

DECLARATION OF CONDITIONS, COVENANTS AND RESTRICTIONS

_____ SUBDIVISION

This Declaration made this ____ day of _____, 20__ by the undersigned, hereinafter referred to as the "Declarant";

I. RECITAL:

Declarant is the owner of real property described in Part II and is hereby subjecting this property to the conditions, covenants, and restrictions set forth in part III, all of which is intended to preserve and protect the general welfare, investments, values, and natural resources of the property and of each owner thereof. These conditions, covenants, and restrictions shall run with the land and each tract, parcel, or lot contained therein, and shall apply to and shall bind all successive owners of every tract, parcel, or lot.

II. PROPERTY SUBJECT TO THIS DECLARATION:

_____ SUBDIVISION

No other property, other than that described above, shall be subjected to this declaration, unless and until specifically made subject thereto.

III. DECLARATION:

The foregoing described real property is subject to the following set of conditions, covenants, and restrictions, to insure the best use, appropriate development, and improvements of each lot and building site; and further, to protect the owners of property against improper use of other property as will endanger, depreciate, or otherwise adversely affect the value of the property; to preserve the natural beauty of said property; and, in general, to provide the quality of improvements within the described property and surrounding properties that will enhance the value, as well as insuring a measure of safety, of improvements made by the purchasers of the tracts, parcels, lots, and building sites.

IV. PROVISIONS THAT CANNOT BE AMENDED WITHOUT GOVERNING BODY APPROVAL

1. *Lots within the subdivision are designed for (Land Use).*
2. *Residential structures shall display an address in a location that can be read by emergency vehicles from at least 100 feet away (numbers at least 4" high and ½" wide).*
3. *Residents of this subdivision shall adhere to the subdivision's approved "Vegetation Management Plan" for fire prevention and the provisions of VI below for creating defensible space around the home.*

4. *All Lots are subject to the approved Weed Plan attached and made a part herein. Noxious Weeds and seeds are a public nuisance under Montana law and it is unlawful to permit their propagation within the subdivision. For additional information contact the Lincoln County Weed District at 418 Mineral Avenue, Libby, MT 59923, (406) 293-7781 ext. 260.*
5. *All structure's that will generate wastewater flows must receive approval from the County Health Department for location in conformance with the subdivision's DEQ approval and for final sizing before construction commences.*
6. Any Riparian Area Protection requirements

V. **GENERAL STANDARDS**

1. *Driveways within this subdivision must be maintained to at least a 16 feet driving surface and a 13.5 feet vertical clearance to allow for emergency services.*
2. *If an area does not exist, the lot owner agrees to construct and maintain a loop road or turn-around area of no less than a 35 feet radius, within 150 feet of the main residential structure.*
3. *Lot owners should maintain 10 feet of separation between residential structures and property lines.*
4. *Roofs should be kept free of debris such as pine needles, leaves, moss, etc.*
5. *No portion of a tree or any other vegetation should extend to within 10 feet of the outlet of a stovepipe or chimney.*
6. *Any disturbed areas should be reseeded with weed-free native or commercial grass.*
7. *To reduce potential conflicts with wildlife household garbage, pet food, and other solid waste products must be contained or covered to reduce the potential for the enticement or destruction of wildlife. Contact the local office of Montana Fish Wildlife and Parks for particular tips.*
8. *Each Lot Owner shall be responsible for filing a "Notice of Completion of Ground Water Development" form with the State prior to the completion or placement of improvements on their Lot.*
9. *If a Lot Owner constructs an improvement which impedes an easement (utility, road, drainage, etc.) the Lot Owner shall be liable for any/all damages therein.*

VI. *RESPONSIBILITIES OF PROPERTY OWNERS IN THE WILDLAND/URBAN INTERFACE*

Property owners, residents and visitors in areas threatened by wildfire have a responsibility for their own life safety. Understanding the risks of living or being in the Wildland/Urban Interface (WUI) is part of that responsibility.

The two keys to your survival and that of your property are early preparedness and clear decision-making at the time of the threat. Perform fuels mitigation; create survivable space around your buildings, and prepare yourself. Learn some of the risks of staying or evacuating. Evaluate whether you are physically and emotionally prepared to stay, and whether other family members will be able to cope with evacuating (including possibly leaving someone behind) or staying. This will enable you to make good decisions during a wildfire threat.

1. PREPARING YOUR PROPERTY

- a. Assets, structures, and property have to be properly prepared and maintained before a wildfire threatens them. Utilize the guidelines and best practices in this document to assist in preparation. If you have further questions, contact your local fire district or department.
- b. Do not assume firefighters will be readily available to defend your property. Prepare your property to survive a major wildfire without firefighter intervention. You must have good access, fire-resistant structures and landscaping, an adequate water supply, and a safe area ready in advance. This will also make defending your property more effective whether you are defending it yourself or receive assistance from firefighters.

2. CREATING A FIRE PLAN

- a. Know where fire is likely to be a threat to your property and evaluate how to access your property safely.
- b. Learn to evaluate the risks of evacuating on mid-slope roads and roads where heavy fuel loads are present.
- c. Understand weather patterns and the likely effects weather will have. This will help you decide whether you should evacuate or stay at your property.
- d. Know where your safe zones are.

3. EVACUATING

Evacuate early if you have any doubts about the survivability of your property, your personal safety, and your physical and/or mental ability to stay. Know likely evacuation routes; make sure everyone knows evacuation plans such as the location you and/or your family will evacuate to in case you are split up for any reason, including someone staying behind. Keep in mind that one of the highest risks during a wildfire is traveling on evacuation routes and roads. Even during an early evacuation, fire can cut off your

evacuation route. Listen to the advice of local law enforcement and fire protection officers and make your decisions accordingly.

PROTECTION ZONE GUIDELINES

Feet from structure	Requirements	Recommendations	Comments
Zone A - Structure Zone			
0-5	<p>*Maintain non-combustible ground material 2-3 ft around structure (Planting beds, rock gardens, pavers, gravel or bare soil).</p> <p>*Fire resistant plants required (See <i>Fire Resistant Plants for Montana Landscapes and Fire and Your Landscape</i>).</p> <p>*Remove all pine needles & flammable ground materials.</p> <p>*Prune tree limbs & branches within 10 ft of the roof.</p> <p>*Remove tree limbs & branches within 10ft of chimney.</p> <p>*Use <i>Firewise</i> construction and landscaping concepts in this zone.</p>	<p>* Maintain low combustible ground covers.</p> <p>* Minimize flammable vegetation in this zone provided it:</p> <ul style="list-style-type: none"> - does not touch or overhang the home - are not species that retain dead material or deposit excessive quantities of ground fuel; and - is located far enough away from the home so that they will not ignite the home by direct flame contact or radiant heat emission. <p>*Seasonally:</p> <ul style="list-style-type: none"> - keep roof and rain-gutters clear of needles and leaves. - Store firewood outside the landscape zone during fire season. 	<p>Wildland fire is the #1 threat to the residents of Montana. The goal in this zone is to reduce potential home ignition sources. Action taken in this zone will greatly enhance structure survivability and fire fighter safety.</p>

Zone B - Landscape Zone			
6-30	<ul style="list-style-type: none"> *Maintained lawn or mowed grass (3-4") *Remove pine needles and flammable ground materials *Prune all trees so the lowest limbs are at least 6-10 ft above the ground. *Min 30 ft between crowns of native trees or "clumps", (max 5 ft trees/clump). *Maintain 20 ft between planting islands & groups of shrubs. 	<ul style="list-style-type: none"> * Keep lawns watered, (as conditions allow). * Consider planting beds, rock gardens, xeriscaping and fire resistant plants. * Use bedding plants (<18" high). * Consider non-flammable landscape material. * If a moderate or high hazard area, consider fire-resistant materials for patio furniture and other accessories around the home. * Keep patio cushions inside the home when not in use during periods of high fire potential. 	<p>The goal in this zone is to reduce radiant heat and to provide the critical space where fire fighters might be deployed to defend the home.</p>
Zone C - Forest/Wildland Transition Zone			
31 - 100+	<ul style="list-style-type: none"> * Mow the grassy fuels annually * Preferred densities for native trees: <ul style="list-style-type: none"> - Spacing – 20 ft X 20 ft * Remove all ladder fuels. * Maintain 20 ft between crowns of native trees or "clumps" (max 5 trees/clump) * 20 ft between planting islands. * Prune native tree limbs 15 feet from ground or 1/3 of live crown, whichever is less. 	<ul style="list-style-type: none"> * Consider a mixture of deciduous and coniferous trees. Most deciduous trees do not support high intensity fires. * Provide added protection with "fuel breaks," such as driveways, gravel walkways, and lawns. * Provide access through fences for fire apparatus access to your remaining property. * Consider coordination with neighboring properties. * Store firewood and other combustibles in this Zone. * Recommend modifying the fuels to the property line for lots ≤ 2.5 acres. 	<p>Treatment in this zone will create conditions unfavorable for a crown fire, and transition the wildland fire to a ground fire. Tree spacing is intended to reduce the ability to sustain a crown fire and to provide a radiant heat barrier to the residence.</p>

Zone D - Property Perimeter Buffer			
120+ foot wide buffer around perimeter	<ul style="list-style-type: none"> *Remove heavy accumulations of woody debris, such as piles of stem wood or branches. *Preferred densities for native trees: <ul style="list-style-type: none"> - Spacing – 15 X 15 *Remove all ladder fuels. *Maintain 15 ft between crowns of native trees or “clumps” (max 5 trees/clump) *10 ft between planting islands. 	<ul style="list-style-type: none"> * Prune native tree limbs min 8 -15 ft from ground or 1/3 of crown, whichever is less. * Coordinate with neighboring properties. * Treat entire perimeter of property. 	<p>Consistent application of these treatments will create conditions where a crown fire could be transformed into a ground fire, slowing its rate of spread and creating an opportunity for fire suppression resources to safely respond. This zone starts at the property line and comes in a minimum of 120 ft.</p>

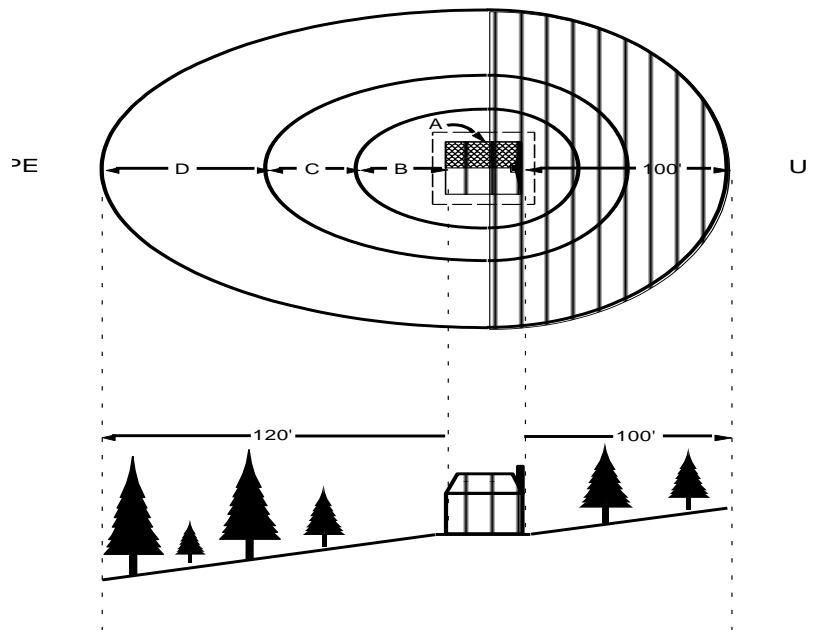
Definitions:

- Clumps – Groups of trees where crowns are less than 10 ft apart
- Crown – Outer edge of tree or “clumps” of trees
- Native trees – Lodgepole Pine, Douglas-fir, Ponderosa Pine, Douglas Fir, Rocky Mountain Juniper, Spruce, Quaking Aspen
- Pine needle removal – rake only down to the decomposing layer to avoid erosion problems
- Ladder fuels – vegetation of different heights, close enough to allow a surface fire to spread vertically to the top of a tree

Protection Zone Guidelines – Slopes

As slope increases, the need for larger protection zones increases. This chart indicates the minimum suggested distances from the structure or structures to be protected by the defensible space zones. Each of these distances indicates concentric rings spreading out from Zone A.

Percent Slope	Zone B Minimum
0-10	10'
10-20	15'
20-30	20'
Percent Slope	Zone C Minimum
0-10	20'
10-20	25'
20-30	30'
Percent Slope	Zone D Minimum
0-10	70'+
10-20	80'+
20-30	100'+

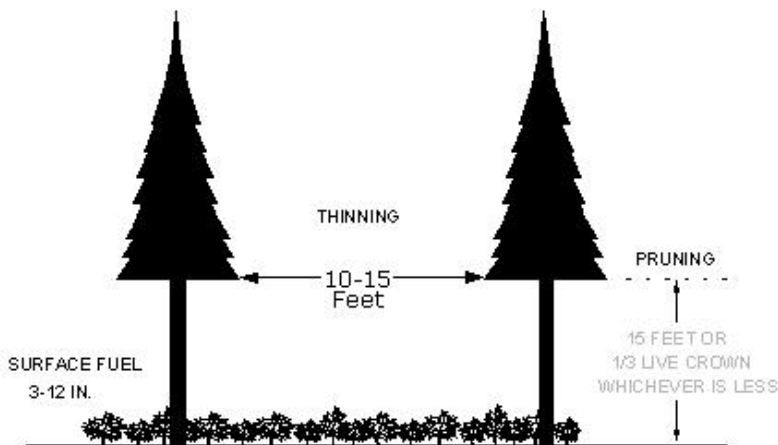


Thinning and Pruning

Thin trees to 10-15 feet between crowns.

Prune limbs on all remaining trees to 15 feet or 1/3 of total crown height, whichever is less.

Maintain surface vegetation at 12" or less.



Enforcement of the DECLARATION OF CONDITIONS, COVENANTS AND RESTRICTIONS of the _____ subdivision shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any of the aforementioned restrictions, either to restrain violation or to recover damages.

Invalidation of any one of these conditions, covenants, or restrictions, by judgment, or by court order, shall in no way affect any of the other provisions hereof which shall remain in full force and effect.

(Declarant)

(Date)

STATE OF MONTANA)
) ss.
County of)

On this _____ day of _____, 20____, before me, a notary public in and for said State, personally appeared _____ known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

(SEAL)

Notary Public for State of Montana
Residing at Libby, Montana
My commission expires _____