

# CHAPTER 3

## GENERAL DESIGN STANDARDS FOR ALL SUBDIVISIONS

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### **3.1 *Natural and Cultural Environment***

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#### **3.1.1 Purpose and Intent**

Missoula County is known for natural and scenic resources, and it is the purpose and intent of these regulations to balance the location and design of subdivisions with the protection of these resources. Subdivisions that include hazardous land, or can be affected by a nearby hazard, can directly impact the public health, safety, and welfare and also can significantly impact local services and the natural environment. It is the purpose and intent of this section to steer subdivision development to locations that avoid hazardous lands, but when such lands are subdivided, to ensure that meaningful mitigation of the hazard is incorporated into the subdivision plan to minimize risk to future residents and the overall community.

#### **3.1.2 Character, Other Natural Features**

The design and development of subdivisions shall substantially preserve or enhance the unique character of an area and the natural terrain.

##### **3.1.2.1 Existing Conditions**

New subdivisions shall be designed to preserve natural drainages and minimize impervious surfaces. Existing topsoil, trees, and natural vegetation shall be preserved to the maximum extent practical.

##### **3.1.2.2 Preserve Cultural, Historic Features**

New subdivisions shall not destroy, adversely affect, or damage known Tribal cultural sites or significant cultural or historic features identified in the Montana Antiquities Database. Cultural or historic features or sites that have not been previously identified, but are discovered during the development of a subdivision shall be disclosed as part of the public record and protected. The subdivider also shall notify the Confederated Salish and Kootenai Tribes, or other tribal entities if applicable, of such discoveries.

### 3.1.2.3 Conform to Topography

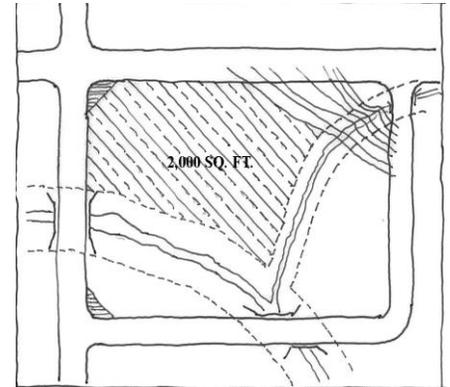
Subdivision design and development shall conform to the general landforms and topography and minimize alteration to the natural landscape.

#### A. Contiguous Area

All lots must contain a suitable building site consisting of at least 2,000 square feet of contiguous area that is not a steep slope.

#### B. Steep Slopes

Natural slopes in excess of 25% grade shall be deemed unsuitable for building sites unless a geotechnical analysis and an engineering plan demonstrate that development can safely occur on the slope.



### 3.1.2.4 Minimize Adverse Impacts

The subdivider shall design the subdivision to reasonably mitigate potentially significant adverse impacts resulting from the subdivision including, but not limited to, impacts to agriculture, agricultural water user facilities, local services, the natural environment, wildlife, wildlife habitat, and public health and safety.

#### Info Box

See Chapter 5 of the *Missoula County Growth Policy* for guidance on determining potentially significant adverse impacts.

### 3.1.3 Hazardous Lands

#### 3.1.3.1 Impact of Hazards

Development shall be prohibited from the following designated hazard areas unless the Board of County Commissioners approves mitigation that overcomes or removes the hazard.

- A. Wildfire;
- B. Flooding;
- C. Earthquake;
- D. Major dam failure;
- E. Landslide, slope instability;
- F. Snow avalanches or rock falls;
- G. Ground subsidence;
- H. Unsuitable soils;
- I. Polluted water;
- J. High-voltage lines or high pressure gas lines;
- K. Aircraft traffic congestion;
- L. Severe toxic or hazardous waste exposure; or,
- M. Ice jam floods.

### 3.1.3.2 Hazard Areas Defined

For the purposes of this section, hazard areas are defined below.

- A. Wildfire Hazard:** Wildfire hazard includes land that:
  - 1. WUI Map**

Is in the Wildland Urban Interface (WUI) area as delineated on the Wildland Urban Interface Map in the Missoula County Wildland Protection Plan, as amended and incorporated here by reference; and,
  - 2. Assessment**

Ranks as a moderate or higher risk of wildfire based on the assessment performed pursuant to *Appendix C, Fire Hazard Assessment*.
- B. Flood Hazard**

Flood hazard area encompasses the floodplain. The floodplain is the area adjoining any watercourse or drain-way that would be covered by the floodwater of a flood of 100-year frequency, as defined by the Montana Department Natural Resources and Conservation pursuant to MCA, Title 76, Chapter 5, or by Federal Emergency Management Agency. The floodplain also includes land determined by the governing body to be subject to flooding.
- C. Earthquake Hazard**

Land containing an earthquake fault line.
- D. Major Dam Failure Hazard**

An area subject to inundation in the event of a failure of a dam that is identified in the Missoula County Pre-disaster Mitigation Plan, whether the dam is located within Missoula County or upstream from Missoula County.
- E. Landslide, Slope Instability Hazard**

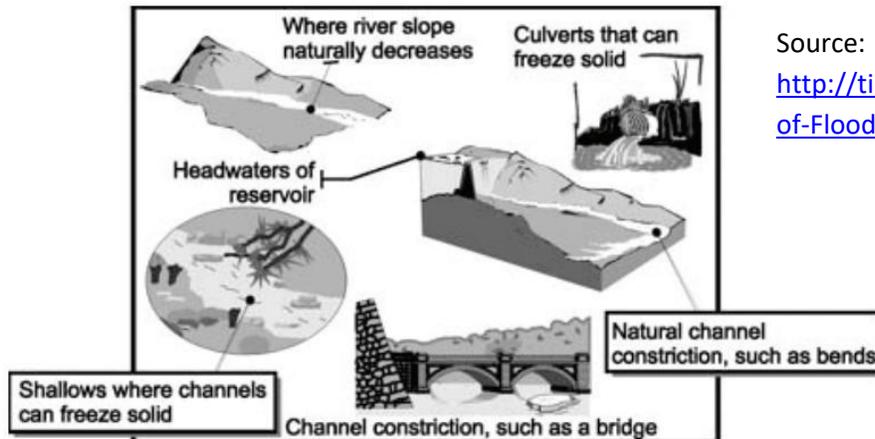
Land on a hillside or at the base of a hillside that is susceptible to damage from mass movements of earth material caused by sliding or gravity.
- F. Snow Avalanche or Rock Fall Hazard**

Land on a hillside or at the base of a hillside that is susceptible to an avalanche or falling rocks.
- G. Ground Subsidence Hazard**

Soils susceptible to subsidence due to abandoned mine shafts or other geological features that can cause surface depressions.
- H. Unsuitable Soils Hazard**

Unsuitable soils for development as determined by the U.S. Department of Agriculture, Natural Resources Conservation Service.

- I. **Polluted Water Hazard**  
Surface or ground water within or upstream from a proposed subdivision that has pollutants at levels higher than Montana or U.S. standards.
- J. **High Voltage Line or High Pressure Gas Line Hazard**  
Electrical transmission lines other than distribution lines to individual end users, pressurized gas lines other than lines that carry fuel to end users, and all other pipelines that carry potentially hazardous materials including oil or ammonia.
- K. **Aircraft Traffic Hazard**  
Land within an Airport Influence Area or the land that would be in such an influence area if no such area has been designated for an existing or proposed airport.
- L. **Toxic or Hazardous Waste Hazard**  
Areas within, adjacent or upstream to a proposed subdivision that contain toxic or hazardous substances that could affect the residents of the subdivision via wind, rain, stormwater runoff or a similar means of transmission.
- M. **Ice Jam Flood Hazard**  
Areas within, upstream or downstream of a proposed subdivision that can be inundated with flood waters due to an ice jam. Examples of constrictions that can cause ice jam are illustrated below.



Source:  
<http://tinyurl.com/Types-of-Floodplains>

#### 3.1.3.4 Hazard Area Standards

All subdivisions that contain a hazard area defined in *Section 3.1.3.2., Hazard Areas Defined*, or are upstream or downstream or adjacent to a defined hazardous area when applicable, shall comply with the following standards.

**A. Delineate Area**

Any hazard area defined above that is located within a proposed subdivision shall be delineated on the proposed subdivision plat/plan. When applicable, the description and location of any hazard area located adjacent, upstream or downstream to a proposed subdivision shall be included in the application for a proposed subdivision.

**B. Prohibited Development**

All development including structures, driveways, infrastructure, and utilities shall be prohibited in the defined hazard area, except where the Board of County Commissioners approves mitigation that overcomes or removes the hazardous condition pursuant to *Section 3.1.3.4.C, Mitigation*.

**1. Building Envelopes**

When development is prohibited in a hazard area, building envelopes and/or no build zones shall be designed and located to prevent development in the hazard area.

**2. Plat**

Said building envelopes and/or no build zones shall be depicted on the preliminary plat and recorded on the supplemental or conditions of approval sheets.

**C. Mitigation**

Mitigation designed to overcome or remove a hazardous condition must be approved by the Board of County Commissioners before development can occur within a hazardous area. Examples of mitigation include:

1. A site specific geotechnical evaluation and design standards for structures when the hazard is an earthquake, landslide, or unsuitable soils;
2. Steel netting designed to catch rocks when the hazard is a rock fall hazard;
3. Compliance with *Section 3.1.3.5 Wildfire Hazard Area Standards* and *Section 3.5 Fire Suppression*;
4. Snow fencing designed to divert avalanches when the hazard is an avalanche hazard.

**D. Subdivider Proposal**

The subdivider may propose and the Board of County Commissioners may approve mitigation methods that are designed to directly avoid or overcome a hazardous condition.

**E. Professional**

All proposed mitigation strategies shall be prepared and designed by a professional engineer or other qualified professional with expertise specific

to the type of mitigation being proposed. All professionals shall be licensed or certified to work in Montana.

### **3.1.3.5 Wildfire Hazard Area Standards**

The design and development of all subdivisions in the Wildfire Hazard Areas shall comply with the following standards.

#### **A. Fire Chimneys**

Development shall be prohibited in ravines or other topological features that constitute fire chimneys and within 150 feet of the apex or top of a fire chimney.

#### **B. Defensible Space**

Defensible space shall be created within 100 feet of all subdivision roads and water supplies and water facilities that are designated for fire suppression.

##### **1. Clearing**

Within the defensible space required above:

- a. All downed woody fuel for fires shall be cleared from the ground; and,
- b. All trees shall be thinned to create a minimum ten-foot separation between crowns; and,
- c. Tree limbs shall be pruned to a height of 15 feet above the ground or to one-third of the live crown height whichever is less.

##### **2. Maintenance Agreement**

A maintenance agreement shall be required that ensures the developer will maintain the defensible space until a homeowners' association or a similar organization is capable of assuming the maintenance responsibility. The maintenance agreement shall comply with requirements in *Appendix B, Maintenance Agreements*.

#### **C. Fire Suppression**

All subdivisions in the wildfire hazard area shall comply with *Section 3.5, Fire Suppression*.

#### **D. Notification**

Notes shall be placed on the supplemental or conditions of approval sheets, and when applicable, provisions shall be included in the Conditions, Covenants and Restrictions or Homeowners' Documents and purchase and sales agreements, that notify future owners:

##### **1. Hazard**

That the subdivision is located in a wildfire hazard area;

**2. Specific Feature**

The location of any specific feature that may create a severe hazard, such as a fire chimney;

**3. On-Going Responsibilities**

Any ongoing responsibilities and obligations to maintain and fund the maintenance of defensible space and fire-fighting systems; and,

**4. Information**

Sources of information on construction techniques, landscaping and other methods for mitigating fire hazards.

**3.1.3.6 Flood Hazard Area Standards**

Subdivisions containing a flood hazard area shall comply with the following standards.

**A. All Subdivisions**

**1. Land Alteration**

Any land alteration including roads, utilities, or other form of development related to a subdivision shall be prohibited in the flood hazard area.

<b>Info Box</b>
<p>See the Missoula County Floodplain Resolution for permitted and prohibited land uses in the floodplain and floodplain permitting requirements.</p> <p><a href="http://tinyurl.com/MissoulaCountyFloodplainRegs">http://tinyurl.com/MissoulaCountyFloodplainRegs</a></p>

**2. One Mile From Zone A**

If a proposed subdivision is located within one mile of a Zone A flood hazard area as identified on the Flood Insurance Rate Map for Missoula County, the subdivider shall analyze land division history for the parcel dating back to August 15, 1983, to determine if a Zone A flood hazard area had been located previously on the parent parcel. If a Zone A flood hazard area had been located on the parent parcel at any time since August 15, 1983, and the parcel was subsequently divided, a flood analysis to determine the base flood elevation shall be required.

**B. Major Subdivisions**

**1. Prohibition**

The flood hazard area shall not be included within platted lots that are designated for development.

**2. Allowed Uses**

Flood hazard areas shall be designated for common area, open space or agricultural uses.

### **3. Ownership**

The flood hazard area shall be owned and managed by a Homeowners' Association or a governmental entity.

### **4. Parkland**

Flood hazard areas designated for common area or open space in accordance with this section may be counted to satisfy the park and open space requirements of these regulations.

## **C. No Floodplain Delineation**

If any portion of a proposed subdivision is within 2,000 horizontal feet and 20 vertical feet of a stream draining an area of 5 or more square miles, and no official floodplain delineation of the stream has been made, the subdivider shall provide one of the following:

### **1. DNRC Verification**

A written verification from the Water Resources Division of the Department of Natural Resources and Conservation that the proposed subdivision is not in the flood hazard area; or,

### **2. Evaluation**

The 100-year floodplain elevation and floodplain boundaries shall be determined by an evaluation that complies with the following criteria:

#### **a. Engineer**

A professional engineer licensed to practice in Montana and experienced in floodplain studies shall perform the evaluation.

#### **b. DNRC Review**

The evaluation must be submitted to the Floodplain Management Section, Water Resources Division, Department of Natural Resources and Conservation, for review and concurrence with the findings.

#### **c. Study Contents**

The evaluation must comply with the standards established in *Appendix D, Standards for Flood Hazard Evaluations*.

### **3. Determination of Flood Hazard**

If the evaluation concludes that the proposed subdivision is subject to flooding, the flood hazard area shall be delineated on the preliminary plat/plan and the subdivision shall comply with the standards of this section.

## **3.1.4 Agricultural Lands**

### **3.1.4.1 Purpose and Intent**

The purpose and intent of this section is to establish subdivision regulations that work in concert with established non-regulatory strategies and mitigate the

impacts of subdivision development on agriculture and agricultural water facilities. These strategies are designed for the following purposes:

- A. Preserve Options**  
Preserve and protect agricultural land, infrastructure, and community for future generations.
- B. Statutes**  
Comply with state statutes by addressing potential impacts subdivisions may have on agriculture and agricultural water facilities.
- C. Goals**  
Implement goals of the Missoula County Growth Policy.
- D. Land Use**  
Promote land use patterns that accommodate functional agricultural operations and infrastructure.
- E. Development**  
Balance the need for functional agricultural operations with the need to accommodate residential development and growth.
- F. Interests**  
Balance the community's collective interests with the interests of private landowners.
- G. Voluntary Efforts**  
Support voluntary efforts to protect agricultural lands.
- H. Existing Operations**  
Support and enhance existing agricultural operations.

#### **3.1.4.2 Agricultural Mitigation Standards**

All proposed subdivisions shall comply with the following standards:

- A. Minimize Adverse Impacts**  
The subdivider shall design the subdivision to reasonably mitigate potentially significant adverse impacts to agriculture and agricultural water facilities resulting from the subdivision.
- B. Offsite Impacts**  
A proposed subdivision adjacent to agricultural lands, based on maps created by the Natural Resources Conservation Service, or adjacent to an agricultural operation must comply with the following standards:
  - 1. Runoff**  
Subdivisions shall be designed to prevent stormwater runoff from subdivision lots and roads, and lawn watering from draining into agricultural water facilities or onto agricultural land.

## **2. Notification**

Provisions shall be included in the Conditions, Covenants, and Restrictions or Homeowners' Documents and purchase and sales agreements that notify and educate future lot owners of the potential implications of living adjacent to agricultural operations which include, but are not limited to: exposure to odors, dust and noise, exposure to hazards such as irrigation ditches, ponds, fencing, and livestock protection methods, and use of agricultural chemicals and farm equipment. The provisions shall also educate lot owners about the potential impacts they may have on nearby agricultural operations such as domestic animal nuisances, trespass, and traffic. The provisions may include measures to minimize the impacts of development to adjacent to agricultural operations.

### **3.1.5 Irrigation Water, Easements, and Water Rights**

#### **3.1.5.1 Purpose and Intent**

Irrigated land is critical to Missoula County and agriculture is a part of the community's history and culture. The purpose and intent of this section is to allow the subdivision of land that does not interfere with irrigation systems and to maintain a clear record that informs lot buyers of the status of water rights.

#### **3.1.5.2 Irrigation Easements Required**

Except as noted in *Section 3.1.5.3, Irrigation Easement Not Required*, the subdivider shall establish irrigation easements within the subdivision when irrigation water is conveyed through the subdivision or to lots within the subdivision.

##### **A. Easement Purposes**

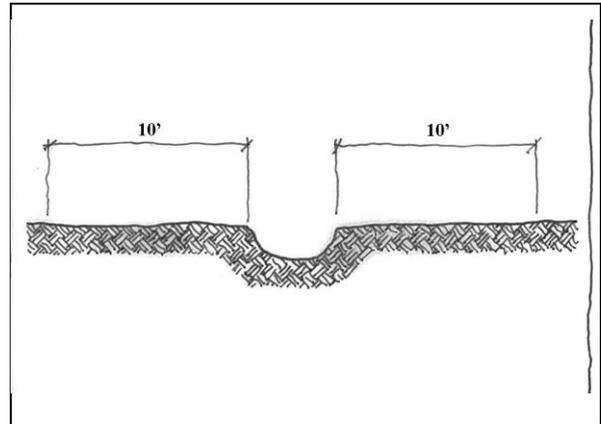
The easements shall allow the conveyance of irrigation water to persons and land legally entitled to the water pursuant to an appropriated water right or a permit from an irrigation district or other private or public entity formed to provide water rights to the subdivision lots. The easements shall allow for the construction, replacement, repair, maintenance and inspection of the irrigation facility.

##### **B. Location**

Easements shall be in locations with appropriate topographic characteristics to convey water to the entitled destinations and accommodate unobstructed maintenance of the irrigation facility.

**C. Width**

Easements shall be sufficiently wide to allow the physical placement and unobstructed maintenance of open ditches or below ground pipelines. The easement shall extend onto both sides of a proposed or existing irrigation ditch or canal at least 10 feet in width as measured from the edges of the canal or ditch.



**D. Prohibit Structures, Landscaping**

Easements shall prohibit the placement of structures or planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner.

**E. Easements on Plats**

The subdivider shall, unless otherwise provided under separate written agreement or filed easement, show on the preliminary plat and dedicate on the final plat any required irrigation easements.

**3.1.5.3 Irrigation Easement Not Required**

The subdivider is not required to establish irrigation easements when conditions exist as described in either Subsection A or B below:

**A. Small Lot Size and Continued Assessment**

The average lot size in the proposed subdivision will be 1 acre or less and the subdivider discloses to potential buyers that lots within the subdivision are classified as irrigated land and may continue to be assessed for irrigation water delivery even though the water may not be deliverable to the lots; or,

**B. Water Rights Removed**

The water rights have been removed from the land within the subdivision or the process has been initiated to remove the water rights from the subdivided land.

**C. Disclosure of Continued Assessment**

Disclosure required in Subsection A above shall be contained in supplemental sheets or documents and recorded with the final plat, included in agreements and legal documents for related sales transactions,

including purchase and sales agreements, and in any Conditions, Covenants and Restrictions or Homeowners' Documents.

**3.1.5.4 Disclosure of Water Rights Removed**

Any removal of the water rights or intentions to remove water rights from the land within the subdivision shall be noted on the preliminary plat. If the removal of water rights has not been completed at the time the final plat is filed, the subdivider shall provide written notification to prospective buyers of the intention to remove the water rights with provisions included in agreements and legal documents for related sales transactions, including purchase and sales agreements, and in any Conditions, Covenants and Restrictions or Homeowners' Documents.

**3.1.5.5 Water Rights**

If the proposed subdivision creates parcels with lot sizes averaging less than 5 acres, the subdivider shall address the water rights by one of the following methods:

**A. Transfer to Single Entity**

Reserve all or a portion of the appropriated water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water, and reserve and sever any remaining surface water rights from the land; or,

**B. Use Agreement**

If the land to be subdivided is subject to a contract or an interest in a public or private entity formed to provide for the use of a water right on the subdivision lots, the subdivider shall establish a landowner's water use agreement administered through a single entity that specifies the administration of the water rights and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or,

**C. Sever Rights**

Reserve and sever all surface water rights from the land.

**3.1.5.6 Irrigation Improvements**

A subdivision plat/plan that proposes to transfer water, water rights, shares or assessment to one or more lots in the subdivision, or to an entity that will provide water to one or more the lots, shall include an irrigation improvements plan, pursuant to *Section 7.6.13, Irrigation Improvements Plan*. Improvements in the plan shall be installed prior to filing of the final plat, unless the irrigation provider approves an alternative schedule.

## **3.2 Riparian Resource Areas**

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### **3.2.1 Purpose and Intent**

The purpose and intent of this section is to ensure that subdivisions are located and designed to protect the health, safety and welfare of residents from flooding, erosion, and inadequate drainage. It is the further intent of this section to permit the subdivision of land while protecting riparian resources in the following ways:

#### **3.2.1.1 Diversity**

Support diverse and productive aquatic and terrestrial riparian systems and the wildlife habitats these systems create.

#### **3.2.1.2 Waterbodies**

Protect the banks, shores, and waters of rivers, streams, lakes, and other water bodies.

#### **3.2.1.3 Sediment Filters**

Preserve vegetation that provides effective sediment filters that maintain water quality.

#### **3.2.1.4 Stream Features**

Preserve trees that provide shade and moderate stream temperature and eventually contribute woody debris that creates riffles, pools, and other elements of channel structure.

#### **3.2.1.5 Floodplain**

Preserve floodplain capacity to retain flood waters.

#### **3.2.1.6 Water Quality, Quantity**

Protect the public interest in the quality and quantity of surface and ground waters.

### **3.2.2 Applicability**

This section shall apply to subdivisions that contain or abut riparian resources as defined in *Chapter 2, Definitions*.

### **3.2.3 Management Plan**

A Riparian Resources Management Plan shall be required when a proposed subdivision contains or abuts a riparian resource area. See *Section 7.6.4, Riparian Resources Management Plan*, for the required contents of the plan.

### **3.2.4 Riparian Resource Area Standards**

#### **3.2.4.1 Development**

Improvements, development, structures, fences and the alteration of natural landscape and vegetation are prohibited in the riparian area, unless expressly approved as part of a Riparian Resources Management Plan. Notwithstanding,

restoration or enhancement of natural resources and roads pursuant to *Section 3.2.5, Road Construction*, shall be permitted.

**3.2.4.2 Common Area, No Build**

Major subdivisions shall be designed to include riparian resources in the subdivision common area and to preserve the area with an irrevocable covenant that prohibits further subdivision and development of the area. Minor subdivisions may be designed to include riparian resources in lots that are proposed for development provided the riparian areas are designated as no-build areas.

**3.2.4.3 Parkland**

Land area containing riparian resources may be counted to satisfy the park and open space requirements of these regulations.

**3.2.5 Road Construction**

Road construction in a riparian resource area shall be allowed provided there is no practical alternative route to access the subdivision or lots within the subdivision. Road construction allowed by this section shall comply with the following standards:

**3.2.5.1 Alignment**

Road alignment shall be designed to maximize use of open areas and minimize removal of vegetation. Roads also shall be designed to minimize scenic impacts by avoiding areas adjacent to open water and locating below ridge crests and high points.

**3.2.5.2 Soils**

Roads shall be constructed on soils that are not susceptible to erosion and will avoid sedimentation and pollution runoff into water bodies.

**3.2.5.3 Contours**

Roads shall be designed to follow natural contours and minimize cuts and fills.

**3.2.5.4 Perpendicular Crossing**

Crossings of streams, lakes, wetlands or other water bodies must occur at perpendicular angles to minimize disturbance of the riparian resources.

**3.2.5.5 Sidecasting**

The sidecasting of road material into a stream, lake, wetland, or other body of water during road construction or maintenance is prohibited.

**3.2.5.6 Erosion Control**

Effective erosion and sedimentation control practices shall be conducted during all clearing, construction, or reconstruction operations.

### 3.2.5.7 No Fill Deposits

Road fill material shall not be deposited in the riparian resources or in a location that creates adverse impacts to the riparian resources.

## 3.3 Lots and Blocks

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### 3.3.1 Purpose and Intent

The purpose and intent of this section is to promote a pattern of subdivision development that enhances the overall community and fits the context in which a proposed subdivision is located. Proper design of lots and blocks ensures each platted lot will be functional with sufficient land area to accommodate the intended land use and the necessary supporting functions such as wells, septic systems, parking areas, and adequate circulation.

### 3.3.2 Standards for Lots and Blocks

#### 3.3.2.1 Grid Pattern

Blocks and streets shall be designed to create a block grid pattern, except where a non-grid pattern is necessary due to natural features, topographic or other contextual conditions, such as an established adjacent development pattern.

#### 3.3.2.2 Length

Block length shall be no longer than 450 feet for small lot subdivisions.

#### 3.3.2.3 Two-Tiered Blocks

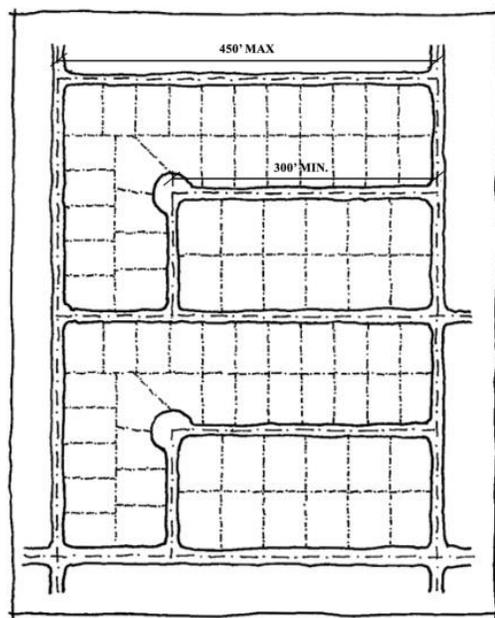
Subdivision blocks shall be designed with two tiers of lots, except where topography or site dimensions only permits a single tier. In the case of a block with a single tier of lots, the lots shall be arranged so as to avoid through lots in accordance with *Section 3.3.2.4, No Through Lots*.

#### 3.3.2.4 No Through Lots

Through lots are prohibited, except when they are essential to overcome specific disadvantages of topography or orientation, as determined by the governing body.

##### A. Minimization of Impacts Required

When through lots are permitted, the proposed subdivision shall include design elements that minimize visual impacts and safety hazards, pursuant to *Section 3.3.2.4.B, Design Elements*. Such design elements shall separate



land uses from pedestrian and vehicular traffic, and mitigate visual impacts of trash receptacles, utility installations, outdoor storage and other unsightly elements that frequently are visible when the side/rear portions of properties are viewed from roads or other public areas.

**B. Design Elements**

Design elements to minimize the impacts of through lots include common areas, no-build zones, setbacks, and/or easement areas designated for screening by fencing, landscaping buffers and berms. Non-motorized facilities also may be located in these design elements. Said design elements shall be sufficiently wide to adequately accommodate the screening, but in no case less than 10 feet in width. The governing body may approve another design alternative proposed by the applicant that achieves the required mitigation.

**C. Maintenance Agreement**

When visual screening, fencing, and/or landscaping is an approved design element, a maintenance agreement shall be required that ensures the developer will maintain the visual screening, fencing, and/or landscaping until a homeowners' association or a similar organization is capable of assuming the maintenance responsibility. The maintenance agreement shall comply with requirements in *Appendix B, Maintenance Agreements*.

**3.3.2.5 Developable Lots**

All lots in a proposed subdivision that are intended for development shall have a building site suitable for the intended land use. A subdivision may contain lots which are not intended as building lots but are necessary for other purposes.

**A. No Warranty**

County approval of a subdivision shall not constitute a warranty that any lot is suitable or developable for any particular use.

**B. Zoning**

In an area subjected to zoning regulations, subdivisions shall comply with all applicable zoning standards.

**3.3.2.6 Building Area**

Each lot shall contain a building site large enough to accommodate the intended land use without extending development into a hazard area defined in *Section 3.1.3.2, Hazard Areas Defined*.

**3.3.2.7 Boundary**

No single lot shall be divided by a municipal or county boundary line.

**3.3.2.8 Contiguous Lot**

No single lot shall be divided by a navigable stream, alley, highway, interstate freeway, or public street or road right-of-way, including public road easements.

The existence of a private easement or natural feature such as a non-navigable stream shall not constitute a subdivision that creates more than one parcel or tract divided by the private easement or natural feature.

**3.3.2.9 Access**

Each lot shall have access to a public or private street or road. Alleys may not be used to provide the primary access to the lot. Alleys may be required in subdivisions when the governing body determines they are necessary to accommodate service deliveries, loading, unloading, and similar vehicular movements without creating undue congestion on nearby streets.

**3.3.2.10 Lot Lines**

Side lot lines shall be substantially perpendicular to street or road lines and radial to curved street or road lines.

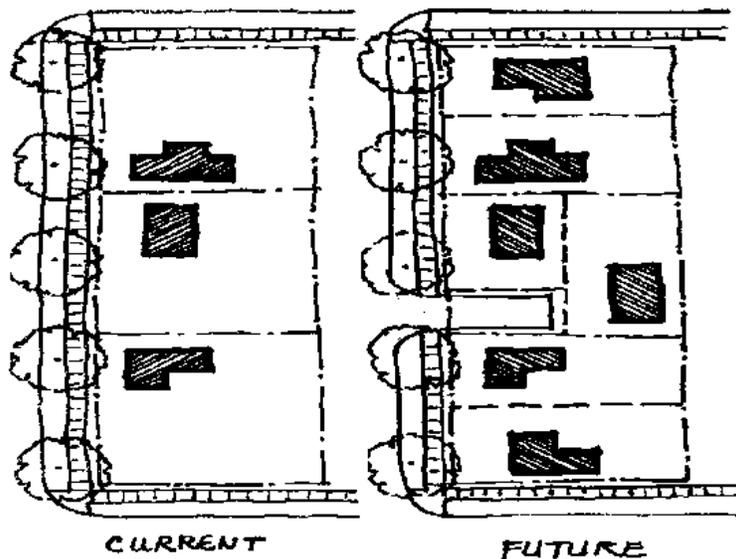
**3.3.2.11 Solar Orientation**

Streets in residential subdivisions should, where possible, be aligned to within 30 degrees of an east-west axis.

**3.3.3 Future Development**

**3.3.3.1 Further Subdivision**

If a subdivision is proposed within an Urban Area, as delineated in *Appendix A, Urban Area Boundaries*, and proposes a density less than allowed by an applicable zoning resolution or land use designation in a currently adopted Missoula County Growth Policy, the governing body may require the plat/plan demonstrate how the full residential density allowed for the subdivision can be accommodated in the future without interfering with the orderly design of the subdivision. Full residential density is the greater of the land use designation or the applicable zoning.



### **3.3.3.2 Connecting Development to Adjoining Land**

All subdivisions shall be designed to maximize connectivity to adjoining subdivided lands or connectivity potential to adjoining undeveloped lands. Such connectivity shall provide road rights-of-way and easements, consistent with *Section 3.4.6.3, Through Streets, Future Extensions*, and allow for extensions of pedestrian facilities, trails, parks and open space, drainage easements, and utility easements.

## **3.4 Transportation Standards**

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### **3.4.1 Purpose and Intent**

The purpose and intent of this section is to ensure subdivisions provide safe, logical, and efficient transportation systems that connect to the overall transportation network. Accomplishing this purpose and intent includes the following:

#### **3.4.1.1 Design Flexibility**

Provide design options that fit within the surrounding human-made and natural environment and safely accommodate all modes of transportation.

#### **3.4.1.2 Safe Access**

Create safe and adequate access to all lots in the proposed subdivision and to roads and highways within the area of the subdivision.

#### **3.4.1.3 Connectivity**

Make logical, convenient connections to existing or planned roads and trails to reduce extra trips that negatively affect air quality and increase congestion.

#### **3.4.1.4 Air Quality**

Properly design and construct roads to reduce air pollution.

#### **3.4.1.5 Transportation Plans**

Create a transportation network that is consistent with adopted transportation plans.

### **3.4.2 Urban, Rural Standards**

These regulations establish Urban Areas within which certain Urban Standards shall apply for roads, and a Rural Area within which certain Rural Standards shall apply for roads. Also, certain non-motorized facilities are required in Urban Areas that are not required in the Rural Area.

#### **3.4.2.1 Boundaries of Urban Areas, Rural Area**

The boundaries of two Urban Areas are delineated in *Appendix A, Urban Area Boundaries*, of these regulations. All remaining area of the unincorporated county outside of these Urban Areas shall be the Rural Area for the purposes of these regulations.

**A. Urban Services, Urban Density**

It is the intent of these regulations that the Urban Areas include areas that are serviceable by urban infrastructure and can support an urban level of density. The boundaries of the Urban Areas are identical to and coincident with the boundaries of the two service areas listed below.

1. Missoula Wastewater and Sewer Service Area that is established and from time to time amended by the City of Missoula.
2. Lolo Water and Wastewater Service Area that is established and from time to time amended by the Missoula County governing body.
3. The Board of County Commissioners shall review boundaries of the Urban Areas on an annual basis and make amendments as needed to match the Missoula and Lolo Wastewater Service Areas.

**Info Box**

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When the City of Missoula amends the Wastewater and Sewer Service Area, or the governing body amends the Lolo Water and Wastewater Service Area, the boundaries of the Urban Areas are not automatically amended. *Appendix A, Urban Area Boundaries*, may be amended only by action of the Missoula County governing body pursuant to *Section 1.10, Amendments to Regulations*.

**3.4.2.2 Exceptions to Urban Standards**

The rural standards for roads and non-motorized facilities shall apply to Urban Area subdivisions meeting all of the criteria below.

**A. Size**

All lots in the proposed subdivision are at least one acre in size and further subdivision of them is not practical; and,

**B. No Through Connection**

The proposed subdivision provides no opportunity for a vehicular through connection to another subdivision or an area that potentially can be subdivided that will create the need for urban road standards; and,

**C. No Utility Infrastructure**

The extension of urban infrastructure to the subdivision, including municipal sewer and water, is not reasonably expected due to topography, remoteness, or a similar land constraint.

**3.4.2.3 Exceptions to Rural Standards**

Urban road standards and non-motorized facilities shall be required in accordance with the following standards.

**A. Roads**

Urban road standards shall apply to Rural Area subdivisions when the majority of the lots in the subdivision are smaller than one acre and the subdivision is served by a community water or sewer system.

**B. Non-motorized Plan**

Non-motorized transportation facilities shall be required along the frontage of Rural Area subdivisions where a Transportation Plan has been adopted by the governing body that calls for non-motorized transportation facilities, or the proposed subdivision can provide a logical extension to an existing non-motorized facility pursuant to *Section 3.4.9.2.B, Rural Major Subdivisions*.

**3.4.3 Legal Access**

Legal access to the subdivision shall be provided by an established public road or perpetual access easement. An easement shall be in a legally sufficient form acceptable to the County Attorney. When a required easement is unavailable at the time of submittal of a subdivision application, the application shall include a description of how it will be obtained prior to the filing of the final plat.

**3.4.4 Physical Access**

Physical access from a public road for motorized vehicles, and in certain locations non-motorized users, shall be provided to the subdivision in accordance with the design standards of these regulations. The access also shall comply with *Section 6, Road Construction Standards* and *Section 10, Sidewalk and Non-motorized Facilities*, of the Missoula County Public Works Manual, as amended.

**3.4.5 Traffic Study, Off-Site Improvements**

A traffic study shall be required for a subdivision that creates more than 50 residential lots, or creates multi-family or commercial development opportunities that may lead to traffic impacts on nearby roads. Off-site road and intersection improvements may be required based on the findings of the traffic study and the recommendation of the Public Works Director or Montana Department of Transportation. The traffic study shall comply with *Section 13, Traffic Impact Analysis*, of the Missoula County Public Works Manual, as amended.

**3.4.6 Road Network Standards**

The road network in new subdivisions shall comply with the following standards:

**3.4.6.1 Frontage on State Arterial**

When proposed subdivision lots front on an arterial, access to the lots shall not be directly from the arterial but via a limited access road or a frontage road.

**3.4.6.2 Frontage On More Than One Road**

When the proposed subdivision abuts more than one road, access to the lots shall be from the road of lowest road class as defined in *Table 3.4.7, Road*

Standards. If the abutting roads have the same classification, access shall be taken from the road with the lowest traffic volume.

**3.4.6.3 Through Streets, Future Extensions**

When a proposed subdivision provides an opportunity to connect the subdivision roads to an existing road network, or a future road for which plans have been approved by the governing body, or an area that potentially may be subdivided, extensions of road easements or rights-of-way may be required to enable the connection. Extended easements or rights-of-way shall not be required when through roads or future connections are not feasible due to topographic or other natural land constraint.

**3.4.6.4 Turn Arouds**

When a proposed subdivision contains a dead-end road, a turn-around facility designed to accommodate emergency service vehicles shall be provided. The turn-around facility shall be a cul-de-sac, T-type or branch design. The dimensions of the turn-around shall comply with designs in the Missoula County Public Works Manual, *Appendix A, Exhibit MSCD #200*, as amended.

**3.4.6.5 Wildland/Urban Interface**

Major subdivisions in the Wildland Urban Interface area shall have more than one access route providing ingress and egress to the subdivision that complies with *Section 3.5.8, Subdivision Access*.

**3.4.7 Road Design Standards**

Unless excepted in *Section 3.4.2.2, Exceptions to Urban Standards*, *Section 3.4.2.3, Exceptions to Rural Standards*, or *Section 3.4.7.5, Offsite Roads*, roads proposed in the Urban Area shall comply with the Urban Standards and roads proposed in the Rural Area shall comply with the Rural Standards in *Table 3.4.7, Road Standards*.

**3.4.7.1 Air Stagnation Zone**

Notwithstanding permitted gravel surfaces in *Table 3.4.7, Road Standards*, new roads and new driveways shall be paved in the Missoula County Air Stagnation Zone, as established and from time to time amended by the Board of County Commissioners.

**Info Box**

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See the Montana Clean Air Act of 1969 and the Missoula City – County Air Pollution Control Program Resolution, Chapter 8, Sub-chapter 2. A paving permit is required.

**3.4.7.2 Maximum Grade**

The maximum finished grade shall be 10% for local roads, 8% for commercial/industrial roads, and 6% for collector roads, as these road classes are defined in *Table 3.4.7, Road Standards*.

#### **3.4.7.3 Curb, Gutter, Boulevard**

In the Urban Area, all roads in major small lot subdivisions shall contain a conventional curb, gutter and a boulevard sidewalk. The dimensions of the boulevard and sidewalk shall comply with the standards in *Table 3.4.9.4, Non-Motorized Standards*.

#### **3.4.7.4 No Parking**

Any designated “No Parking” Zone on a public road shall be approved by resolution by the Board of County Commissioners.

#### **3.4.7.5 Offsite Roads**

Offsite roads providing subdivision access shall meet the following standards:

##### **A. Emergency Access Standards**

Basic emergency vehicle access shall be established and/or maintained for all offsite roads. Road maintenance and upgrades to meet standards may include, but not be limited to road widening and regrading, road construction and reconstruction, the establishment of vehicle turnouts, and regular maintenance and snow removal. Inability to meet basic emergency vehicle access standards, including ensuring access through floodwaters less than one foot deep during the 100-year flood event, or mitigating impacts of substandard offsite roadways shall preclude approval of the subdivision.

##### **B. Roads uniquely attributable to the subdivision**

Offsite roads uniquely attributable to the subdivision shall meet the standards of Table 3.4.7.

##### **C. Roads not uniquely attributable to the subdivision**

1. Offsite roads not uniquely attributable to the subdivision shall maintain a grade not to exceed 10%, shall have a minimum 20' unobstructed drivable width and 13'6" vertical clearance. Roads shall be composed of an all-weather surface capable of supporting emergency vehicles in all weather conditions as determined by Missoula Rural Fire District or the County Fire Inspector as appropriate.
2. Offsite roads not uniquely attributable to the subdivision may be subject to cost-sharing methods to finance construction and maintenance. These may include, but are not limited to Rural Special Improvement Districts (RSIDs), payback provisions, and proportional cost-share agreements.

##### **D. Right-of-way dedication**

Offsite roads classified as, or with the potential to become Collectors, may require dedication of additional right-of-way.

**E. Traffic Study**

Subdivisions creating development as described in *Section 3.4.5, Traffic Study, Off-Site Improvements*, shall be subject to a traffic study pursuant to the section. If the findings of the traffic study differ from any applicable standard of *Section 3.4.6.3, Offsite Roads*, the stricter standard shall apply.

**TABLE 3.4.7  
ROAD STANDARDS**

		Urban Standards							Rural Standards	
		ROW	Pavement Width						ROW	Gravel or Pavement Width
Road Class	Lots or Units		Small Lot			Large Lot				
			No parking	Parking 1-side	Parking 2-sides	No parking	Parking 1-side	Parking 2-sides		No Parking
Local / Private	2 – 5	60	20	24	30	20	24	30	40	18
Local / Public	2 – 5	60 – 80	20	24	30	20	24	30	60	24
Local	6 – 39	60 – 80	n/a	28	32	24	28	32	60	24
Minor Collector	40 – 199	60 – 80	24	n/a	32	24	n/a	32	60 – 80	26
Collector	200+	60 – 80	24	n/a	34	24	n/a	34	60 – 80	28
Commercial / Industrial	n/a	60 - 80	26	n/a	32	26	n/a	32	n/a	n/a

**Notes to Accompany Table**

1. ROW, pavement, and gravel widths in feet.
2. Pavement widths do not include bike lanes, curb and gutter, or 2-foot shoulders required for each side.
3. Gravel surface width measured as improved travel surface exclusive of ditch slopes.
4. When a range is indicated for ROW, the Public Works Director shall determine the specific width. This determination shall ensure sufficient width to accommodate required facilities based on: Average Daily Trips, density, inclusion of boulevards or stormwater facilities, projected vehicle types, emergency vehicle access, traffic calming techniques, bike lanes, slope, and geological constraints.
5. Minor Collector and Collector roads without parking may be subject to additional design standards as determined by the Public Works Director.

### **3.4.8 Construction Standards**

#### **3.4.8.1 Drainage**

Roads shall be designed to ensure proper drainage, including surface crown, culverts, curbs and gutters, drainage swales, and storm drains. Roads shall comply with *Section 9, Storm Drainage*, of the Missoula County Public Works Manual, as amended.

#### **3.4.8.2 Slope Easements**

If road construction extends outside the right-of-way or road easement, a back-slope easement shall be provided.

### **3.4.9 Non-Motorized Facilities**

Subdivisions shall include non-motorized transportation facilities in accordance with the standards of this section.

#### **3.4.9.1 Urban Area Requirements**

##### **A. Urban Minor Subdivisions**

The construction of non-motorized facilities such as sidewalks, bike lanes, or trails is not required in minor subdivisions. Minor subdivisions shall include a waiver of the right to protest the creation of an SID/RSID for future construction of sidewalks, bicycle lanes or trails. This waiver shall comply with the requirements of *Section 6.3.5.4.B, Waive Protest*.

##### **B. Urban Major Subdivisions**

The construction of non-motorized facilities, in compliance with the dimensional standards in *Table 3.4.9.4, Non-Motorized Standards*, is required in major subdivisions.

1. Urban major subdivisions with fewer than 40 lots may include a wider sidewalk on one side as an alternative to a narrower sidewalk on both sides of the streets that are internal to the subdivision. Either alternative shall comply with the dimensional standards in *Table 3.4.9.4, Non-Motorized Standards*.
2. Urban major subdivisions with 40 or more lots shall include a concrete boulevard sidewalk on both sides of the streets that are internal to the subdivision in compliance with the dimensional standards in *Table 3.4.9.4, Non-Motorized Standards*.
3. When a non-motorized facility is located along the street adjacent to a proposed subdivision, the subdivider shall extend the non-motorized facility, or facilities if more than one exist, across the frontage of the subdivision. If the proposed subdivision fronts more than one street, the non-motorized facilities in each street shall be extended across the subdivision frontage.

- a. Each extension shall comply with the dimensional standards in *Table 3.4.9.4, Non-Motorized Standards*.
  - b. Each extension shall comply with the surface materials required in *Section 3.4.9.5, Trail Construction Standards*.
  - c. A non-motorized facility may be constructed within the adjacent road right-of-way or easement provided sufficient width exists to safely accommodate it. Additional right-of-way or easement shall be provided across the frontage of the subdivision if the adjacent street contains insufficient right-of-way or easement width to safely accommodate the facility.
4. An off-road pedestrian trail may be constructed in lieu of sidewalks required by these regulations provided no opportunity exists to connect to a network of existing sidewalks and at least one of the following criteria is satisfied:
- a. The off-road trail contributes to an area wide network of trails by connecting to existing trails or future trails for which a trails plan has been approved by the governing body; or,
  - b. The subdivision is large enough that a trail can create a stand-alone trail system.

#### **3.4.9.2 Rural Area Requirements**

##### **A. Rural Minor Subdivisions**

The construction of non-motorized facilities such as sidewalks, bike lanes or trails is not required in minor subdivisions. Minor subdivisions shall include a waiver of the right to protest the creation of an SID/RSID for future construction of sidewalks, bicycle lanes, or trails. This waiver shall comply with the requirements of *Section 6.3.5.4.B, Waive Protest*.

##### **B. Rural Major Subdivisions**

- 1. Rural major subdivisions shall include a trail on at least one side of all roads internal to the subdivision that is constructed pursuant to the standards established in *Table 3.4.9.4, Non-Motorized Standards*.
- 2. When a non-motorized facility is located along the street adjacent to a proposed subdivision, the subdivider shall extend the non-motorized facility, or facilities if more than one exist, across the frontage of the subdivision. If the proposed subdivision fronts more than one street, the non-motorized facilities in each street shall be extended across the subdivision frontage.
  - a. Each extension shall comply with the dimensional standards in *Table 3.4.9.4, Non-Motorized Standards*.

- b. Each extension shall comply with the surface materials required in *Section 3.4.9.5, Trail Construction Standards*.
- c. A non-motorized facility may be constructed within the adjacent road right-of-way or easement provided sufficient width exists to safely accommodate it. Additional right-of-way or easement shall be provided across the frontage of the subdivision if the adjacent street contains insufficient right-of-way or easement width to safely accommodate the facility.

### **3.4.9.3 General Design Standards**

#### **A. Continuous Access**

Non-motorized transportation facilities shall be continuous and provide access to all lots within the subdivision and, where applicable, provide safe access to bus stops, schools, playgrounds, shopping areas, parks, common areas, or open space.

#### **B. ADA**

Non-motorized facilities shall be constructed to comply the Americans with Disabilities Act.

#### **C. Raised Surface**

When necessary to ensure pedestrian safety as determined by the Public Works Director, non-motorized facilities shall be raised a minimum of 6 inches above the grade of streets, drives, parking lots, and other paved areas or shall be constructed of a material, striping, or colors that are different from the adjacent pavement.

### **3.4.9.4 Sidewalk Standards**

#### **A. Dimensional Standards**

Sidewalks, bike lanes and trails required by these regulations shall be constructed in compliance with the dimensional standards in *Table 3.4.9.4, Non-Motorized Standards* and *Section 10, Sidewalks and Non-motorized Facilities*, of the Missoula County Public Works Manual, as amended.

#### **B. Boulevard Elimination**

The Board of County Commissioners shall eliminate the boulevard to allow a sidewalk adjacent to a curb when the modification satisfies one of the criteria below.

1. Avoids significant impacts from hillside development or cuts and fills of the natural grade; or,
2. Allows a better design or circulation pattern than could be achieved with a regularly dimensioned boulevard; or,

3. Avoids impacting the sidewalk or trees planted along the street with snow storage; or,
4. Provides an area along the outer edge of the easement or right-of-way for an essential storm drainage facility or swale.

TABLE 3.4.9.4 NON-MOTORIZED STANDARDS						
Road Class	Lots	Boulevard Sidewalk		Bike Lane	Trail	
		Width		Width	Width	Vertical Clearance
		Walk	Boulevard	Lane		
Local	2 – 5	n/a	n/a	n/a	n/a	n/a
Local	6 – 39	8' on 1 side or 5' on 2 sides	7' <sup>1</sup>	n/a	5' – 8' <sup>2</sup>	8' 6"
Minor Collector	40 – 199	5' Both sides	10' <sup>1</sup>	6'	8' – 10' <sup>2</sup>	8' 6"
Collector	200+	5' Both sides	10' <sup>1</sup>	6'	8' – 10' <sup>2</sup>	8' 6"

**Notes to Accompany Table:**

1. See Section 3.4.9.4.B, Boulevard Elimination, for criteria for eliminating the boulevard.
2. Specific trail width, when a range is indicated, will be based on projected traffic volume, number of user types and character of existing trails in the neighborhood.
3. See Sections 3.4.9.1, Urban Area Requirements and 3.4.9.2, Rural Area Requirements, for locations of required facilities.

**C. Wider Sidewalk**

If the Board of County Commissioners approves the elimination of the boulevard to allow a sidewalk attached to the curb based on one of the criteria of this section, the Board shall require sidewalks adjacent to streets classified as collectors or arterials to be at least 7 feet wide to maintain pedestrian safety.

**D. Boulevard Landscaping, Swale**

1. When approved as part of a stormwater management plan, a drainage swale may be located in the required boulevard.
2. When not needed for a drainage swale, the boulevard between the sidewalk and curb shall be planted with grass and shade trees. Shade trees shall be planted an average of 30 feet on center, or less to allow smaller species closer together, and located to receive a sufficient but not an excessive amount of water.

**E. Materials**

Sidewalks shall be constructed of concrete unless an alternative material is approved to be consistent with the subdivision design, an overall development plan, or the Missoula Active Transportation Plan.

**3.4.9.5 Trail Construction Standards**

Required trails shall comply with the dimensional standards in *Table 3.4.9.4, Non-Motorized Standards* and be constructed with a concrete or an asphalt surface or a comparable surface material that is durable, maintainable, and usable in year round weather conditions.

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## **3.5 Fire Suppression**

**3.5.1 Purpose and Intent**

The purpose and intent of this section is to ensure planning for new subdivisions considers the real dangers of structure fires, incorporates design features that minimize the risk to life and property from fires, and provides an adequate system for fire suppression. As this section addresses fires that start within structures and their suppression, other relevant sections should be consulted to address the risk from fires that start outside of structures.

**3.5.2 Fire Suppression Plan**

An application and preliminary plat/plan for a proposed subdivision shall include a fire suppression plan that, at a minimum, designates a water source for fire suppression, ensures functional access for fire apparatus to each lot, and establishes an on-going program for any required maintenance or inspections.

<b>Info Box</b>
See NFPA 1142 for additional requirements that may exceed the standards of these regulations. <a href="http://tinyurl.com/NFPA-1142">http://tinyurl.com/NFPA-1142</a>

**3.5.3 Water Source**

A subdivision shall contain at least one of the following water sources for fire suppression:

**3.5.3.1 Municipal System**

Connection to a municipal or community water system that provides the minimum fire flow per National Fire Protection Association (NFPA) 1142.

### **3.5.3.2 Storage and Hydrants**

Water storage tank or cistern with attached fire hydrants provided the tank/cistern is the minimum size for the proposed use per NFPA 1142.

### **3.5.3.3 Rivers, Ponds**

Ponds, rivers or streams with accessible hydrants that can produce an uninterrupted minimum flow as specified by NFPA 1142. The water source shall provide the minimum flow on a year-round basis as determined by a professional engineer, hydrologist, or similarly qualified person licensed or registered to practice in Montana.

### **3.5.3.4 Sprinklers**

Fire sprinkler systems that comply with NFPA 1142, 13 and/or 13D, as applicable. The sprinkler plans shall be certified by a fire protection engineer with a NICET Level 3 certification and licensed to practice in Montana. Sprinkler plans shall be reviewed for approval under the County Land Use Zoning Compliance Permitting System.

## **3.5.4 Location**

When a storage tank/cistern or natural water source provides water for fire suppression, the subdivision common area shall encompass the water source or an easement shall be recorded that allows the source to be used for fire suppression and be accessed, maintained and repaired.

## **3.5.5 Access to Water**

Legal access, in a form acceptable to the County Attorney, and year-round physical access shall be provided to the water supply.

### **3.5.5.1 Width, Pull Outs**

Access to the fire-fighting water source shall be of sufficient width to allow fire apparatus to pass vehicles or pull outs separate from travel lanes shall be required to allow vehicles to pull out of the way of fire apparatus.

### **3.5.5.2 Access to Hydrants**

The legal and physical access shall accommodate the required fire hydrant and a parking area for the fire apparatus that will connect to the hydrant. The parking area shall be at least 60 feet long, 12 feet wide, and allow traffic to pass the parked fire apparatus.

## **3.5.6 Maintenance Agreement**

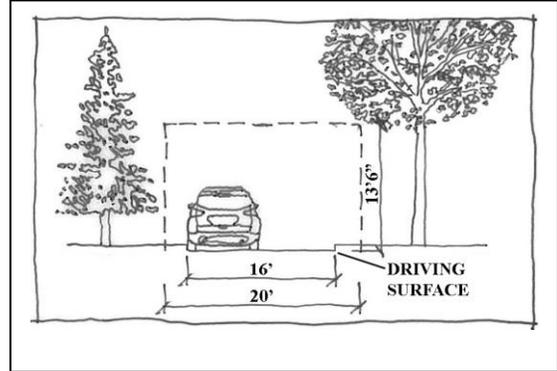
A maintenance agreement shall be required that ensures the developer will maintain the water source and the accesses to it until a homeowners' association or a similar organization is capable of assuming the maintenance responsibility. The maintenance agreement shall comply with requirements in *Appendix B, Maintenance Agreements*.

**3.5.7 Access to Individual Lots**

A subdivision shall provide accesses to each individual lot that complies with the standards of this section.

**3.5.7.1 Minimum Width**

The minimum drivable width of 16 feet shall be provided for driveways longer than 150 feet. However, if the driveway contains straight segments with clear lines of sight, the width may be reduced to 12 feet. Pull outs separate from the travel lane may be required when necessary to allow fire apparatus to pass vehicles.



**3.5.7.2 Vertical, Horizontal Clearance**

In addition to the drivable width, accesses to individual lots shall provide an unobstructed vertical clearance of 13.5 feet and horizontal clearance of 20 feet.

**3.5.7.3 Fire Apparatus**

The individual lot access shall allow fire apparatus to park within 150 feet of all parts of the buildings on the lot. If the driveway to a lot is longer than 150 feet, a turn-around for fire apparatus shall be provided on the lot. The turn-around shall be a cul-de-sac, T-type, or branch design. The dimensions of the turn-around shall comply with designs in the Missoula County Public Works Manual, *Appendix A, Exhibit MSCD #200*, as amended.

**3.5.7.4 Sub-grade**

Drivable surfaces and shoulders shall include a stabilized sub-grade with all-weather surface sufficient to support emergency vehicles.

**3.5.8 Subdivision Access**

Major subdivisions in the Wildland Urban Interface area shall have more than one access route providing ingress and egress to the subdivision that complies with the following standards:

**3.5.8.1 Escape Route**

The two accesses shall be located so as to provide a legitimate alternative escape route from the subdivision in the event one access is blocked during a fire.

**3.5.8.2 Legal Access**

Legal access shall be provided by an established public road or a perpetual access easement. An easement shall be in a legally sufficient form acceptable to the County Attorney. When a required easement is unavailable at the time of

submittal of a subdivision application, the application shall include a description of how the easement will be obtained prior to the filing of the final plat.

**3.5.8.3 Physical Access**

Physical access for motorized vehicles shall be provided in accordance with the design standards of these regulations.

**3.5.9 Notification**

Notes shall be placed on the supplemental or conditions of approval sheets, and when applicable, provisions shall be included in the Conditions, Covenants, and Restrictions or Homeowners' Documents and purchase and sales agreements, that notify future owners of the following obligations and responsibilities:

**3.5.9.1 Sprinklers**

The requirement that fire sprinklers shall be provided in single family residences, when applicable; and,

**3.5.9.2 Maintenance**

A maintenance agreement approved by the authority having jurisdiction that details the on-going maintenance and inspection responsibilities and costs for future lot owners. The agreement shall comply with the requirements in *Appendix B, Maintenance Agreements*.

**3.5.10 Fire District Review**

Review and approval by the fire district having jurisdiction or the designated county agent is required for the fire suppression water source, access to the water source and accesses to the individual lots.

**3.5.10.1 Annexation**

Subdivisions not within a fire district or fire protection area shall annex into the appropriate fire district or fire protection area prior to final plat approval.

**3.5.10.2 Response**

Subdivisions not able to annex into a fire district or fire protection area shall provide evidence of structure fire response from an organized fire district or emergency services entity.

**3.5.11 RSID/SID Waiver**

If no community or municipal water system with the required minimum fire flow is provided, an RSID/SID waiver statement shall be required stating that at such

<b>Info Box</b>
Check with the authority having jurisdiction for the subdivision for testing requirements and specifications for connection devices to fire hydrants, storage tanks, and other facilities. The Planning Office may be contacted to confirm the authority having jurisdiction.

time a community or municipal water system is available the property owner shall be required to participate in the RSID/SID. This waiver shall comply with the requirements of *Section 6.3.3.4.B, Waiver Protest*.

## **3.6 Potable Water and Wastewater**

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### **3.6.1 Purpose and Intent**

The purpose and intent of this section is to ensure subdivisions are designed to protect the health and safety of the future occupants of the subdivision without negatively impacting neighboring land or natural resources. This section ensures subdivisions include water systems that provide a sufficient quantity and quality of safe drinking water and well-planned wastewater systems.

### **3.6.2 Potable Water Required**

All subdivisions shall provide a system for potable water pursuant to the standards of this section.

#### **3.6.2.1 Adequate Source**

For all subdivisions, the subdivision application and preliminary plat/plan shall demonstrate a dependable water source that provides water of acceptable quality and sufficient quantity for the subdivision.

#### **3.6.2.2 DEQ Standards**

In subdivisions containing one or more lots smaller than 20 acres and all lots containing condominiums or more than one site for RV's or mobile homes, the water supply system shall meet the minimum standards of, and be subject to approval by, the Montana Department of Environmental Quality as required by MCA, Title 76, Chapter 4, and all applicable state regulations.

#### **3.6.2.3 Missoula City-County Health Department Approval**

Before final plat approval, the means for water supply must have approval by the Missoula City-County Public Health Department, and shall comply with all applicable local regulations specifically including the Missoula County Health Code, Regulation 1 and 5, as amended, and ARM 17.36.331 and 17.36.332, regarding the quality and quantity of water.

#### **3.6.2.4 Individual Wells**

If private wells are proposed for individual lots, the layout of the lots shall include a well isolation zone that is a 100-foot radius around the well. The isolation zone shall not extend onto adjoining property without the written approval of the owner of the adjoining land.

#### **3.6.2.5 Water Rights**

For any new water source, the subdivision application and/or preliminary plat/plan shall include either proof of a water right, as defined in §85-2-422, MCA, or a letter from the Department of Natural Resources and Conservation

stating that the water supply is exempt from water rights permitting requirements.

### **3.6.3 Wastewater System Required**

All subdivisions shall provide a wastewater disposal system pursuant to the standards of this section.

#### **3.6.3.1 Septic Systems**

Each lot that is 20 acres or larger for which a septic system is proposed shall have sufficient room for at least one system and a replacement drain field.

#### **3.6.3.2 DEQ Approval**

For lots smaller than 20 acres and all subdivisions containing condominiums or more than one site for RV's or mobile homes, the sewage disposal systems shall meet the minimum standards of, and subject to approval by, the Montana Department of Environmental Quality as required by MCA, Title 76, Chapter 4, and all applicable state regulations.

#### **3.6.3.3 Missoula City-County Health Department Approval**

Before final plat approval, the means for wastewater disposal must have approval by the Missoula City-County Public Health Department, and shall comply with all applicable local regulations specifically including the Missoula County Health Code, Regulation 1 and 5, as amended.

### **3.6.4 Easements**

If the water source and/or wastewater disposal system is not provided on the individual lots, easements shall be recorded that allow each lot to connect to the water source and/or wastewater disposal system. The easements shall be at least 20 feet wide and allow the water source and/or means of waste disposal, delivery and/or collection pipes, pumps and related equipment, and maintenance and repair of the water and/or wastewater system.

### **3.6.5 Connect to Public System**

A proposed subdivision shall be connected to a public water system or wastewater system if any part of the subdivision boundary is within 500 feet of a public system, provided the system has sufficient capacity to serve the subdivision and the managing entity of the system approves the connection, and further provided the Montana Department of Environmental Quality has not waived this requirement pursuant to ARM 17.36.328.

### **3.6.6 Public Service Commission**

The subdivider shall provide a statement from the Montana Public Service Commission (PSC) indicating whether the water or wastewater system is subject to PSC jurisdiction.

### **3.6.7 Submit Comments**

As part of the subdivider's application for approval of the water and/or wastewater disposal system, the subdivider shall forward the public comments or the summary of

comments provided by the governing body pursuant to *Section 5.7.14.9, Water, Wastewater Public Comment*.

**3.6.7.1 Lot Smaller than 20 Acres**

Comments shall be forwarded to the reviewing authority provided in the MCA, Title 76, Chapter 4, for subdivisions that will create one or more parcels smaller than 20 acres or parcels containing condominiums or multiple sites for RV's or mobile homes; and,

**3.6.7.2 Lot 20 Acres or Greater**

Comments shall be forwarded to the Missoula City-County Public Health Department for subdivisions that will create one or more parcels containing 20 acres or more but fewer than 160 acres.

**3.6.8 Notification**

Notes shall be placed on the supplemental or conditions of approval sheets, and when applicable, provisions shall be included in the Conditions, Covenants and Restrictions or Homeowners' Documents and purchase and sales agreements, that notify future owners of the following obligations and responsibilities:

**3.6.8.1 Permits**

A permit shall be obtained from the Missoula City-County Public Health Department to install a well or septic system on an individual lot;

**3.6.8.2 Costs**

Any cost sharing requirements for shared or multiple-user systems that have not yet been constructed; and,

**3.6.8.3 Maintenance**

A maintenance agreement for any shared or multiple-user system, which is approved by the Montana Department of Environmental Quality and Missoula City-County Public Health Department, which details any on-going maintenance responsibilities and costs for future lot owners. This agreement shall comply with the requirements in *Appendix B, Maintenance Agreements*.

**3.6.9 Decision**

The governing body may conditionally approve or deny a proposed subdivision application based on water and wastewater concerns only if the conditional approval or denial is based on existing subdivision, zoning, floodplain or other regulations that the governing body has the authority to enforce.

## 3.7 Stormwater Management, Grading, and Erosion Control

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### 3.7.1 Purpose and Intent

The purpose and intent of this section is to ensure subdivisions are designed to protect natural features of the land and minimize negative impacts on future inhabitants of the subdivision and neighboring developments. This section establishes minimum standards to manage stormwater runoff, minimize erosion, and promote proper grading practices.

### 3.7.2 Plans and Reports Required

#### 3.7.2.1 Grading and Drainage

A grading and drainage plan shall be submitted demonstrating compliance with the standards for stormwater management, grading and erosion control of these regulations, and *Section 9, Storm Drainage*, of the Missoula Public Works Manual, as amended. The plan must be reviewed for compliance with this section and the Public Works Manual and approved, approved with conditions, or denied by the Public Works Director.

#### Info Box

Montana DEQ also administers requirements for stormwater management on lots smaller than 20 acres, MCA 76, Chapter 4, Part 1.

#### 3.7.2.2 Geotechnical Report

If the proposed subdivision contains areas of 25% grade or steeper that are not designated as no-build areas, the subdivision application and preliminary plat/plan shall contain a geotechnical report pursuant to *Section 7.6.3, Slope Analysis*.

### 3.7.3 Preserve Natural Drainage Ways

Natural drainage ways shall be preserved except for necessary road and utility crossings. These crossings shall be designed and constructed to preserve the capacity of the drainage way.

### 3.7.4 100-Year Event

The stormwater management system shall be designed to detain/retain a 100-year, 24-hour rain storm using the SCS Type 2 Rainfall Distribution data.

### 3.7.5 Post-Development Runoff Rate

Post-development runoff rate from the property shall not exceed pre-development runoff rate.

### 3.7.6 Extend Storm Drain System

If the proposed subdivision will result in runoff from the site and an off-site storm drainage system exists, the on-site storm drainage system shall be connected to the existing off-site storm drainage system if the connection can be made within 500 feet, provided the off-site system has the capacity to accommodate the runoff and the managing entity of the system approves the connection.

### 3.7.7 Timing of Installation

Stormwater facilities shall be installed prior to or concurrently with any other subdivision improvements.

### 3.7.8 Easements

#### 3.7.8.1 Stormwater

When proposed stormwater facilities will not be located in public rights-of-way or road easements, the governing body shall require the subdivider to grant easements that provide for the installation and maintenance of drainage facilities. Easements shall be provided in locations approved by the governing body and shall be sufficiently wide to achieve the above stated purpose but in no case less than 20 feet wide.

#### 3.7.8.2 Cuts and Fills

The governing body shall require easements to allow cuts and fills that extend outside of a road easement or right-of-way.

### 3.7.9 Maintenance

A maintenance agreement shall be required that ensures the developer will maintain the stormwater easements and drainage ways until a homeowners' association or a similar organization is capable of assuming the maintenance responsibility. The subdivider shall obtain approval by the Montana Department of Environmental Quality for lots smaller than 20 acres and Missoula County Public Works Department that details the on-going maintenance responsibilities and costs for future lot owners. The maintenance agreement shall comply with requirements in *Appendix B, Maintenance Agreements*.

#### Info Box

Several permits may be required prior to filing the final plat or commencing construction. Contact the Montana DEQ, Water Protection Bureau for information on discharge permits for stormwater if more than 1 acre disturbed, construction dewatering, and wastewater impoundments or conveyances.

### 3.7.10 Graded Areas

The subdivision application and preliminary plat/plan shall show proposed cut and fill areas. Graded areas shall not result in slopes steeper than 3:1 (horizontal to vertical) unless an engineer licensed to practice in the State of Montana certifies that the slope will be stable and suitable for revegetation.

### 3.7.11 Erosion Control

All stormwater facilities and graded areas shall be protected from erosion or silt deposition and seeded to reestablish beneficial vegetation. A revegetation plan shall be required pursuant to *Section 17, Seeding and Weed Management*, of the Missoula County Public Works Manual, as amended.

### **3.7.12 Notification**

Notes shall be placed on the final supplemental or conditions of approval sheets, and when applicable, provisions shall be included in the Conditions, Covenants and Restrictions or Homeowners' Documents and purchase and sales agreements, that notify future owners of the following obligations and responsibilities:

**3.7.12.1 Maintenance:** Maintaining stormwater systems or minimizing erosion control.

**3.7.12.2 Grading:** Obtaining grading permits prior to developing or altering a building site.

**3.7.12.3 Revegetation:** Replanting areas of disturbance no later than the first growing season after the ground disturbance to prevent erosion and weed invasion.

## **3.8 Utilities**

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### **3.8.1 Purpose and Intent**

The purpose and intent of this section is to ensure new subdivisions are designed to coordinate the provision of utilities in safe locations that minimize adverse visual impacts while also meeting the needs of the service providers.

### **3.8.2 Definition**

For the purposes of this section, utilities shall mean electricity, gas, and telecommunications, which include telephone, internet, cable television, and similar services.

### **3.8.3 Easements Required**

Easements shall be provided for utilities in locations approved by the governing body and the applicable utility companies. Off-site easements also shall be obtained by the subdivider when necessary to extend existing utilities to the proposed subdivision. The easements shall contain sufficient width to allow the physical placement of the utilities, any minimum distances that may be required between utilities when more than one utility are co-located in the same easement, and the unobstructed use and maintenance of the utilities. The easement shall be at least 20 feet wide.

### **3.8.4 Location**

Easements shall be located along roads or alleys to the maximum extent practical, and when necessary may be centered on common boundaries of adjoining lots.

#### **3.8.4.1 Existing Utilities**

The actual locations of any existing utilities on the land to be subdivided shall be shown on the preliminary plat.

#### **3.8.4.2 Co-location Plan**

The subdivider shall illustrate the plan for any co-location of utilities in the same easement.

### **3.8.5 Underground**

All public and private utilities shall be placed underground at the expense of the utility and/or subdivider when technically and economically feasible.

#### **3.8.5.1 Technically Feasible**

As used in this section, “technically feasible” means the trench through which the underground lines would run can be excavated by a conventional backhoe or trencher, with no blasting and with minimal use of jack hammers or similar equipment.

#### **3.8.5.2 Economically Feasible**

As used in this section, “economically feasible” means the underground installation cost per lot does not exceed twice the overhead installation cost per lot.

### **3.8.6 Stubs to Property Line**

Any utility that will be installed under a paved road shall be stubbed to the edge of the road easement or right-of-way to minimize future disturbance of the pavement.

### **3.8.7 Easements on Plats**

The subdivider shall show on the preliminary plat and dedicate on the final plat, all utility easements. Unless otherwise provided under a separate filed easement, the plat shall specify the purposes of the easements and any restrictions on the use of the easements by lot owners.

#### **Info Box**

The Missoula County Public Works Manual requires permits to excavate in public rights-of-way and construction specifications for utility installation.

<http://tinyurl.com/CountyPublicWorksManual>

## **3.9 Solid Waste Disposal**

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### **3.9.1 Purpose and Intent**

The purpose and intent of this section is to ensure that solid waste disposal services that protect ground water and the public health and safety are available to the occupants of new subdivisions.

### **3.9.2 Solid Waste Disposal Required**

All subdivisions shall have a system for solid waste disposal pursuant to this section.

### **3.9.3 DEQ Standards**

Solid waste systems shall meet the minimum standards of the Montana Department of Environmental Quality (DEQ) per ARM 17.36.309, and any other applicable state regulations. For subdivisions with at least one lot smaller than 20 acres, the solid waste disposal plan requires approved by the DEQ.

### **3.9.4 Missoula City-County Health Department approval**

Solid waste disposal systems shall meet applicable local regulations including the Missoula County Health Code Regulations 3, as amended.

### **3.9.5 Collection Area**

If the plan for solid waste disposal includes a common permanent collection site, the site shall, if practical, not front a road and shall be screened as viewed from any road.

### **3.9.6 Wildlife**

In area of high bear activity, solid waste shall be kept indoors until the pick-up day or stored in bear proof containers.

### **3.9.7 Notification**

Notes shall be placed on the supplemental or conditions of approval sheets, and when applicable, provisions shall be included in the Conditions, Covenants, and Restrictions or homeowners' documents and purchase and sales agreements, that notify future owners of the following obligations and responsibilities:

#### **3.9.7.1 Permits**

Permits shall be obtained from the Missoula City-County Public Health Department prior to installing facilities such as collective or commercial solid waste containers;

#### **3.9.7.2 Cost Sharing**

Any cost sharing requirements for common collection site or multiple-user system that has not yet been constructed; and,

#### **3.9.7.3 Maintenance**

A maintenance agreement established pursuant to *Appendix B, Maintenance Agreements*, to maintain any common collection site or multiple-user system.

## ***3.10 Parks and Open Space***

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### **3.10.1 Purpose and Intent**

This section requires park land dedication for the following purposes and intent:

#### **3.10.1.1 Preserve Natural Environment**

Preserve and protect wildlife habitat, species of special concern and their habitat, agricultural uses, historical and cultural features, scenic views, natural drainage areas and systems, and other desirable features of the natural environment, such as healthy long-lived trees, topography, significant plant communities, ground and surface water, wetlands, and riparian areas.

#### **3.10.1.2 Passive Recreation**

Provide open space areas for conservation or passive recreation.

#### **3.10.1.3 Active Recreation**

Provide active recreational areas for use by residents of the development and, where specified, the larger community.

#### **3.10.1.4 Implement Goals**

Meet the goals of the Missoula County Open Space Plan, the Active Transportation Plan, the Missoula County Parks and Trails Plan, and the 2004 Master Parks and Recreation Plan for the Greater Missoula Area.

#### **3.10.1.5 Social Interaction**

Provide areas for social interaction and livability.

#### **3.10.1.6 Accessible, Functional**

Arrange open space to be accessible and functional for use by the residents of the development and where specified, the larger community.

#### **3.10.1.7 Buffer Sensitive Areas**

Protect sensitive environmental features and natural areas by providing landscape buffers within open space areas.

### **3.10.2 Park Dedication Required**

In all subdivisions not exempted in *Section 3.10.3, Parkland Exemptions*, land area shall be either dedicated or set aside for parks, open space lands as defined in these regulations, conservation easements, or common area held by the property owners where lots or dwelling units are leased or rented, a property owners' association, a land conservation entity, or governing body.

#### **3.10.2.1 Perpetual Use**

Open space lands set aside as common area rather than dedicated to public use may not experience a change of use without the approval of the governing body and the property owners where lots or dwelling units are leased or rented or entities in whose name the title to the property is held.

#### **3.10.2.2 Wildland Urban Interface**

In areas of WUI, a consideration should be given to the use of open spaces and public use areas, such as parks, recreation sites, picnic areas, and trails as an effective means of providing fire protection through fuel breaks and fire protection greenbelts. A mechanism shall be provided by the subdivider to assure continued maintenance of these areas. The use of areas for these purposes shall be balanced against the need to maintain riparian areas and habitat for species of special concern.

### **3.10.3 Parkland Exemptions**

Parkland is not required for the following subdivisions:

**3.10.3.1 Minor Subdivisions**

**3.10.3.2 Larger Than 5 Acres**

Land proposed for subdivision into parcels larger than 5 acres.

**3.10.3.3 Non-residential**

Subdivision into parcels which are all non-residential.

**3.10.3.4 No Lots Created**

A subdivision in which lots are not created; except when that subdivision provides permanent multiple spaces for recreational camping vehicles, mobile homes, or condominiums.

**3.10.3.5 One Additional Parcel**

A subdivision in which only one additional parcel is created.

**3.10.4 Requirements Based on Acreage**

Parkland dedication shall be based on the net acreage of the subdivision. Except as provided in this section, a subdivider shall dedicate to the county land or cash equal to the following:

**3.10.4.1 One-half Acre or Smaller**

11% of the area of the land proposed to be subdivided into lots of ½-acre or smaller.

**3.10.4.2 One-half to One Acre**

7.5% of the area of the land proposed to be subdivided into lots larger than ½-acre and not larger than 1 acre.

**3.10.4.3 One Acre to Three Acres**

5% of the area of the land proposed to be subdivided into lots larger than 1 acre and not larger than 3 acres.

**3.10.4.4 Three Acres to Five Acres**

2.5% of the area of the land proposed to be subdivided into lots larger than 3 acres and not larger than 5 acres.

**3.10.5 Alternative Methods of Compliance**

Giving due weight to the expressed preference of the subdivider, the governing body may, in consultation with the planning board or the parks and trails advisory board, determine whether the park dedication must be a land donation, a cash donation, or a combination of both.

**3.10.5.1 Parkland Based on Density Requirements**

A maximum of 0.03 acres per dwelling unit when all of the land proposed to be subdivided is in an area where density requirements have been adopted through the *Growth Policy, adopted pursuant to Title 76, Chapter 1, MCA*, or through county zoning, adopted pursuant to Title 76, Chapter 2, MCA. The park requirement under this section may be based upon the community need for

parks, the development densities identified, and the need to accomplish affordable in-fill development.

#### **3.10.5.2 Cash-In-Lieu**

Cash donation in-lieu of land dedication shall be equal to the fair market value of the amount of land that would have been statutorily required to be dedicated. For the purpose of these regulations, the fair market value is the value of the unsubdivided, unimproved land based upon zoning designation that will apply to the proposed subdivision (*i.e.*, the existing zoning, if the subdivision application is not accompanied by a rezoning request).

##### **A. Appraisal**

Fair market value shall be determined by a Montana state-certified general real estate appraiser (as approved under MCA, §37-54-201 *et seq.*) hired and paid for by the subdivider, a copy of which shall be provided to the governing body for calculating the cash-in-lieu donation prior to final plat approval. For purposes of this regulation, appraisals are valid if prepared within 1 year of the date of the governing body's preliminary plat approval.

##### **B. Combination Cash, Land**

When the park requirement is satisfied using a combination of land dedication and cash donation, the amount of cash donated may not exceed the proportional amount of value in the land not covered by the land dedication.

#### **3.10.5.3 School Land Dedication**

A subdivider may donate land to a school district to meet parkland dedication requirements of the MSPA. Such a donation must be accepted by the school district and authorized by the Board of County Commissioners.

#### **3.10.5.4 Waiver**

The governing body shall waive the park dedication requirement if it finds the proposed plat provides long-term protection of critical wildlife habitat, or cultural, historical, and natural resources, or agricultural resources, or aesthetic values which also results in the reduction of the area proposed to be subdivided by an amount equal to or exceeding the area of dedication required by this section.

#### **3.10.6 Park Locations**

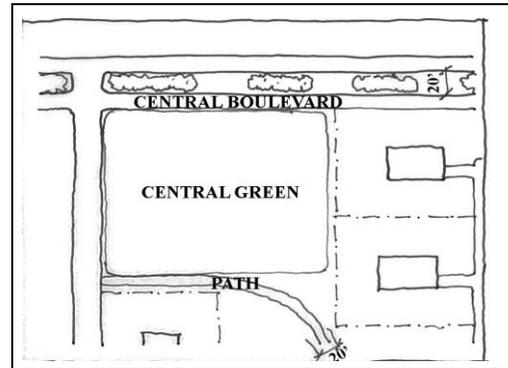
The governing body, in consultation with the subdivider, the planning board, or pursuant to the recommendations of the parks and trails advisory committee, may determine suitable locations for parks, playgrounds, and trails.

### 3.10.7 Park Design Standards

Parks, open space, and common area dedication shall meet at least one of the following criteria:

#### 3.10.7.1 Central Green

A central green or square, which is bordered by streets or paths on at least 3 sides.

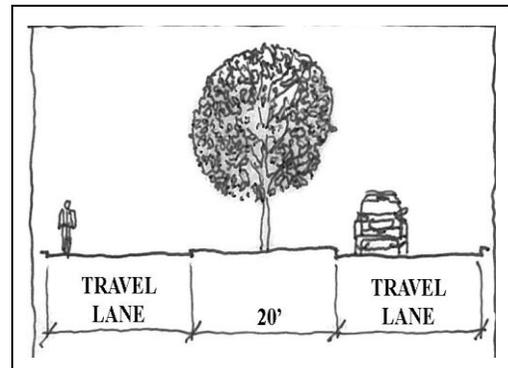


#### 3.10.7.2 Parkway Median

A landscaped parkway median or central boulevard median at least 20 feet wide (up to 50% of the required dedication).

#### 3.10.7.3 Preserve Amenity

The preservation of physical amenity such as a meadow, a stand of trees, a wildlife corridor, a stream or other water body, an area of riparian resource or some other natural feature.



#### 3.10.7.4 Active Recreation

A site for active recreation on slopes which average 3% or less. Grade standards will vary depending on the use proposed.

#### 3.10.7.5 Ped/Bike Corridors

Pedestrian/bicycle greenway corridors if such corridor is determined by the County Parks and Trails Advisory Board to have primarily recreational function (up to 50% of the required dedication).

#### 3.10.7.6 Preserve Hillside

Preservation of hillside lands within hillside development (up to 50% of the required dedication). If none of the other park criteria can be accomplished, then a percentage greater than 50% of park land may be for the preservation of hillsides, in combination with meeting the criterion of *Section 3.10.8, Park Design Recommendations*, below.

#### 3.10.7.7 Courtyard

Courtyard, provided the courtyard shall be part of a common area dedicated to a private homeowner's association.

**3.10.7.8 Other Designs**

Other parks, open space, or common area designs which meet the intent of this section and meet the goals of adopted neighborhood parks and open space, and area plans.

**3.10.7.9 Parking Excluded**

Parking areas for more than 5 cars and road rights-of-way which are located within the open space area, shall not count towards the minimum required open space unless the parking is provided for the utilization of the open space.

<b>Info Box</b>
Projects within the Missoula portion of the urban area are reviewed by both the Missoula County Parks Trails and Open Lands Program and Missoula City Parks and Recreation Department.

**3.10.8 Park Design Recommendations:** The following also should be considered:

**3.10.8.1 Accessibility**

Include, where appropriate, open space intended for recreational or public use that is easily accessible to pedestrians and meets the needs of people with disabilities and the elderly.

**3.10.8.2 Natural State**

Open space shall remain substantially in a natural state when it has been dedicated for preservation or conservation purposes. This section shall not restrict or prevent public trail connections using open space designations, if deemed appropriate by the governing body.

**3.10.8.3 Paths, Trails**

Include linear parks to serve as pedestrian paths or trail systems.

**3.10.8.4 Street Connection**

Provide as part of the required parkland, 20 foot wide pedestrian access easements to parkland or common area from public streets. The governing body may require that the developer construct a trail leading into the park or common area. Pedestrian access easements on a hillside may require additional width to accommodate switchbacks for trails, etc.

**3.10.8.5 Setbacks**

Setbacks for structures and fences adjacent to the access easement shall be a minimum of 10 feet.

**3.10.9 Trail Construction Standards: Parks and Common Areas**

All trails within required or proposed parks and common areas shall comply with the standards in *Table 3.10.9, Trail Standards*.

**TABLE 3.10.9****TRAIL STANDARDS**

	Class I Core Trail Network	Class II Neighborhood Connector	Class III Low Impact Trail
Easement Width Adjacent to Roads	10	10	n/a
Trail Easement Width <sup>1</sup>	20	20	20
Improved Surface <sup>2</sup>	8 – 10 ft.	4 – 8 ft.	1 – 5 ft. <sup>3</sup>
Vertical Clearance <sup>4</sup>	8 ft. 6 in.	8 ft. 6 in.	8 ft. 6 in.
Recommended Surfaces	Asphalt, Concrete, Crushed Rock	Asphalt, Concrete, Crushed Rock	Asphalt, Concrete, Crushed Rock
Resting & Passing Space <sup>5</sup>	400 ft.	600 ft.	@ Trail Head

**Notes to Accompany Table**

<sup>1</sup> Hillsides may require additional width to accommodate switchbacks for trails.

<sup>2</sup> In addition to the improved surface, a minimum of two foot unobstructed clear space is required for safety purposes.

<sup>3</sup> Where a Low Impact Trail is deemed viable for wheelchair accessibility, a five foot clear space shall be maintained. Otherwise, a two foot minimum trail width is preferred. Where an existing unimproved single-track foot trail is under consideration, the existing trail width may be maintained less than two feet wide.

<sup>4</sup> Where equestrian users are expected, a minimum vertical clearance of 9'6" shall be used.

<sup>5</sup> Resting and passing spaces may not be necessary if the trail is limited exclusively to pedestrian use, and is located in steep slopes or in areas where delicate vegetation merges onto the trail or where erosive soil conditions are present. Resting and passing space locations shall be recommended by the County Parks and Trails Advisory Committee and/or the Planning Office and approved by the governing body.