverts and bridges must be constructed and installed according to applicable local and state standards. Culverts and other drainage facilities must be large enough to accommodate potential run-off from upstream drainage areas.
5. The subdivider must provide suitable drainage facilities for any surface run-off affecting the subdivision. These facilities must be located in street rights-of-way or in perpetual easements of appropriate widths.
6. Drainage systems must not discharge into any sanitary sewer facility.
7. Drainage systems must be designed and certified by a professional engineer.
8. The governing body may require the subdivider to grant easements to prevent encroachment or disruption of drainage ways or facilities. Percolation testing and infiltration capacities are required for drainage easements.
9. Made a part of these regulations, unless defined elsewhere in these regulations, the terms used in these standards will have the meanings assigned to them in ARM 17.36.101.

Enc December 5, 2007, Aff/Renumb/Amend Ord 465 November 6, 2019

16.40.060 Utilities

1. 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.
2. Utilities must be placed underground, unless otherwise approved. Underground utilities, if placed in a street right-of-way, must be located between the roadway and the right-of-way line to simplify location and repair of lines. Underground facilities must be installed after the street has been brought to grade and before it is surfaced.
3. Unless otherwise approved, overhead utility lines must be located at the rear property line.
4. Utility facilities must be designed by utility firms in cooperation with the subdivider. These facilities are subject to all applicable laws, rules, and regulations of the appropriate regulatory authorities.
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 fifteen (15) 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.”

Enc December 5, 2007, Aff/Renumb/Amend Ord 465 November 6, 2019

16.40.065 Water Course And Irrigation Easements

1. Except as noted below, the subdivider shall establish within the subdivision ditch easements that:
   1. are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or below ground pipelines for the delivery of water for irrigation to persons and land legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;
   2. are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and
   3. prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner.
2. The subdivider need not establish irrigation easements as provided above if:
   1. the average lot size in the proposed subdivision will be one acre or less and the subdivider provides for disclosure, in a manner acceptable to the governing body, notifying potential buyers that lots within the subdivision are classified as irrigated land and may continue to be assessed for irrigation water delivery even though the water may not be deliverable to the lots; or
   2. the water rights have been removed from the land within the subdivision or the process has been initiated to remove the water rights from the subdivided land; and
   3. the fact the water rights have been or will be removed from the land within the subdivision is denoted on the preliminary plat. If the removal of water rights has not been completed at the time the final plat is filed, the subdivider shall provide written notification to prospective buyers of the subdivider’s intention to remove the water right and shall document that intent, when applicable, in agreements and legal documents for related sales transactions.
3. The subdivider shall, unless otherwise provided under separate written agreement or filed easement, show on the preliminary and final plat, and file and record with the County Clerk and Recorder, ditch easements for the unobstructed use and maintenance of existing water delivery ditches, pipelines, and facilities in the proposed subdivision that are necessary to convey water through the subdivision to lands adjacent to or beyond the subdivision boundaries in quantities and in a manner that are consistent with historic and legal rights. A minimum width of ten (10) feet is required on each side of irrigation canals and ditches for maintenance purposes.

Enc December 5, 2007, Aff/Renumb/Amend Ord 465 November 6, 2019

16.40.070 Park Land Dedication - Cash In Lieu – Waivers - Administration

1. Except as provided below, the final plat of a residential subdivision must show that the subdivider has dedicated to the governing body a cash or land donation equal to:
   1. Eleven (11) % of the area of the land proposed to be subdivided into parcels of one-half (0.5) acre or smaller;
   2. Seven and one-half (7.5) % of the area of the land proposed to be subdivided into parcels larger than one-half (0.5) acre and not larger than one (1) acre;
   3. Five (5) % of the area of the land proposed to be subdivided into parcels larger than one (1) acre and not larger than three (3) acres; and
   4. Two and one-half (2.5) % of the area of the land proposed to be subdivided into parcels larger than three (3) acres and not larger than five (5) acres.
2. A park dedication is not required for:
   1. Subdivision into lots that are all nonresidential,
   2. Subdivisions which will create only one additional parcel,
   3. Land proposed for subdivision into parcels larger than five (5) acres,
   4. a subdivision in which parcels are not created, except when that subdivision provides permanent multiple spaces for recreational camping vehicles, mobile homes, or condominiums,
   5. except as provided in (10), below, a first minor subdivision from a tract of record as defined herein and by MCA § 76-3-609(2).
3. The governing body, in consultation with the subdivider and the Planning Board or park board that has jurisdiction, may determine suitable locations for parks and playgrounds and, giving due weight and consideration to the expressed preference of the subdivider, may determine whether the park dedication must be a land donation, cash donation, or a combination of both. When a combination of land donation and cash donation is required, the cash donation may not exceed the proportional amount not covered by the land donation. The land dedicated for park use may be inside or outside the boundaries of the proposed subdivision.
4. The governing body must waive the park dedication requirement if it determines that:
   1. (i) The preliminary plat provides for a planned unit development or other development with land inside the subdivision permanently set aside for park and recreational uses sufficient to meet the needs of the persons who will ultimately reside in the subdivision, and (ii) the area of the land and any improvements set aside for park and recreational purposes equals or exceeds the dedication required under Section 16.40.070(1)(a)-(d) DMC and MCA § 76-3-621(1)(a)-(d), or
   2. (i) The preliminary plat provides for long-term protection of critical wildlife habitat, cultural, historical, or natural resources, agricultural interests, or aesthetic values, and (ii) the area of land proposed to be subdivided, by virtue of providing long-term protection of critical wildlife habitat, cultural, historical, or natural resources, agricultural interests, or aesthetic values, is reduced by an amount equal to or exceeding the area of the dedication required under Section 16.40.070(1)(a)-(d) DMC and MCA § 76-3-621(1)(a)-(d), or
   3. The area of land proposed to be subdivided, by virtue of a combination of the provisions of Sections 16.40.070(4)(a) DMC and 16.40.070(4)(b) DMC, is reduced by an amount equal to or exceeding the area of the dedication required under Section 16.40.070(1)(a)-(d) DMC and MCA § 76-3-621(1)(a)-(d), or
   4. (i) The subdivider provides for land outside of the subdivision to be permanently set aside for park and recreational uses sufficient to meet the needs of the persons who will ultimately reside in the subdivision, and (ii) the area of land and any improvements set aside for park and recreational uses equals or exceeds the area of dedication required under Section 16.40.070(1)(a)-(d) DMC and MCA § 76-3-621(1)(a)-(d).
5. The governing body may at its discretion, waive the park dedication requirement if (i) the subdivider provides land outside the subdivision that affords long-term protection of critical wildlife habitat, cultural, historical, or natural resources, agricultural interests, or aesthetic values, and (ii) the area of land subject to long-term protection equals or exceeds the area of the dedication required under Section 16.40.070(1)(a)-(d) DMC and MCA § 76-3-621(1)(a)-(d).
6. The governing body will administer funds dedicated to the public under this section in accordance with 76-3-621, MCA.
7. For the purposes of this park dedication requirement:
   1. “cash donation” means the fair market value of the unsubdivided, unimproved land;
   2. “dwelling unit” means a residential structure in which a person or persons reside.
8. Use of land and cash donations
   1. Generally, the city must use the land or cash donation for the development, acquisition, or maintenance of parks to serve the subdivision. (76-3-621(5)(a), MCA)
   2. Use of land donation. The city must hold, manage, develop, and maintain donated lands for recreational purposes consistent with the Growth Policy, unless donation is disposed of consistent with the Growth Policy. (76-3-621 (5)(a) MCA)
   3. Use of cash donation. The cash donation must be deposited in the City and must be used to acquire, develop, or maintain parks and recreational areas within the city and/or to purchase public open space within the city provided:
      1. The park, recreational area, or open space, is within close proximity to the proposed subdivision;
      2. City has formally adopted park plan that establishes the needs and procedures for use of the money; and
      3. No more than 50 percent of the dedicated money can be used for park maintenance. (76-3-621(5)(b) and (5)(c), MCA)
9. Methods to determine fair market value:
   1. The cash donation in-lieu of land dedication must be equal to the fair market value of the amount of land that would have been statutorily required to be dedicated. For the purpose of these regulations, the fair market value is the value of the unsubdivided, unimproved land based upon comparable sales that apply to the proposed subdivision. Fair market value must be determined by comparable sales that apply to the proposed subdivision. Fair market value must be determined by a Montana State licensed general real estate appraiser or a real estate appraiser legally qualified to appraise undeveloped land as provided under 37-54-201, MCA hired and paid for calculating the cash-in-lieu donation prior to final approval.
   2. Independent Appraisals: The governing body may request an additional appraisal by a Montana State licensed general real estate appraiser or a real estate appraiser legally qualified to appraise unsubdivided, undeveloped land (as provided under 37-54-201, MCA) and set the market value after considering both determinations.
10. The governing body may, at its discretion, require a park dedication for a first minor subdivision from a tract of record as defined herein and by MCA § 76-3-609(2) if:
    1. The subdivision plat indicates development of condominiums or other multifamily housing;
    2. zoning regulations permit condominiums or other multifamily housing, or
    3. any of the lots are located within the boundaries of the City of Dillon.
11. Nothing herein shall be construed so as to expand the governing body’s ability to require a park dedication for a subdivision to a greater extent than such ability is allowed by MCA § 76-3-621. In the event of a conflict between this section and MCA § 76-3-621, the provisions of MCA § 76-3-621 shall control. Nothing herein shall be construed as a more stringent local regulation pursuant to MCA § 76-3-511.

Enc Ord 433-A June 19, 2013, Aff/Renumb/Amend Ord 465 November 6, 2019

16.40.075 Disposition Of Water Rights

If a subdivision will create lots averaging less than five (5) acres in size, the subdivider shall submit evidence with the final plat that the subdivider has:

1. reserved all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer these water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserved and severed any remaining surface water rights from the land;
2. if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide for the use of a water right on the subdivision lots, established a landowner’s water use agreement administered through a single entity. This agreement must specify how the water rights will be administered and describe the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or
3. reserved and severed all surface water rights from the land proposed for subdivision.

Enc December 5, 2007, Aff/Renumb/Amend Ord 465 November 6, 2019

16.40.080 Fire Protection

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 meet current City of Dillon ordinances and include:

1. The placement of structures so as to minimize the potential for flame spread and to permit adequate access for firefighting equipment.
2. The presence of adequate fire fighting facilities on site, including an adequate water supply and water distribution system, in accordance with current National Fire Protection Association (NFPA) rules.
3. The availability, through a fire protection district or other means, of fire protection services adequate to respond to fires that may occur within a subdivision.

Enc December 5, 2007, Aff/Renumb/Amend Ord 465 November 6, 2019

16.40.085 Noxious Weeds

A weed control plan must be developed and implemented for every new subdivision. An agreement with the Beaverhead County Weed Control Board must be signed and notarized by the subdivider, and the agreement must be recorded with the final plat.

Enc December 5, 2007, Aff/Renumb/Amend Ord 465 November 6, 2019