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Spain Bridge Meadows, LLC  
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Bozeman, Mt. 59718



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# Land Management Plan

Spain Bridge Meadows Subdivision  
Belgrade, Montana

February 8, 2007

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I. Purpose of this Document

- 1.1 The Spain Bridge Meadows Subdivision (SBM) contains approximately 320 acres of undeveloped land. This land provides an important open space amenity to its residents and the community. In order to maintain the health of this land and enhance the long-term property values of its residences, these Open Space Lands must be properly used and maintained.
- 1.2 This document has been prepared to establish guidelines for the use and maintenance of the Spain Bridge Meadows open space lands.
  - 1.2.1 This document is intended as a guide to general principles of land management, for use by the Spain Bridge Meadows Homeowners Association (HOA), and the Owner of Agricultural Open Space Lot 1 in establishing a fully operational system. As such, it does not attempt to include all operational documents and contracts that may be required for its implementation.
  - 1.2.2 The requirements of these open space lands will continue to evolve over time. This document does not purport to anticipate all future needs. Instead, it establishes a system for management that permits flexibility and responsiveness to changing conditions and needs, and a means to revise procedures and resolve problems if they arise.
  - 1.2.3 All aspects of this plan will be subject to the constraints inherent to phasing and the portions of the Open Space Lands in each phase.

II. Applicability of this Document and Relationship to Subdivision CC&R's

- 2.1 This document shall be implemented by the Spain Bridge Meadows Homeowners' Association and the owner of Agricultural Open Space Lot 1, through a Farm Manager, specific contracts for service, and other means determined to be appropriate to the specific task required.
  - 2.1.1 In no case shall this document supersede the provision contained within the Spain Bridge Meadows Covenants,

Design Guidelines, Fire Management Plan or other requirements approved or adopted by agencies of Gallatin County or the State of Montana.

2.1.2 All Open Space lands within the Spain Bridge Meadows Subdivision shall be operated under the guidelines established within this document, with the following exceptions:

- Land contained within Building Envelope 1 within Agricultural Open Space Lot 1.
- Land necessary for access to Building Envelope 1
- Land that is determined to be necessary for construction and of farm-related structures within the currently developed Southwest portion of Agricultural Open Space Lot 1.
- Land specifically dedicated to fire protection.
- Any use by Fire, Sheriff, ambulance or other agencies in time of emergency.

### III. Description of Categories of Open Space Lands

3.1 Because areas within the Spain Bridge Meadows Open Space Areas are intended for specific purposes, all open space has been allocated to one of two categories, Agricultural Open Space Lots and Common Use Open Space Lots. Agricultural Open Space Lots are intended primarily for Agricultural Production and hiking trails. Common Use Open Space Lots are traditional community use lots.

3.2 These categories, their area and purpose are as follows:

3.2.1 Agricultural Open Space Lot 1 is located in the western portion Spain Bridge Meadows, and is a privately owned farmstead operated under the purview of this document as described in Section II. With the exception of Building Envelope Lot 1, the majority of this land will be used for agricultural production and possible small scale horticulture production. Under no circumstances will the construction of any common use residential trail system be allowed in Agricultural Open Space Lot 1. The total

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area within Agricultural Open Space Lot 1 is approximately 76.37 acres

3.2.2 Agricultural Open Space Lot 2 lies to the North of Farmland Crossing and to the North of the Western portion of Cross Creek Drive, and is intended as an area of irrigated and/or dry land crop production and residential trail use. Agricultural Open Space Lot 2 is approximately 54.22 acres in size.

3.2.3 Agricultural Open Space Lot 3 is located on the Eastern edge of the subdivision, adjacent to Springhill Rd and extends South to and borders a portion of the adjacent 30 acre non-subdivision parcel on this parcels Northern and Western property lines. This open space is intended for irrigated and/or dry land crop use and residential trail use. The total area within Agricultural Open Space Lot 3 is approximately 64.35 acres.

3.2.4 Agricultural Open Space Lot 4 is located in the South central portion of Spain Bridge Meadows and is intended for use as irrigated and/or dry land agricultural production and residential trail use. The total area within Agricultural Open Space Lot 4 is approximately 109.94 acres.

3.2.5 Common Use Open Space Lot 1 is in the southern most portion of Spain Bridge Meadows and borders Airport Rd and is part of Phase I. This lot is to be used for fire pond 1 and community park land. The total area within Common Use Open Space Lot 1 is approximately 6.5 acres.

3.2.6 Common Use Open Space Lot 2 is in the western portion of the subdivision and is north of Cross Creek Drive's central portion and is part of Phase II. This open space is to be used for fire pond 2 and community park land. The total area within Common Use Open Space Lot 2 is approximately 7.12 acres.

3.3 Specific management practices and guidelines shall be followed for each Open Space Area, as described and/or detailed in Sections IV and V.

#### IV. Administration of the Open Space Management Plan

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- 4.1 The requirements of this document pertaining to Agricultural Open Space Lots 2, 3, and 4 and Common Use Open Space Lots 1 and 2 shall be administered by the Spain Bridge Meadows Homeowners' Association Board of Directors.
- 4.2 The requirements of this document pertaining to Agricultural Open Space Lot 1 shall be administered by the Owner of Agricultural Open Space Lot 1. The owner of Lot 1 may also assign the management of Open Space Lot 1 to the Homeowners' Association Board of Directors on a yearly or multi year basis as described in Section 5 below.
- 4.3 All contracts required to achieve the requirements of this document as they pertain to Agricultural Open Space Lots 2, 3 and 4 and Common Use Lots 1 and 2 shall be signed and administered directly by the SBM HOA Board of Directors (Board).
- 4.4 All contracts required to achieve the requirements of this document as they pertain to Agricultural Open Space Lot 1 shall be signed and administered directly by the Owner of Agricultural Open Space Lot 1 unless management of Agricultural Open Space Lot 1 has been assigned to SBM HOA Board of Directors.
- 4.5 As a part of this plan, a Farm Manager shall be contracted by the SBM HOA Board of Directors. The Farm Manager will be compensated as determined by the SBM HOA Board of Directors. This Manager may be subcontracted on an annual basis to the Owner of Agricultural Open Space Lot 1 to perform assigned duties for both parties if desired by the Owner of Open Space Lot 1. If this is not desired by the Owner of Open Space Lot 1, management of Agricultural Open Space Lot 1 will be the responsibility of the Owner of Agricultural Open Space Lot 1.
  - 4.5.1 The specific duties of the Manager are detailed in Section V.
  - 4.5.2 The Farm Manager will be compensated via SBM HOA dues, assessments and funds generated from farming operations. If the Farm Manager is contracted to manage Agricultural Open Space 1, a portion of his compensation will be paid by Lot 1's owner as to be negotiated between the Board of Directors and Lot 1 Owner.



4.5.3 Communication with Farm Manager will be strictly through one designated SBM HOA Board of Director member as described in 5.4.1 below.

4.5.4 At the discretion of the SBM HOA Board of Directors and/or Agricultural Open Space Lot 1 Owner, the Farm Manager may be directed to assist in the administration of contracts for the Agricultural Open Space Lots and the Common Use Open Space Lots management.

V. Management Operation, Practices and Guidelines for Open Space Lands

5.1 All maintenance, management personnel and other costs associated with Agricultural Open Space Lots 2, 3 and 4 and Common Use Lots 1 and 2 shall be paid for through dues assessed of homeowners through the SBM HOA; Agricultural Open Space Lot 1 costs shall be paid directly by the owner of Lot 1 with the exception of conditions outlined in 5.2.

5.2 If management of Agricultural Open Space Lot 1 is assigned to the SBM HOA Board of Directors 100% of the costs associated with management of Agricultural Open Space Lot 1 shall still be born by the owner of Open Space Lot 1. However, the owner of Open Space Lot 1 shall have the right of pre-approval of any and all expenditures associated with Agricultural Open Space Lot 1's management. If the Owner of Agricultural Open Space Lot 1 so desires, a blanket approval for a given year may be granted.

5.3 Any income from agricultural production on Agricultural Open Space Lots 2, 3 and 4 is to be retained by the SBM HOA. Any income from agricultural production on Agricultural Open Space Lot 1 is to be retained by the Owner of Agricultural Open Space Lot 1.

5.4 Management of Agricultural Open Space Lots 2, 3 and 4 shall be carried out by the Farm Manager and over seen by the SBM HOA Board of Directors, utilizing the following guidelines and goals:

5.4.1 After contracting with a Farm Manager, the SBM HOA Board of Directors will designate one board member to be the Farm Manager Contact Member. The Farm Manager Contact Member will be responsible for:

- Communicate day to day messages between the Farm Manager and the SBM HOA Board of Directors.

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- Being a buffer between residents of SBM and the Farm Manager. Any complaints, requests, suggestions or any other communications generated by residents of SBM and directed towards the Farm Manager must go through the Farm Manager Contact Member.
  - Calling an emergency meeting of the SBM HOA Board of Directors if he or she deems an Open Space Land Management issue important enough to warrant a board meeting.
- 5.4.2 The Farm Manager, in consultation with the SBM HOA Board of Directors, shall continuously evaluate Agricultural Open Space Lots 2, 3 and 4 for existence of noxious weeds, adherence to the SBM Fire Plan, SBM CC&R's and generally accepted tenets of land health on all Lots managed by the SBM HOA Board of Directors.
- 5.4.3 The SBM HOA Board of Directors shall direct the Farm Manager to take steps to resolve any ongoing or emerging problems promptly, in line with accepted practices.
- 5.4.4 Maintain or improve the overall health of existing non-agricultural vegetation.
- 5.4.5 Minimize human access to fields with the exception of maintained trails.
- 5.4.6 Enhance the environment and increase privacy through planting of trees and shrubs in selected areas.
- 5.4.7 Design operation and crop selection to provide winter forage and permit wildlife access to areas.
- 5.4.8 Maintain farm operations and continue specialized, irrigated and/or dry land agricultural production consistent with residential setting.
- 5.4.9 Utilize farming practices which are compatible with residential settings.
- 5.4.10 Minimize wildfire hazards.
- 5.4.11 Maintain trails and fencing.
- 5.4.12 Enhance quality of life and property values for SBM residents and their neighbors.

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5.4.13 All water rights held by SBM HOA shall be retained by Agricultural Open Space Lots 2, 3 and 4 and Common Use Open Space Lots 1 and 2 and run with the land.

5.4.14 Agricultural production within Agricultural Open Space Lots 2, 3 and 4 shall be operated under the direction of the SBM HOA Board of Directors and through the Farm Manager, in compliance with this document.

5.4.15 The Farm Manager, at the direction of SBM HOA Board of Directors, shall oversee the operation of the agricultural production on Agricultural Open Space Lots 2, 3 and 4.

5.4.15.1 Selection criteria for agricultural operations within Agricultural Open Space Lots 2, 3, and 4 shall be based upon the following criteria:

- Able to generate enhanced revenue in the current market.
- Require minimal seasonal tillage.
- Require minimal disease and pest suppression.
- Provide multiple-saleable products where possible (seed crop plus hay, for example).
- Relative ease of harvest
- Low environmental impact on land.
- Minimal impact on surrounding residences

5.4.15.2 Grazing of cattle, pigs or other domestic animals shall not be permitted

5.4.15.3 At the direction and under the administration of the SBM HOA Board of Directors the Farm Manager shall establish contracts with independent consultants or operations managers to assist in the production and harvest of agricultural products.

5.5 Management of the Common Use Open Space Lots 1 and 2 will be as follows:

5.5.1 Common Use Open Space Lots 1 and 2 shall be managed by the Farm Manager and overseen by the SBM HOA Board of Directors.



5.5.2 All communication in regard to these lots between Farm Manager and SBM HOA Board of Directors will be through the Farm Manager Contact Member as outlined in section 5.4.1 above.

5.5.3 Farm Manager will be responsible for implementing the goals outlined in 5.5.4 below. SBM HOA Board of Directors will be responsible overseeing that the below goals are properly implemented.

5.5.4 The management goals for Common Use Open Space Lots 1 and 2 are:

- Maintain or improve the condition of these lots as well maintained and highly aesthetic community parks in order to enhance quality of life and property values of SBM residents and their neighbors
- If the SBM HOA Board of Directors elects to do so, purchase and install recreational playground type equipment.
- If the SBM HOA Board of Directors elects to install recreational equipment, see that the equipment is maintained in a highly functional, aesthetic and safe manner.
- Maintain any structures in these Lots.
- Establish and maintain tasteful signage to advise visitors of leash laws, sensitive wildlife and wetland resources, private property and other important information.
- Eliminate and control noxious weeds.
- Minimize wildfire hazards.
- Maintain a contract with a Professional Landscape Maintenance Company for mowing, irrigation, and tree and shrub management. This includes management of riparian vegetation associated with fire ponds.
- Manage Fire Ponds so they remain in functional and aesthetic conditions.
- Maintain Trails.
- Maintain all structures, improvements and fencing.

5.6 The Management goals for Agricultural Open Space Lot 1 are:

- Restore and enhance flood plain areas.
- Maintain or improve the overall health of existing non-agricultural vegetation.
- Minimize direct human impact to wetlands.

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- Minimize human access to fields.
- Enhance the environment and increase privacy through planting of trees and shrubs in selected areas, particularly in the wildlife corridor and flood plain areas.
- Design operation and crop selection to provide winter forage and permit wildlife access to areas.
- Maintain farm operations and continue specialized, irrigated agricultural production consistent with residential setting.
- Utilize farming practices which are compatible with residential settings.
- Eliminate and control noxious weeds.
- Minimize wildfire hazards
- Enhance quality of life and property values for SBM residents and their neighbors.

5.6.1 Agricultural Open Space Lot 1 is a privately held lot, governed by the CC&R's developed for SBM.

5.6.2 Agricultural production within Agricultural Open Space Lot 1 shall be operated under the direction of the Agricultural Open Space Lot 1 Owner, or SBM HOA Board of Directors as described above, in compliance with this document.

5.6.3 All water rights currently held by Agricultural Open Space Lot 1 shall be retained by Lot 1 and run with the land.

5.6.4 A Farm Manager, at the direction of Owner of Agricultural Open Space Lot 1, shall oversee the operation of the agricultural production on the lot unless Owner of Agricultural Open Space Lot 1 has elected to manage the Lot himself.

5.6.41 Selection criteria for agricultural operations within Agricultural Open Space Lot 1 shall be based upon the following criteria:

- Able to generate enhanced revenue in the current market.
- Require minimal seasonal tillage.
- Require minimal disease and pest suppression.
- Provide multiple-saleable products where possible (seed crop plus hay, for example).
- Relative ease of harvest

- Low environmental impact on land.
- Minimal impact on surrounding residences.

5.6.42 Grazing of horses, cattle, or other domestic livestock shall be permitted in Open Space Lot 1. However, the number of animals is limited to six horses, bovines or other like sized animals. These same animals may also be housed in confined corrals or barns within the Residential Building Envelope 1. This right does not include the grazing or housing of swine. Riding of the Owner of Agricultural Open Space Lot 1's privately owned horses within the Agricultural Open Space Lot 1 is permitted. Riding arenas, either enclosed or otherwise, are not permitted outside the building envelope. Commercial riding arenas are prohibited.

5.6.43 The Owner of Agricultural Open Space Lot 1 shall establish contracts with independent consultants or operations managers to assist in the production and harvest of agricultural products if he or she does not wish to accomplish the above personally. This responsibility can be transferred to the Farm Manager as described above.

5.7 The SBM HOA Board of Directors and Agricultural Open Space Lot 1 Owner shall jointly direct the Farm Manager to assure daily the safety and security and visual quality of the land within all Agricultural Open Space Lots.

5.7.1 Signage shall be established advising of the fact that Agricultural Open Space Lot 1 is private property.

5.7.2 Farm Manager shall work to educate other residents to this fact and the potential for injury within any of the Agricultural Open Space Lots.

5.7.3 Farm Manager and Owner of Agricultural Open Space Lot 1 shall assure that farming operations of Agricultural Open Space Lots 1, 2, 3 and 4 are carried out in a manner that

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maintains the functional, orderly appearance of the Lots themselves.

- Wherever possible, farm machinery should be stored or secured at the end of each day, or when its operation is completed.
- If visible to residents, materials and supplies stored on-site shall be maintained in a neat and orderly manner.
- Managers shall assess the appearance of the farm operation from surrounding roads.
- The irrigated Agricultural Open Space Lots shall be maintained in a lush green, well irrigated condition during the growing season if possible in regard to agricultural practices.

5.8 Roadways and associated rights-of way. Main roadways (except the farm road into Agricultural Open Space Lot 1) are located within dedicated public right-of-ways and are open to public travel. Maintenance of the roadway and rights-of way within SBM is the responsibility of the SBM HOA and administered by the SBM HOA Board of Directors through the Farm Manager. The management goals for these areas are:

- Restore, maintain or improve the overall health of roadside vegetation.
- Maintain road surface as needed to prolong life and meet County requirements at all times.
- Remove snow accumulations and sand icy intersections and other areas promptly.
- Advise visitors of leash laws, sensitive wildlife and wetland resources, private property and other important information.
- Permit wildlife access to areas.
- Eliminate and control noxious weeds.
- Minimize wildfire hazards
- Enhance quality of life and property values for SBM residents and their neighbors.

## VI Reporting, Evaluation and Amendment of this Document

6.1 Annual Report: The Farm Manager shall prepare and present a brief Annual Report to the SBM HOA Board of Directors, and Agricultural Open Space Lot 1 owner if applicable, in September

of every year. This report shall assess the overall health of Spain Bridge Meadows and identify on-going problems and issues.

- 6.1.1 The SBM HOA Board and the Agricultural Open Space Lot 1 Owner shall use this report to make needed changes to the land management protocols and set goals for the following year and beyond.
  - 6.1.2 A vote of eighty percent (80%) of the combined SBM HOA membership (the vote of the Agricultural Open Space Lot 1 Owner is required in regard to any changes associated with Agricultural Open Space Lot 1) shall be required to change the **general** land management protocols contained within this document. However, during the first five (5) years of operation, or until seventy-five percent (75%) of the lots in all phases of SBM Subdivision are sold, (whichever comes first), the Developer of SBM Subdivision (Declarant) has the right to change general land management protocols contained within this document if it is determined to be in the best interest of the SBM Subdivision.
  - 6.1.3 A simple majority vote of the SBM HOA Board of Directors shall be required to make changes to the **specific procedures and/or contracts** used to implement the protocols set forth in this document that pertain to Agricultural Open Space Lots 2, 3 and 4 and Common Use Open Space Lots 1 and 2.
  - 6.1.4 The Owner of Agricultural Open Space Lot 1 may elect to change specific implementation procedures based upon the needs of management of Agricultural Open Space Lot 1. This authority will fall to the SBM HOA Board of Directors if management of Agricultural Open Space Lot 1 has been assigned to them.
- 6.2 Biannual Meetings-The SBM HOA Board of Directors and Owner of Agricultural Open Space Lot 1 shall meet twice yearly to discuss issues of mutual concern regarding open space lands.
- 6.2.1 A protocol for mediation of disagreements on Open Space Management is to be established between SBM HOA Board of Directors and the Owner of Agricultural Open Space Lot 1. During to initial

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biannual meeting the formulation of this protocol is to be initiated.

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## Attachment A

### Legal Description for all of Spain Bridge Meadows Subdivision Phase 1:

All of Final Plat of Spain Bridge Meadows Subdivision Phase 1, in Gallatin County, Montana, according to the official plat thereof on file and of record in the office of the County Clerk and Recorder, Gallatin County, Montana. (Plat reference: J-450)

