

Subdivision Review Standards

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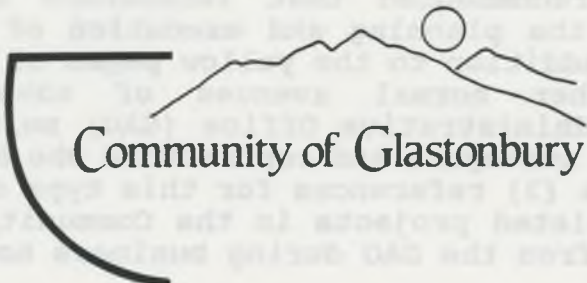
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Community of Glastonbury

Policies and Standards for the Review of Proposed Subdivisions

Glastonbury Administrative Office
Box 316, Emigrant, MT 59027
406/333-4914

NOTICE TO LANDOWNERS

These policies and standards have been adopted in accordance with Section 9.07 of the Declaration of Covenants for the Community of Glastonbury (see Appendix II).

This document is not a do-it-yourself manual. It sets forth only the minimum standards for subdivisions in the Community of Glastonbury. A particular situation may require standards that exceed those set forth herein. It is recommended that landowners study the material referenced in this publication in order to become more informed. It is also recommended that landowners use qualified personnel in the planning and execution of this type of project. In addition to the yellow pages of the telephone book and other normal avenues of advertising, the Glastonbury Administrative Office (GAO) maintains a list of engineers, surveyors and contractors who have submitted at least three (3) references for this type of work and/or who have completed projects in the Community. This list is available from the GAO during business hours.

It is the landowner's responsibility to design and implement each subdivision in accordance with the within policies and standards, the Declaration of Covenants for the Community of Glastonbury, and applicable state and local laws and regulations. The review and approval of the Glastonbury Project Review Committee--and any comments or recommendations--does not constitute an endorsement or approval of the design, engineering, safety or legality of the proposed subdivision or any improvements pertaining thereto. Glastonbury subdivision review is undertaken only with reference to these written policies and standards and the Declaration of Covenants. Approval by the Glastonbury Project Review Committee does not constitute an assurance that the proposed subdivision will qualify for approval or be approved by Park County or the State of Montana. Church Universal and Triumphant, Inc., the Glastonbury Project Review Committee, and all of their agents and representatives shall not be held liable or responsible for any acts or omissions that may occur during or as a result of the Glastonbury subdivision review process or for any aspect of the landowner's design or implementation of a subdivision project.

These policies and standards, and the definitions contained herein, are effective with regard to new activities and/or proposed subdivisions (including any proposed subdivisions currently under consideration) on or after August 31, 1993. Past activities shall become subject to these policies and standards only if they are or become the subject of a new application for subdivision approval in Glastonbury or under the Park County Subdivision Regulations and/or Montana Subdivision and Platting Act.

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1.0 INTRODUCTION

The purpose of this document is to assist landowners in planning and designing subdivisions in the Community of Glastonbury and to set forth a statement of the policies and standards for the review of proposed subdivisions by the Glastonbury Project Review Committee, including objective criteria upon which all subdivisions will be reviewed.

This document is not a do-it-yourself manual. It sets forth only the minimum standards for subdivisions in the Community of Glastonbury. A particular situation may require standards that exceed those set forth herein. It is recommended that landowners study the material referenced in this publication in order to become more informed. It is also recommended that landowners use qualified personnel in the planning and execution of this type of project. In addition to the yellow pages of the telephone book and other normal avenues of advertising, the Glastonbury Administrative Office (GAO) maintains a list of engineers, surveyors and contractors who have submitted at least three (3) references for this type of work and/or who have completed projects in the Community. This list is available from the GAO during business hours.

2.0 DEFINITION OF SUBDIVISION AND OTHER TERMS

For purposes of the application, administration and enforcement of these policies and standards on or after the effective date hereof, the following definitions shall apply.

2.1 DEFINITION OF SUBDIVISION IN COVENANTS

A subdivision shall include any division of a parcel into multiple pieces smaller than the original, a redivision, or any other treatment of a parcel which would fall under the definition of a "subdivision" under state or local laws and regulations--including recreational vehicle parks, mobile home parks, and condominium projects. (Declaration of Covenants, Section 9.02, See Appendix II)

The Declaration of Covenants for the Community of Glastonbury contains no specific exceptions or exemptions from the above definition.

2.2 MONTANA SUBDIVISION AND PLATTING ACT

The Montana Subdivision and Platting Act currently (8/93) defines a subdivision as follows:

"Subdivision" means a division of land or land so divided that creates one or more parcels containing less than 160 acres that cannot be described as a one-quarter aliquot part of a United States Government section, exclusive of public roadways, in order that the title to or possession of the parcels may be sold, rented, leased, or otherwise conveyed and includes any resubdivision and further includes a condominium or area, regardless of its size, that provides or will provide multiple space for recreational camping vehicles or mobile homes. (Section 76-3-103(14), MCA)

The Montana Subdivision and Platting Act allows subdivisions as defined above only if they have been submitted to and approved by the local government or if they qualify for one of the exemptions specified in the Act.

2.3 PARK COUNTY SUBDIVISION REGULATIONS

Park County has adopted local regulations implementing the Montana Subdivision and Platting Act. Park County has also adopted regulations known as "Evasion Criteria" which require the prior approval of the County Commissioners before any of the exemptions specified in the Act may be exercised.

Of particular note to some landowners are provisions in the local regulations pertaining to the installation of mobile homes. The current Park County regulations (June 1993) provide that the placement of "...more than one mobile (home) on a tract of record shall be reviewed ..." as a subdivision. The current definition of a "mobile home" in the Park County Subdivision Regulations is included in Section 2.5.5.

A "mobile home" does not, however, include a "modular" or "factory-built building." The definition of a modular or factory-built building in the Park County Subdivision Regulations and under state law is included in Section 2.5.6.

2.4 PARK COUNTY SETTLEMENT AGREEMENT

In 1991, Park County filed civil suits against the owners of two Original Parcels in the Community of Glastonbury alleging violation of subdivision regulations. In 1993, those cases were settled. The Settlement Agreement, which allows any Glastonbury landowners to become participants in the settlement, further clarified the definition of a "mobile home" as follows:

A factory-assembled structure, or combination of structures, that is designed, used and installed as a residence, and is equipped with a permanently attached chassis, undercarriage and tongue for towing, which may be moved by a hauling vehicle. The term shall not include, however, a "factory-built building" as that term is defined in Section 50-60-101(6), MCA, or a modular or manufactured home which is built or certified in accordance with the Uniform Building Code as adopted in Montana. (Settlement Agreement of 5/28/93)

The above definition may be read together with the definitions contained in the Park County Subdivision Regulations to determine what types of homes do and do not fall within the definition of a "mobile home" in the Community of Glastonbury.

In addition, the Settlement Agreement also provides that Park County intends to treat any partial interests in real estate created after May 28, 1993 through conveyances or transfers to tenants in common, other than between immediate family members, as "divisions of land" subject to local government review and approval. Consequently, the Community of Glastonbury will not consent to any sales of tenancy-in-common interests (other than between immediate family members), unless the interest was created prior to May 28, 1993 (interests created prior to that date are "grandfathered") and was properly recorded as provided in the Settlement Agreement of May 28, 1993. Proposed sales, conveyances or transfers of portions of any parcel (other than interests existing prior to May 28, 1993 or between immediate family members) will have to be reviewed and approved as subdivisions by the Glastonbury Project Review Committee.

2.5 DEFINITIONS OF OTHER TERMS

For purposes of the application, administration and enforcement of these policies and standards on or after the effective date hereof, other important terms are defined as follows:

2.5.1 Parcel: A division of the real property comprising the Community of Glastonbury as shown on the original or any revised Certificates of Survey therefor, or any legally segregated and approved portion, parcel, lot, tract or division thereof, which is or becomes subject to the Declaration of Covenants and which can lawfully be conveyed using a legal description on file or of record with the Park County Clerk and Recorder.

2.5.2 Original Parcel: Any parcel that was included in any of the original Certificates of Survey or revised Certificates of Survey establishing the parcels or realigning the boundaries between parcels in the Community of Glastonbury, including but not limited to Certificates of Survey Nos. 615A, 616A, 883, 884 and 981.

2.5.3 Tract: Any new parcel created from the first subdivision of an Original Parcel in the Community of Glastonbury is referred to as a "Tract."

2.5.4 Lot: Any new parcel created from a subsequent subdivision of any "Tract" which was subdivided from an Original Parcel in the Community of Glastonbury is referred to as a "Lot."

2.5.5 Mobile Home: A factory-assembled structure or structures equipped with necessary service connections and made so as to be readily movable as a unit or units on its (their) own running gear and designed to be used as a dwelling unit without a permanent foundation. All mobile homes constructed after June 15, 1976, are required to have a red HUD sticker on the structure. (Park County Subdivision Regulations, June 1993) A "mobile home" does not include a "modular" or "factory-built building." (See also Section 2.4)

2.5.6 Modular or Factory-Built Building: A factory-assembled structure or structures equipped with the necessary service connections but not made so as to be readily movable as a unit or units and designed to be used with a permanent foundation. "Factory-built building" does not include manufactured housing constructed after June 15, 1976 under the HUD National Mobile Home Construction and Safety Act of 1974. (Park County Subdivision Regulations, June 1993) Modular or factory-built buildings also include those units constructed or approved in accordance with the Uniform Building Code as adopted in Montana. (Section 50-60-402, MCA)

2.5.7 Mobile Home Park: A tract of land providing two (2) or more mobile home lots for lease or rent to the general public. (Park County Subdivision Regulations, June 1993) For the purposes of Glastonbury sub-

division review, this term is further modified to include only those developments where mobile home lots or spaces are clustered or are to be served by common roads, utilities or water or sewer systems. Such developments, however, are available for lease or rent only to those members of the general public who are approved residents of the Community of Glastonbury. (A proposed mobile home park will be reviewed differently by the Glastonbury Project Review Committee from a proposed project involving multiple spaces for mobile homes where there are no clustered mobile home lots or spaces or common roads, utilities or water or sewer systems. See Section 5.1.)

2.5.8 RV Park: A place used for public camping where persons can rent space to park individual camping trailers, pickup campers, motor homes, travel trailers or automobiles for transient dwelling purposes. (Park County Subdivision Regulations, June 1993)

2.5.9 Condominium: A form of individual ownership with unrestricted right of conveyance of one or more units in a multiple unit project with the land and all other parts of the project held in common ownership or use with owners of all units. (Park County Subdivision Regulations, June 1993)

2.5.10 Definitions in Declaration of Covenants: Except as may be modified or substituted above, all definitions included in the Declaration of Covenants for the Community of Glastonbury are incorporated herein by reference (see Appendix I).

All landowners are advised to familiarize themselves with the Montana Subdivision and Platting Act, Park County Subdivision Regulations, the Declaration of Covenants for the Community of Glastonbury, and the within policies and standards before attempting to divide their parcel or carry on any activity which constitutes a "subdivision." The complete text of Section 3 of the Declaration of Covenants, "Definitions and Short Name Referrals," is included herein as Appendix I, and of Section 9 of the Declaration of Covenants, "Subdivisions of Parcels," is included herein as Appendix II.

3.0 SUBDIVISION REVIEW

All "subdivisions" as defined herein must be reviewed and approved by the Glastonbury Project Review Committee, which has been delegated this responsibility from Church Universal and Triumphant, Inc. (as the "Grantor" under the Declaration of Covenants).

Section 9.01 of the Declaration of Covenants for the Community of Glastonbury provides that "Parcels in the Community may be further subdivided, subject to the following provisions (in Section 9 of the Covenants) and the review and written approval of the Grantor before the completion of any such subdivision. Any attempted sale, transfer, conveyance, lease, filing or recordation of a deed, certificate of survey, plat or other description of a subdivided portion of a parcel without such written approval shall be invalid, void, and of no force or effect. The Grantor will not unreasonably withhold such approval."

Proposed "subdivisions" in the Community of Glastonbury are reviewed under Section 9 of the Declaration of Covenants for the Community of Glastonbury (see Appendix II). The Glastonbury subdivision review process requires a preliminary review and approval by the Glastonbury Project Review Committee, followed by local and state subdivision review and approval, a final review and approval by the Glastonbury Project Review Committee, and final subdivision plat filing with Park County.

3.1 PRELIMINARY GLASTONBURY SUBDIVISION REVIEW

Preliminary Glastonbury subdivision review is initiated by one or more landowners of record submitting an application, preliminary plat and all required supporting materials to the Glastonbury Project Review Committee. Required supporting materials include all items specified in the application together with any other items that are required for local government review, such as road and drainage plans, proposed covenants and, for major subdivisions (i.e., more than five parcels or mobile homes), an environmental assessment. These materials should be submitted to the Committee for preliminary review before any submission is made to Park County. This is to insure that the policies and standards for subdivisions in the Community of Glastonbury are fully met prior to initiation of the local government review process so that no subsequent changes will be necessitated as a result of Glastonbury subdivision review.

Within thirty (30) days after the submission of all required materials, the Committee will give the applicant a written response which may include the following:

a. A preliminary approval, subject only to final review.

b. A preliminary approval subject to conditions, such as a requirement that access be constructed, utilities be extended, etc.

c. Recommendations for changing or improving the plans for the proposed subdivision.

d. An offer or disclaimer from the Committee for providing maintenance, utilities or other services which are currently provided to the rest of the parcels.

e. A disapproval based upon failure to meet minimum standards, inconsistency with the founding principles of the Community or with the Declaration of Covenants, or a finding of an inappropriate RV park, mobile home park or condominium project.

An applicant's failure to submit all required materials shall be just cause for the Committee taking no action on an application. The thirty (30) day review period shall begin to run when all required materials have been received in the Glastonbury Administrative Office.

3.2 COUNTY SUBDIVISION APPROVAL

After preliminary approval has been received from the Glastonbury Project Review Committee, the landowner(s) must apply for subdivision review and approval from Park County. Normally, this involves filing an application, preliminary plat and other materials with the Park County Planning Office, having one or more hearings before the Park County Planning Board, and receiving approval from the Park County Commissioners. Park County Subdivision Regulations and application materials may be obtained from the County Planning Office. An approval from the County Commissioners is often made conditional on state subdivision review and approval, compliance with sanitary requirements, completion of roads and other improvements, surveying and final plat filing. Conditional approvals are generally effective for one year, although approvals for longer periods and/or extensions may be requested.

3.3 STATE SUBDIVISION APPROVAL

State government has jurisdiction over subdivisions pursuant to the Montana Sanitation in Subdivisions Act. Approval must be obtained from the Montana Department of Health and Environmental Sciences for any divisions of land creating parcels of less than 20 acres. Any "multi-family" water or sewer systems or "public" water or sewer systems (i.e., systems which will serve 10 or more service connections or 25 or more persons for 60 days or more out of a calendar year) must be reviewed and approved. If subdivided lots are intended to have individual on-site systems, "sanitary restrictions" must be removed through the state review process. State subdivision review is

carried on concurrently with review by the Park County Health Department.

3.4 FINAL GLASTONBURY SUBDIVISION APPROVAL

Final Glastonbury subdivision review is initiated by submission to the Glastonbury Project Review Committee of a copy of the final plat and application for final plat approval (including all supporting materials) to be filed with the Park County Planning Office, a copy of the preliminary subdivision approval from Park County, a copy of the subdivision approval and any required sanitation approvals from the Montana Department of Health and Environmental Sciences, a copy of any covenants already filed or to be filed with the final plat, satisfactory evidence of the completion or installation of all required improvements (i.e., roads, utilities, drainage, etc.) and reclamation of all construction work, and satisfactory evidence of compliance with the within policies and standards and with all conditions of the preliminary approval previously given by the Glastonbury Project Review Committee. Additional requirements for final subdivision approval are as follows: (a) all real property taxes on the land affected by the subdivision must be paid current, (b) all community assessments on the land affected by the subdivision must be paid current or provision made for payment from the proceeds of the first sale, (c) all Glastonbury installment contract payments must be paid current or provision made for payment from the proceeds of the first sale, and (d) all previous conditions of project approvals and requirements of the Glastonbury Project Review Committee must have been fully complied with. Upon inspection of the project site and verification that the landowner has met all of the above conditions, the Committee shall issue a final subdivision approval and authorize execution of the final plat.

3.5 SUBDIVISION PLAT FILING

The final local and state subdivision review process is initiated with the submission of an application for final plat approval with the Park County Planning Office. The process is completed with the filing of a final plat with the Park County Clerk and Recorder's Office. Normally, the Clerk and Recorder will accept a final plat for filing only after satisfaction of all required conditions of the preliminary approval, written approval from the Montana Department of Health and Environmental Sciences, the certification of the County Treasurer that all taxes are paid on the land proposed for subdivision, the written consent of all owners and lienholders of record and the final approval of the County Commissioners.

4.0 SUBDIVISION DESIGN STANDARDS

The purpose of adopting subdivision design standards is to set forth objective criteria upon which all proposed subdivisions will be reviewed. The Glastonbury Project Review Committee shall review each proposed subdivision for consistency with the founding principles of the Community and with the Declaration of Covenants, and to insure proper engineering, surveying, access and plans for providing utilities and at least one feasible building site--so that the new parcels or developments will be at least up to the same standard as the rest of the parcels in the Community, for the benefit of other landowners and the future purchasers of the new parcels. These standards are intended to approximate the minimum standards and concepts originally designed into the Community of Glastonbury, together with any subsequent improvements.

It is the landowner's responsibility to design and implement each subdivision in accordance with the within policies and standards, the Declaration of Covenants for the Community of Glastonbury, and applicable state and local laws and regulations. The review and approval of the Glastonbury Project Review Committee--and any comments or recommendations--does not constitute an endorsement or approval of the design, engineering, safety or legality of the proposed subdivision or any improvements pertaining thereto. Glastonbury subdivision review is undertaken only with reference to these written policies and standards and the Declaration of Covenants. Approval by the Glastonbury Project Review Committee does not constitute an assurance that the proposed subdivision will qualify for approval or be approved by Park County or the State of Montana. Church Universal and Triumphant, Inc., the Glastonbury Project Review Committee, and all of their agents and representatives shall not be held liable or responsible for any acts or omissions that may occur during or as a result of the Glastonbury subdivision review process or for any aspect of the landowner's design or implementation of a subdivision project.

4.1 PARCEL LAYOUT AND DIMENSIONS

Parcels should be reasonably dimensioned and should not be designed so as to be overly long and narrow or distorted in shape, or so as to adversely affect other adjacent parcels, roads, utilities or drainages. Where feasible and appropriate, new parcel boundaries should be laid out along existing roads within the Original Parcel or along planned new roads. An appropriate parcel layout is to design a new road to act as a collector for all or

several of the new parcels before entry onto the existing Community Road System. No more than five (5) new parcels per Original Parcel in the Community should be laid out so as to allow direct entry onto the existing Community Road System, and in such cases easements for new roads or driveways should be provided along common boundaries between the new parcels so that new entries onto the Community Road System will be minimized.

4.2 MINIMUM PARCEL SIZE

The minimum size for new parcels in the Community of Glastonbury is one (1) acre. This is the minimum size for which on-site water and sewage systems can be permitted. In addition, each new parcel divided from an Original Parcel must be sized so as to have at least one feasible building site, including adequate area or provision for a domestic water supply and sewage disposal system on-site (unless "multifamily" or "public" water and sewer systems are proposed and approved).

4.3 ACCESS AND ROAD STANDARDS

All new parcels must be provided with adequate access which meets the requirements of the most current version of the Specifications and Standards for Gravel Road Construction in the Community of Glastonbury. Access easements must be shown on the preliminary plat and final plat. The minimum right-of-way (easement) for a new Community Road, for which the Community of Glastonbury may agree to assume maintenance responsibility, is sixty (60) feet. New Community Roads must be labeled as such on the plat (see Section 4.8.3). The minimum right-of-way (easement) for a new Private Road is forty (40) feet and for a Single or Multiple Residence Driveway is twenty-five (25) feet (see Specifications and Standards for Gravel Road Construction in the Community of Glastonbury). It is strongly recommended, however, that a sixty (60) foot easement be reserved for all platted roads to serve new parcels in any subdivision so that the option exists of adding these to the Community Road System in the future. Easements for new roads should be laid out so as to minimize new entries onto the Community Road System. Review and approval by the Glastonbury Project Review Committee of plans and specifications for all new roads is required prior to any construction and prior to the establishment of any new entry onto the Community Road system. All road improvements must be completed before final Glastonbury subdivision approval will be given and before any sales or conveyances may be made. See Section 6.0, "Maintenance of New Roads," for details concerning the dedication of any of the new roads in a subdivision as a Community Road.

4.4 UTILITY REQUIREMENTS

All new parcels must have electric and telephone service available within or bordering the parcel boundaries. Utility easements for providing service to each new parcel must be shown on the preliminary plat and final plat. Utility easements may be combined with road easements; however, utilities should be installed alongside and not underneath actual road surfaces except where unavoidable. All utility installations must be installed, or contracted and paid for, before final Glastonbury subdivision approval will be given and before any sales or conveyances may be made. Letters from the electric and telephone companies certifying that each new parcel in the subdivision has electric and telephone service available at or within the new parcel boundaries, or that the availability of such services has been contracted and paid for, shall be considered satisfactory evidence of meeting this requirement. Refund agreements may be available from utility companies for the extension of backbone electrical and telephone service to new parcels. All utilities must be installed in accordance with Section 6.03 of the Declaration of Covenants (see Appendix III).

4.5 SANITATION STANDARDS

Each new parcel in a subdivision must meet the minimum requirements contained in the most current version of the Specifications and Standards for Septic Systems in the Community of Glastonbury as well as all applicable requirements of Park County and the State of Montana. If any "multifamily" or "public" water or sewer systems are to be installed in the subdivision so as to serve more than one new parcel, appropriate easements must be shown on the preliminary and final plats. Where a "multifamily" or "public" system is required, the system must be fully installed and completed before final Glastonbury subdivision approval will be given and before any sales or conveyances may be made. All septic and sewer systems must be reviewed and approved by the Glastonbury Project Review Committee in accordance with Section 5.03 of the Declaration of Covenants prior to any construction or installation taking place (see Appendix IV).

4.6 DRAINAGE REQUIREMENTS

All natural and man-made drainages within or running across any of the land proposed for subdivision must be depicted on the preliminary plat or on maps submitted with the application for preliminary approval. Any proposed additions to or modifications of such drainages shall also be described in the application or depicted on the preliminary plat or an enclosed map. Improvements

planned as part of the subdivision, including new roads, grading, sewage systems and structures, shall not be designed or installed so as to adversely affect drainages, to inhibit the flow of storm and runoff water, to increase the danger of flooding, to discharge pollutants into state waters, or to adversely affect the property of other owners. Adequately sized culverts shall be placed where required and shall be shown on road plans. All required drainage additions, modifications and structures must be fully installed and completed before final Glastonbury subdivision approval will be given and before any sales or conveyances may be made.

4.7 RECLAMATION REQUIREMENTS

All land disturbances due to construction activities which may occur in connection with a proposed subdivision must be fully reclaimed in accordance with the most current version of the Guidelines for the Reclamation of Land Disturbed Due to Construction Activities in the Community of Glastonbury. All required reclamation work must be completed before final Glastonbury subdivision approval will be given and before any sales or conveyances may be made.

4.8 SURVEY AND PLATTING REQUIREMENTS

All divisions of land must be surveyed, monumented and platted in accordance with the Montana Subdivision and Platting Act and Park County Subdivision Regulations. The following nomenclature is to be employed in all preliminary and final plats for designating new parcels:

4.8.1 All new parcels created from the first subdivision of an Original Parcel in the Community shall be referred to as "Tracts" and each such Tract shall be designated as the number of the Original Parcel with letters of the alphabet added (i.e., Tract 44-A, 44-B, etc.).

4.8.2 All new parcels created from subsequent subdivisions of any such "Tracts" shall be referred to as "Lots" and each such Lot shall be designated as the Tract number and letter with additional numbers added (i.e., Lot 44-A-1, 44-A-2, etc.).

4.8.3 The correct plat language to be used for the dedication of new Community Road and utility easements to new parcels in the Community is as follows:

"60' Private Access and Public Utility Easement, as per Section 8, Declaration of Covenants, recorded December 16, 1982 in Roll 41, Pages 1042-1078"

4.8.4 The correct plat language to be used for depicting the existing Community Roads is as follows:

"Existing Private Access and Public Utility Easement as per Roll 41, Pages 1042-1078"

5.0 SUBDIVISIONS CREATED BY RENT, LEASE OR OTHER CONVEYANCE

Subdivisions created by rent, lease or other conveyance include multiple mobile home spaces on a single parcel of land, mobile home parks, RV parks, condominiums or other segregations of areas on a parcel created by renting, leasing or otherwise conveying portions of the parcel without a formal "division of land." Such subdivisions are exempt from the survey and platting requirements contained in Section 4.8, but are subject to all other requirements of these policies and standards.

5.1 MOBILE HOME PARKS/MULTIPLE MOBILE HOMES

As provided in the Declaration of Covenants, Mobile Home Parks as defined herein will generally not be allowed or approved. However, the Glastonbury Project Review Committee does have the right to consider any application and waive this restriction with its written approval. In addition to the other criteria included herein, proposed Mobile Home Parks will be evaluated on the basis of economic impacts to the Community, appropriateness of location, and impacts to adjacent landowners and views. Mobile Home Parks will also be required, at a minimum, to meet all of the design, improvement, appearance and operational standards established from time to time for the Golden Age Village at Glastonbury North. The provision of multiple mobile home spaces on a single parcel of land will not be considered to be a "Mobile Home Park" for purposes of Glastonbury subdivision review if the development does not include clustered lots or spaces for mobile homes or common roads, utilities or water or sewer systems. The placement of such multiple mobile home spaces will be reviewed as a normal subdivision under these policies and standards (except for the surveying and platting requirements) and for compliance with the most current version of the Specifications and Standards for Mobile Homes in the Community of Glastonbury and the Golden Age Village.

5.2 RV PARKS

As provided in the Declaration of Covenants, RV Parks as defined herein will generally not be allowed or

approved. However, the Glastonbury Project Review Committee does have the right to consider any application and waive this restriction with its written approval. In addition to the other criteria included herein, proposed RV Parks will be evaluated on the basis of economic impacts to the Community, appropriateness of location, and impacts to adjacent landowners and views. RV Parks will also be required, at a minimum, to meet all of the requirements of Section 5.08 of the Declaration of Covenants, "Commercial Activity" (see Appendix V), and may be permitted only on parcels that have accessible frontage on a public highway or road.

5.3 CONDOMINIUM PROJECTS

As provided in the Declaration of Covenants, condominium projects will be critically reviewed on the basis of location, access, roads and design, in addition to the other criteria included herein. Approval will generally not be given for hard-to-reach areas with adverse winter conditions or for large-scale projects. Design must be in character with the Community and in good taste. Approval or disapproval shall be at the discretion of the Glastonbury Project Review Committee.

6.0 MAINTENANCE OF NEW ROADS

Landowners who subdivide their property or engage in any activity defined as a subdivision are required to make adequate provision for the construction and ongoing maintenance of all new roads serving the subdivision in accordance with the Specifications and Standards for Gravel Road Construction in the Community of Glastonbury. All road improvements must be completed before final Glastonbury subdivision approval will be given and before any sales or conveyances may be made. Ongoing maintenance may be provided for either by (a) private agreement between the owners of all of the new parcels or a formal Homeowner's Association, (b) contractual agreement between the landowner(s) and the Community of Glastonbury where no new parcels are created, or (c) dedication of a new Community Road to and assumption of responsibility by the Community of Glastonbury.

6.1 PRIVATE AGREEMENTS BETWEEN OWNERS

Private agreements between the owners of all of the new parcels created in a subdivision, or between all of the landowners of an undivided parcel, may be established by perpetual covenants filed or recorded in the Park County Clerk and Recorder's Office (usually filed

with the final plat), the creation of a formal Homeowner's Association, or any other method approved by the Glastonbury Project Review Committee. At a minimum, such private agreement must insure that all new roads serving the subdivision will be maintained on an ongoing basis in accordance with the most current version of the Specifications and Standards for Gravel Road Construction in the Community of Glastonbury and must provide a reliable mechanism for adequately funding such maintenance from the landowners of the parcels.

6.2 CONTRACTUAL AGREEMENTS WITH COMMUNITY

In cases where no new parcels are to be segregated from an Original Parcel (such as for subdivisions created by rent or lease), responsibility for ongoing maintenance may be established by contractual agreement between all of the landowners of the parcel and the Community of Glastonbury. At a minimum, such contractual agreement must insure that all new roads serving the subdivision will be maintained on an ongoing basis in accordance with the most current version of the Specifications and Standards for Gravel Road Construction in the Community of Glastonbury and must provide a reliable mechanism for adequately funding such maintenance from the landowners of the parcel.

6.3 DEDICATION OF NEW COMMUNITY ROADS

The Community of Glastonbury may agree to accept a new road in a subdivision for addition to the Community Road System, and assume ongoing responsibility for maintenance, under the following circumstances:

(a) Road configuration, layout and design must be approved by the Glastonbury Project Review Committee prior to construction;

(b) The road must be designed and constructed to Community Road standards according to the most current version of the Specifications and Standards for Gravel Road Construction in the Community of Glastonbury;

(c) The road must meet any additional standards required by the Glastonbury Project Review Committee at the time of review;

(d) The road must be inspected and approved by the Community of Glastonbury road superintendent after construction has been completed to verify that all standards have been met and that the roads have been constructed as designed;

(e) The road must be designated on the final plat filed with the Park County Clerk and Recorder as provided in Section 4.8.3 and must have a minimum easement width of sixty (60) feet (a larger easement may be required under special circumstances where warranted by terrain);

(f) A fee of \$240 for each parcel, tract or lot must be paid by the landowner(s) prior to the time of acceptance of responsibility by the Community of Glastonbury, which fee shall be deposited into the Glastonbury Assessment Fund for use in funding road maintenance and other upkeep in the Community; and

(g) A final agreement must be executed between the Community of Glastonbury and the landowner(s) providing for the dedication of the road to and the acceptance of ongoing maintenance responsibility by the Community of Glastonbury.

The Community of Glastonbury will not approve any new roads in a subdivision for addition to the Community Road System, and will not accept any maintenance responsibility, unless all of the provisions in Section 6.3 are satisfied.

7.0 STATUS OF NEW PARCELS

Once a new parcel, tract or lot has been divided from an Original Parcel in the Community, or redivided, with the written approval of the Glastonbury Project Review Committee, it (and its landowner) shall be entitled to the same rights and privileges and subject to the same obligations and restrictions as an Original Parcel. The landowner(s) of each new parcel, tract or lot shall be responsible for paying the same community assessments as other Original Parcels, regardless of the size of the new parcel, tract or lot.

8.0 AMENDMENTS AND VARIANCES

These policies and standards, and any of the rules, regulations, requirements, limitations, explanations and provisions contained herein, may be revised, altered, amended or modified from time to time, either in whole or in part, by a unanimous resolution of the Glastonbury Project Review Committee at any meeting at which a quorum is present, or by the unanimous written consent of all of the members of the Committee, or by the Board of Directors of Church Universal and Triumphant, Inc., its successors

or assigns. In addition, the Glastonbury Project Review Committee may waive or grant variances to any of the provisions contained herein, where, in its discretion, it believes the same to be necessary and where the same will not be injurious to the rest of the Community. Any decision or action of the Glastonbury Project Review Committee may be appealed to the Board of Directors of the Church within thirty (30) days by a landowner who has applied for subdivision review, and the Board of Directors may review or modify such decision or action at its discretion.

9.0 EFFECTIVE DATE AND APPLICABILITY

These policies and standards, and the definitions contained herein, are effective with regard to new activities and/or proposed subdivisions (including any proposed subdivisions currently under consideration) on or after August 31, 1993. Past activities shall become subject to these policies and standards only if they are or become the subject of a new application for subdivision approval in Glastonbury or under the Park County Subdivision Regulations and/or Montana Subdivision and Platting Act.

10.0 REFERENCES

Montana Subdivision and Platting Act (Title 76, Chapter 3, Montana Codes Annotated)

Montana Sanitation in Subdivisions Act (Title 76, Chapter 4, Montana Codes Annotated)

Montana Building Construction Standards (Title 50, Chapter 60, Montana Codes Annotated)

Park County Subdivision Regulations (June 1993)

Revised Criteria for Local Determination of Evasion of the Subdivision and Platting Act, Park County (1989)

Settlement Agreement dated May 28, 1993 in Civil Action Nos. 91-97 and 91-98, Sixth Judicial District, Park County, Montana

Declaration of Covenants for the Community of Glastonbury, Park County, Montana (Roll 41, Pages 1042-1078)

First Amendment to Declaration of Covenants for the Community of Glastonbury (Corrected Version), Park County, Montana (Roll 45, Pages 930-933)

**Assignment of Declaration of Covenants, Park County,
Montana (Roll 59, Pages 724-727)**

**Second Amendment to Declaration of Covenants for the
Community of Glastonbury, Park County, Montana (Roll 90,
Pages 1208-1234)**

**Specifications and Standards for Septic Systems in the
Community of Glastonbury (Rev. 86-2)**

**Specifications and Standards for Gravel Road Construction
in the Community of Glastonbury (Rev. 87-2)**

**Specifications and Standards for Mobile Homes in the
Community of Glastonbury and the Golden Age Village
(Rev. 88-2)**

**Guidelines for the Reclamation of Land Disturbed Due to
Construction Activities in the Community of Glastonbury
(Rev. 92-1)**

APPENDIX I

SECTION 3. DEFINITIONS AND SHORT NAME REFERRALS

As used in this Declaration, the following words, phrases and terms shall have the following definitions, meanings, synonyms and intent:

3.01. Certificates of Survey of the Community. Certificates of Survey Nos. 615-A and 616-A, containing the real property described on Exhibits "A" and "B", attached hereto and incorporated herein by reference.

3.02. Church. THE SUMMIT LIGHTHOUSE, INC., a Nonprofit Corporation, it successors and assigns.

3.03. Common Use Land. Land owned by the Grantor upon which a nonexclusive easement running with each parcel in the Community has been granted to each Landowner for recreational purposes. The Grantor has retained ownership and the right to use the land for any purpose except further division into residential parcels for sale.

3.04. Community. The Community of Glastonbury.

3.05. Community of Glastonbury. The real estate described on Exhibit "A", attached hereto, together with all additions thereto.

3.06. Contract. A Contract for Deed or installment contract under which parcels of land are purchased in the Community.

3.07. Cottage Industry. An industry whose labor force consists of family or communal units working at home with their own equipment and products.

3.08. Covenants. Covenants, conditions, restrictions, servitudes, limitations, terms, provisions, liens, charges, regulations, easements, reservations and burdens contained within this Declaration of Covenants.

3.09. Declaration. The within Declaration of Covenants and all amendments thereto.

3.10. Development. The Community of Glastonbury.

3.11. Glastonbury. The Community of Glastonbury.

3.12. Glastonbury North. Part of the Community of Glastonbury, being those parcels described on Exhibit "A" attached hereto included on Certificate of Survey No. 615-A.

3.13. Glastonbury South. Part of the Community of Glastonbury, being those parcels described on Exhibit "A" attached hereto included on Certificate of Survey No. 616-A.

3.14. Grantor. ROYAL TETON, LTD., a Montana Corporation, its successors and assigns.

3.15. Landowner. The record owner of a parcel or parcels in the Community, including the purchasers of record of a parcel under a contract with the Grantor, their heirs, successors and assigns. The term shall not include the Grantor. It is the intent of these covenants that only tithing members in good standing of the Church, approved upon application to own land in the Community, shall be entitled to qualify as Landowners and exercise the rights and privileges thereof.

3.16. Minerals. Oil, gas, coal, hydrocarbons, minerals, geothermal water and energy, gravel, sand, rock, dirt, and all other placer and hardrock mineral deposits of any sort whatsoever.

3.17. Parcel. A division of the real property comprising the Community as shown on the Certificates of Survey therefor, or any legally segregated and approved portion, parcel, lot, tract or division thereof, which is or becomes subject to the covenants of this Declaration.

3.18. Platted Road Easements. Easements which are shown on the Certificates of Survey of the Community, and generally labeled as "private access and public utility easement."

3.19. Reserved Land. The real estate described on Exhibit "B", attached hereto, and all additions thereto.

3.20. Structure. Any construction, building, dwelling or enclosure with a roof, including parts of and additions to buildings, towers, sheds and basements.

APPENDIX II

SECTION 9. SUBDIVISIONS OF PARCELS

9.01. Subdivisions Allowed, Grantor's Review. Parcels in the Community may be further subdivided, subject to the following provisions and the review and written approval of the Grantor before the completion of any such subdivision. Any attempted sale, transfer, conveyance, lease, filing or recordation of a deed, certificate of survey, plat or other description of a subdivided portion of a parcel without such written approval shall be invalid, void, and of no force or effect. The Grantor will not unreasonably withhold such approval.

9.02. Subdivision Defined. A subdivision shall include any division of a parcel into multiple pieces smaller than the original, a redivision, or any other treatment of a parcel which would fall under the definition of a "subdivision" under state or local laws and regulations—including recreational vehicle parks, mobile home parks, and condominium projects.

9.03. Intent of Review. The intent of this provision is that the Grantor shall review each proposed division of land for consistency with the founding principles of the Community and with this Declaration, and to insure proper engineering, surveying, access, and plans for providing utilities and at least one feasible building site—so that the divided parcels will be at least up to the same standard as to the rest of the parcels in the Community, for the benefit of other Landowners and the future purchasers of divided parcels.

9.04. Mobile Home Parks and RV Parks. In general, mobile home parks and recreational vehicle parks will not be allowed or approved. However, the Grantor reserves the right to consider any application and waive the restriction with its written approval at any time in the future. Landowners are encouraged to seek to gain such approval before completing the purchase of any parcel. Approval or disapproval shall be in the Grantor's discretion.

9.05. Condominium Projects. Condominium projects will be looked at critically from the standpoint of location, access, roads and design. Approval will generally not be given for hard-to-reach areas with bad winter conditions or for large-scale projects. Design must be in character with the Community and in good taste. Approval or disapproval shall be in the Grantor's discretion.

9.06. Review Process. The Grantor may require the submission of an application form, drawing, plat and plans, and any other materials needed to inform itself about the proposed subdivision and to insure quality. Within thirty (30) days after the submission of all required materials, the Grantor will give the Landowner a written response which may include the following:

- a. An unconditional approval.
- b. An approval subject to examination of the final Certificate of Survey or other plat.
- c. Recommendations for changing or improving the plans for the proposed subdivision.
- d. Conditions for approval, such as a requirement that access be constructed, utilities be extended, etc.

e. A disclaimer by the Grantor for providing maintenance, utilities or other services which are currently provided to the rest of the parcels, due to a substandard condition.

f. A disapproval based upon failure to meet the minimum standards of the development, inconsistency with the founding principles of the Community or with this Declaration, or a finding of an inappropriate RV park, mobile home park or condominium project.

9.07. Standards. The Grantor may, from time to time, publish a statement of policies and standards for reviewing proposed parcel subdivisions, which shall include objective criteria upon which all proposed subdivisions will be reviewed.

a. These may include such criteria as minimum parcel size in certain areas, minimum road standards, minimum utility requirements, survey requirements, etc.

b. These standards are intended to approximate the minimum standards and concepts originally designed into the Community by the Grantor and any improvements thereto which have been subsequently made.

9.08. Maintenance of New Roads. The Grantor may, but is not obligated to, maintain new private roads at the same level as the original roads in the Community. The Grantor may agree to accept such a new road for construction and/or maintenance and install and/or maintain utilities, upon the payment of a fee from the Landowner dividing the parcel.

9.09. Status of New Parcels. Once a parcel has been divided from an original parcel in the Community, or redivided, with the written approval of the Grantor, it (and its Landowner) shall be entitled to the same rights and privileges and subject to the same obligations and restrictions as an original parcel. The Landowner of such a divided parcel shall be responsible for paying the same assessments as other original parcels.

APPENDIX III

6.03. Utilities. All electrical and telephone lines, water and sewer pipelines, septic tanks, cisterns, drain-fields, gas lines and other utilities installed after the effective date of these covenants shall be placed underground. Pipelines and gas lines shall be placed at least 36" beneath the surface. Electric and telephone lines shall be placed at least 12" - 18" beneath the surface, unless adverse geologic conditions require otherwise. Propane or other fuel tanks, windmills, tanks, pumps and the like may be placed above ground. In any event, the installation of all utilities and lines shall be in accordance with all applicable statutes, regulations, ordinances, rulings and other code requirements in effect at the time of the installation.

APPENDIX IV

5.03. Sewage Disposal. Each Landowner shall dispose of domestic sewage in a manner approved by the Grantor and any public health authorities with jurisdiction, including the Park County Health Department. No out-houses shall be allowed except as permitted by county and state regulations.