

RESOLUTION NO. 23-2021

**A RESOLUTION ADOPTING THE JEFFERSON COUNTY BUILDINGS
FOR LEASE OR RENT REGULATIONS**

Whereas, in 2013 the Montana Legislature adopted requirements that local governments adopt regulations to regulate the creation of buildings for lease or rent; and,

Whereas, the Jefferson County Planning Staff has worked with the Planning Board to draft Buildings for Lease or Rent Regulations; and,

WHEREAS, the regulations are required to address the items listed in Section 76-8-107, Montana Code Annotated (MCA) and may include additional items that address public health, safety, or general welfare. Items required per Section 76-8-107, MCA include a description of property boundaries; onsite and adjacent offsite streets, roads, and easements; geographic features; existing septic tanks and drainfields; existing wells; and existing and proposed buildings; required adequate water supply and sewage and solid waste disposal facilities; an assessment of potentially significant impacts on the surrounding physical environment and human population in the area to be affected, including conditions if any, that may be imposed on the proposal to avoid and minimize potential significant impacts identified; require adequate emergency medical, fire protection, and law enforcement services; require access to the site; and comply with applicable floodplain requirements; and,

WHEREAS, Section 76-8-108, MCA allows the regulations to address additional items related to public health, safety, and general welfare so the regulations include property line setback requirements; building height limits; stormwater management; underground utilities; lighting; parking; landscaping and fencing; and dust control; and,

WHEREAS, the regulations include a list of items required to be submitted for review; a clearly defined review process; variance provisions to help alleviate undue hardship; establishes a fee schedule to help cover review costs; and application forms; and,

WHEREAS, legal notice for a public hearing with the Planning Board on the Jefferson County Buildings for Lease or Rent Regulations was published in the June 23rd and June 30th Boulder Monitor and in the June 16th and June 30th Whitehall Ledger; and,

WHEREAS, the Planning Board held a public hearing on the regulations on July 14th, 2021 and received no public comments; and,

WHEREAS, legal notice for a public hearing with the Board of County Commissioners was published in the August 4th and August 18th in the Boulder Monitor and Whitehall Ledger and notice was posted in at least five public places for 30 days as required under Section 76-8-107(3), MCA; and,

WHEREAS, the notice included information on where a copy of proposed Resolution No. 23-2021 could be obtained for review; and,

WHEREAS, the Board of County Commissioners held a public hearing on the adoption of Resolution No. 23-2021 on September 7, 2021, where public comment was taken; and,

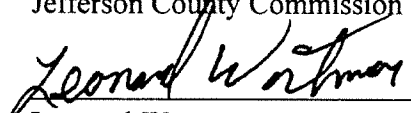
WHEREAS, all public comments received during the September 7, 2021 public hearing were addressed as required under Section 76-3-107(3), MCA; and,

WHEREAS, at the conclusion of the public hearing, the Jefferson County Commission voted to adopt Resolution No. 23-2021.

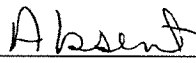
ACCORDINGLY, IT IS RESOLVED, Resolution No. 23-2021, A Resolution Adopting the Jefferson County Buildings for Lease or Regulations is hereby adopted. The Jefferson County Buildings for Leases or Rent Regulations are attached hereto as Exhibit 1 and incorporated by reference.

Dated this ___ day of September, 2021.

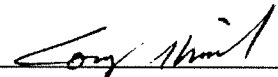
Jefferson County Commission



Leonard Wortman
Chair




Bob Mullen
Commissioner



Cory Kirsch
Commissioner

Attest:



Ginger Kunz
Jefferson County Clerk & Recorder



EXHIBIT 1:

Jefferson County

Buildings for Lease or Rent Regulations

**Prepared to Comply with:
Montana Code Annotated
Title 76, Chapter 8**

Final Effective Version

Adopted Under Resolution Number 23-3021

Effective Date September 7, 2021

Table of Contents

I.	PURPOSE	3
II.	AUTHORITY	3
III.	APPLICABILITY	3
IV.	DEFINITIONS	4
V.	BUILDINGS FOR LEASE OR RENT PROJECTS NOT SUBJECT TO FULL REVIEW	5
VI.	BUILDINGS FOR LEASE OR RENT PROJECTS SUBJECT TO FULL REVIEW	6
VII.	PRE-APPLICATION PROCESS	7
VIII.	APPLICATION PROCESS	7
IX.	VARIANCES	10
X.	REVIEW PROCESS & CRITERIA FOR REVIEW OF APPLICATIONS	11
XI.	APPEALS PROCESS	13
XII.	AMENDING APPROVED PROJECT	13
XIII.	ENFORCEMENT & PENALTIES	13
XIV.	REVIEW AND AMENDMENT OF REGULATIONS	14
XV.	FEES	14
	APPENDIX A: FEE SCHEDULE	15
	APPENDIX B: BUILDINGS FOR LEASE OR RENT APPLICATION	16
	APPENDIX C: VARIANCE REQUEST APPLICATION	21

I. PURPOSE

These regulations are intended to regulate the creation of buildings for lease or rent in the unincorporated areas of Jefferson County. The leasing or rental of buildings on a tract of record may directly impact the property and its surroundings with regard to vehicular access, public health, safety, and general welfare, the provision of public services and utilities, and the physical environment. These regulations are adopted for the purposes of addressing the requirements of state law and to allow Jefferson County and landowners to consider and mitigate potential impacts that may result from buildings for lease or rent, ensuring protection of the public’s health, safety and general welfare.

II. AUTHORITY

These regulations are adopted under the authority of Title 76, Chapter 8, Montana Code Annotated (MCA).

III. APPLICABILITY

- A. These regulations apply to all lands in Jefferson County, except those lands located within the boundaries of the City of Whitehall or Town of Boulder.
- B. In their interpretation and application, the provisions of these regulations may be regarded as the minimum requirements for the protection of the public health, safety, and general welfare.
- C. These regulations are not intended to abrogate or annul any zoning site permits, building permit, subdivision approval, certificate of occupancy, variance, conditional use, or other lawful permit or approval issued before the effective date of these regulations.
- D. These regulations are not intended to abrogate or annul any requirements to obtain zoning site permits, zoning conditional uses or variances, state building permits, subdivision approvals, or other lawful permits or approvals issued before the effective date of these regulations.
- E. These regulations are not intended to abrogate or annul any other regulations applicable to a tract of land, including but not limited to, zoning, building codes, private covenants, sanitation requirements, or floodplain regulations.
- F. Where zoning regulations are stricter than these regulations, the stricter provisions take precedent and supersede the provision of these regulations.
- G. Where private covenants are stricter than these regulations, the stricter provisions take precedent and supersede the provisions of these regulations.
- H. The local zoning regulations may include reference to “rent or lease” based on the Montana Subdivision and Platting Act at the time the zoning regulations were created. The 2013 legislature modified that Act and required local governments to

adopt regulations addressing buildings for lease or rent. These regulations are adopted in accordance with Title 76, Chapter 8, MCA. Buildings for lease or rent as defined by these regulations are subject to the local zoning requirements and these regulations.

IV. DEFINITIONS

- A. Administrator – The individual designated by the governing body to carry out the terms of these regulations. In Jefferson County, the Administrator is the Jefferson County Planner or designee.
- B. Applicant – The person or entity who submits an application for the creation of a building for lease or rent. An applicant may either be a landowner, or a person or entity authorized by the landowner to apply.
- C. Building – As defined in §76-8-101(1), MCA, a structure or a unit of a structure with a roof supported by columns or walls for the permanent or temporary housing or enclosure of persons or property or for the operation of a business. Except as provided in §76-3-103(16), MCA, the term includes a recreational camping vehicle, mobile home, or cell tower. The term does not include a condominium or townhome.
- D. Department – The department of environmental quality provided for in §2-15-3501, MCA.
- E. Detailed – In the context of “detailed narrative”, the term detailed means that sufficient information has been provided by the applicant to allow the Planning Department to adequately review the project for compliance with applicable sections of these regulations.
- F. Governing body – The legislative authority for a city, town, county, or consolidated city-county government. The governing body of Jefferson County is the Board of Jefferson County Commissioners.
- G. Human occupancy – Use of a building by people for sleeping, cooking, bathing, using sanitary facilities, and similar dwelling purposes; for carrying out a trade, profession, industry, or business, but not including personal or commercial storage, or where there is no common human presence. Examples of buildings or parts of a building not used for human occupancy include mini-storage facilities, barns and similar agricultural structures without components of typical dwellings, storage sheds, and areas and portions of buildings for antennae/wireless facilities, solar panels, and ATM and vending machines.
- H. Landowner – An owner of a legal or equitable interest in real property. The term includes an heir, successor, or assignee of the ownership interest.

- I. Lease or rent – The act of a landowner providing for or otherwise allowing another party to occupy a building or portion of a building in exchange for financial or other consideration.
- J. Local reviewing authority – A local department or board of health that is approved to conduct reviews under Title 76, Chapter 4, MCA.
- K. Supermajority – A unanimous affirmative vote of the present and voting county commissioners in Jefferson County.
- L. Tract – An individual parcel of land that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the county clerk and recorder's office.

V. BUILDINGS FOR LEASE OR RENT PROJECTS NOT SUBJECT TO FULL REVIEW

- A. The construction of all buildings must meet the requirements of these regulations unless the buildings are validly exempt. The following are exemptions:
 - 1. Building(s) that was in existence or under construction before September 1, 2013.
 - 2. Building(s) that are a facility as defined in §15-65-101, MCA that are subject to the lodging facility use tax under Title 15, Chapter 65, MCA except for recreational camping vehicles or mobile home parks.
 - 3. Building(s) that are created for lease or rent for farming or agricultural purposes.
 - 4. Building(s) that are not served by water and wastewater and will not be leased or rented.
 - 5. Building(s) that are served by water and wastewater and the landowner records a notarized declaration with the Jefferson County Clerk & Recorder's Office stating that the proposed building will not be leased or rented. The declaration recorded pursuant to this subsection runs with the land and is binding on the landowner and all subsequent landowners and successors in interest to the property. The declaration must include but is not limited to:
 - a. The name and address of the landowner;
 - b. A legal description of the tract upon which the proposed building will be located; and
 - c. Specific description of the building on the tract of record.

- B. The first twenty nine (29) or fewer buildings for lease or rent that are not or will not be served by water or wastewater facilities, or the first four (4) or fewer buildings for lease or rent that are or will be served by water and wastewater facilities that are proposed on a single tract of record and not otherwise exempt require review and approval pursuant to Section V.C, below.
- C. Any building that is exempt from the provisions of these regulations under Section V.B or is not subject to review pursuant to Section VII.A must comply with the following:
 - 1. An applicant shall submit an application to the Department of Environmental Quality or Jefferson County Environmental Health Department for sanitation review if review is required by Title 76, Chapter 4, MCA or to the Jefferson County Board of Health or Jefferson County Health Department if review is required by Title 50, MCA.
 - 2. If the Department of Environmental Quality, Jefferson County Environmental Health Department, and/or Jefferson County Health Department approve(s) the application, the landowner shall record the certificate of approval and any conditions for the approval of the application with the Jefferson County Clerk & Recorder's Office.
- D. If a building for lease or rent is created on a single tract on or after September 1, 2013, and the tract is later subdivided or an exemption from subdivision review is used pursuant to Title 76, Chapter 3, MCA any building for lease or rent on the new tract is subject to the provisions of Section VII of these regulations and §76-8-102, 76-8-107, and 76-8-108, MCA, as applicable.
- E. All other buildings for lease or rent on a single tract of record require review and approval by the governing body, pursuant to the provisions of Section VII of these regulations.
- F. A landowner may voluntarily request a certificate of compliance from the Administrator to document that a building is exempt from these regulations. Such requests should be made in writing to the Administrator on the form provided by the Administrator. The burden of proof rests with the applicant to demonstrate how an existing or proposed building meets an exemption from these regulations. The landowner may record a certificate of compliance with the Jefferson County Clerk & Recorder's Office.

VI. BUILDINGS FOR LEASE OR RENT PROJECTS SUBJECT TO FULL REVIEW

- A. Buildings for lease or rent that are subject to full review under this section include the following:
 - 1. Projects providing five or more buildings for lease or rent, any of which are for human occupancy (*excludes the initial building for human occupancy*); or

2. Projects providing 30 or more buildings, all of which are not for human occupancy (*excludes the initial building for human occupancy, if one exists*).

B. Sections VII, VIII, IX, and X of these regulations address the requirements and review process for projects subject to full review.

VII. PRE-APPLICATION PROCESS

A. Any person proposing a building for lease or rent project subject to the full review process addressed in Section VI, above, is required to meet with the Administrator to discuss the proposed project and the items that are required for submittal with the building for lease or rent application. The purpose of the meeting is to help facilitate a more efficient review process.

B. To allow the Administrator to prepare for the pre-application meeting, the applicant must submit a pre-application form and a preliminary site plan showing the potential locations of all existing and proposed development at least 15 days prior to the scheduled pre-application meeting.

C. If the applicant is not the current landowner, a letter from the landowner must accompany the pre-application form consenting to the applicant's submittal of the form.

VIII. APPLICATION PROCESS

A. Application Submittal

1. An application for the creation of buildings for lease or rent subject to full review pursuant to Section VI.A shall be submitted to the Jefferson County Planning Department accompanied by the payment of applicable fees once the pre-application process has occurred.

2. The application shall include:

a. A copy of the deed or other legal description of the real property;

b. Evidence of the applicant's title and interest in the land for which the application is being made;

c. Letters from all lien holders acknowledging that they are aware of the proposed project;

d. A detailed site plan showing:

i. North arrow and scale bar;

ii. Property boundaries with dimensions noted;

iii. Existing and proposed onsite and adjacent offsite streets, roads and easements that will serve the proposal;

iv. Existing and proposed access to the subject property;

v. Pertinent geographic features of the subject property, including any significant topographical features and designated floodplain;

- vi. Location of existing and proposed water, wastewater and solid waste facilities serving the subject property;
 - vii. Location and general description of all existing and proposed buildings or structures with dimensions included (Note: For the purpose of this requirement, the location and dimensions shall include all roof eaves/gutters, attached decking, patio areas, etc.);
 - viii. Existing and proposed outdoor lighting;
 - ix. Existing and proposed stormwater management infrastructure and drainage features; and
 - x. Existing and proposed utilities, including an indication of whether utility lines are above- or below-ground.
- e. A detailed narrative of existing and proposed buildings and their location on the subject property, including the uses proposed for each and the approximate floor area and ground coverage of each building;
- f. A detailed narrative of the proposed water, wastewater, and solid waste disposal facilities intended to serve the buildings for lease or rent;
- g. A detailed narrative of the emergency medical, fire protection, and law enforcement services proposed to serve the buildings for lease or rent;
- h. A detailed narrative describing the existing and proposed access to and from the site, as well as the onsite circulation providing access to the existing and proposed buildings for lease or rent;
- i. A detailed narrative assessing the potential significant impacts on the surrounding physical environment or human population as a result of the proposed buildings for lease or rent, including a description of any proposed mitigation measures to avoid or minimize potential impacts;
- j. Comments on the proposal from the entities listed below. Each entity shall have 30 days to review the proposal. If no comments are received within 30 days, the application materials may be submitted to Jefferson County for consideration with proof demonstrated that comments were solicited from all entities listed below that are applicable (i.e. copies of certified mail receipts, emails, etc.).
- i. Jefferson County Road Department if access is off of a county road;
 - ii. Montana Department of Transportation if access is off of a state highway;
 - iii. City or town public works or street department (*if applicable*) if access is off of a city or town street;
 - iv. Emergency medical services provider;
 - v. Local fire protection authority;
 - vi. Law enforcement service provider;

- vii. Local school district if the proposed buildings for lease or rent will provide new buildings for residential use;
 - viii. Jefferson County Environmental Health Department;
 - ix. Jefferson County's Floodplain Administrator;
 - x. State wildlife agency; and
 - xi. State Historic Preservation Office.
- k. The following items may be requested by the administrator depending on the nature of the project and whether or not such factors would help to mitigate for potential impacts associated with or created by the proposed development as discussed at the pre-application meeting:
- i. Stormwater management plan;
 - ii. Landscaping, buffers, and/or fence plans;
 - iii. Dust control plan;
 - iv. Plans for maintenance of infrastructure used by more than one renter or lessee; and
 - v. Elevation views of all four sides of each structure demonstrating average building height.
- l. Application materials shall include evidence demonstrating how the project complies with the following requirements:
- i. All new and replacement nighttime outdoor lighting must direct its light downward and be side-shielded to prevent glare beyond the boundaries of the subject property;
 - ii. Electrical and telecommunications utility lines must be placed under-ground;
 - iii. Landscaping and/or fencing shall be installed to serve as a buffer between the development and adjacent properties and roads when deemed necessary by the governing body;
 - iv. Buildings, including all above-grade attachments shall have setbacks of 10-feet or more from property lines and rights-of-ways, or as specifically required by the local zoning regulations;
 - v. Buildings shall not exceed 35 feet in average height or as specifically allowed by the zoning regulations;
 - vi. Access shall comply with the Jefferson County's Road Standards;
 - vii. An adequate number of onsite parking spaces must be provided to accommodate all existing and proposed uses.

IX. VARIANCES

- A. The governing body may grant variances to the standards listed in Section VIII.A.2.1 of these regulations when strict compliance will result in undue hardship and when it is not essential to the public welfare. A variance will not be granted if it would have the effect of nullifying the intent and purpose of these regulations or any applicable zoning regulations.
- B. All variance request applications must include evidence to demonstrate that there will be no more than minimal impacts to public health, safety, and welfare if variances are granted.
- C. Variance Procedure & Review
 - 1. A variance request application must be included with the Buildings for Lease or Rent application packet for each variance requested. Additional information can be submitted to support the variance request and demonstrate impacts resulting from granting the variance(s) will be mitigated.
 - 2. The public meeting noticed required under Section X.A.5 of these regulations must list all requested variances.
 - 3. Variance requests will be reviewed as a part of the Building for Lease or Rent application packet. Approval or denial of each requested variance will occur as a separate action prior to a motion for approval, conditional approval, or denial of the proposal as a whole.
 - 4. The governing body's motion regarding each variance requested must describe the variance and the findings and conditions upon which the action on the variance is based.
- D. The governing body will not approve a variance request unless it finds that the following criteria are met:
 - 1. The granting of the requested variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties;
 - 2. Due to the physical surroundings, shape, or topographical conditions of the property involved, strict compliance with the regulations will impose an undue hardship on the landowner. Undue hardship does not include personal or financial hardship, or any hardship that is self-imposed; however, extenuating circumstances may be reviewed and approved at the discretion of the governing body;
 - 3. The requested variance will not cause a substantial increase in public costs; and

4. The requested variance will not place the property in nonconformance with any adopted zoning regulations.
- E. In granting variances, the governing body may impose reasonable conditions to secure the objectives of these regulations.

X. REVIEW PROCESS & CRITERIA FOR REVIEW OF APPLICATIONS

A. Review Process

1. Upon receipt of an application along with all applicable fees, the Administrator shall, within ten (10) working days, determine whether the application is complete and notify the applicant in writing.
2. If the application is incomplete, the Administrator shall identify, in writing, any missing materials or insufficient information necessary to conduct the required review.
3. If the application is complete, the Administrator shall complete review of the application and the governing body shall approve, conditionally approve, or deny the application within sixty (60) working days. The applicant and the governing body may extend the timeframe upon mutual agreement, in writing.
4. Review and approval, conditional approval, or denial of an application for the creation of buildings for lease or rent must be based upon the regulations in effect at the time an application is determined to be complete. If regulations change during the period that the application is determined to be complete, the determination of whether the application is complete must be based on the new regulations.
5. The governing body's action on the application shall be conducted at a noticed public meeting. Notice of the time and date of the public meeting shall be given by publication in a newspaper of general circulation in the county not less than 15 days prior to the date of the meeting. At least 15 days prior to the date of the public meeting, notice of the meeting shall be mailed to the landowner, the applicant if different from the landowner, and each landowner of record whose property is immediately adjoining the subject tract. At a minimum all notices shall include a general description of the property location, the legal description of the property, the number of buildings proposed, the type of land use(s) proposed, a description of any variances requested, notification of where more information may be obtained, and the time, date and location of the public meeting.
6. The governing body shall provide written notification to the applicant and landowner of the approval, conditional approval, or denial of the application within 60 working days after determination that the application was complete.

B. Criteria for Review

1. The governing body may approve or conditionally approve of the proposed buildings for lease or rent application upon finding:
 - a. The proposed buildings for lease or rent, as submitted or conditioned, comply with these regulations and other regulations applicable to the property, and avoid or minimize potential significant impacts on the physical and a natural environment and human population in the area affected by the project;
 - b. Adequate water, wastewater, and solid waste facilities are available to serve the buildings for lease or rent;
 - c. Adequate access to the site is provided to serve the buildings for lease or rent; where questions arise as to the adequacy of access, Jefferson County will use access and transportation standards in Jefferson County's Road Standards for guidance;
 - d. Adequate emergency medical, fire protection, and law enforcement services are available to serve the proposed project;
 - e. The buildings for lease or rent and associated development provide for containment of stormwater without causing damage or harm to the natural environment, water quality, or adjacent properties. All stormwater management plans shall be reviewed for substantial compliance with any existing approval or the adopted standards of the Montana Department of Environmental Quality; and
 - f. The buildings for lease or rent comply with Jefferson County's floodplain management regulations.
2. The governing body may impose conditions on the proposed buildings for lease or rent to secure the above-referenced findings and compliance with these regulations. The governing body may impose timeframes with expiration dates for required improvements to be installed or implemented and such timeframes may be required to be met before the lease or rent activities are permitted to occur. Typical timeframes will be from one (1) to three (3) years.
3. Any modifications to an approved buildings for lease or rent project or its conditions of approval are subject to additional review by Jefferson County. Extensions may be requested to any timeframe imposed. The applicant must explain why the extension is necessary and demonstrate that they have been working to comply with the required conditions. Any extension shall be requested as a proposed change to the conditional approval, and shall be submitted to the Planning Department prior to the expiration date, and must include any applicable fees.

XI. APPEALS PROCESS

A. Methods for Appealing

1. Appeal of Administrator Decision
 - a. Decisions and interpretations of the Administrator may be appealed to the Board of Jefferson County Commissioners.
 - b. All appeals of the Administrator shall include a letter describing the appellant's position and what decision or interpretation is being appealed, supporting documentation to demonstrate the claim, and the review fee for appeals.
2. Appeal of Sanitation Decision
 - a. An applicant who is aggrieved by a final decision of the Department of Environmental Quality or the Jefferson County Environmental Health Department made pursuant to Section V.C of these regulations may request a hearing as provided for in §76-4-126(1), MCA.
 - b. For purposes of this subsection, the contested case provisions of the Montana Administrative Procedure Act, Title 2, Chapter 4, Part 6, MCA apply to the proceeding.
3. Appeal of Local Governing Body's Decision
The applicant or a landowner with a property boundary contiguous to the tract on which buildings for lease or rent are proposed to be located who is aggrieved by a decision of the governing body pursuant to Section VI of these regulations may, within 30 days of the date of the final decision of the governing body, appeal to the district court in Jefferson County.
4. For purposes of this section, "aggrieved" has the meaning provided in §76-3-625, MCA.

XII. AMENDING APPROVED PROJECT

- A. An applicant may request that portions of their approved project be amended after approval has been granted. Amendment requests are subject to the application and variance processes outlined in Sections VIII and IX of these regulations, as applicable.
- B. All amendment requests will be processed pursuant to Section X of these regulations.

XIII. ENFORCEMENT & PENALTIES

- A. If any building is created in violation of these regulations that the Administrator becomes aware of, the Administrator may begin enforcement actions. The Administrator shall notify the landowner and any other responsible party of a

violation of these regulations by certified mail. The notice shall describe the violation, cite the section of these regulations being violated, and request the responsible party to obtain voluntarily compliance at least 30 days before initiating an action to the violation of this part.

- B. Any person who receives a notice of violation may, within the 30 days or other timeframe allowed, request inspection by the Administrator to show that compliance has been attained or appeal the notice of violation to the governing body.
- C. If, after the 30 days or other timeframe required for voluntary compliance has lapsed, compliance has not been attained or an appeal has not been filed, the Administrator shall request the Jefferson County Attorney's Office begin legal action against the landowner and any other responsible party.
- D. Upon request by the Administrator, the Jefferson County Attorney's Office may immediately commence any actions and proceedings available in law or equity to prevent the violation of these regulations; restrain, correct, or abate a building for lease or rent in violation of these regulations; or prevent the occupancy of a building for lease or rent in violation of these regulations.
- E. In addition to any legal action taken under Section XIII.C & D, the governing body may assess a fine or penalty not to exceed \$500.00.

XIV. REVIEW AND AMENDMENT OF REGULATIONS

- A. Periodically the Administrator and Planning Board shall review these regulations to determine if updates are necessary.
- B. No regulation updates will become effective until they are reviewed and adopted by the governing body.
- C. The public may request amendments to the regulations. All regulation amendment applications must include the following:
 - 1. The amendment review fee, see Appendix A;
 - 2. The specific language that is requested to be changed;
 - 3. Supporting documentation demonstrating that the proposed amendment(s) will be made pursuant to the purpose of these regulations addressed in Section I.

XV. FEES

- A. See fee schedule included in Appendix A.

**APPENDIX A:
FEE SCHEDULE**

Review of BLR Application	\$250 + \$10 per building/unit under review
Variance for BLR Regulations (each variance request)	\$100
Modification/Amendment to an approved BLR project	\$100
Extension to an approved BLR project	\$50
Appeal of Administrative Determination	\$250
Amendment to BLR Regulations	\$1500

**APPENDIX B:
BUILDINGS FOR LEASE OR RENT APPLICATION**

JEFFERSON COUNTY BUILDINGS FOR LEASE OR RENT APPLICATION

This application is used for Buildings for Lease or Rent (BLR) projects that require review in Jefferson County. Attach a check payable to the Jefferson County Planning Department for **\$250.00** plus **\$10.00** per building/unit under review and submit the application materials (2 copies) to the Jefferson County Planning Department, PO Box H, Boulder, MT, 59632.

1. Applicant Contact Information:

Name of Applicant: _____
Mailing Address: _____
City: _____ State: _____ Zip Code: _____ Phone # _____
Email: _____

2. Local Agent/Contractor Contact Information* (if applicable):

Name of Agent/Contractor: _____
Mailing Address: _____
City: _____ State: _____ Zip Code: _____ Phone # _____
Email: _____

** If more than one agent/contractor is being used, attach a sheet containing the additional information.*

3. Correspondence:

The original BLR approval letter and other correspondences should be sent to:

1) Applicant or 2) Local Agent/Contractor (circle one)

Note: A copy of the approval letter and other primary correspondence will be sent to the other party.

4. Authorization from Landowner (if applicable):

If the applicant is not the current landowner of the subject property, the application must include a letter from an authorized landowner authorizing the submittal.

5. Property Information:

Property Address: _____

Legal Description:

Subdivision, COS, etc.: _____ Lot: _____ Block: _____

Section _____, Township _____ North, Range _____ West Lot Size: _____ Acres / Square Feet (circle)

Geocode: _____

Zoning District (if applicable): _____ Sub-District: _____

6. Location Sketch:

Attach a location sketch that is adequate to locate the property for a site visit. The sketch should identify such items as road signs, landmarks or other features to assist in locating the project site.

7. Property Usage / Proposal Description:

- a. What is the current use of the property? *(Circle all that apply)*
Residential / Commercial / Agricultural / Other _____
- b. What is the proposed use of the property *(Circle all that applies)*
Residential / Commercial / Agricultural / Other _____
- c. Are there any restrictive covenants, deed restrictions, private use or maintenance agreements, easements or similar encumbrances associated with the property? Yes ___ No ___ *(If yes, attach copies of all applicable documents)*
- d. Provide a brief description of the proposed project:

- 8. Submit a copy of the deed or other instrument showing title and ownership or interest in the subject property.
- 9. Submit letters from all lien holders acknowledging their awareness of the proposed project.

10. Detailed Site Plan:

Attach a site plan (the preferred scale is 1 inch to 20 feet) to demonstrate that the proposed project complies with the applicable zoning regulations.

- a. North arrow and scale bar;
- b. Property boundaries with dimensions noted;
- c. Existing and proposed onsite and adjacent offsite streets, roads and easements that will serve the proposal;
- d. Existing and proposed access to the subject property;
- e. Pertinent geographic features of the subject property, including any significant topographical features and designated floodplain;
- f. Location of existing or proposed water, wastewater and solid waste facilities serving the subject property;
- g. Location and general description of all existing and proposed buildings or structures with dimensions included (Note: For the purpose of this requirement, the location and dimensions shall include all roof eaves/gutters, attached decking, patio areas, etc.);
- h. Existing and proposed outdoor lighting;
- i. Existing and proposed stormwater management infrastructure and drainage features; and
- j. Existing and proposed utilities, including an indication of whether utility lines are above- or below-ground.

11. Attach These Items:

- a. A detailed narrative of existing and proposed buildings and their location on the subject property, including the uses proposed for each and the approximate floor area and ground coverage of each building;
- b. A detailed narrative of the proposed water, wastewater, and solid waste disposal facilities intended to serve the buildings for lease or rent;
- c. A detailed narrative of the emergency medical, fire protection, and law enforcement services proposed to serve the buildings for lease or rent;

- d. A detailed narrative describing the existing and proposed access to and from the site, as well as the onsite circulation providing access to the existing and proposed buildings for lease or rent;
- e. A detailed narrative assessing the potential significant impacts on the surrounding physical environment or human population as a result of the proposed buildings for lease or rent, including a description of any proposed mitigation measures to avoid or minimize potential impacts;
- f. Comments on the proposal from the entities listed below. Each entity shall have 30 days to review the proposal. If no comments are received within 30 days, the application materials may be submitted to Jefferson County for consideration with proof demonstrated that comments were solicited from all entities listed below that are applicable (i.e. copies of certified mail receipts, emails, etc.).
 - i. Jefferson County Road Department if access is off of a county road;
 - ii. Montana Department of Transportation if access is off of a state highway;
 - iii. City or town public works or street department (*if applicable*) if access is off of a city or town street;
 - iv. Emergency medical services provider;
 - v. Local fire protection authority;
 - vi. Law enforcement service provider;
 - vii. Local school district if the proposed buildings for lease or rent will provide new buildings for residential use;
 - viii. Jefferson County Environmental Health Department;
 - ix. Jefferson County's Floodplain Administrator;
 - x. State wildlife agency; and
 - xi. State Historic Preservation Office.
- g. Any additional items as determined by the administrator to be necessary for the review of the proposal that were discussed at the pre-application meeting. Such items may include a stormwater management plan; landscaping, buffers, and/or fence plans; dust control plan; plans for maintenance of infrastructure used by more than one renter or lessee; and elevation views of all four sides of each structure demonstrating average building height.
- h. Evidence demonstrating how the project complies with the requirements outlined in Section VIII.A.2.1 of the Buildings for Lease or Rent Regulations.

12. Jefferson County Environmental Health Review (Sanitation):

Note: All projects are required to demonstrate compliance with all applicable Jefferson County Environmental Health Department requirements prior to approval of the BLR. If a separate Environmental Health Department application is not submitted for review at this time, floor plans may be required for all structures providing living space to allow the Environmental Health Department to assess the capacity of the wastewater treatment system serving the property. If floor plans are not provided with this or another application, a sanitarian may contact you to obtain the necessary information.

Have you obtained an on-site wastewater treatment system installation or use permit from the Jefferson County Environmental Health Department for the proposal?
Yes _____ No _____

If yes, what is the permit # _____

If not, please explain: _____

Office Use only:

Sanitarian review/comments: _____

13. Other Required Permits:

Are there any other permits required to complete the project? Yes _____ No _____

If yes, include the name of each permitting agency and the type of permit(s) required below and include a copy of the permits or applications in the BLR Application packet.

14. Additional Requirements for Properties Located within a Zoning District:

Attach any other information necessary to demonstrate compliance with zoning regulations, if applicable.

Applicant Signature

Date

Applicant Signature

Date

**APPENDIX C:
VARIANCE REQUEST APPLICATION**

**JEFFERSON COUNTY
BUILDINGS FOR LEASE OR RENT
VARIANCE REQUEST APPLICATION**

All Building for Lease or Rent proposals must comply with the requirements found in Section VIII.A.2.1 of the Building for Lease or Rent Regulations. The governing body may grant variances to those requirements when strict compliance will result in undue hardship and when it is not essential to the public welfare. A developer may request relief if the criteria found in Section IX.D of the regulations can be met. A variance application must be submitted for each variance requested and must include evidence to demonstrate that there will be no more than minimal impacts to public health, safety, and welfare if the variance is granted.

PROJECT NAME: _____

1. Cite the requirement for which the variance is requested: _____

2. Provide a short summary of why the variance is needed: _____

3. The developer shall demonstrate that the variance will meet all of these criteria:

a. Granting the requested variance will not be detrimental to the public health, safety, or general welfare, or injurious to other adjoining properties:

b. Due to the unique physical surroundings, shape, or topographical conditions of the property involved, strict compliance with the requirements will impose an undue hardship on the landowner (Note: undue hardship does not include personal or financial hardship or any hardship that is self-imposed):

c. Variance will not cause a substantial increase in public costs:

d. Variance will not place the property in nonconformance with any adopted zoning regulations: _____

4. Is information included with the application materials to demonstrate that impacts associated with granting the variance will be minimal or mitigated?

Yes _____ No _____

If yes is checked above, list the application materials that specifically address mitigation and impacts:

Applicant Signature Date

Applicant Signature Date

The Board of Jefferson County Commissioners has adopted the following findings of fact in support of the adoption of the Jefferson County Buildings for Lease or Rent Regulations:

1. Finding: Adoption of the Jefferson County Buildings for Lease or Rent Regulations will meet the intent provided under statute because these regulations offer a new process for review of buildings that are created for lease or rent on a single tract of land.
2. Finding: The Jefferson County Buildings for Lease or Rent Regulations provide for an applicant's due process by establishing a review process and timeline requiring notification of completeness, as well as the governing body's decision and justification, that will be administered consistently as it applies to buildings for lease or rent.
3. Finding: The fee schedule to be imposed for the review of buildings for lease or rent projects is justified because it is commensurate with the amount of time and the level of review necessary to adequately consider such proposals.
4. Finding: The Jefferson County Buildings for Lease or Rent Regulations will not place an undue burden on property owners seeking to lease or rent certain buildings or portions of buildings on a tract of land because the regulations identify circumstances under which buildings are exempt from the requirements of this new process.
5. Finding: The Jefferson County Buildings for Lease or Rent Regulations will not place an undue burden on property owners seeking to lease or rent certain buildings or portions of buildings on a tract of land because the regulations provide for a new review process that is abbreviated yet considers impacts from the proposed development and allows for adequate mitigation as a result of the potential impact.
6. Finding: The Jefferson County Buildings for Lease or Rent Regulations protect public health, safety, and welfare because existing and proposed water and wastewater facilities are required to be identified in the application materials, and because review by the governing body will ensure that adequate water supply, sewage and solid waste disposal facilities are required.
7. Finding: The Jefferson County Buildings for Lease or Rent Regulations protect public health, safety and welfare because adequate access to and circulation onsite will be considered by the governing body as part of the application review and will be a requirement of approval.
8. Finding: The Jefferson County Buildings for Lease or Rent Regulations protect public health, safety, and welfare because adequate emergency medical, fire and law enforcements services will be considered by the governing body as part of the application review and will be a requirement of approval.

9. Finding: The Jefferson County Buildings for Lease or Rent Regulations protect public health, safety, and welfare by requiring the governing body assess the potential significant impacts to the environment and human population within the area affected by the proposed development and allows the governing body to mitigate through conditions or denial to avoid or minimize the impact(s) anticipated.
10. Finding: The Jefferson County Buildings for Lease or Rent Regulations protect public health, safety, and welfare because they will require development to comply with applicable floodplain requirements.
11. Finding: The additional regulations included require public hearings as part of the review process. Such processes are reasonable and necessary to protect the public health, safety and/or general welfare because they will enable the public to participate in the local governing body's review of the proposed development, and ensure those persons immediately affected have an opportunity to provide written and verbal comment on the proposal.
12. Finding: The additional regulations included minimal development standards that address property line setback requirements, building height limits, stormwater management, underground utilities, lighting, parking, landscaping, fencing, and dust control. Such minimal development standards are reasonable and necessary to protect the public health, safety and/or general welfare. The development standards protect adjacent properties from nuisances resulting from denser development such as parking conflicts, stormwater management onsite, lighting control, and dust management. The development standards also help to reduce the potential of fire spread and enable fire departments to better defend fires.
13. Finding: Increasing the number of buildings for lease or rent that are not for human occupancy to 29 before requiring review under these regulations will not impact the public health, safety, and welfare because the impact of such buildings is minimal since they are not for human occupancy. These units will not be served by water or wastewater facilities, will not create significant amounts of solid waste for disposal, will prompt emergency medical, fire or law enforcement services infrequently, and will result in intermittent traffic.