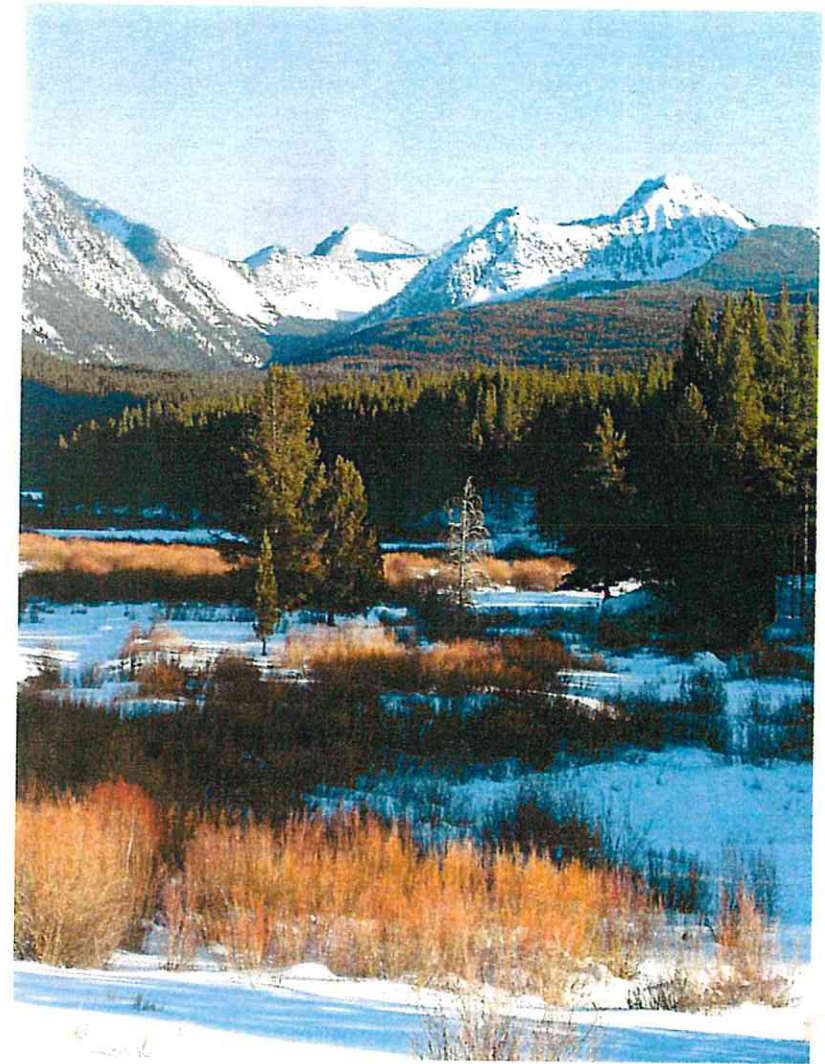


Code of the New West: A Citizens' Guide to Rural Responsibility



Beaverhead County, Montana

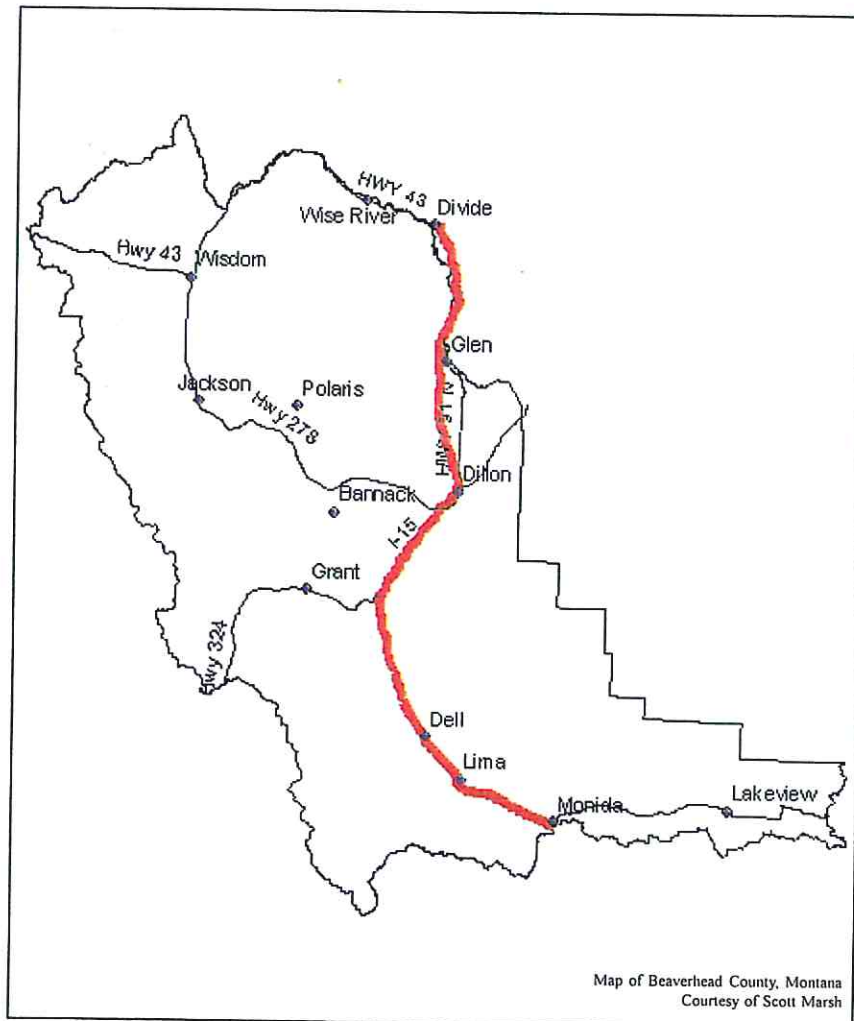




Photo by Jessica Guinn



Photo Julie Laticker



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Photo by Hollis Lefever



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CONTACTS

Beaverhead County Commissioners	(406)-683-3750
Beaverhead County Conservation District	(406)-683-3802
Beaverhead County Disaster & Emergency Services	(406)-683-3764
Beaverhead County Extension Office	(406)-683-3785
Beaverhead County Fire Warden	(406)-683-3757
Beaverhead County Planning Office	(406)-683-3765
Beaverhead County Road Department	(406)-683-3780
Beaverhead County Sanitarian’s Office	(406)-683-3770
Beaverhead County Sheriff	(406)-683-3700
Beaverhead County Weed District	(406)-683-3790
Bureau of Land Management (BLM) Dillon Area Office	(406)-683-8000
Dillon Ranger District of the Beaverhead-Deerlodge Forest Supervisor’s Office	(406)-683-3900
Montana Department of Fish, Wildlife and Parks	(406)-683-9310
Montana Department of Natural Resources & Conservation Dillon Office	(406)-683-6305
USDA, Forest Service Beaverhead-Deerlodge National Forest Information	(406)-683-3913
USGS United States Geological Survey	(888)-275-8747

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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:

1.0- 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 Beaverhead County.

1.1- The legal aspects of access can be problematic, especially if you gain access across property belonging to others. It is wise to obtain legal advice and understand the easements that may be necessary when these types of questions arise.

1.2- Beaverhead County maintains approximately 1,500 miles of roads, ranging from paved to unimproved dirt roads. There are even public roads in this county that are not maintained by the county- no grading or snow plowing. Some public roads in subdivisions are maintained by the homeowners. Check with the County Road Department to determine the status of a specific road.

1.3 - Roads can be damaged or destroyed in extreme weather. 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.).

CONCLUSION

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.

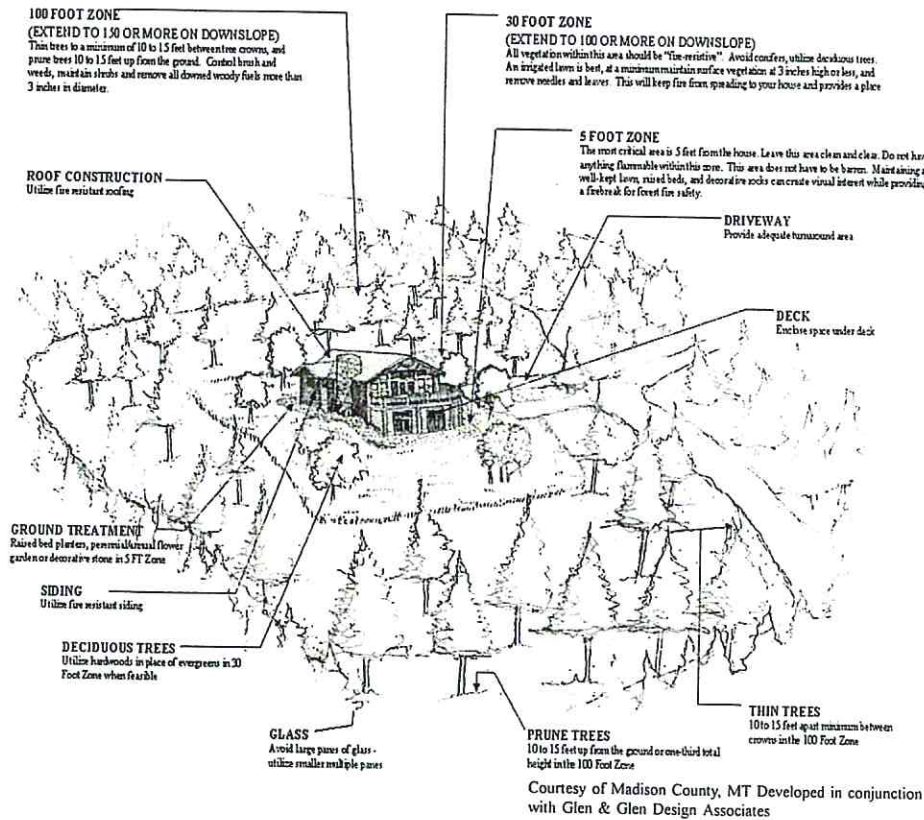
Our county elected officials, administration, and staff pride themselves on their accessibility. By publishing the Code of the New West, Beaverhead County is in no way divesting itself of its responsibility to its constituents. We offer these comments in the sincere hope that they will help you better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

Beaverhead County is a wonderful place to live, work and raise a family. We hope this information will help to enhance the quality of your life here. Please respect your neighbors' livelihood and property and be aware that your actions may have positive or negative impacts on your neighbors—human and otherwise.

Although many of the previous statements may sound discouraging, we believe that the benefits far outweigh the inconveniences. Change is inevitable, but we like some things the way they are, that's why we live here. We hope that if you choose to be our neighbors, you will embrace the whole experience of living in Montana and come to love it for what it is.



Photo by Marty Heard



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 Beaverhead County Emergency Management.

1.4 - Many large construction vehicles cannot navigate small, narrow roads. If you plan to build, it is prudent to check out construction access.

1.5 - Transport and delivery of building materials to rural locations may be more expensive and time consuming. Consider that it may take more time for deliveries to reach remote areas.

1.6 - 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 county road so they can get to school.

1.7 - Even maintained roads can become impassable in extreme weather. You may need a four-wheel drive vehicle with chains for all wheels to travel during those episodes, which could last for several days, weeks, or even months.

1.8 - Developing special driving skills and personal judgment is required when living in a rural area. Under certain conditions, roads become narrower. Yielding the right of way is not merely a legal concept: it is a critical safety issue. Driving off road to avoid bad road sections or because a road is impassable makes the situation worse, tearing up road banks and accelerating erosion.

1.9 - Natural disasters, especially floods, can destroy roads. Beaverhead County will repair and maintain county roads; however, subdivision/private roads are the responsibility of the landowners who use them. 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.

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

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

1.12 - Unpaved roads are not always smooth and are often slippery and/or muddy when they are wet. You will experience an increase in vehicle maintenance costs when you regularly travel on rural county roads.

1.13 - Don't expect neighbors to sign 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.

1.14 - Mail, newspaper, standard parcel and overnight package delivery can be a problem in rural areas. Ask the postmaster or service providers to describe the system for your area.



Photo by Jamie Mehlhoff

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.

2.0 - Telephone communications can be a problem, especially in the mountain areas of Beaverhead County. Even cellular phones may not work in all areas.

2.1 - Sewer service is not available to most sites. 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. Have the proposed system checked by a reliable installer and ask for assistance from the Beaverhead County Environmental Health Department.

2.2 – Treated domestic water is not readily available in all areas. If your property does not have access to a supply of treated domestic water, you will have to locate an alternative supply.

2.3 – Wells are the most common alternative water sources. 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 also portions of the county where there is not even enough water available for domestic purposes. It may 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. It is strongly advised that you investigate your water options very carefully.

8.4 - Suggestions for Fire Protection to minimize the risk of wildfire danger:

1. 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.
2. Stack wood piles away from the house, not against the house or under the deck.
3. Enclose the underside of decks, structures, and overhangs. Avoid wooden decks overhanging steep slopes and flammable vegetation. They are very vulnerable to fire.
4. Avoid large windows facing steep slopes with heavy vegetation.
5. Install spark arresters on all chimneys.
6. Provide driveway access sufficient in width, avoiding severe grades or sharp turns for fire vehicles. Also allow adequate turn around space near the structure. A turning radius of 50 feet is not unusual for fire vehicles.
7. Use underground power lines.
8. Develop a 30 - 100 feet Fire-Safe Zone (defensible space) around the house. Establish lawns for up to at least 30 feet from the house whenever possible. 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.
9. 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.

For more information see www.sccfiresafe.org.

FIRE PROTECTION

Beaverhead 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.

8.0 - Homes in the woods and rural areas are surrounded by potential fuel for forest fires. However, fire danger can be minimized by using fire resistant building materials, ensuring emergency access, and by creating an environment that is wildfire defensible.

8.1 - 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.

8.2 - When building a new home choose a fire-safe location. 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.

8.3 - Defend your home with "defensible space." Defensible space is the area between a house and oncoming fire. In this space vegetation has been modified and reduced to discourage quick spreading fire. The defensible space between the home and the threat of wildfire should be between thirty and one-hundred feet depending on the slope of the land the house is situated on.



2.4 - Electric service is not available to every area of Beaverhead County. It is important to determine the proximity of electrical power. It can be very expensive to extend power lines to remote areas. Also be aware that electric power may not be available in two phase and three phase service configuration. If you have special power requirements, it is important to know what level the service can be provided to your property.

2.5 - Proper easements must be in place if you have to cross property owned by others in order to extend electric service to your property in the most cost efficient manner.

2.6 - 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.

2.7 - Power outages can occur in outlying areas with more frequency than in more developed areas. A loss of electric power can interrupt your supply of water from a well and cause problems with computers as well. Also, food in freezers or refrigerators may go bad during especially long outages. It is important to be prepared to survive for up to a week in severe cold with no utilities if you live in the country.

2.8 - Trash removal can be much more expensive in a rural area than in a city. 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 cost for trash removal as you make the decision to move into the country. In some cases, your only option may be to haul your trash to a landfill yourself. Recycling is also more difficult because pick-up is not available in most rural areas.



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.

3.0 – Consider the type of subdivision when choosing where to purchase a home or lot. Large lots do not necessarily equate with nice view 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”.

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

3.2 - Mineral rights under the surface may not be owned by the property owner. 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.

3.3 - On the plat for your property, check the accuracy. You may have been provided with a plat of your property, but unless the land has been surveyed and pins placed by a licensed surveyor, you can not assume it is accurate.

3.4 - 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.

3.5 - Covenants that limit the use of the property are used in many subdivisions and planned unit developments. It is important to obtain a copy of the covenants (or confirm there are none) and make sure that you can live with those rules. Be aware that a lack of covenants can cause problems between neighbors.

3.6 – Homeowner’s Associations (HOAs) are required to take care of common elements, roads, open space, etc. A dysfunctional homeowner’s association or poor covenants can cause problems for you and even involve you in expensive litigation.

3.7 - 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 the dues are set.

3.8 - The surrounding properties will probably not remain as they are indefinitely. You can check with the Beaverhead County Planning Department 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.

7.6 - Preserve the night environment by using quality outdoor lighting. While it is important to have outdoor lighting for safety and security, poorly designed lighting can harm the nighttime environment. Be aware that poor lighting can have a negative impact on energy consumption, glare to neighbors and other inhabitants, and can limit the visibility of the big Montana night sky. Good lighting saves energy, illuminates what it is supposed to, and preserves the night environment. For more information see the Good Neighbor Outdoor Lighting Policy at www.darksky.org.

7.7 - Seasonal weather changes may have an effect on property. Orient the home to avoid seasonal extremes. Landscaping may also have an impact on curbing the seasonal conditions. Utilize native plants to enhance the natural landscape. Where vegetation of the contextual natural landscape is sparse, severely limit additional landscape plantings, except for native plants in limited, carefully selected areas. Non-native vegetation requires different temperature and water needs and may not survive in this climate.



Photo by Jamie Mehlhoff

DESIGNING WITH NATURE

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

7.0 - Materials for building should be carefully chosen. 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.

7.1 - Beaverhead County has a distinct set of characteristics which require consideration as to the design of a structure. As you work to be a good neighbor, designing with a sense of community, consider using materials and colors that compliment the natural surroundings. Highly reflective surfaces are discouraged.

7.2 - 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. Identify and preserve unique views. Avoid ridgelines and prominent locations.

7.3 - Avoid or mitigate ridge top "sky lining" 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 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.

7.4 - By nestling structures below ridgeline and within the folds of hills you allow the natural landscape to dominate.

7.5 - 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.

3.9 - If there is a ditch running across your property, the owners of the ditch have the right to come onto your property with heavy equipment to clean and maintain the ditch and to access the ditch and the water source.

3.10 - 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 that can limit your use of the water. You may also be asked to help pay for improvements of the ditch.

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

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

3.13 - 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.

3.14 - Ridgelines are a tempting place to build new homes. 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 expense if your residence is out the open and subject to the elements.

3.15 - Noxious weeds are a major concern in Southwestern Montana. Spotted knapweed is one of the greatest threats to natural ecosystems. This plant, distinguished by its pale green stems and purple flowers, has no natural predators and is unpalatable to wildlife and livestock. If left unchecked, spotted knapweed can completely take over, destroying valuable rangeland and wildlife habitat, and lowering property values. Take care not to spread weed seeds on vehicles. Early detection and treatment are essential to controlling noxious weeds.

3.16 - Landowners are responsible for controlling noxious weeds on their property in Beaverhead County. In addition to spotted knapweed, other noxious weeds include: leafy spurge, Canada thistle, hounds tongue, field scabious, and dalmatian toadflax. Care should be taken to avoid the spread of weeds on vehicles from one location to another. The Beaverhead County Weed Supervisor can help you identify noxious weeds and devise the best method of control.



Photo by Jamie Mehlhoff

MOTHER NATURE

Residents of the country usually experience more problems when the elements and earth turn unfriendly. Here are some thoughts for you to consider.

4.0 - Trees provide a natural beauty to your property but can also involve your home in a forest fire. Building at the top of a forested draw is just as dangerous as building in a flash flood area. Defensible perimeters are very helpful in protecting buildings from forest fire and inversely can protect the forest from igniting if your house catches on fire. If you start a forest fire, you are responsible for paying for the cost of extinguishing that fire. For further information, you can contact the Beaverhead County Disaster and Emergency Services Department or the County Fire Warden.

4.1 - Steep slopes can create mud and rock slides in unusually wet weather. North facing slopes and canyons rarely see direct sunlight in the winter which in turn allows for more snow buildup. There is a possibility that snow will accumulate and not melt throughout the winter, increasing the risk of avalanches in those areas.

4.2 - The topography of the land can tell you where water will flow in the event of heavy precipitation. Property owners who fill in ravines in order to build find that the water which once drained through those ravines now drains through their houses.

6.4 - Forest ecosystems are not static landscapes. In addition to natural processes such as wildfire and ecological succession, the public land management agencies use a variety of tools to manage vegetation. These include prescribed burning, grazing, and timber management, done in such a way as to ensure that future generations have the same opportunities to use and enjoy forest lands. Also, because these lands are 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.

6.5 - Outdoor recreation such as hunting, fishing, and winter sports are popular pastimes in Montana. Please contact Montana Department of Fish, Wildlife and Parks for hunting and fishing regulations. Also, be sure to obtain landowner permission before venturing onto private property.



Photo by Jamie Mehlhoff

PUBLIC LANDS

Public lands belong to “all the people” and are therefore managed by the respective agency in such a way that allows all US citizens, not just those who live nearby, to enjoy them. 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 these public lands. Be aware of the necessary permits and regulations if you plan to build in these areas.

6.0 - Access to one’s property through public lands may be granted by the Forest Service or Bureau of Land Management (BLM) only when all of the following conditions are met: the applicant currently does not have access to the private property, the applicant cannot gain access across non-federal land, and the 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 roads on public land to access your private land, keep in mind that these roads are maintained for recreational, not residential access and may be graded only once every year or two. Very few, if any, of these roads are plowed in the winter and some may be subject to seasonal closures.

6.1 - Fencing maintenance between public and private lands can be an issue. Boundaries are not generally fenced, but marked instead by yellow or red boundary signs. It is the responsibility of the private landowner to keep livestock off public lands unless appropriate permits are in place.

6.2 - Permits are required for removal of any resource such as landscape rocks, trees, firewood, post and poles, etc. from public lands. These permits can be obtained at your local Forest Service or BLM office, where someone will direct you to the appropriate areas 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 public lands also require permits.

6.3 - Natural Water Bodies, including streams and lakes, are owned by 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 County Conservation District for requirements.

4.3 - Flash floods can occur especially during the summer months and turn a dry gully into a river. It is wise to take this possibility into consideration when building. Beaverhead County does participate in the National Flood Insurance Program. Portions (but not all) of the county have delineated floodplains that prohibit home construction in some flood prone areas. Other areas that are not delineated as floodplains may still flood during high water! It is advisable to consult the county’s Floodplain Administrator before buying or building.

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

4.5 - 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 cross the road unexpectedly and cause traffic accidents. Rural development encroaches on the traditional habitat of coyotes, bobcats, mountain lions, rattlesnakes, prairie dogs, bears, and other animals that can be dangerous and you need to know how to deal with them. 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 Fish, Wildlife & Parks and the Beaverhead County Extension office are two good resources for information. They have many free publications to help educate you about living in the wild.

4.6 – Beaverhead County is seismically active. We have earthquakes and large areas of unstable soil associated with this seismic activity. Earthquake insurance may be available for those interested. Check with the United States Geological Survey (USGS) for more information.

4.7 – The weather is one of the most talked about things in Montana. If you plan on making Beaverhead County your permanent home be sure you know what each season is like (temperatures, snow, wind, rainfall, etc.). Although each season has its unpredictability, there are 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.



Photo by Jamie Mehlhoff



Photo by Jamie Mehlhoff

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 diversions. This water has allowed agriculture to become an important part of our environment. Owning rural land means knowing how to care for it. There are a few things you need to know.

5.1 - Farmers often work around the clock, especially during planting and harvest time. Hay is often swathed or baled at night. It is possible that adjoining agriculture uses can disturb your peace and quiet.

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

5.3 - Ditches and fields are occasionally burned to keep them clean of debris, weeds and other obstructions. This burning creates smoke that you may find objectionable.

5.4 - 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 in the morning.

5.5 - Animals and their manure can cause objectionable odors. What else can we say?

5.6 - Agriculture is an important business in Beaverhead County. If you choose to live among the farms and ranches of our rural countryside, do not expect country 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.

5.7 - 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.

5.8 - Beaverhead County is serious about noxious weeds. Before buying land you should know if it has noxious weeds that may be expensive to control and you may be required to control them. Some plants are poisonous to horses and other livestock.

5.9 - 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 where animals are kept.

5.10 - Less than 15 inches (38cm) of precipitation fall per year in much of Beaverhead County. As a result, we have a problem with fugitive dust. Without irrigation, grass does not grow very well. There is a limit to the amount of grazing the land can handle. The Beaverhead County Extension Office can help you with these issues.



Photo by Jamie Mehlhoff