

# **LINCOLN COUNTY**

## **BUILDINGS FOR LEASE OR RENT REGULATIONS**

Adopted April 30, 2014

Amended \_\_\_\_\_, 2026

## 1. Purpose

The following regulations are intended to provide an administrative process for the acceptance and review of applications for the creation of a building for rent or lease in Lincoln County. The rent or lease of a building on a tract of record may directly impact the property and its surroundings regarding 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 purpose of considering and mitigating potential impacts resulting from a building proposed for rent or lease on a single tract of record, ensuring protection of the public's health, safety and general welfare.

## 2. Authority & Administration

- A. These regulations are adopted under the authority of Sections 76-8-101, *et seq.*, the statutes of Montana known as the Montana Code Annotated (MCA).
- B. The Planning Department is designated by the Board of County Commissioners of Lincoln County to administer these regulations.

## 3. Applicability

- A. These regulations apply to all lands within Lincoln County, exclusive of lands within municipal boundaries.
- 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 building permit, subdivision approval, certificate of occupancy, variance, or other lawful permit issued before the effective date of these regulations.
- D. 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, or floodplain or lakeshore regulations.

## 4. Definitions

- A. *Administrator* – The Planning Department is designated by the Board of County Commissioners to carry out the terms of these regulations.
- B. *Applicant* – The owner, or designated representative, of land for which an application for the creation of a building for rent or lease has been submitted.
- C. *Building* – As defined in Section 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. The term includes a cell tower, or multiple spaces for lease or rent under single ownership on which recreational vehicles as defined in 61-1-101 or mobile homes as defined in 15-24-201 will be placed. The term does not include a condominium or townhome. For the purposes of these regulations, the term “unit” is used to refer to buildings.
- D. *Department* – As defined in Section 76-8-101(2), MCA, the department of environmental quality provided for in 2-15-3501.

- E. *Board of County Commissioners* – As defined in Section 76-8-101(3), MCA, the legislative authority for a county.
- F. *Landowner* – As defined in Section 76-8-101(4), MCA, an owner of a legal or equitable interest in real property. The term includes an heir, successor, or assignee of the ownership interest.
- G. *Local reviewing authority* – As defined in Section 76-8-101(5), MCA, a local department or board of health that is approved to conduct reviews under Title 76, chapter 4.
- H. *Supermajority* – As defined in Section 76-8-101(6), MCA, a unanimous affirmative vote of the present and voting county commissioners in *counties with three county commissioners*.
- I. *Tract* – As defined in Section 76-8-101(7), MCA, 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.

### **5. Exemptions to these Regulations**

All proposals not exempt from these regulations shall follow requirements in Sections 6-10

- A. When applicable zoning regulations are not in effect, a building that is not created for rent or lease and is not or will not be served by water or wastewater facilities is exempt from these regulations.
- B. A building that is created for lease or rent and is not or will not be served by water or wastewater facilities is exempt from these regulations when:
  - i. The building is one of three or fewer buildings for lease or rent that were in existence or under construction on the tract of record before September 1, 2013;
  - ii. The building is a facility as defined in Section 15-65-101, MCA that is subject to the lodging facility use tax under Title 15, Chapter 65, except for recreational camping vehicles or mobile home parks; or
  - iii. The building is for farming or agricultural purposes and no part will be used a residence, leased or rented.
- C. A building that is created for lease or rent and is or will be served by water and wastewater facilities must comply with the provisions of Section 6.B but is exempt from all other provisions of these regulations when:
  - i. The building is one of three or fewer buildings for lease or rent that were in existence or under construction on the tract of record before September 1, 2013;
  - ii. The building is a facility as defined in Section 15-65-101, MCA that is subject to the lodging facility use tax under Title 15, Chapter 65, except for recreational camping vehicles or mobile home parks;
  - iii. The building is for farming or agricultural purposes and no part will be used a residence, leased or rented.; or

- iv. The landowner records a notarized declaration with the Lincoln County Clerk and Recorder stating that the proposed building will not be leased or rented as a residence, leased or rented. The declaration runs with the land and is binding on the landowner and all subsequent landowners and successors in interest to the property and may only be revoked by written approval of both the landowner and the Board of County Commissioners in accordance with these regulations. The declaration must be executed by the landowner and the administrator, and must include:
  - 1. The name and address of the landowner;
  - 2. A statement that the proposed building(s) will not be used as a residence, leased or rented; and
  - 3. A legal description of the tract upon which the proposed building will be located; and
  - 4. A specific description of the building on the tract of record.
- D. 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 landowner to demonstrate how an existing or proposed building meets an exemption from these regulations. The landowner may record a certificate of compliance with the Lincoln County Clerk and Recorder when approved by the administrator.

#### **6. *General Requirements for Buildings for Lease or Rent***

- A. In areas where zoning regulations are in effect, the construction of all buildings must meet the requirements of the applicable zoning regulations.
- B. The first three (3) or fewer buildings for lease or rent proposed on a single tract of record and not otherwise exempt under Section 5, subsections (A)-(C), require review and approval by the Environmental Health Department ONLY [MCA 76-8-106] for adequate water and septic. If the Environmental Health Department approves the application for sanitation review, the landowner shall record the certificate of approval and any conditions associated with the approval of the application with the Lincoln County Clerk and Recorder. No review by the Planning Department is required.
- C. If an applicant owns multiple adjacent parcels and places 3 or fewer buildings on each, it will be considered an attempt to evade these regulations and review for the total number of units will be required to protect the public health and safety of future residents and existing neighbors.
- D. All other buildings for lease or rent on a single tract of record require review and approval by the Board of County Commissioners, pursuant to the provisions of these regulations.

#### **E. Improvements**

The applicant shall install all required improvements before renting or leasing any portion of the property. The governing body or its agents will inspect all required improvements to ensure conformance with the approved construction plans and specifications.

F. Licenses

All projects providing multiple spaces for RVs or mobile homes; is also a “trailer court,” “work camp,” “youth camp,” or “campground” as those terms are defined in section 50-52-102, MCA, the applicant must obtain a license for the facility from the Montana Department of Public Health and Human Services under Title 50, Chapter 52, MCA.

G. Applicants will follow all other state and local laws.

**7. *Design Standards for Mobile/Manufactured/Tiny Home or Permanent RV Placement Parks***

**A. *Layout (setbacks, spacing, etc.)***

- i. Spaces must be arranged to permit safe and practical placement and removal of unit.
- ii. All units must be located at least 25 feet from any property line abutting a public road and at least 15 feet from other property lines of the development.
- iii. All units and their attached structures, such as awnings, carports, decks, porches (and slide-outs on RVs) must be located 20 feet from any other unit and its attached structures.
- iv. No detached structure, such as a storage shed, may be located within five feet of any mobile/manufactured home or its attached structures.
- v. A minimum of two (2) tandem parking spaces shall be provided for each unit. The driveway must be located to allow for convenient access to the unit and be a minimum of 10 feet wide.
- vi. One guest parking space must be provided for every 10 units. Group parking may be provided.
- vii. The limits of each mobile/manufactured home space must be clearly marked on the ground by permanent flush stakes, markers or other suitable means. Location of space limits on the ground must be approximately the same as those shown on the approved plans. Precise engineering of space limits is not required either on the plans or on the ground.
- viii. Each unit intended for permanent residency must be skirted. The skirting must be fire-resistant material and completely enclose the understructure.
- ix. On-street parking is not permitted.
- x. The size of each unit shall not exceed what is allowable to accommodate for design and flow of water/wastewater of the DEQ Standards.
- xi. The density of the development shall not exceed what is allowable by DEQ Standards
- xii. Developments designed for thirty (30) or more units are required to have two (2) separate, full-time egress routes. Egress locations must be reviewed by the Fire Protection Authority.

**B. *Unit Pads***

- i. The pad design shall be approved by a professional engineer or state building inspector to consist of suitable base course material and a minimum surfacing of 3/4" top course, consisting of gravel, asphalt or concrete, which will allow for proper drainage and minimizing dust.
- ii. The pad upon which the unit will be placed must be located at least 10 feet from the street that serves it.

- iii. The size of the pad must be suitable for the general market to be served and must fit the dimensions of the units anticipated.
- iv. The unit pad shall be improved to provide adequate support for the placement and tie-down of the mobile home (e.g. ribbons, gravel pads w/ corner footings or full gravel pad).

#### *H. Natural Visual Buffers*

A minimum ten (10) foot vegetated buffer strip shall be provided along all streets or roadways adjoining the development which may include up to five (5) feet of unused right-of-way. A minimum three (3) foot buffer strip shall be provided along each interior property line. Alternatively, fencing along property lines may be placed with 75% opacity.

#### *I. Street Lighting*

Any light used to illuminate signs, parking areas, or driving surfaces shall be non-glaring, energy efficient and arranged to confine direct light beams to the lighted property or driving surface by downward directional hooding and directed away from neighboring properties.

#### *J. Numbering/Addressing*

Road naming and addressing shall follow standards found in Lincoln County Resolution 2020-22 (or as required by Lincoln County Addressing Coordinator) and the numbers visible at the access point to each lot.

#### *K. Landscaping*

Developers are encouraged to have a type of fencing and or vegetative landscaping design which provides for dust and erosion control.

#### *H. Signage*

- i. Signs and advertising shall be prohibited except:
  - 1. One (1) freestanding sign at the entrance of the park
  - 2. One (1) identifying lot sign at the entrance to a lot
  - 3. Directional and information signs for the convenience of the occupants of the park
- ii. Electronic signs are not permitted, though downward lighting of signage is allowed.
- iii. Signs may not be greater than six (6) feet in height
- iv. Signs may not be greater than 24 square feet
- v. If there is an overall theme for signage, a variation may be requested and a design review with the Planning Board will be scheduled.

#### *I. Utilities*

- i. Water/Wastewater: The water/wastewater design for the development shall, at a minimum, comply with DEQ Standards.

- ii. Power: Electrical service shall be installed according to the utility providers' specifications.
- iii. Refuse/Solid Waste Disposal: Must be placed in acceptable containers and removed at a frequency to prevent a nuisance. When removed from the property, the solid waste must be disposed of at a DEQ-licensed facility.

**J. Roads**

Roads must meet the standards specified in Section VI-G, Streets and Roads of the Lincoln County Subdivision Regulations and must be designed to:

- allow safe placement and removal of units
- provide safe access to public roads
- provide safe traffic circulation and parking

Applicants must demonstrate that easements that cross other properties grant legal access to the property being developed.

**9. Additional Requirements**

- A. The governing body may require provision for:
  - i. RV Park Rules.
  - ii. a central area for storage or parking of boats, trailers, or other recreational vehicles on the lot or in compounds located within a reasonable distance.
  - iii. an off-street area for mail delivery.

**10. Design Standards for all other Projects**

- A. Internal Roads shall be constructed to a minimum 18' driving surface with 1' shoulders for a total of 20 feet clear passageway. See typical section for design and construction.
- B. Dead-end roads shall not exceed 150' in length and must have an approved turnaround.
- C. A Fire Risk Reduction plan shall be included in areas identified as High Fire Risk (see Appendix A).
- D. There shall be a minimum of 20 feet between buildings and attached structures, including porches, carports, decks, etc.

**11. Application & Review of Building for Lease or Rent**

- A. Application Submittal
  - i. An application (available on the Planning Department website or office) for the creation of a building for rent or lease shall be submitted to the administrator on the form provided by the administrator and accompanied by the payment of any fees established for the review of same.
  - ii. The application shall include:
    - 1. A copy of the deed or other legal description of the real property;
    - 2. Evidence of the landowner's title and interest in the land for which the application is being made;
    - 3. A site plan showing:

- a. North arrow and scale bar (minimum scale of 1:20);
  - b. Property boundaries;
  - 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 and proposed water, wastewater and solid waste facilities serving the subject property;
  - g. The location of existing and proposed buildings or structures on the subject property, with dimensions.
4. A description of the proposed water, wastewater, and solid waste disposal facilities intended to serve the buildings for lease or rent, including availability of water rights and/or plans for obtaining them;
  5. Letters from service providers that address their ability to serve the buildings for lease or rent (e.g., fire, emergency, law enforcement, etc.).
  6. A description of 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.
  7. A detailed narrative assessing the impacts on the surrounding natural environment and human population in the area, including a description of any proposed mitigation measures to avoid or minimize anticipated impacts.

**B. Review Process**

- i. 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.
- ii. If the application is incomplete, the administrator shall identify, in writing, any missing materials or insufficient information necessary to conduct the required review.
- iii. Once the application is complete, the Administrator shall contact applicable emergency service providers and other agencies as appropriate, for comment. Additional conditions may be applied as a result of their input.
- iv. For projects that will create 6 or more spaces for lease or rent, the administrator shall complete review of the application and present it to the Planning Board in a publicly noticed meeting for review and comment at their next available meeting.
- v. For projects that will create 6 or more spaces for lease or rent adjacent property owners will be notified.
- vi. Within sixty (60) working days of the application being complete, the Board of County Commissioners shall provide written notification to the landowner of the approval, conditional approval, or denial of the application. The timeframe may be extended upon

mutual agreement, in writing, by the applicant and the Board of County Commissioners. Review and approval, conditional approval, or denial of an application for the creation of buildings for lease or rent pursuant to this section must be based upon the regulations in effect at the time an application is determined to be complete.

C. Board of County Commissioners' Decision

The Board of County Commissioners may approve or conditionally approve the proposed buildings for lease or rent upon finding:

1. 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 environment and human population in the area affected by the buildings for lease or rent;
2. Adequate water, wastewater, and solid waste facilities are available to serve the buildings for rent or lease (i.e., include a DEQ application);
3. Adequate access to the site is provided to serve the buildings for lease or rent;
4. Adequate emergency medical, fire protection, and law enforcement services are available to serve the buildings for rent or lease; and
5. The buildings for lease or rent comply with any applicable flood plain regulations.

D. Appeal

- i. *Appeal of Sanitation Decision.* An applicant who is aggrieved by a final decision of the department or the local reviewing authority made pursuant to Section 11(C) of these regulations may request a hearing as provided in Section 76-4-126(1), MCA. For purposes of this subsection, the contested case provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, part 6, apply to the proceeding.
- ii. *Appeal of Local Board of County Commissioners' Decision.* An applicant or 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 Board of County Commissioners pursuant to Section 11(C) of these regulations may, within 30 days of the date of the final decision of the Board of County Commissioners, appeal to the district court in the county in which the property involved is located.
- iii. For purposes of this section, "aggrieved" has the meaning provided in Section 76-3-625, MCA.

E. Final Plan Review

The applicant shall submit a final plan and accompanying documentation to the Planning Staff complying with any conditions of approval. The final plan will be reviewed to ensure that it conforms to the approved preliminary plan. The approved plan and DEQ approval for RV and Mobile Home Parks shall be maintained in the office of the clerk and recorder. All other project plans shall be maintained in the Planning Department.

## **12. Enforcement and Penalties**

- A. The administrator shall notify the landowner or any other responsible party of a violation of these regulations by certified mail and/or posting on the subject property. The notice shall describe the violation, cite the section of these regulations being violated, and request the party responsible to voluntarily comply within a minimum of 30 days.
- B. Any person who receives a notice of violation may, within the 30 days allowed, request inspection by the administrator to show that compliance has been attained or appeal the notice of violation to the Board of County Commissioners.
- C. If, after the minimum 30 days required for voluntary compliance has lapsed, compliance has not been attained or an appeal has not been filed, the administrator shall request the Lincoln County Attorney begin legal action against the landowner or any other responsible party.
- D. Upon request by the administrator, the Lincoln County Attorney may immediately commence any actions and proceedings available in law or equity to prevent the creation of a building for lease or rent in 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. A fine not to exceed \$500 may be imposed for a violation of these regulations.