

CHAPTER 7

GENERAL SUBMITTAL REQUIREMENTS

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7.1 Purpose and Intent

Applicants proposing a subdivision, mobile home park, recreational vehicle park, townhouse or condominium development, must submit sufficient information to allow reviewers and the public to identify possible impacts and determine if the proposal complies with applicable laws and regulations. The purpose and intent of this chapter is to establish minimum submittal requirements that generally are required for various types of development proposed under these regulations. The further intent is to require only the submittal items that are necessary to properly review the proposed development without unnecessarily burdening the applicant with excessive requirements. In addition to the general requirements of this chapter, additional submittal items may be required in other chapters of these regulations for specific types of applications. For purposes of this chapter, the term subdivision includes proposed developments of mobile home and recreational vehicle parks, townhomes, and condominiums.

7.2 Preapplication Submittal Items

At the time of the written request for the preapplication meeting, the subdivider shall provide the Planning Office with the following general information.

7.2.1 Current Status

A preliminary sketch plan drawn to scale showing information on the current status of the site, including:

- 7.2.1.1** Location;
- 7.2.1.2** Approximate tract and lot boundaries of existing tracts of record;
- 7.2.1.3** Description of general terrain;
- 7.2.1.4** Natural features (e.g., lakes, streams, and riparian vegetation);
- 7.2.1.5** Existing structures and improvements;
- 7.2.1.6** Approximate location of existing utility lines and facilities;
- 7.2.1.7** Approximate location of existing easements and rights-of-way; and,
- 7.2.1.8** Parks and open space.

7.2.2 Proposal

A preliminary sketch plan drawn to scale of the proposed subdivision including:

- 7.2.2.1** Approximate tract and lot boundaries;
- 7.2.2.2** Building/lot layout;
- 7.2.2.3** Proposed access;
- 7.2.2.4** Proposed public improvements;
- 7.2.2.5** General location of proposed utility lines and facilities;
- 7.2.2.6** Approximate location of easements and rights-of-way; and,
- 7.2.2.7** Parks and open space, if applicable.

7.2.3 General Information

General maps and information including:

- 7.2.3.1** A brief narrative of the subdivision;
- 7.2.3.2** Zoning map with site identified, if applicable;
- 7.2.3.3** Land use map from the adopted Growth Policy with site identified;
- 7.2.3.4** Floodplain map with site identified, if applicable;
- 7.2.3.5** Vicinity sketch showing adjacent uses with site identified;
- 7.2.3.6** Topographic map with site identified; and,
- 7.2.3.7** Aerial photograph with site identified, if available.

7.3 Licenses, Certifications

A professional land surveyor licensed to practice in the State of Montana shall prepare the preliminary and final plats. If the application includes engineering plans, reports, and specifications, these items shall be prepared by a professional engineer licensed to practice in the State of Montana. Other studies and analyses required by these regulations, such as geotechnical and hydrological studies, shall be prepared by professionals with the applicable licenses and certifications and authorized to practice in the State of Montana.

7.4 Preliminary Plat/Plan Submittal Requirements

For all applications for preliminary plat/plan, mobile home park, recreational vehicle park, townhome, or condominium development, the Planning Office shall consult the reviewing agencies and then identify applicable submittal requirements from the items listed in *Table 7.4, Preliminary Plat/Plan Submittal Requirements*. The Planning Office shall require only items necessary to determine compliance with these regulations and to evaluate impacts of a proposed subdivision. The subdivider shall include in the application all items so identified by the Planning Office. During the review of a preliminary plat/plan application, the Planning Office and other reviewing agencies may require additional submittal items if necessary to determine compliance with these regulations.

**Table 7.4
Preliminary Plat/Plan Submittal Requirements**

Submittal Item	
7.4.1 Preliminary Plat	Boundary
	Lot layout
	Existing and proposed easements, ROW
	Content required by ARM 24.183.1107
	Surveyor certification
7.4.2 General Information	Supplemental documents
	Completed application
	Review fee
	Certification of ownership (see 7.6.1)
	Tract of record, evidence of legal existence of property
	Description of proposed, current land use
	Legal description, township/range, section/quarter section, principal meridian
	Preliminary title report, all recorded documents pertaining to property
	Neighborhood meeting information for major subdivisions
	Draft CCR, deed restrictions
	Mobile Home Park rules
	Information about adjacent land (see 7.6.2)
	Supplemental sheets
	N/A
	7.4.3 Subdivision Plan
Elevations, benchmarks, 2 ft. intervals <10%, 5 ft. intervals =>10%; Slope analysis when >25% (see 7.6.3)	
Water surface elevation of 100-year flood	
Riparian resources management plan (see 7.6.4)	
Storm water calculations, description of storm water plan	
Subdivision gross and net acres, size of lots	
Calculations of required parkland dedication for major subdivisions	
Fire Suppression Plan (see 3.5.2)	
Draft HOA documents creating association (see 7.6.6)	
Landscape plantings, quantities	
Supplemental sheets	
Vicinity map with subdivision perimeter boundary	
Locations of section corners, subdivision corners	
Topographic map	
Floodplain	
Water bodies	

**Table 7.4
Preliminary Plat/Plan Submittal Requirements**

Submittal Item	
7.4.3 Subdivision Plan (cont.)	Existing and proposed buildings, structures, improvements
	Grading and drainage plan (see 7.6.5)
	Locations, dimensions of easements, ROW
	Irrigation assessment disclosure statement
	Lots and blocks, numbered, dimensions
	Parks, open space, areas dedicated to public use
	Subdivision common areas, common facilities
	Landscaping, street plantings
7.4.4 County Plans, Policies (see 7.6.7)	Supplemental documents
	Documented compliance with land use designation, Growth Policy, applicable zoning, other adopted county plans
	Supplemental sheets
	N/A
7.4.5 State Statute (see 7.6.9)	Supplemental documents
	Environmental assessment, required for major subdivisions (see 7.6.8)
	Cultural and historic resources assessment
	Wildlife-human interaction assessment
	Written responses to MSPA 608(3) criteria
	Mitigation of agricultural impacts (see 3.1.4.2)
	Proposed mitigation of subdivision impacts
	Supplemental sheets
	N/A
7.4.6 Hazardous Lands	Supplemental documents
	Fire hazard Evaluation
	Flood Hazard Evaluation (see 7.6.10.2)
	Evaluation of flooding with dam failure
	Geotechnical report
	Groundwater mitigation plan (see 3.1.3.2 H and 7.6.12.8)
	Report detailing hazard
	Written report detailing flooding from ice jam
	Supplemental sheets
	WUI Map
	Floodplain Map
	Map of earthquake fault lines
	Dam failure map
	Map showing land instability

Table 7.4
Preliminary Plat/Plan Submittal Requirements

Submittal Item	
7.4.6 Hazardous Lands (cont.)	Avalanche, rock fall map
	Ground subsidence/unstable soils map
	Polluted, toxic, hazardous locations map
	Airport flight pattern map
	Ice jam flood map
7.4.7 Motorized, Nonmotorized Facilities	Supplemental documents
	Documentation of legal access (7.6.11)
	Traffic study for > 50 residential lots/units, MF/Commercial
	Supplemental sheets
	Conceptual motorized and nonmotorized facilities design plan prepared by a professional licensed in the State of Montana
	Legal, Physical access
	Existing, proposed easements, ROW
	Turn around dimensions, cross-sections
	Road Profile
	Bus stops
7.4.8 Irrigation Improvements (see 7.6.13)	Supplemental documents
	Irrigation ditches and other facilities
	Rights and responsibilities of parties
	Assessment and maintenance procedures
	Supplemental sheets
N/A	
7.4.9 Utilities, Infrastructure	Supplemental documents
	Approximate location of nearest sanitary and storm sewers
	Approximate location of water mains and location fire hydrants within 500'
	Supplemental sheets
	Existing, proposed easements and ROW
	Existing, proposed utilities, infrastructure on site
Locations nearest utilities, infrastructure off site	
7.4.10 Water, Sanitation (see 7.6.12)	Supplemental documents
	Descriptions of water supply and wastewater systems
	Description of solid waste plan
	Evidence of water availability, well logs, test results, hydrologists reports
	Evidence of water quality

**Table 7.4
Preliminary Plat/Plan Submittal Requirements**

Submittal Item	
7.4.10 Water, Sanitation (cont.)	Evidence of suitability of on-site wastewater systems, soil profile, separation to limiting layer, separation to ground water
	Groundwater impact analysis
	Supplemental sheets
	Water features
	Wells, wastewater systems in relation to lot layout
	Public facilities
	Solid waste

7.5 Final Plat Submittal Requirements

The Planning Office shall consult with the reviewing agencies and then identify applicable submittal requirements for a final plat application from the items listed in *Table 7.5, Final Plat Submittal Requirements*. The Planning Office shall require only items necessary to determine compliance with these regulations and the conditions of approval of the preliminary plat/plan. The subdivider shall include in the application all items so identified by the Planning Office. During the review of a final plat application, the Planning Office and other reviewing agencies may identify additional submittal items if necessary to determine compliance with these regulations and the conditions of approval.

**TABLE 7.5
FINAL PLAT SUBMITTAL REQUIREMENTS**

Final Plat	
Boundary	Content required by ARM 24.183.1107
Lot layout	Surveyor certification
Existing and proposed easements, ROW	Utility easements statement (see 7.7.1)
Certification of ownership	Certificate of completed improvements
Landowner's certification statements as applicable	Treasurer certificate (see 7.7.5)
Statement that federal, state, local plans, policies, regulations and/or conditions of approval may limit use of the property	Statement that buyers should obtain and review all sheets of the plat and all documents related to the subdivision and contact the planning office to learn of any limitations on the use of the property
Waive right to protest SID/RSID	Legal description, township/range, section/quarter section, principal meridian
Statement specifying improvements that have been completed and the improvements that are incomplete but will be completed and the financial security that is in place	Content required by MCA 76-3-402, 403 and 406
Supplemental Documents	
All applicable fees	Completed application
Abstract of title (see 7.7.2)	Articles of Incorporation/Bylaws
Subdivision Improvements Agreement (see 7.7.3)	HOA documents (see 7.7.4)
Access or encroachment permit	Private improvements
DEQ certificate of approval of water and sanitation systems – lots <20 acres	Documentation of adequate water supply and area for septic and replacement septic systems for lots =>20 acres
Notices to lot purchasers (see 7.7.7)	Approved engineer's estimate and financial security for uncompleted improvements
CCR or deed restrictions	Certification of park land (see 7.7.6)
Documentation of conformance to conditions	Plans for all improvements including approved construction plans
Road maintenance agreement	Specifications, as built drawings, reports, PE certification
Final Plat Checklist, per Resolution 2016-004	Irrigation assessment disclosure statement
Conditions of Approval Sheet	
Other information as required by approval conditions of preliminary plat/plan and in accordance with ARM 24.183.1107(4)	

7.6 Description of Preliminary Plat/Plan Submittal Requirements

Several submittal requirements listed in *Table 7.4, Preliminary Plat/Plan Submittal Requirements*, are described in this section.

7.6.1 Certificate of Ownership

Certification that either the applicant is the owner of the property or the owner authorizes the applicant to submit the application.

7.6.2 Adjacent Land

The following information regarding adjacent land must be provided:

7.6.2.1 Subdivisions

The names of platted subdivisions and numbers of certificates of survey previously recorded;

7.6.2.2 Ownership

The ownership of lands adjacent to the subdivision and to any access road leading from an existing public right-of-way to the boundary of the proposed subdivision;

7.6.2.3 Improvements Locations

Location of any buildings, railroads, power lines, towers, water or sewer lines, roads, and other improvements; and,

7.6.2.4 Intervening ROW

Lands separated from the exterior boundary of the subdivision by public or private rights-of-way are deemed to be adjacent for the purpose of this requirement.

7.6.3 Slope Analysis

If the proposed subdivision includes slopes of 25% grade or steeper, unless such areas are designated as “no build” areas, the subdivider shall provide a report prepared by a professional engineer licensed to practice in Montana that includes the following:

7.6.3.1 Slope Map

A slope map with vertical contour intervals of 2 feet where the average slope is less than 10% and vertical contour intervals of 5 feet where the average slope is 10% or greater;

7.6.3.2 Soil Data

Data describing the nature, distribution, and strength of existing soils;

7.6.3.3 Geology, Hydrology

A description of the geology and hydrology of the site;

7.6.3.4 Grading

Conclusions and recommendations for grading procedures;

7.6.3.5 Plans

Plans or design for any proposed corrective or mitigation measures; and,

7.6.3.6 Recommendation

Opinions and recommendations regarding the adequacy of building sites proposed to be developed.

7.6.4 Riparian Resources Management Plan

When riparian or wetland resources exist on the property, a Riparian Resources Management Plan shall include, but not be limited to the following:

7.6.4.1 Map

A map of the riparian area including vegetative cover types referenced in Appendix F;

7.6.4.2 Proposed Access

Existing and proposed accesses to or through the riparian area;

7.6.4.3 Proposed Use

Proposed low-impact use of the area;

7.6.4.4 Mitigation

Planned mitigation of impacts from all proposed uses, including a mitigation plan outlining how the area of riparian resource will be restored or enhanced. The plan shall include, at a minimum, the following:

- A. Alteration, Enhancement, and Restoration Plan;
- B. Planting Plan;
- C. Streambank Stabilization Plan; and,
- D. Low-impact Grazing Plan

7.6.4.5 Buffers

Planned buffer to mitigate development adjacent to areas of riparian resources.

7.6.4.6 Maintenance

A maintenance and monitoring plan, including weed management, outlining how the area of riparian area will be maintained after occupancy of the subdivision.

7.6.5 Grading, Drainage Plan

A grading and drainage plan shall be submitted with the preliminary plat/plan. See Section 9 of the Public Works Manual for requirements.

7.6.6 HOA Documents

If the subdivision will contain common property that will be deeded to a property owners' association, the subdivider shall provide draft covenants, conditions and restrictions (CCR) that will govern the subdivision. These CCR shall, at a minimum:

7.6.6.1 Association Formed

Form and operationalize the property owners' association before lots or condominium units are sold;

7.6.6.2 Responsibilities

Assign responsibility to the association to maintain liability insurance, pay local taxes, and maintain the common property and any facilities on the property;

7.6.6.3 Mandatory Membership

Require mandatory membership in the association for each lot or condominium unit buyer and any subsequent buyer upon resale of the lot or unit;

7.6.6.4 Perpetual Restrictions

Establish perpetual restrictions that apply to the common property in the subdivision;

7.6.6.5 Maintenance Program

Establish a regular maintenance program for all common property that may include but not be limited to private roads, parks, buildings, drainage facilities and other common facilities.

7.6.6.6 Assessments

Establish assessment procedures by which each property owner shall pay a pro rata share of association costs and further establish that any unpaid assessments can become a lien on the property;

7.6.6.7 Revise Assessments

Establish the method by which the association may adjust the assessment to meet changing needs and costs;

7.6.6.8 Enforcement

Provide a method to enforce the restrictions and receive and process complaints; and,

7.6.6.9 Governing Body Permission

Require governing body approval before the association can be dissolved or the CCR modified;

7.6.7 County Plans, Policies, Zoning

A written description of how the proposed subdivision is consistent with the current land use designation of the property, the Missoula County Growth Policy, and where applicable, local zoning regulations.

7.6.8 Environmental Assessment

An environmental assessment shall comply with the requirements outlined in §76-3-603, MCA, as verified with the completion of the Primary Review Criteria Report that is further described in the Subdivision Application Form.

7.6.9 MSPA Review Criteria

Written responses to the review criteria in §76-3-608 (3), MCA, including a description of the probable impacts resulting from the proposed subdivision.

7.6.10 Hazardous Land Assessment

An application for a proposed subdivision that contains a defined hazard within the subdivision boundaries, or is located adjacent, upstream or downstream to a hazard, when applicable, shall include the supplemental information described below for the applicable hazard, unless the Planning Office determines a submittal requirement is not necessary to determine compliance or identify or mitigate an impact.

7.6.10.1 Wildfire Hazard

See Appendix C, Fire Hazard Assessment, for requirements of the assessment if the subject property is delineated on the Wildland-Urban Interface Map in the Missoula County Wildfire Protection Plan. The completed Assessment shall be accompanied by the development agreements and/or covenants that contain information required in *Section 3.1.3.5.D, Wildfire Hazard Area Standards*.

7.6.10.2 Flood Hazard

- A. See Appendix D, Standards for Flood Hazard Evaluations, for requirements for the evaluation.
- B. 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 previously located 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.

7.6.10.3 Earthquake Hazard

A map of any known earthquake fault line within or near the proposed subdivision.

7.6.10.4 Major Dam Failure Hazard

A map showing the location of any major upstream dam that is identified in the Missoula County Pre-disaster Plan and its relation to the proposed subdivision. An evaluation, prepared by a hydrologist or an engineer licensed to practice in the State of Montana, also shall be submitted that details any area of flooding that may occur within the proposed subdivision in the event of a dam failure.

7.6.10.5 Landslide, Slope Instability

Where the potential for landslide or slope instability exists within or adjacent to the proposed subdivision, a map and report prepared by a geotechnical engineer, licensed to practice in the State of Montana, shall be submitted indicating the locations, character, and extent of all areas subject to landslides or slope instability.

7.6.10.6 Snow Avalanche, Rock Fall Hazard

A map of known avalanche or rock fall areas within or adjacent to the proposed subdivision.

7.6.10.7 Ground Subsidence Hazard

A map and description of any known areas within or adjacent to the proposed subdivision that are prone to land subsidence including existing or previous mining operations.

7.6.10.8 Unsuitable Soils Hazard

A soils map for the area within the proposed subdivision, maintained by Natural Resource Conservation Service, and an NRCS analysis of the soil suitability for development. When evidence of high groundwater or unstable soils is present, the developer shall provide a groundwater drainage mitigation plan prepared by a professional engineer licensed to practice in the State of Montana. The plan shall include, but not be limited to methods that prevent the migration of groundwater through trenches for water and sewer lines and drainage facilities.

7.6.10.9 High Groundwater Hazard

A soil profile, groundwater monitoring, or other information showing the distance between the level of ground water and the natural ground surface. When evidence of high groundwater, groundwater within 10 feet of the natural ground surface, is present, the developer shall submit plans to mitigate the problem prepared by a professional engineer licensed to practice in the State of Montana.

7.6.10.10 Polluted Water or Toxic/Hazardous Substances Hazards

A map showing the location of any polluted water or toxic/hazardous substances that are within, adjacent or up gradient to the proposed subdivision, and their relation to the subdivision. A report also shall be submitted detailing the hazardous conditions and their risks to future residents in the proposed subdivision.

7.6.10.11 High Voltage Line, High Pressure Gas Line

A map and written description of any high voltage power line, high pressure gas line, or any other pipeline that carries potentially hazardous materials, excluding lines to individual end users, that is within or adjacent to the proposed subdivision.

7.6.10.12 Aircraft Traffic Hazard

A map showing the Airport Influence Area and its relation to the proposed subdivision.

7.6.10.13 Toxic or Hazardous Waste Hazard

A map and written description of areas within, adjacent or upstream of a proposed subdivision that contain toxic or hazardous substances.

7.6.10.14 Ice Jam Flood Hazard

A map and a written description detailing any areas subject to ice jams that may result in flooding within the proposed subdivision. The map shall show the area of potential ice jam in relation to the proposed subdivision.

7.6.10.15 Other Hazard

A map and a written description detailing other natural or human-created hazards as identified on or near the property to be subdivided.

7.6.11 Legal Access

Documentation shall demonstrate that perpetual legal access to the proposed subdivision exists, or will be provided before the final plat is filed. Documentation may include, but not be limited to, easements, agreements, or access permits. The documentation shall be in a legally sufficient form acceptable to the County Attorney. When access is unavailable at the time of preliminary plat/plan submittal, the application shall include a description of how the perpetual, legal access will be obtained prior to the filing of the final plat.

7.6.12 Water, Sanitation

Pursuant to §76-3-622, MCA, subdividers must provide the following water and sanitation information for any new subdivision that will include a new water supply system or new wastewater facilities.

7.6.12.1 Map

A map or plan that shows the following:

A. Water Features

Floodplain, surface water features, springs, and irrigation ditches located in and within 100 feet of the proposed subdivision.

B. Wells, Wastewater

Existing and previously approved wells and wastewater treatment systems within the proposed subdivision. For parcels smaller than 20 acres, the map shall show proposed water wells, wastewater treatment systems, and mixing zones.

C. Representative Drain Field

The representative drain-field site used for the soil profile description.

D. Public Facilities

Public water and sewer facilities located within 500 feet of the subdivision.

7.6.12.2 System Descriptions

A description of the proposed systems for water supply, storm water, solid waste disposal, and wastewater treatment, including whether the water supply and wastewater treatment systems are individual, shared, multiple user, or public as those systems are defined in rules published by the Department of Environmental Quality.

7.6.12.3 Lot Layout

The conceptual lot layout at a scale no smaller than 1 inch equal to 200 feet that shows all information required for a lot layout document in rules adopted by the Department of Environmental Quality pursuant to §76-4-104, MCA.

7.6.12.4 On Site Evidence

Evidence of land suitability for new on-site wastewater treatment systems that, at a minimum, includes:

A. Soil Profile

A soil profile description from a representative drain-field site that complies with standards published by the Department of Environmental Quality;

B. Limiting Layer Separation

A demonstration that the soil profile contains a minimum of 4 feet of vertical separation between the bottom of the permeable surface of the proposed wastewater treatment system and a limiting soil layer; and,

C. Ground Water Separation

When the soil profile or other information indicates that ground water is within 7 feet of the natural ground surface, evidence that the ground water will not be less than the minimum vertical separation of 4 feet from the bottom of the permeable surface of the proposed wastewater treatment system.

7.6.12.5 Water Availability

For new water supply systems, except when cisterns are proposed, evidence of adequate water availability based on 1 or more of the following:

A. Well Logs

Data from well logs or testing of on-site or nearby wells;

B. Reports

Information contained in published hydro-geological reports; or,

C. DEQ Rules

As otherwise specified by rules adopted by the Department of Environmental Quality pursuant to §76-4-104, MCA.

7.6.12.6 Water Quality

Evidence of sufficient water quality in accordance with rules adopted by the Department of Environmental Quality pursuant to §76-4-104, MCA.

7.6.12.7 Groundwater Impact Analysis

Preliminary analysis of potential impacts to ground water quality from new wastewater treatment systems, using as guidance rules adopted by the Board of Environmental Review pursuant to §75-5-301, MCA, and §75-5-303, MCA, related to standard mixing zones for ground water, source specific mixing zones, and non-significant changes in water quality. The preliminary analysis may be based on currently available information and must consider the effects of overlapping mixing zones from proposed and existing wastewater treatment systems within and directly adjacent to the subdivision. Instead of performing the preliminary analysis, the subdivider may perform a complete non-degradation analysis in the same manner as is required for an application that is reviewed under MCA, Title 76, Chapter 4.

7.6.12.8 Groundwater Mitigation

When evidence of high groundwater or unstable soils is present, the subdivider shall provide a groundwater drainage mitigation plan prepared by a professional engineer licensed to practice in the State of Montana. The plan shall include, but not be limited to methods that prevent the migration of ground water through trenches for water and sewer lines and drainage facilities.

7.6.13 Irrigation Improvements Plan

An irrigation improvements plan is required when irrigation water, water rights, shares or assessments are to be transferred to 1 or more lots within the subdivision, or to an entity responsible for providing water to 1 or more lots. The plan shall show irrigation ditches or other facilities that convey water, identify the rights and responsibilities of landowners within the subdivision and any irrigation facility owner. The plan also shall establish methods to collect funds for repair and maintenance costs of the facilities. The plan preparer shall be experienced in irrigation delivery systems.

7.7 Description of Final Plat Submittal Requirements

Several submittal requirements listed in *Table 7.5, Final Plat Submittal Requirements*, are described in this section.

7.7.1 Remaining Tracts less than 160 acres – Phased Developments

A survey of any remaining tracts under 160 acres shall be submitted upon the filing of a subdivision phase. The following note shall accompany the survey:

“This is a remaining tract of [name of subdivision]. Development of this tract requires compliance with either conditions of approval applicable to relevant phases, or review in accordance with the Missoula County Subdivision Regulations and the Montana Subdivision and Platting Act.”

7.7.2 Utility Easements

In addition to showing the location of the utility easement(s), the final plat shall include the following statement:

“The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water, or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair, and removal of their lines and other facilities, in, over, under, and across each area designated on this plat as ‘Utility Easement’ to have and to hold forever.”

7.7.3 Title Abstract

A certificate of a title abstracter shall show the names of the owners of record of the land to be subdivided and the names of lien-holders or claimants of record against the land and the written consent to the subdivision by the owners of the land, if other than the subdivider, and any lien-holders or claimants of record against the land.

7.7.4 Subdivision Improvements Agreement

A certification by the subdivider that all or part of required public improvements have been installed and/or that a Subdivision Improvements Agreement exists securing the future construction of any incomplete public improvements. Further a certification that

financial guarantees ensure that all incomplete improvements will be designed and built according to the approved plans and specifications.

7.7.5 HOA Documents

Where appropriate, a copy of the Property Owners' Association Articles of Incorporation, together with proof of filing with the Secretary of State and the Bylaws. The property owners' association documents, covenants, and restrictions referred to above shall bear the certification of the attorney who prepared or reviewed them and that such attorney is licensed to practice law in the State of Montana. Further, the documents shall contain the applicable provisions upon which plat approval was based or conditioned and that the provisions do not conflict.

7.7.6 Treasurer Certificate

Certification by the County Treasurer that all taxes and fees levied and assessed against the property have been paid.

7.7.7 Certification of Parks and Common Areas

Certificate of dedication of parkland to the public or common area to the property owners' association in perpetuity or of cash payment in lieu of dedication.

7.7.8 Notice to Lot Purchasers

7.7.8.1 Private Road Statement

Where private roads are proposed, each plat and instrument of conveyance shall contain the following statement:

"The purchaser and/or owner of the lot or parcel understands and agrees that private road construction, maintenance, and snow removal shall be the obligation of the owner or property owners' association and that Missoula County is in no way obligated to perform such maintenance or upkeep."

7.7.8.2 Waive Right to Protest

Where appropriate, and subject to the requirements of *Section 6.3.3.4.B, Waive Protest*, a statement on the plat and on each instrument of conveyance indicating that the purchasers of any lots in the subdivision will be required to waive the right to protest the creation of an SID/RSID. Subject to the requirements of *Section 6.3.5.4.B, Waive Protest*, a statement shall be included on the subdivision plat that acceptance of a deed for a lot within the subdivision shall constitute the assent of the owners to a future SID/RSID, based on benefit, for specified future improvements and maintenance, including but not limited to paving, curbs and gutters, the installation of non-motorized facilities, street widening and drainage facilities.

7.7.8.3 Irrigation Assessment Disclosure

If the water rights have been removed or the average lot size in the proposed subdivision will be 1 acre or less the subdivider shall disclose 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. A disclosure statement 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.

7.7.9 City Standards

Notwithstanding the road standards in these regulations, the public works director may approve alternative road standards when the City of Missoula has verified intent to annex a proposed subdivision or enter into a contract to provide sewer service.