



SUBDIVISION DEVELOPMENT REQUIREMENTS OF THE GALLATIN COUNTY WEED CONTROL BOARD TO MANAGE NOXIOUS WEEDS

PURPOSE

The purpose of these requirements is to implement a coordinated program for the containment, suppression, and where possible eradication of noxious weeds that may be caused by development of subdivisions, and in general to accomplish the goals of the Gallatin County Weed District Management Plan and Montana Noxious Weed Control Act.

Preliminary Plat Review

Prior to construction or disturbance, a Noxious Weed Management and Revegetation Plan (in a form approved by the Board) must be submitted by the Developer to the Weed District Board that may approve, reject, or approve with recommendation the plan that must include at minimum the following:

1. Identify any noxious weeds present on any land in or adjacent to the proposed subdivision.
2. Identify any noxious weeds likely to arise during the development.
3. Developer's representation that the Developer has read and understands the Gallatin County Weed District Management Plan and the relevant sections of the Montana Noxious Weed Control Act.
4. Application fee: \$300 major subdivision; \$150 minor subdivision.
5. Subdivision plat.
6. Noxious Weed Management and Re-vegetation Plan in form prescribed by the Weed District that shall be effective from the date of approval through to that date in time that the Developer has sold all lots, except that as lots are sold owners of subdivided lots shall become responsible for weed management in accordance with Montana Noxious Weed Control Act and Gallatin County Weed Management Plan.

Final Plat Approval

Prior to final plat approval, the Developer shall enter into a Memorandum of Understanding with the District including at minimum the following:

1. Developer's representation of compliance with: The Noxious Weed Management and Revegetation Plan approved by the Board (including any revised plans); Gallatin County Noxious Weed Management Plan; and Montana Noxious Weed Control Act.
2. Documents to the satisfaction of the Weed Board showing compliance with the above requirements, including name(s) of contractors who completed the work and a copy of their application records.
3. Copy of the subdivision covenants regarding noxious weed management described below.

Covenants of Record Required

The Developer shall record with any approved Final Plat covenants of record with the Clerk & Recorder's Office in substantially conforming to the sample shown below and effectively delegating the management of noxious weeds as follows:

1. Landowners and the Owners Association shall comply with Montana Noxious Weed Control Act (§ 7-22-2116, MCA); Gallatin County Noxious Weed Management Plan; and any weed management plans approved by the Board that are relevant to the subdivision.
2. Landowners shall be responsible for noxious weed control on their individual lots.
3. The Owners Association (Homeowner, Business, Property Association, or other entity as named in the subdivisions covenants or recorded on the plat) shall be responsible for noxious weed control in all parks, open spaces, community areas, trails and roadways within the subdivision. If there is no Owners Association then the landowners as a whole are responsible for noxious weed control in the parks, open spaces, community areas and trails. Each landowner is then responsible for the subdivision roadway adjoining their property. The Owners Association will also act as the contact point and primary enforcement authority for any noxious weed complaints within the subdivision.

Covenants Sample

"The control of noxious weeds by the Owners Association on those areas for which the Owners Association is responsible and the control of noxious weeds by individual owners on their respective lots shall be as required by the Montana Noxious Weed Control Act (§ 7-22-2101, MCA through § 7-22-2153, MCA as amended) and the rules, regulations and management plans of the Gallatin County Weed Control District. Both unimproved and improved lots shall be managed for noxious weeds. In the event a landowner does not control the noxious weeds after 10 days notice from the Owners Association, the Owners Association may cause the noxious weeds to be controlled. The cost and expense associated with such weed management shall be assessed to the lot and such assessment may become a lien if not paid within thirty (30) days of the mailing of such assessment. The Owners Association is responsible for control of state and county declared noxious weeds in the subdivisions parks, open spaces, community areas, trails, and roadways. Nothing herein shall require or obligate the Gallatin County Weed District to undertake any management or enforcement on behalf of the Owners Association or landowners that is not otherwise required by law of the Gallatin County Weed District Management Plan."

MONTANA NOXIOUS WEED LIST

Priority 1A	<p>These weeds are not present in Montana. Management criteria will require eradication if detected; education; and prevention.</p> <ul style="list-style-type: none"> - Yellow starthistle (<i>Centaurea solstitialis</i>)
Priority 1B	<p>These weeds have limited presence in Montana. Management criteria will require eradication or containment and education.</p> <ul style="list-style-type: none"> - Dyer's woad (<i>Isatis tinctoria</i>) - Flowering rush (<i>Butomus umbellatus</i>) - Japanese knotweed complex (<i>Polygonum spp.</i>) - Purple loosestrife (<i>Lythrum spp.</i>) - Rush skeletonweed (<i>Chondrilla juncea</i>) - Eurasian watermilfoil (<i>Myriophyllum spicatum</i>) - Scotch broom (<i>Cytisus scoparius</i>) - Curlyleaf pondweed (<i>Potamogeton crispus</i>)
Priority 2A	<p>These weeds are common in isolated areas of Montana. Management criteria will require eradication or containment where less abundant. Management shall be prioritized by local weed districts.</p> <ul style="list-style-type: none"> - Tansy ragwort (<i>Senecio jacobaea</i>) - Meadow hawkweed complex (<i>Hieracium spp.</i>) - Orange hawkweed (<i>Hieracium aurantiacum</i>) - Tall buttercup (<i>Ranunculus acris</i>) - Perennial pepperweed (<i>Lepidium latifolium</i>) - Yellowflag iris (<i>Iris pseudacorus</i>) - Blueweed (<i>Echium vulgare</i>) - Hoary alyssum (<i>Berteroa incana</i>)
Priority 2B	<p>These weeds are abundant in Montana and widespread in many counties. Management criteria will require eradication or containment where less abundant. Management shall be prioritized by local weed districts.</p> <ul style="list-style-type: none"> - Canada thistle (<i>Cirsium arvense</i>) - Field bindweed (<i>Convolvulus arvensis</i>) - Leafy spurge (<i>Euphorbia esula</i>) - Whitetop (<i>Cardaria draba</i>) - Russian knapweed (<i>Centaurea repens</i>) - Spotted knapweed (<i>Centaurea stoebe</i> or <i>maculosa</i>) - Diffuse knapweed (<i>Centaurea diffusa</i>) - Dalmatian toadflax (<i>Linaria dalmatica</i>) - St. Johnswort (<i>Hypericum perforatum</i>) - Sulfur cinquefoil (<i>Potentilla recta</i>) - Common tansy (<i>Tanacetum vulgare</i>) - Oxeye daisy (<i>Chrysanthemum leucanthemum</i> or <i>Leucanthemum vulgare</i>) - Houndstongue (<i>Cynoglossum officinale</i>) - Yellow toadflax (<i>Linaria vulgaris</i>) - Saltcedar (<i>Tamarix spp.</i>)
Priority 3	<p>Regulated Plants: (NOT MONTANA LISTED NOXIOUS WEEDS)</p> <p>These regulated plants have the potential to have significant negative impacts. The plant may not be intentionally spread or sold other than as a contaminant in agricultural products. The state recommends research, education and prevention to minimize the spread of the regulated plant.</p> <ul style="list-style-type: none"> - Cheatgrass (<i>Bromus tectorum</i>) - Hydrilla (<i>Hydrilla verticillata</i>) - Russian olive (<i>Elaeagnus angustifolia</i>)
Priority 4	<p>Gallatin County Listed Noxious Weeds. Management shall be prioritized by Weed District.</p> <ul style="list-style-type: none"> - Scotch thistle - Musk thistle - Meadow knapweed - Poison hemlock - Field Scabious - Scentless chamomile



NOXIOUS WEED MANAGEMENT PLAN FOR SUBDIVISIONS 2011

Projected date for Preliminary Plat application _____

Date Plan received _____

This plan is valid and effective upon approval of the Board through Preliminary Plat process and any extensions up to and including Final Plat approval at which time the Board may require an extension of this agreement or proof of means for continued compliance through an owners' association or otherwise. The Developer agrees that the Board shall have the right to revise this plan and any Memorandum of Understanding as necessary to effectuate the purposes of the Gallatin County Weed Management Plan or Montana Noxious Weed Control Act.

If prior to Final Plat approval, a new Developer or Landowner becomes involved in the subdivision development process - the new Developer or Landowner must submit a new Weed Management and Revegetation Plan for approval by the Gallatin County Weed District.

Developer will provide documentation that the plan has been implemented and a copy of the subdivision covenants that apply to noxious weed management when submitting the Memorandum of Understanding for final plat.

Developer/Landowner agrees to comply with this plan.

Developer Information

Name _____

Phone _____

Mailing Address _____

Email Address _____

Project Location with Legal Description *(attach plat map)*

Project Description

Name of Subdivision _____

Number of lots _____ Number of Acres _____

WEED MANAGEMENT PLAN

Noxious Weed Species on Property *(provide weed map and inventory)*

Method of Weed Control (mark all that apply)

CHEMICAL

MECHANICAL

CULTURAL

BIOLOGICAL

Describe specific control measures and timing of control for effective term of this agreement.
Attach additional pages if necessary / incorporate by reference.

Estimated costs of weed control for effective term of this agreement (Specify cost for each year and indicate if work will be done by self or contracted)

REVEGETATION PLAN

Are any disturbances planned? Yes No

If Yes, complete the following revegetation section:

MANDATORY REVEGETATION REQUIREMENTS: Areas disturbed during subdivision development (road construction, pond construction, service/utility/gas/electric/telephone line installation) will have a layer of topsoil redistributed onto disturbed areas. Disturbed areas will be seeded to a grass seed mix as approved by the Weed District. In conjunction with the grass seeding, during the first and second years of grass establishment, and in the third week of June and in the fourth week of July, the areas seeded to grass will be mowed to prevent weed seed development and dispersal.

Planned Disturbances (mark all that apply)

Utility/Service lines

Pond

Road

Park

Trail

Central Septic

Other

Describe in detail, the revegetation that will be done for all disturbances created by development of this subdivision. (List type and amount of seed/sod, seeding methods and timing, and fertilization). *Attach additional pages if necessary / incorporate by reference.*

Provide estimated costs of re-vegetation for effective term of this agreement. *(Specify cost for each year and indicate if work will be done by self or contracted)*

GRAVEL SOURCE

List source of gravel / pit run / road mix / topsoil / etc. brought on-site for disturbance mitigation and/or construction.

Name of Gravel Pit _____

Location _____

Contact Person _____

Does source of material have an approved Weed Management and Revegetation Plan on file with the Weed District? Yes No

STATUS

APPROVED

NOT APPROVED

RECOMMENDATIONS AND/OR CONDITIONS: _____

(Signature of Weed Board Chairman/Representative)

(Signature of Developer)

(Type/print name of Chairman/Representative)

(Type/print name of Developer)

(Date)

(Date)

(Signature of Landowner)

(Type/print name of Landowner)

(Date)