

Code of the New West



Illustrated and Revised Edition 2005

Madison County, Montana

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CODE OF THE NEW WEST

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Illustrated and Revised Edition 2005

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CODE OF THE WEST

The famous western writer, Zane Grey, first chronicled the Code of the West. The men and women who came to this part of the country during the westward expansion of the United States were bound by an unwritten code of conduct.

Old West values like integrity, self-reliance and accountability guided their decisions, actions and interactions. Their survival depended upon their ability to cooperate with their neighbors - an attitude of collective responsibility to society and finding non-partisan solutions to environmental problems and other important issues. In keeping with that spirit, we offer this information to help the citizens of Madison County who wish to follow in the footsteps of those rugged individualists by living in the rural area of Madison County

CODE OF THE NEW WEST MADISON COUNTY, MONTANA

As good citizens of Montana, we promise to:

Appreciate the splendor of Montana's natural beauty; the opportunity to live here; the quality of life we enjoy.

Be a good steward of the land; take personal responsibility for keeping our land weed free and trash free; recycle.

Show respect for our state laws, for wildlife, for the land and for the people.

Be goodwill ambassadors, showing friendliness to visitors and our neighbors alike.

Take pride in how we maintain our property, our businesses, our communities, and ourselves.

Become informed about how things are done in our communities and in the state, so that we fully understand the realities of living in rural Montana.

Take political action: read, vote, become informed, participate when necessary, to preserve and improve the good things we have.

Get involved with our communities, to give back some measure of what we receive from being a part of the larger family.

Work together for the good of the whole-neighborhood, community, county, state, nation and world.

CODE OF THE NEW WEST MADISON COUNTY, MONTANA



INTRODUCTION

It is important to become aware of the realities of living in rural Montana. It is also important for you to know that life in the country is different from life in the city. You need to be prepared.

As you look for a place to make your home, look at the community and its people. County and small town governments are not able to provide the same level of service that large city governments provide. You should think about transportation, communication, education, health care, employment and public services that are so essential to our modern way of life.

If you are choosing to purchase or build a new home in Madison County, or if you are a current resident, you should also consider the impact that your decisions may have on the other residents of the County and its environment. In this illustrated and revised edition of the Code, we've included the County's new Design Guidelines. These Guidelines offer input as to how you might build in ways that can help to preserve the natural beauty and rural character of the County.

To that end, we are providing you with the following information to help you make an educated and informed decision before you purchase property or build a home in our county.

ROADS AND ACCESS

The fact that you can drive to your property does not necessarily guarantee that you, your guests and emergency service vehicles can achieve that same level of access at all times.

Please consider:

Access There can be problems with the legal aspects of access, especially if you gain access across property belonging to others. It is wise to obtain legal advice and understand that easements may be necessary.

Emergencies Emergency response times (sheriff, fire suppression, medical care, etc.) cannot be guaranteed. Under some extreme conditions, you may find that emergency response is extremely slow due to circumstances beyond their control. Fire, Ambulance and Search and Rescue are all volunteer services in Madison County.

Road Conditions Madison County maintains approximately 1,300 miles of roads, ranging from paved to unimproved dirt roads. There are public roads in this county that are not maintained- no grading or snow plowing. Check with the County Commissioners office to determine the status of a specific road.

Madison County experiences extreme weather conditions and those conditions can damage or destroy roads. It is wise to determine whether or not your private access road was properly engineered and constructed. Even with proper engineering, annual road maintenance is needed. This can require renting or owning special equipment (tractors, snow blades, etc.).



In extreme weather even County maintained roads can become impassable. You may need a four wheel drive vehicle with chains for all four wheels to travel during those episodes, which could last for several days, weeks and even months. Under certain conditions, roads become narrower. Yielding the right of way is not merely a legal concept: it is a critical safety issue. Living in a rural area requires developing special driving skills and personal judgment. Driving off road to avoid bad road sections, and/or driving off road because a road is impassable makes the situation worse, tearing up road banks and accelerating erosion. (Don't do it.)

Unpaved roads generate dust. Dust is an unpleasant fact of life for most rural residents.



If your road is unpaved, it is highly unlikely that Madison County will pave it in the foreseeable future. Check carefully with the County when any statement is made by the seller of any property that indicates any unpaved roads will be paved!

Unpaved roads are usually bumpy and are often muddy and slippery when they are wet. You will experience an increase in vehicle maintenance costs when you regularly travel on rural county roads.

Don't expect neighbors to join a petition asking for improved service from the county. Rural counties survive on volunteerism. Costs are kept down by the willingness of people to go without many things suburban and urban people regard as necessities. Rural people cherish their independence and willingness to take care of their own.

Natural disasters, especially floods, can destroy roads. Madison County will repair and maintain county roads. However, subdivision/private roads are the responsibility of the landowners who use those roads. A dry creek bed can become a raging torrent and wash out roads, bridges, and culverts. Residents served by private roads and/or bridges have been hit with large bills for repairs and/or reconstruction after floods.

Construction Access Many large construction vehicles cannot navigate small, narrow roads. If you plan to build, it is prudent to check out construction access. It may be more expensive and time consuming to build a rural residence due to delivery fees and the time required for building materials to reach your site.

Designated School Bus Routes School buses travel only on maintained county roads that have been designated as school bus routes by the school district. You may need to drive your children to the nearest route so they can get to school.

POSTAL / PARCEL DELIVERY

Mail, newspaper, standard parcel and overnight package delivery can be a problem in rural areas. Confirm with the service providers as to your status.

Emergency services and delivery vehicles will find you faster if your rural address is clearly displayed at the entrance to your driveway.

UTILITY SERVICES

Water, sewer, electric, telephone and other services may be unavailable or may not operate at urban standards. Repairs can often take much longer than in towns and cities.

Communications Telephone communications can be a problem, especially in the mountain areas of Madison County. Cellular phones may not work in all areas.

Septic Systems in Rural Areas Sewer service is generally available only within town limits. You will need to use an approved septic system or other treatment process. The type of soil, depth to ground water or bedrock, slope, etc. will be very important in determining the cost and function of your system. Contact the County Sanitarian for requirements.

Water If you do not have access to a supply of treated domestic water, you will have to locate an alternative supply. The most common method is use of a well. The cost for drilling and pumping can be considerable. The quality and quantity of well water can vary considerably from location to location and from season to season. There are portions of the county where there is not enough water available for domestic purposes. Water from natural sources such as lakes, streams, rivers, etc. is owned by someone and to use this water requires legal application. It is strongly advised that you research this issue very carefully.

It may also be difficult to find enough water to provide for your needs such as livestock, lawns or gardens even if you can drill and find water, as your well may only produce a minimal amount of water.

Electricity Electric service is not available to every area of Madison County. It is important to determine the proximity of electrical power. It can be very expensive to extend power lines to remote areas.

It may be necessary to cross property owned by others in order to extend electric service to your property in the most cost efficient manner. It is important to make sure that the proper easements are in place to allow lines to be built to your property.

Electric power in single phase is standard, but a three phase service configuration comes at a premium and is not available everywhere. If you have special power requirements, it is important to know what level of service can be provided to your property.

The cost of electric service is usually divided into a fee to hook into the system and then a monthly charge for energy consumed. It is important to know both costs before making a decision to purchase a specific piece of property. Power outages can occur in outlying areas with more frequency than in more developed areas. A loss of electric power can also interrupt your supply of water from a well. You may also lose food in freezers or refrigerators and power outages can cause problems with computers as well. It is important to be able to survive for up to week in severe cold with no utilities if you live in the country.

Garbage Trash removal is probably unavailable, except in a town, and you will need to haul your own trash. In some cases your trash dumpsite may be several miles from your home. It is illegal to create your own trash dump, even on your own land. It is good to know the situation for trash removal as you make the decision to move into the country. Recycling is available and is your responsibility. Contact the County Sanitarian.

MOTHER NATURE

Rural residents may experience problems when the elements and earth turn unfriendly. Here are some thoughts for you to consider.

Forested Draw The physical characteristics of your property can be positive and negative. Trees are a wonderful environmental amenity, but can also involve your home in a forest fire. Building at the top of a forested draw should be considered as dangerous as building in a flash flood area. Grassland fires are not uncommon. Defensible perimeters are very helpful in protecting buildings from forest or grassland fires and inversely can protect the forest or grassland from igniting if your house catches on fire. If you start a forest or grassland wildfire, you are responsible for paying for the cost of extinguishing that fire. See *Design Guidelines*.

Steep Slopes Steep slopes can slide in unusually wet weather. Large rocks can also roll down steep slopes and present a great danger to people and property.

North Slopes North facing slopes or canyons rarely receive direct sunlight in the winter. There is a possibility that snow will accumulate and not melt throughout the winter.

Ravines The topography of the land can tell you where the water will go in the case of heavy precipitation. When property owners fill in ravines, they have found that the water that once drained through that ravine now drains through their house.

Flood Prone Areas A flash flood can occur, especially during the summer months, and turn a dry gully into a river. It is wise to consider this possibility when building. Portions of the county have delineated flood plains or flood-prone areas where home construction is either prohibited or regulated. Additional areas may still flood during high water.

Spring runoff can cause a very small creek to become a major river. Many residents use sandbags to protect their homes. The county may not be able to provide sand bags, equipment or people to protect private property from flooding.



Never Feed the Animals Nature can provide you with some wonderful neighbors. Most, such as deer and eagles, are positive additions to the environment. However, even “harmless” animals like deer can cause problems like crossing the road unexpectedly or eating your shrubs and trees. Rural development encroaches on the traditional habitat of coyotes, bobcats, mountain lions, rattlesnakes, ground squirrels, bears, mosquitoes and other creatures that can be dangerous and you need to know how to avoid them. NEVER feed them. They can become dependent very quickly and tend to return to the same spot to be fed again. KEEP the area around your home “food-free”. Pet food and birdseed left out will attract skunks, raccoons and bears. Haul your garbage frequently and keep it contained. In general, it is best to enjoy wildlife from a distance and know that if you do not handle your pets and trash properly, it could cause

problems for you and the wildlife. The Montana Department of Fish, Wildlife & Parks and the Madison-Jefferson County Extension Service Office are two good resources for information. They have many free publications to help educate you about living in the wild.

Seismic Activity Madison County is seismically active. We have earthquakes and large areas of unstable soil associated with this seismic activity. Earthquake insurance is available for those interested. Check with USGS for more information.

Weather The weather is one of the most talked about things in Montana. If you plan on making Madison County your permanent home be sure you know what each season is like (temperatures, snow, winds, rainfall). Although each season has its unpredictability, there are some averages that will give you some idea of what to expect. Sometimes we think the severity of the winter isn't that hard to live with until we consider its length.

AGRICULTURE



The people who tamed this wild land brought water to the barren, arid east slope of the Rockies through an ingenious system of water diversion. This water has allowed agriculture to become an important part of our environment. There are a few things you need to know:

Farmers often work around the clock, especially during planting and harvest time. Hay is often swathed or baled at night. Adjoining agricultural uses may disturb your peace and quiet.

Land preparation and other operations can cause dust, especially during windy and dry weather.

Farmers occasionally burn their ditches and fields to keep them clean of debris, weeds and other obstructions. This burning creates smoke that you may find objectionable.

Chemicals (mainly fertilizers and herbicides) are often used in growing crops. You may be sensitive to these substances and many people actually have severe allergic reactions. Many of these chemicals are applied by airplanes that fly early in the morning.

Manure can cause objectionable odors. What else can we say?

Agriculture is an important business in Madison County. If you choose to live among farms and ranches of our rural countryside, do not expect county government to intervene in the normal day-to-day operations of your agri-business neighbors. In fact, Montana has "Right to Farm" legislation that protects farmers and ranchers from nuisance and liability lawsuits. Madison County has also adopted a Right to Farm and Ranch Policy.

Open Range Montana has an open range law. This means if you do not want cattle, sheep, or other livestock on your property, it is your responsibility to fence them out. It is not the responsibility of the rancher to keep his/her livestock off your property.



The trailing of livestock herds on roadways is an economic necessity and tradition. Slow down immediately whenever you encounter a cattle drive.

Pets / Livestock Moving to the country is not a license to let pets roam. Even gentle, beloved family pets can become nuisances, predators, or prey to coyotes, neighbors, etc. State law protects livestock from pets. Pets found attacking or harassing livestock can be shot.

Animals can be dangerous. Bulls, stallions, rams, boars, etc. can attack human beings. Children need to know that it is not safe to enter pens or pastures where animals are kept.

Drought Much of Madison County receives minimal precipitation. As a result, we have a problem with fugitive dust. Even with irrigation, grasslands have limited grazing. Your parcel of land can reasonably support only so many animals. In addition, the year round presence of animals can damage and destroy grasslands, leaving the land barren: a difficult and expensive problem to restore. The Madison-Jefferson County Extension Service Office can help you with these issues.

PUBLIC LANDS

The following is adapted from US Forest Service publications and therefore applies to federal public lands, but much of the content also applies to State and US Bureau of Land Management lands:

With increasing numbers of people seeking the slower pace of rural life and the solitude of wild lands, more homes are being built adjacent to National Forest System Lands. As with any new neighborhood, there are adjustments and transitions to be made.

National Forests belong to “all the people” and are managed for the “greatest good for the greatest number, in the long run”. This means that the Forest Service has been charged to care for National Forests in a way which benefits all the people of the United States, not just those that live nearby.

How to get to your home in the hills is a question that needs to be addressed early on. Congress has directed the Forest Service to grant access across forest lands only when all of the following conditions are met: applicant currently does not have access to the private property, applicant cannot gain access across non-federal land, and applicant cannot exercise existing rights of access across non-federal land. Generally, if these conditions are met, a special use permit granting access may be considered. If you plan to use existing National Forest roads to access your private land, keep in mind that forest roads are maintained for recreational, not residential, access and may be graded only once every year or two. Also, very few forest roads are plowed in the winter and some may be subject to seasonal closures.

Fencing Who’s responsible for the fence? The forest boundary is usually not fenced, but may be marked with yellow or red boundary signs. These markers are placed directly over the surveyed boundary and read “National Forest Beyond This Sign”. If the boundary of your land has not been identified, it is advisable to have the boundary surveyed and marked by a licensed surveyor. Where private lands have a common boundary with National Forest System Lands, the owner may cooperate with the Forest Service in a survey of this boundary. This will assure the boundary is accurately located and marked and prevent the cost of relocating a fence or building. Landowners are responsible for keeping their grazing livestock off the National Forest (unless they have appropriate permits) and keeping any unwanted livestock off their property. The cost of constructing and maintaining private property fences is incurred by the private landowner.

Permits When do you need a permit? Removal of any resource such as landscape rocks, trees, firewood, post and poles, etc., requires a permit. These permits can be obtained at your local Forest Service office and will direct you to the appropriate area for such removal. Some permits have a nominal fee. Removal of historic and cultural resources is prohibited by law. Developing or installing roads, water and phone lines, etc., across or on forest lands also requires a permit.

Natural Water Bodies All natural water bodies, including streams and lakes, are owned by all the people of Montana. To protect our waterways several permits are required before altering them in any way. For instance, to install a culvert or a bridge, or to stabilize eroding stream banks, a “310” permit is required under the Natural Streambed and Land Preservation Act. Please contact the appropriate Conservation District for requirements.

Forests Forest ecosystems are not static landscapes. In addition to natural processes such as wildfire and ecological succession, the Forest Service uses a variety of tools to manage vegetation. These include prescribed burning, grazing, and timber management, done in such a manner to ensure that future generations have the same opportunities to use and enjoy forest lands. Also, because the Forest is managed for “multiple uses”, there could be other factors like recreational access, land exchange, and commodity extraction that will influence the view. This means that the scene outside your picture window may change, over time, due to both natural and management factors.



Outdoor Recreation Hunting, fishing, winter sports, and other outdoor recreation activities are a popular pastime in Madison County. Please contact Montana Department of Fish, Wildlife and Parks for hunting and fishing regulations. Be sure to obtain landowner permission before venturing onto private property.

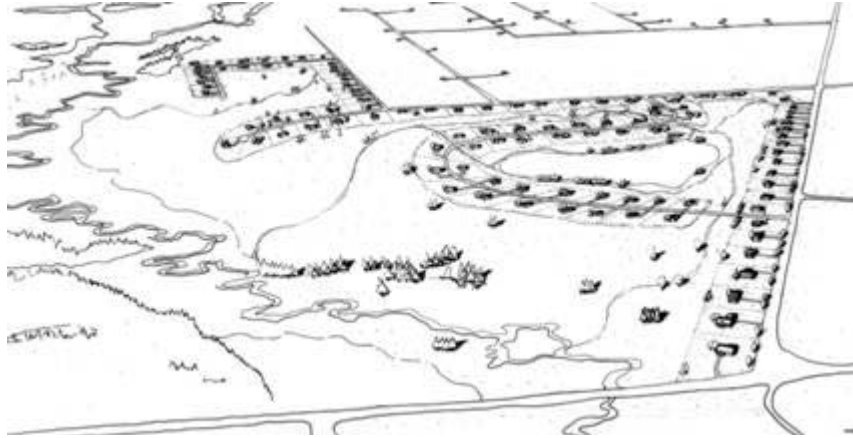
THE PROPERTY

Owning rural land means knowing how to care for it. Continual stewardship and land management are essential elements of rural life. There are many issues that can affect your property. It is important to research these items before purchasing land.

Subdivisions When choosing where to purchase a home or lot, consider the type of subdivision. Large lots do not necessarily equate with nice views or rural character, especially in the long term. Poorly planned subdivisions can contribute to sprawl and turn farmlands into low-density suburbs. Thoughtfully planned subdivisions can be designed to preserve view sheds, agricultural lands, and wildlife corridors. These developments are called “conservation subdivisions”. The Madison County Comprehensive Plan encourages these kinds of developments.



A Traditional Subdivision divides the land into equal parcels without consideration toward preservation of agricultural lands, wildlife corridors, or riparian areas



A Conservation Subdivision is designed to preserve open spaces, reduce roadways and protect sensitive areas: like waterways, wetlands, and wildlife corridors. Covenants limit buildable area to protect open spaces.

Easements Easements may require you to allow construction of roads, power lines, sewer lines, etc. across your land. There may be easements that are not on record. Check these issues carefully.

Mineral Rights Many property owners do not own the mineral rights under their property. Owners of mineral rights have the ability to change the surface characteristics in order to extract their minerals. It is very important to know what minerals may be located under the land and who owns them. Be aware that adjacent mining uses can expand and cause negative impacts.

Plat You may be provided with a plat of your property, but unless the land has been surveyed and pins placed by a licensed surveyor, you cannot assume that the plat is accurate.

Fencing Fences that separate properties are often misaligned with the property lines. A survey of the land is the only way to confirm the location of your property lines.

Covenants Many subdivisions and planned unit developments have covenants that limit the use of the property. It is important to obtain a copy of the covenants (or confirm that there are none) and make sure that you can live with those rules. Also, a lack of covenants can cause problems between neighbors. They can also be used to protect open spaces and preserve view sheds.

Homeowners Associations HOA's are required to take care of common elements such as roads, open space, etc. A dysfunctional homeowners association or poor covenants can cause problems for you and even involve you in expensive litigation.

Dues are almost always a requirement for those areas with a HOA. The bylaws of the HOA will tell you how the organization operates and how dues are set.

Land Use Change The surrounding properties will probably not remain as they are indefinitely. You can check with the Madison County Planning Board to find out if the properties are zoned and to see what future developments may be in the planning stages. The view from your property may change.

Ridgeline The location of a new residence is a particularly important decision because it is so permanent. Recent arrivals often build their homes on the highest ridge or hilltop on their property. However, what they may not realize is that the farther they can see from their picture window, the farther their home can be seen by others. Weather conditions, like wind and snow, can affect your utility expenses if your residence is out in the open and subject to the elements. See *Design Guidelines*.

Noxious Weeds In Southwestern Montana, spotted knapweed is one of the greatest threats to natural ecosystems, despite the pretty purple flowers that appear in mid-summer. This plant, native to Siberia, has no natural predators and is unpalatable to wildlife and livestock. If unchecked, spotted knapweed can completely take over, destroying valuable rangeland and wildlife habitat, and lowering property values. Early

detection and treatment are essential to controlling noxious weeds. Madison County landowners are responsible for controlling noxious weeds on their property. In addition to spotted knapweed, other noxious weeds include: leafy spurge, Canada thistle, hounds tongue, field scabious, and dalmation toadflax. Montana State Law requires property owners to control the noxious weeds on their property. The Madison County Weed Supervisor can help you to identify noxious weeds and devise the best plan of attack.

Ditches If you have a ditch running across your property, the owners of the ditch have the right to come onto your property with heavy equipment to maintain the ditch and to access the ditch and the water source.

The water flowing in irrigation ditches belongs to someone. You cannot assume that because the water flows across your property, you can use it.

Flowing water can be a hazard, especially to young children. Before you decide to locate your home near an active ditch, consider the possible danger to your family. Ditch owners are not legally responsible for accidents. Also, flow levels may be changed abruptly without warning.

Irrigation ditches tend to raise the ground water level. Be sure to check if there is a seasonal ground water fluctuation that may effect your basement or well.

Soil Understanding the soil and its limitations can be very helpful. Soil properties affect a site's susceptibility to erosion and help identify whether or not an area is a wetland. Sites suitable for buildings, roads, septic systems, crop or hay production and the type of landscaping can be ascertained from soil properties. The Natural Resources Conservation Service is a good source for soils information.

Private Ponds Madison County has been blessed with world renowned sport fisheries, which provide an important component of our economy. Many new residents want to establish their own fishery in the form of a private pond. While private ponds provide recreational and aesthetic benefits, they can also be detrimental to our wild fisheries if they are not carefully planned and sited. To be licensed for private stocking, ponds must be built off-stream, be screened from wild fishes, have proper water rights, and be designed to avoid impacting nearby waterways. Make sure to contact Montana Fish, Wildlife, and Parks for permitting requirements.

Water Rights Water rights that are sold with the property may not give you the right to use the water from any ditches crossing your land without coordinating with a neighbor who also uses the water. Other users may have senior rights to the water that can limit your use or require you to pay for the over-sizing or other improvements of the ditch.

It is important to make sure that any water rights you purchase with the land will provide enough water to maintain fruit trees, pastures, gardens or livestock.

For water rights questions, check with the Montana Department of Natural Resources & Conservation.

MADISON COUNTY DESIGN GUIDELINES

The following is an excerpt from the Madison County Comprehensive Plan, Adopted February 1999:

The past decade has been marked by continued growth and change. Madison County's beauty and rural character have attracted more residents and visitors... Growth and change impact a variety of County resources, including the economic base, air and water, vegetation and wildlife, open landscape, sense of community, and public service systems. Many long-time County residents perceive the negative impacts of growth and change as a serious threat to their rural lifestyle. Many newcomers fear that continued growth and change will degrade the quality of life which drew them here... The Planning Board and County Commissioners recognize the need to strengthen their capacity to address the issues associated with growth and change...

As part of this effort, in 2004 the Planning Board began a process to develop and adopt "Design Guidelines." These guidelines were drafted by volunteer citizens committees working with the Planning Board and assisted by design professionals. In addition, draft guidelines were exhibited at the 2004 Madison County Fair and the 2004 Ennis Home Show where citizens had an opportunity to comment and contribute to the development of the guidelines.

The resulting Design Guidelines are presented here to inform all residents and potential future residents of key areas of concern.

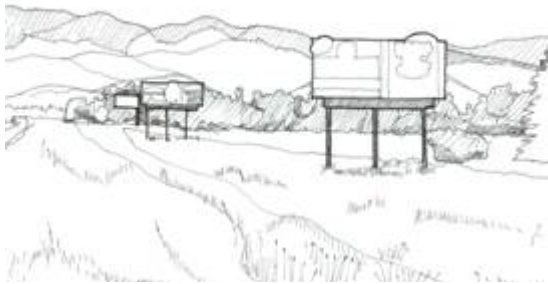
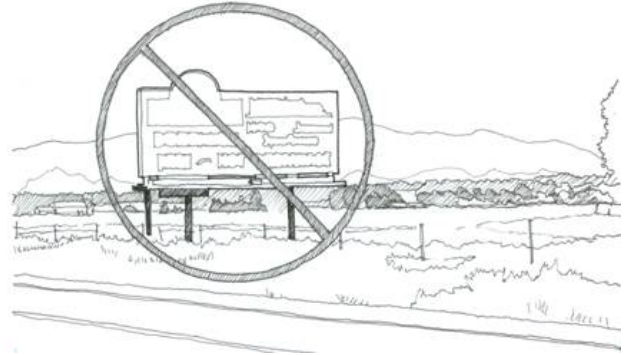
The 2005 Guidelines include the following:

Scenic Preservation: Signage/Billboards
Architectural Compatibility with the Rural Landscape
Ridgeline / View Shed Preservation
Fire Protection in the Wildland/Residential Interface
Dark Skies Preservation

Scenic Preservation: Signage/Billboards

We believe that Madison County is one of the most beautiful counties in the United States. Nearly every roadway in the county constitutes a scenic byway. Commercial signage, if not carefully and selectively utilized, can negatively impact one of our most precious resources: our scenic rural landscape.

Billboards: There are more effective, less obtrusive means of advertising than by utilizing enormous road side billboards. Billboards block scenic beauty and are intrusive and unnecessary. If we truly want visitors' business we will let them see the beauty of our rivers, mountains, valleys and ranches without the distraction of billboards and signs. Strict highway sign guidelines enacted years ago have helped to keep most of our county highways looking beautiful, but the potential for a proliferation of billboards is still present. All businesses are strongly encouraged to employ alternatives to big billboard-type signs. Today the internet provides an increasingly popular and effective means of informing the public about a business. Any signage should be compatible with, and not detract from, our county's natural beauty. The guiding theme should be understatement. Signage, if at all necessary, should be clearly subservient to the landscape.



Where billboards are allowed to proliferate they become the dominant image of our roadways.

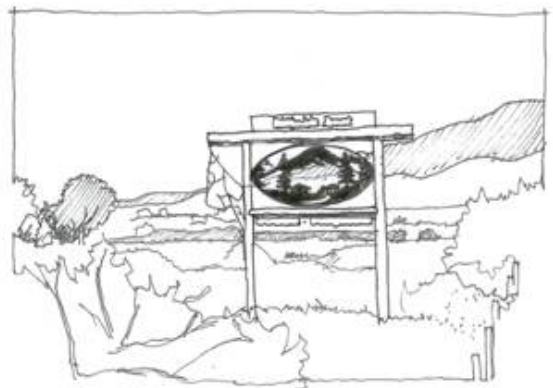
Many of our citizens participate in the State's adopt-a-highway cleanup and recognition program. In the Madison Valley, volunteers have opted to clean up the highways, but without the signs that would acknowledge their efforts.

We recommend that each Madison County community establish a small landscaped spot at the town's entrance with a listing of services and individual merchants. This attractive option would protect the scenic quality of our Montana landscape and at the same time offer businesses a centralized place to advertise.

Individual businesses should be encouraged to use signs that are attractive and compatible with the adjacent property and community.

Ideally, signage should:

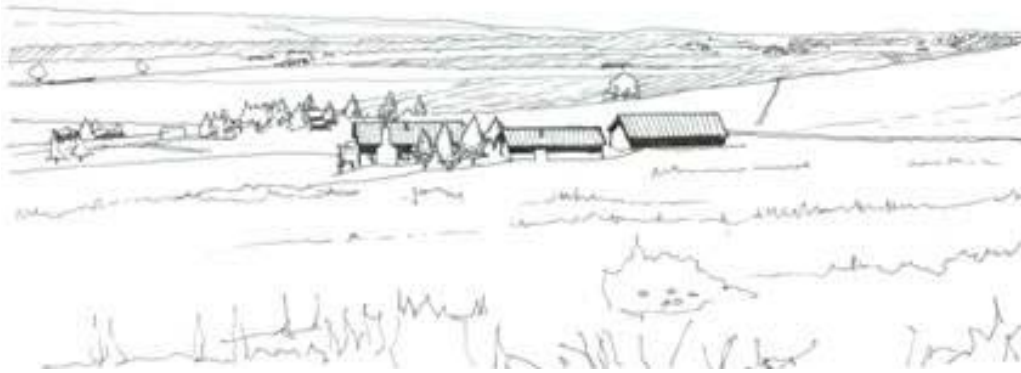
- (1) Enhance property values within the community.
- (2) Provide for the public's safety in its design and construction.
- (3) Preserve the environmental quality of the surrounding community.



Design signs to reflect the rural and small town character of the county.

Architectural Compatibility with the Rural Landscape

SIZE, SHAPE AND FORM Each parcel of property in Madison County has a distinct set of characteristics which requires thoughtful consideration as to the design of a structure that would best serve that parcel.



Low lying horizontal forms fit well on rolling hills and farmland.

When designing a building, consideration must therefore be given to its size, shape and form in relation to the surrounding buildings, landscape and environment. Often, a desired building design is simply not suitable for a particular area or location. A house designed for an open, flat site will more than likely not be appropriate for a wooded, sloped site.



A steeply pitched roof fits well in a wooded mountain landscape.

The primary purpose of these design criteria is to encourage building in a manner that is responsive and respectful of the rural character and natural beauty of Madison County and that does not adversely impact the surrounding area, the community, and its environment.

The design of a structure and its associated site development and landscaping should strive for grace and simplicity of form that will endure through the years and enhance the community.

ROOFS The roof design should be consistent with the building's size, shape, form, and be compatible with the environment and surrounding buildings. Designs which provide harmonious roof pitches and angles are encouraged. Respect for the traditional roof forms used within the community is encouraged. Roof materials that are thoughtfully chosen will enhance and support the character of the building and will help to bring about cohesiveness within the community. Roofing materials should be chosen for both aesthetic appeal and the function which they must perform.



A traditional roof form with harmonious pitches.

MATERIALS Exterior materials should be durable and have pleasing architectural character. Materials should be selected to suit the type of building and design in which they are used and to provide for harmony of the structure with its surroundings. Highly reflective surfaces are discouraged. The building exterior should harmonize and complement the surrounding environment of both the site and neighboring buildings.

COLOR The color palette chosen should be sensitive to the surrounding environment and the existing community character. Muted and subdued colors should be chosen that harmonize with the natural environment and the color schemes of neighboring buildings. The colors chosen should not dramatically contrast with the structure's surroundings. Brilliant, primary or vibrant colors are generally discouraged. Traditional color schemes, however, that complement traditional designs are encouraged, including the selective use of bright colors in the rural tradition.



Garage and garden shed relate well to the main house.

UTILITY/SERVICE ELEMENTS In addition to designing the right building for a specific site, good design planning includes proper utilization and thoughtful integration of the service elements which surround a residence. Often, the best architecture can easily be destroyed when poorly conceived service elements appear tacked-on or are indiscriminately scattered on a property.

GARAGES Because of their size, garages often dominate the front facade of a dwelling. Creative and sensitive garage placement should be explored so that, where feasible, a garage may be incorporated into the plan without detracting from the overall residence.

STORAGE SHEDS Detached storage buildings should be planned for and built to complement and not detract from the overall design of the building site. Use of similar color schemes and materials is strongly recommended.

LANDSCAPE ELEMENTS Careful consideration of modifications to the surrounding terrain is necessary to bring about a planned cohesiveness to the building site.

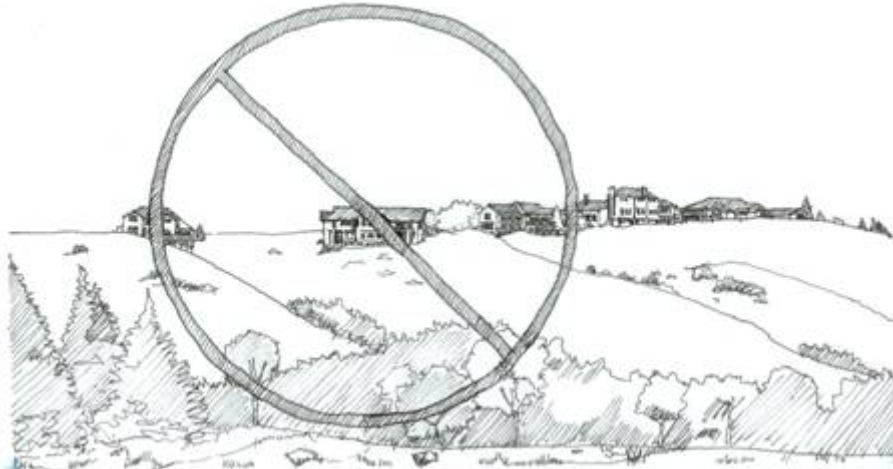
DRIVEWAYS, PARKING Driveways and parking areas should be designed to be as unobtrusive as possible. Landscape berming and plant materials also can be used to conceal the presence of a driveway and of parked cars.

FENCING/PRIVACY SCREENS Waste receptacles, refuse storage areas, and abandoned vehicles or equipment should be screened from view from neighboring properties and public roads. Appropriate landscape planting can provide a very effective screen and is encouraged.

Ridgeline / View Shed Preservation

SITING HOMES TO PRESERVE RURAL CHARACTER

When planning or purchasing a new home, consider the potential impacts that its location may have on the community, the environment, the scenic impact and the ultimate livability of the home.

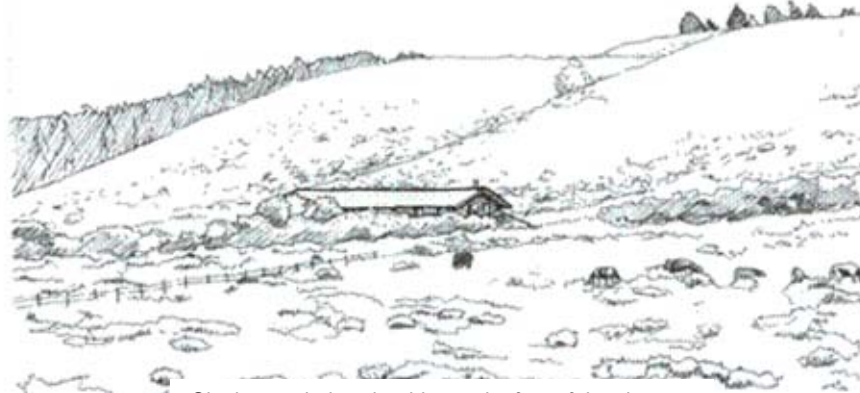


Avoid or mitigate ridge top "skylining" that alters the natural land profiles with built structures.

Locate homes and outbuildings at the toes of slopes and edges of meadows in a manner that allows for natural windbreaks and creates a feeling of shelter.

Identify and preserve unique views. Spectacular views and scenic areas define Madison County and its towns. They are key elements of our community character and identity. Avoid ridgelines and prominent locations.

Avoid or mitigate ridge top "skylining" that alters the natural land profiles with built structures. Allow signature ridge and hilltop profiles to be preserved and maintained. As a general rule of thumb, keep the homes below a height of 28 feet, at least 100 feet from a prominent ridgeline and design roofs with a pitch, color, and texture that will blend in with the surrounding landscape. Also keep any non residential structures, such as gazebos and observation towers away from ridgelines.



Site homes below the ridge at the foot of the slope.

Nestle structures below ridgelines and within the folds of hills. Keep the theme of allowing the natural landscape to dominate.

Do not build on steep slopes and in geologically hazardous areas. Engineered mitigation may be possible but is not necessarily appropriate. This will also reduce the risk of erosion and unsightly scars on the landscape.

Protect significant geological features such as rock outcroppings and washes by avoiding building in such locations. In many areas, the integrity and beauty of the rock formations have been harmed by inappropriate construction and outright destruction of significant geological features.

Design homes on hillsides to follow the natural terrain in a manner that minimizes earth disturbance. Where practical, limit site grading. Design buildings that follow the profiles of the surrounding natural landscape.

Orient the home to take advantage of the sun for winter warmth and mitigation of summer heat. Also orient the home and locate appropriate landscaping to mitigate the prevailing winds.



Minimize the disturbance of the natural landscape in the siting and landscaping of homes.

Protect wildlife habitat and enhance wildlife movement corridors in a manner that allows for continued free movement of the broadest possible variety of species. As development increasingly encroaches on critical wildlife habitat and movement corridors, wildlife are either disappearing altogether from areas they once frequented or their numbers are seriously diminished.

Reduce your ecological footprint. Group structures in clusters where parcels adjoin to provide more continuity of open space.

Minimize exotic landscaping, the size of building footprints and the amount of impervious surface devoted to driveways. Allow the natural landscape to dominate. Salvage and replant native plants that lie in the path of the home construction. Where vegetation of the contextual natural landscape is sparse, severely limit additional landscape plantings, except for native plants in limited, carefully selected areas.

In sparsely vegetated contexts, avoid any kind of fencing altogether, thereby allowing the landscape to flow uninterrupted. Fencing of any kind is clearly a cultural addition to the landscape. Even the most sensitive design can detract from the natural landscape and inhibit the movement of wildlife. Keep any fencing consistent with wildlife friendly design guidelines. Limit privacy fencing to areas immediately adjacent to the home.



A home sited at the edge of a meadow protected by a natural windbreak of trees.

Fire Protection in the Wildland / Residential Interface

The Wildland/Residential Interface describes areas where homes meet undeveloped areas:

A home in the woods is a home surrounded by potential fuel for a forest fire. Similar danger exists for those in grasslands and sagebrush plains or even in many riparian areas. You can help minimize the fire threat to your home by providing for basic emergency access, by using fire resistant building materials and by creating an environment that is more easily defended from wildland fires.

Defending homes from wildfire is a team effort that involves the homeowners as well as the firefighters and which requires preparation before the fire occurs. In many cases, firefighters must make quick decisions while fighting a fire as to where to commit their few personnel and scarce equipment. If homeowners have increased the defendability of their home, not only are the odds much better that it will survive on its own, it becomes much more likely that emergency managers will make the decision to risk the limited resources they have available in an attempt to save the structure.

Every year many families lose their homes and possessions to the ravages of wildfire. Only you can decide if it's worth the time and trouble it takes to become aware of safety measures to protect your home and then to implement those safety measures for your own sake as well as that of your neighbors. Remember, increasing your home's ability to survive a wildfire situation does not require total disregard for aesthetics.

Choose a **firesafe** location for your home. Check with local fire officials to learn what fire protection is available, how long it will take fire fighters to reach your location and what measures they might recommend to improve your home's chances of survival. Select a site with a nearby water supply adequate for fighting a fire or incorporate provisions for such a supply in your planning.

Madison County includes many dry regions with steady breezes and low humidity. In such landscapes, a minor fire can turn into a major catastrophe in a matter of seconds.

A Few Suggestions

(Please see diagram for further information):

Choose a level area for your house, set back from steep slopes. Homes overhanging steep slopes are more vulnerable because fire travels uphill faster than on level area.

Screen vents with 1/4" wire mesh.

Enclose the underside of decks, structures, and overhangs.

Avoid large windows facing steep slopes with heavy vegetation.

Install spark arresters on all chimneys.

Provide driveway access sufficient in width for fire vehicles and provide turn around space near the structure. A turning radius of 50 feet is not unusual for fire vehicles.

Avoid driveway road grades of 10% or more and sharp changes of grade or sharp turns.

Use underground power lines.

Avoid wooden decks overhanging steep slopes and flammable vegetation. They are very vulnerable to fire.



Homes surrounded by thick forests are in grave danger of loss during a forest fire.

Develop a 30 - 100 feet Fire-Safe Zone (Defensible space) around the house.

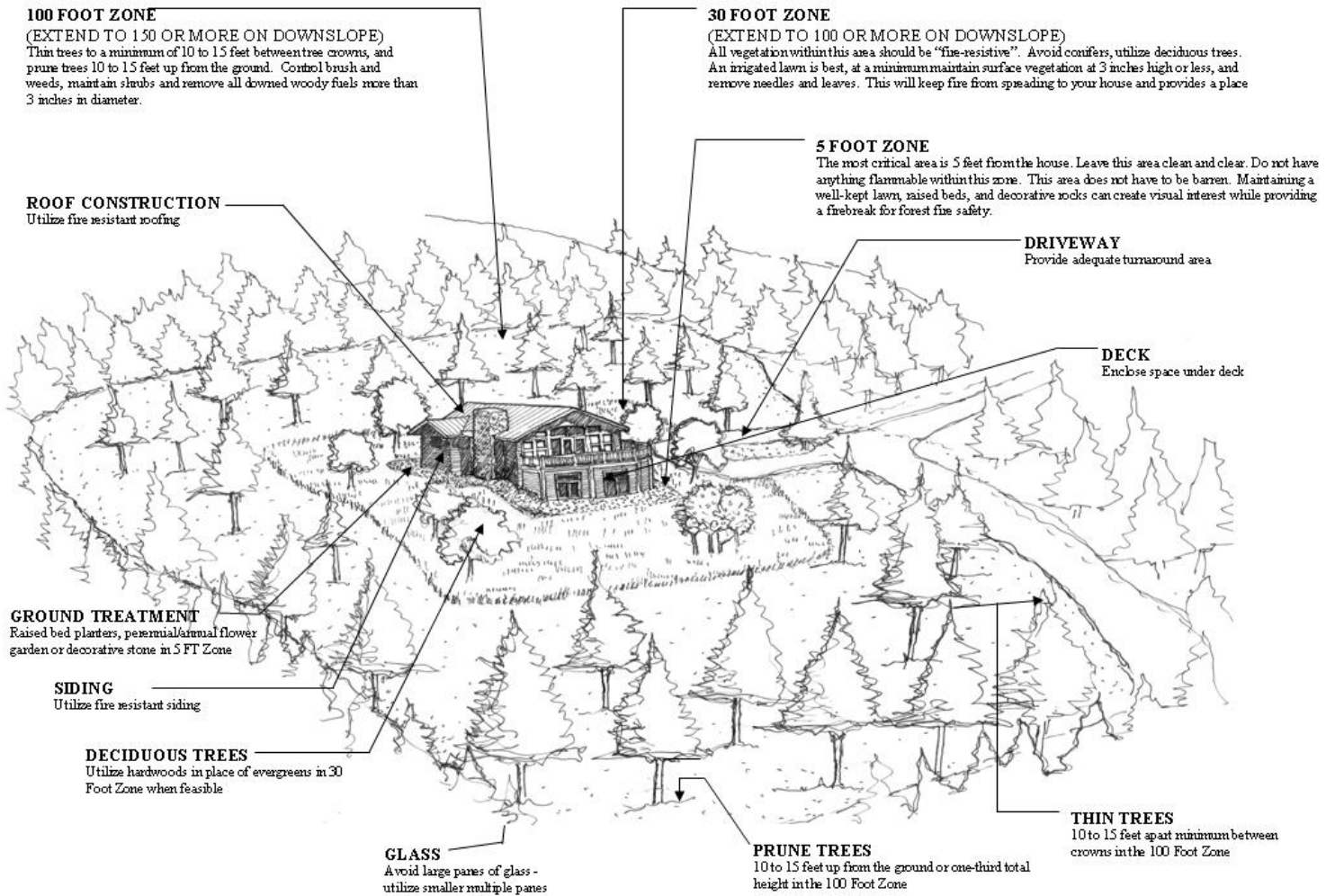
The most critical area is 5 feet from the house. Leave this area clean and clear. Do not plant flammable evergreen shrubs and trees, such as Juniper, Cedar and Pines.

Flammable vegetation and leaves should be removed and thinned at least 30 feet from the house, and up to 100 feet on the down hill side. In many cases, fire resistant plants may be effectively incorporated into landscaping plans.

Remove limbs overhanging or within 10 feet of roofs and chimneys.

Establish lawns for up to at least 30 feet from the house whenever possible.

Talk to your local fire protection authority. Try to gain an understanding of the problem and solicit their advice as to measures you might take to enhance your home's "defendability". Then implement those measures and continue to maintain them. If you have any questions about protecting your property from forest fire, please contact your local fire protection agency or Madison County Emergency Management.



Dark Skies Protection



Poorly designed yard-lights can be costly, inefficient, glary, and harmful to the nighttime environment.



Well-designed yard-lights improve visibility and safety and create a sense of security, while at the same time minimizing energy use and operating costs.

PROTECTING THE NIGHT SKY

When well-designed and properly installed, outdoor lighting can be very useful in improving visibility and safety and creating a sense of security, while at the same time minimizing energy use and operating costs. If outdoor lighting is not well-designed and properly installed, it can be costly, inefficient, glary, and harmful to the nighttime environment. The following issues should be considered:

GLARE Poorly designed or poorly installed lighting can cause a great deal of glare that can severely hamper the vision of pedestrians, cyclists, and drivers, creating a hazard rather than increasing safety. Glare occurs when you can see light directly from the fixture (or bulb).

LIGHT TRESPASS Unshielded and overlamped outdoor lighting shines onto neighborhood properties and into bedroom windows, reducing privacy, hindering sleep, and creating an unattractive look to the area.

ENERGY WASTE Much of our outdoor lighting wastes energy because it is not well-designed. This waste results in high operating costs and increased environmental pollution from the extra power generation needs. We waste over a billion dollars a year in the United States alone lighting up the sky at night.

SKY GLOW A large fraction of poor lighting shines directly upwards, creating the adverse sky glow above our cities that washes our view of the dark night sky, taking away an important natural resource. In addition to the cost savings, less sky glow will allow future generations to enjoy the beauty of the stars, and children will be inspired to learn and perhaps to enter fields of science.

Some Basic Considerations:

Always remember that lighting should *benefit people*. Controlled, effective, efficient lighting at your home or business will enhance the surroundings and give a sense of safety and security. People don't appreciate poorly-installed, overly-bright lighting.

Check your site at night before installing lighting and note the existing light levels. If the area has low levels of lighting, then modest levels of light will work well for you and will fit more hospitably in the neighborhood.

Try to keep the lighting uniform and *reduce glare* as much as possible. Lights that make bright "hot spots" and ones that have glare make it hard to see well - especially for older people.

Be aware that light fixtures can have different lighting patterns. (Some patterns are long and narrow light cones, while others are more symmetrical.) Some fixtures have internal adjustments that can change the lighting pattern to a modest extent. Pick the right pattern for your job.

Consider using lights that turn on by motion detection. Not only will you reap big savings in operating costs, but you will have a far more effective security light due to its "instant-on" characteristics. These light fixtures are not expensive, and they use very little energy. Higher-priced motion-detection units will prove more reliable.

What is Good Lighting?

Good lighting does its intended job well and with minimum adverse impact to the environment. Good lighting has four distinct characteristics:

It provides adequate light for the intended task, but never over-lights.

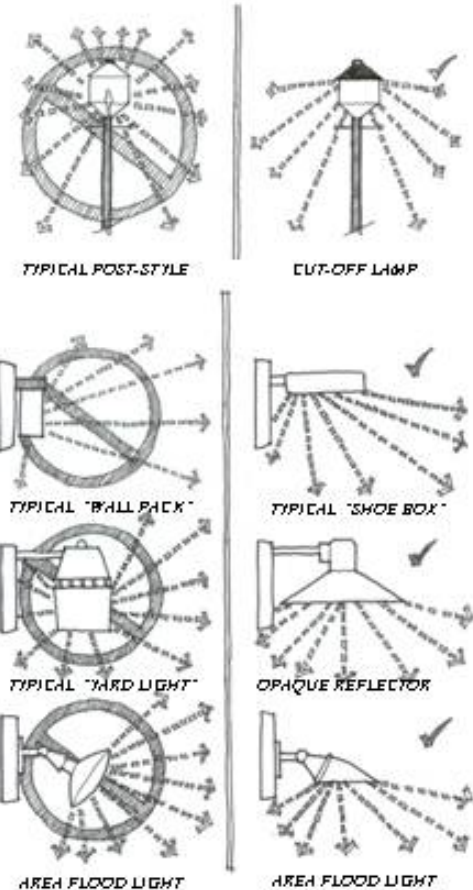
It uses "fully-shielded" lighting fixtures, fixtures that control the light output in order to keep the light in the intended area.

It has the lighting fixtures carefully installed to maximize their effectiveness on the targeted property and minimize their adverse impact beyond the property borders.

It uses fixtures with high-efficiency lamps, while still considering the color and quality as essential design criteria.

Good lighting means that we save energy and money, and we avoid hassles. A quality lighting job makes a "good neighbor." And we have a safer and more secure nighttime environment.

POOR LIGHTING GOOD LIGHTING



Text and light fixture diagrams adapted from *Good Neighbor Outdoor Lighting* by the New England Pollution Advisory Board and the International Dark-Sky Association at www.darksky.org

CONCLUSION

Images of the Old West draw people to an area once filled with miners, farmers, ranchers, loggers and other agricultural workers. Often newcomers are much more romantic about the West than the old-timers and have false hopes about bringing their urban lifestyles into the great outdoors. They come with false expectations. They believe they can fax and e-mail from the mountaintop. They then realize that up here the information superhighway is a dirt road.

The information presented here is intended as a guideline and an introduction into some of the realities of rural living. You may discover other issues that have not been covered. We encourage you to research and examine all aspects of country living so you will enjoy the country and not have any unpleasant surprises.

Our County elected officials, administration and staff pride themselves on their accessibility. By publishing the Code of the New West, Madison County is in no way divesting itself of its responsibility to its constituents. We offer these comments in the sincere hope you better understand how things work in the country.

Madison County is a wonderful place to live, work, and raise a family. We hope this information will help enhance the quality of your life here. Respect your neighbor's livelihood and property and be aware that your actions may have an adverse impact on your neighbors, human and otherwise.

But then isn't that why you came here?

People live here and move to Madison County for the open space, the quiet, the availability of outdoor activities. They also value the sense of small community, interest in the arts, dirt roads, lack of crowds and cozy neighborhood restaurants, shops, stores, "saloons" and grocery stores which are owned and operated by people who know and care about their customers as friends.

Although many of the previous statements may sound discouraging, we believe the benefits far outweigh the inconveniences. Not only is it the way it is, but it is also the way we like it. That's why we live here and hope that if you choose to be our neighbors, you will embrace the whole experience of living in Montana.

CREDITS

Project Coordinators:

Laurie Schmidt, First Edition
Doris Fischer, Second Edition

Design Guidelines developed by:

Madison County Planning Board
Madison County Planning Staff
Volunteer Citizens' Committees

Professional Consultant/Illustrator:

Daniel Glenn, Glenn & Glenn Design Associates

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Resources:

Code of the West: Larimer County

Code of the West: Mesa County

Code of the New West: Beaverhead County

Choosing a Homesite in Jefferson County

Welcome Home: Teton Valley, ID

Homesite Planning Handbook (Flathead Valley, MT)

Welcome to the West

Who Fixes the Fence? A Landowners Guide to Your Neighboring National Forest

Firewise, www.firewise.org

Keep Montana Green Association, www.keepgreen.org

National Fire Protection Association

Madison County Strategic Wildland Fire Plan

True West: Authentic Development Patterns for Small Towns and Rural Areas

Springhill (Gallatin County, MT) Community Design Manual

Good Neighbor Outdoor Lighting, New England Pollution Advisory Board

International Dark-Sky Association

Land Use plans and regulations from Beaverhead, Lewis & Clark, Madison and Park Counties, Montana

Cooperative Extension Service in MT and CO

Montana Department of Justice

CONTACTS

For more information on any of these issues, please contact the appropriate agency:

| | |
|--|----------------|
| Madison County Commissioners | (406)843-4277 |
| Madison County Planning Board | (406) 843-5250 |
| Madison County Sanitarian's Office | (406) 843-4275 |
| Madison County Weed Board | (406) 842-5595 |
| Madison County Sheriff (Administrative Office) | (406) 843-5301 |
| Madison County Emergency Management | (406) 843-4253 |
| Madison County Appraisal/Assessment | (406) 843-5630 |
| Madison-Jefferson County Extension Service Office | (406) 287-3282 |
| Jefferson Valley Conservation District | (406) 287-3215 |
| Madison Conservation District | (406) 682-4602 |
| Ruby Valley Conservation District | (406) 842-5741 |
| Montana Department of Fish, Wildlife & Parks, Region 3 Office | (406) 994-4042 |
| MT Department of Natural Resources & Conservation | (406) 586-3136 |
| Natural Resources Conservation Service | |
| Sheridan Field Office | (406) 842-5741 |
| Whitehall Field Office | (406) 287-3215 |
| USDA, Forest Service | |
| Bozeman Ranger District | (406) 522-2520 |
| Madison Ranger District | (406) 682-4253 |
| Jefferson Ranger District | (800) 433-9206 |
| BLM Dillon Area Office | (406) 683-2337 |