

# CHAPTER 7

## GENERAL SUBMITTAL REQUIREMENTS

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### **7.1 Purpose and Intent**

~~Applicants proposing a~~ Reviewing agencies and the public need sufficient information to determine if a proposed subdivision, mobile home park, recreational vehicle park, 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 and identify possible impacts. Some of that information may be ascertained at the earliest step in the process pursuant to Section 5.7.2., Scoping Meeting. The purpose and intent of this ~~chapter~~ article 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 allow a properly review of the proposed development applications 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 and condominiums.

### ~~7.2~~ **Preapplication Submittal Items**

#### ~~7.3~~ 7.2 **Preapplication Meeting Submittal Requirements**

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

##### ~~7.3~~ 7.2.1 **Current Status**

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

- ~~7.3.1.17.2.1.1~~ Location;
- ~~7.3.1.27.2.1.2~~ Approximate tract and lot boundaries of existing tracts of record;
- ~~7.3.1.37.2.1.3~~ Description of general terrain;
- ~~7.3.1.47.2.1.4~~ Natural features (e.g., lakes, streams, and riparian vegetation);
- ~~7.3.1.57.2.1.5~~ Existing structures and improvements;
- ~~7.3.1.67.2.1.6~~ Approximate location of existing utility lines and facilities;
- ~~7.3.1.77.2.1.7~~ Approximate location of existing easements and rights-of-way; and,
- ~~7.3.1.87.2.1.8~~ Parks and open space.

#### ~~7.3.27.2.2~~ **Proposal**

A preliminary sketch plan drawn to scale ~~of showing information on~~ the proposed subdivision including:

- ~~7.3.2.17.2.2.1~~ Approximate tract and lot boundaries;
- ~~7.3.2.27.2.2.2~~ Building/lot layout;
- ~~7.3.2.37.2.2.3~~ Proposed access;
- ~~7.3.2.47.2.2.4~~ Proposed public improvements;
- ~~7.3.2.57.2.2.5~~ General location of proposed utility lines and facilities;
- ~~7.3.2.67.2.2.6~~ Approximate location of easements and rights-of-way; and,
- ~~7.3.2.77.2.2.7~~ Parks and open space, if applicable.

#### **7.2.3 General Information**

General maps and information including:

- ~~7.3.2.87.2.3.1~~ A brief narrative of the ~~subdivision project~~;
- ~~7.3.2.97.2.3.2~~ Zoning map with site identified, if applicable;
- ~~7.3.2.107.2.3.3~~ ~~Comprehensive plan~~ Land use map ~~from the adopted Growth Policy~~ with site identified;
- ~~7.3.2.117.2.3.4~~ Floodplain map with site identified, if applicable;
- ~~7.3.2.127.2.3.5~~ Vicinity sketch showing adjacent uses with site identified;
- ~~7.3.2.137.2.3.6~~ Topographic map with site identified; and,
- ~~7.3.2.147.2.3.7~~ Aerial photograph with site identified, if available.

#### ~~7.47.3~~ **Surveyor, Engineer Licenses, Certifications**

~~The preliminary plat, final plat, and accompanying documents shall be prepared by a~~ professional land surveyor licensed to practice in the State of Montana ~~shall prepare the preliminary and final plats.~~ If the ~~preliminary plat application~~ includes engineering plans, reports, and specifications, the ~~se final plat submittal items shall be prepared will require certification~~ by a professional engineer ~~(PE)~~ licensed

to practice in the State of Montana. ~~Engineering and survey plans, specifications, and reports required in connection with improvements and other elements of the subdivision required by the governing body must be prepared by a professional engineer or a professional land surveyor as their respective licensing laws allow in accordance with the MSPA and these regulations. 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.~~

#### **7.57.4 Preliminary Plat/Plan Submittal Requirements**

~~For all applications for preliminary plat/plan, mobile home park, recreational vehicle park or condominium development, the Planning Office shall consult the reviewing agencies and then identify applicable submittal requirements from the items listed. Items identified by a checkmark (✓) in the column entitled Preliminary Plat 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 and mitigate 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**

<b>Submittal Item</b>	
<b>7.4.1 Preliminary Plat</b>	Boundary Lot layout Existing and proposed easements, ROW Content required by ARM 24.183.1107 Surveyor certification
<b>7.4.2 General Information</b>	<b>Supplemental documents</b> 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)
	<b>Supplemental sheets</b> N/A
<b>7.4.3 Subdivision plan</b>	<b>Supplemental documents</b> 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 Draft HOA documents creating association (see 7.6.6) Landscape plantings, quantities
	<b>Supplemental sheets</b> Vicinity map with subdivision perimeter boundary Locations of section corners, subdivision corners Topographic map Floodplain Water bodies Existing and proposed buildings, structures, improvements Grading and drainage plan (see 7.6.5) Locations, dimensions of easements, ROW Lots and blocks, numbered, dimensions Parks, open space, areas dedicated to public use Subdivision common areas, common facilities Landscaping, street plantings
<b>7.4.4 County Plans, Policies, Zoning</b>  (see 7.6.7)	<b>Supplemental documents</b> Documented compliance with land use designation, Growth Policy, applicable zoning, other adopted county plans
	<b>Supplemental sheets</b> N/A

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

<u>Submittal Item</u>	
<b>7.4.5 State Statute</b>  (see 7.6.9)	<b>Supplemental documents</b>
	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
	Proposed mitigation of subdivision impacts
	<b>Supplemental sheets</b>
	N/A
<b>7.4.6 Hazardous Lands</b>	<b>Supplemental documents</b>
	Fire hazard Evaluation
	Flood Hazard Evaluation
	Evaluation of flooding with dam failure
	Geotechnical report
	Ground water mitigation plan (see 7.6.12.8)
	Report detailing hazard
	Written report detailing flooding from ice jam
	<b>Supplemental sheets</b>
	WUI Map
	Floodplain Map
	Map of earthquake fault lines
	Dam failure map
	Map showing land instability
Avalanche, rock fall map	
Ground subsidence/unstable soils map	
Polluted, toxic, hazardous locations map	
Airport flight pattern map	
Ice jam flood map	
<b>7.4.7 Motorized, Nonmotorized Facilities</b>	<b>Supplemental documents</b>
	Engineering certifications
	Documentatin of legal access (7.6.11)
	Pavement, sub base thickness and specs
	Bridge and culvert design specs/sizes
	Traffic study for > 50 residential lots, MF/Comm
	<b>Supplemental sheets</b>
	Legal, Physical access
	Existing, proposed easements, ROW
	Dimensions of pavement, shoulders, radii, etc.
	Intersection designs, access points, control, etc.
	Turn around dimensions, cross-sections
	Road profile
	Bridges, culverts
Bus stops	

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

<u>Submittal Item</u>	
<b>7.4.8 Irrigation Improvements Plan</b> <i>(See 7.6.13)</i>	<b>Supplemental sheets</b>
	<i>Irrigation ditches and other facilities</i>
	<i>Rights and responsibilities of parties</i>
	<i>Assessment and maintenance procedures</i>
	<b>Supplemental sheets</b>
	N/A
<b>7.4.9 Utilities, Infrastructure Plans</b>	<b>Supplemental documents</b>
	<i>Sizes, depth, profile of nearest sanitary and storm sewers.</i>
	<i>Size, depth of water mains and location fire hydrants within 500 ft.</i>
	<b>Supplemental sheets</b>
	<i>Existing, proposed easements and ROW</i>
	<i>Existing, proposed utilities, infrastructure on site</i>
	<i>Locations nearest utilities, infrastructure off site</i>
<b>7.4.10 Water, Sanitation</b> <i>(see 7.6.12)</i>	<b>Supplemental documents</b>
	<i>Descriptions of water supply and wastewater systems</i>
	<i>Description of solid waste plan</i>
	<i>Evidence of water availability, well logs, test results, hydrologists reports</i>
	<i>Evidence of water quality</i>
	<i>Evidence of suitability of on-site wastewater systems, soil profile, separation to limiting layer,</i>
	<i>Groundwater impact analysis</i>
	<b>Supplemental sheets</b>
	<i>Water features</i>
	<i>Wells, wastewater systems in relation to lot layout</i>
<i>Public facilities</i>	
<i>Solid waste</i>	

## **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**

<b>Final Plat</b>	
<u>Boundary</u>	<u>Content required by ARM 24.183.1107</u>
<u>Lot layout</u>	<u>Surveyor certification</u>
<u>Existing and proposed easements, ROW</u>	<u>Utility easements statement (see 7.7.1)</u>
<u>Waive right to protest SID/RSID</u>	<u>Legal description, township/range, section/quarter section, principal meridian</u>
<b>Supplemental Documents</b>	
<u>Review fee</u>	<u>Completed application</u>
<u>Abstract of title (see 7.7.2)</u>	<u>Certification of ownership</u>
<u>Landowner's certification statements as applicable</u>	<u>Certificate of completed improvements</u>
<u>Treasurer certificate (see 7.7.5)</u>	<u>HOA documents (see 7.7.4)</u>
<u>Access or encroachment permit</u>	<u>Private improvements</u>
<u>Statement that federal, state, local plans, policies, regulations and/or conditions of approval may limit use of the property</u>	<u>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</u>
<u>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</u>	<u>Documentation of adequate water supply and area for septic and replacement septic systems for lots =&gt;20 acres</u>
<u>Subdivision Improvements Agreement (see 7.7.3)</u>	<u>Financial security for uncompleted improvements</u>
<u>DEQ certificate of approval of water and sanitation systems – lots &lt;20 acres</u>	<u>Certification of parks and common areas (see 7.7.6)</u>
<u>Notices to lot purchasers (see 7.7.7)</u>	<u>Plans for all improvements</u>
<u>CCR or deed restrictions</u>	<u>Specifications, reports, PE certification</u>
<u>Documentation of conformance to conditions</u>	<u>Maintenance agreement</u>
<u>Mobile home park rules</u>	
<b>Conditions of Approval Sheet</b>	
<u>Other information as required by approval conditions of preliminary plat/plan or required by ARM 24.183.1107(4)</u>	



shall be shown on the preliminary plat or shall be contained in a written statement or supplementary drawing accompanying the plat, pursuant to §76-3-504, MCA. Final plats submitted for approval shall show or contain, on the face of the plat or on separate sheets referenced on the face of the plat, items identified by a checkmark (✓) in the column entitled Final Plat in *Table 7.4, Plat Requirements*.

**TABLE 7.4  
PLAT REQUIREMENTS**

<b>Submittal Item</b>	<b>Prelim. Plat</b>	<b>Final Plat</b>
<b>Format</b>		
1.—All plats shall be the standard size of 24" x 36" overall, including a 1½-inch margin on the binding side and should be folded to 7½" x 11" or 7½" x 14"	✓	✓
2.—Each sheet shall show the number of that sheet and the total number of sheets included	✓	✓
3.—Final subdivision plats shall be legibly drawn with permanent ink or printed or reproduced by a process guaranteeing a permanent record. A poorly drawn or illegible plat or a plat of insufficient quality to assure acceptable recordation shall be rejected.		✓
<b>General</b>		
4.—Subdivision or development name	✓	✓
5.—The title of the plat shall contain the words "plat" and "subdivision"		✓
6.—Legal description	✓	✓
7.—Location	✓	✓
8.—North arrow	✓	✓
9.—Scale used on the plat	✓	✓
10.—Name of owner(s) of record and subdivider(s)	✓	✓
11.—Date plat was drawn	✓	✓
12.—The zoning of the proposed subdivision and adjacent property	✓	
13.—Certification of professional land surveyor	✓	✓
14.—Certification of professional engineer (if the data includes engineering plans and specifications)	✓	✓
<b>Exterior Boundary, Location</b>		
15.—The exterior boundaries of the platted tract	✓	
16.—The exterior boundaries of the platted tracts, giving such boundaries by bearings and distances		✓

**TABLE 7.4  
PLAT REQUIREMENTS (continued)**

<b>Submittal Item</b>	<b>Prelim. Plat</b>	<b>Final Plat</b>
<b>Exterior Boundary, Location (continued)</b>		
17. The bearings, distances, and curve data of all perimeter boundary lines shall be indicated. When the parcel surveyed is bounded by an irregular shoreline or a body of water, the bearings and distances of a meander traverse shall be given.		✓
18. The approximate location of all section corners or legal subdivision corners of sections pertinent to the subdivision boundaries	✓	
19. The location of all section corners or legal subdivision corners of sections pertinent to the subdivision boundary. If available, a metes and bounds or other legal description or a copy of previously recorded certificates of survey or subdivision plats shall be submitted.		✓
20. Township, range, principal meridian, section, and quarter section(s) if portion of a section, or other general legal description	✓	✓
<b>Interior Layout</b>		
21. All lots and blocks designated by number and the area and approximate dimensions of each lot	✓	
22. All lots and blocks, designated by number or letter, the dimensions of each lot and block, and the area of irregular lots		✓
23. The dimensions of all lot lines and the bearings of all lines		✓
24. Lengths of all lines shown to at least tenths of a foot and all angles and bearings shown to at least the nearest minute		✓
25. The area, location, boundaries, and dimensions of all parks, common areas, and other areas dedicated for public use	✓	
26. The location and dimensions of all parks, common areas, and other grounds dedicated for public use, or the fact that payment of cash has been accepted in lieu of land dedication		✓
27. The total gross area of the subdivision and the total net area, exclusive of public areas and rights of way	✓	

**TABLE 7.4**  
**PLAT REQUIREMENTS (continued)**

Submittal Item	Prelim. Plat	Final Plat
<b>Interior Layout, continued</b>		
28. Gross acreage of the subdivision and the net area of each lot and of each park or other common area		✓
29. Plans for such landscaping and street planting as may be required	✓	
30. Data on all curves sufficient to enable the re-establishment of the curves on the ground. These data shall include: <ul style="list-style-type: none"> <li>i. Radius of curve, tangent, delta angle, chord, and chord bearing</li> <li>ii. Arc length</li> <li>iii. Notation of non-tangent curves</li> <li>iv. Radial bearings on non-tangent curves</li> </ul>		✓
<b>Streets</b>		
31. The location and identification of all existing easements, rights-of-way of record, and proposed public and private easements and rights-of-way, including descriptions of their widths and purposes	✓	
32. All streets, alleys, avenues, roads, and highways; their widths and bearings; the widths of all rights-of-way; and the names of all streets, avenues, roads, and highways.		✓
33. The proposed locations of intersections, other access points, and access control lines for any subdivision requiring access to highways under state jurisdiction	✓	
34. The location of all bus stops and/or turnarounds	✓	
<b>Utilities</b>		
35. The approximate location and identification of all existing easements, rights-of-way of record, and proposed public and private easements and rights-of-way, including descriptions of their widths and purposes	✓	
36. Existing and proposed infrastructure and proposed utilities located on and adjacent to the tract	✓	✓
37. The approximate location, size, and depth of the nearest sanitary and storm sewers	✓	

**TABLE 7.4  
PLAT REQUIREMENTS (continued)**

<b>Submittal Item</b>	<b>Prelim. Plat</b>	<b>Final Plat</b>
<b>Utilities (continued)</b>		
38. The approximate location, size, and depth of water mains and fire hydrants if within 500 feet	✓	
39. The approximate location of the nearest gas lines, electric and telephone lines, and street lights	✓	
<b>Grading and Stormwater Management</b>		
40. Grading and drainage plan showing proposed grades, drainage facilities for entire subdivision, description and calculations of proposed drainage plan	✓	
<b>Existing Conditions</b>		
41. Defined hazard areas within the subdivision, and adjacent, upstream or downstream to the subdivision, when applicable.	✓	✓
42. Ground elevations of the tract; elevations and benchmarks. Contour intervals shall be vertical intervals of 2 feet where the average slope of the subdivision is less than 10% and at intervals of 5 feet where the average slope of the subdivision is 10% or greater	✓	
43. The approximate location of existing buildings, structures and improvements, roads, and other land uses	✓	
44. The water surface elevation of the 100-year flood and the area of the subdivision within the floodplain shall be delineated on the plat if applicable	✓	✓
45. Riparian Management Plan when applicable	✓	✓
<b>Additional Items Required for Major Subdivisions</b>		
46. Applications for major subdivisions shall include information from neighborhood meetings, as described in the application.	✓	
47. Applications for major subdivisions shall include information relative to satisfying the parkland dedication requirement.	✓	
48. If the proposed subdivision is creating forty (40) or more lots, a traffic study as described in the subdivision application, will be required to be submitted as a part of the application.	✓	

**TABLE 7.4  
PLAT REQUIREMENTS (continued)**

Submittal Item	Prelim. Plat	Final Plat
<b>Additional Items Required for Final Plats</b>		
49. All monuments to be of record shall be adequately described and clearly identified on the plat. Where additional monuments are to be set subsequent to the recording of the plat, the location of such additional monuments shall be shown by a distinct symbol noted on the plat. All monuments or other evidence found during retracements that would influence the position of any corner or boundary indicated on the plat shall be clearly shown.		✓
50. Certification of the subdivider that final plat conforms to the preliminary plat as previously reviewed and approved by the governing body		✓
51. When any private access is proposed, certification that the governing body shall not be required to improve or maintain the access must be provided, and the certification shall be so noted on the plat		✓
52. A County Approach Permit is required when a private road intersects with a county road		✓
53. When sprinkler systems are required, a plat note specifying the requirement		✓
54. Certification of zoning change, when applicable		✓
55. Address block		✓
56. Notary block		✓

## **7.6 Description of Preliminary Plat/Plan Submittal Requirements** **Preliminary Plat Application, Supplemental Information**

A completed subdivision application must accompany the preliminary plat. The subdivision application must be complete and must contain the following information: Several submittal requirements listed in [Table 7.4, Preliminary Plat/Plan Submittal Requirements](#) are described in this Section.

### **7.6.1 Certificate of Contact Information**

Contact information for the party or parties applying for the subdivision.

### **7.6.2.1 Ownership Certification**

Certification that either the applicant is also the owner of the property or, if the applicant is not the owner, the owner authorizes the applicant to submit certification that the owner is in concurrence with the subdivision application.

### **7.6.3.2 Adjacent Land**

The following information regarding adjacent land must be provided:

#### **7.6.3.1.1 Subdivisions**

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

#### **7.6.3.2.2 Ownership**

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

#### **7.6.3.3.2.3 Improvements Locations**

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

#### **7.6.3.4.2.4 Intervening ROW**

Lands separated from the exterior boundary of the subdivisionsubdivision 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;

**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.

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#### **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.

#### **7.6.4.7.6.5 Grading, ~~Storm Water~~Drainage Plan**

A ~~complete~~ grading and drainage plan must ~~be submitted~~ showing existing and proposed contours, the proposed grades of streets and other areas proposed for development, and the proposed drainage facilities for all lots, blocks, and other areas the proposed subdivision. The plan also shall include ~~displaying accurate~~ dimensions, courses, ground elevations when necessary to supplement contour data, existing and proposed contours storm water calculations, capacities of storm water facilities, and any other information to clearly describe the storm drainage plan, and a description and calculations of the proposed storm drainage plan.

#### **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 Budget**

Require the establishment and maintenance of an operating budget for the association.

**7.6.6.7 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;

**7.6.6.8 Revise Assessments**

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

**7.6.6.9 Enforcement**

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

**7.6.6.10 Governing Body Permission**

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

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**7.6.5 Project Description and Location**

As described in the subdivision application, the subdivider must provide a summary of the proposed project which includes a statement describing the detailed location, surrounding land use(s), size of property, the number and the size of lots proposed, and the current use of the property.

**7.6.6 Land Use**

Information about the current and anticipated use of the land proposed to be subdivided.

**7.6.7 Access**

Documentation of existing perpetual legal access shall be included in the submittal. The easement shall be in a legally sufficient form acceptable to the County Attorney's Office. When easements are unavailable at the time of submittal, the application shall include a description of how the perpetual, legal access will be obtained prior to the filing of the final plat. Information pertaining to access to the property, including, but not limited to, copies of easements, agreements, and access permits or applications for permits sufficient to demonstrate the existence of perpetual, legal access. For major subdivisions, the information must be provided for any access routes required by *Section 3.3.4, Physical Access.*

~~7.6.87.6.7~~ **County Plans, Policies, Zoning, Growth Policies**

~~A written description of how the proposed subdivision is consistent with information relating to the current land use designation of the property, including evidence demonstrating compliance with the Missoula County Growth Policy, and where applicable, local zoning regulations, ordinances and growth policies, where applicable and as further described in the application.~~

**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**

~~Information required by the governing body necessary to perform an adequate review pursuant to the MSPA.~~

~~7.6.9.1 Primary Criteria~~

~~7.6.9.2 Specific information—Written responses to relating to the state primary, the review criteria as required by in §76-3-608 (3), MCA; and, including a~~

~~7.6.9.3 Impacts~~

~~A description of the probable impacts resulting from the proposed developments/subdivision.~~

**7.6.10 Street Plans**

Street and road plans which include:

**7.6.10.1 Cross-section**

Typical cross-sections for each type of road proposed or road improvement;

**7.6.10.2 Profile**

Road profiles and cross-sections for all proposed streets and roads which have grades exceeding 7% or cuts and fills exceeding 3 feet;

**7.6.10.3 Pavement**

Grades, pavement and base thickness, pavement width, and type and location of sidewalks and curbs shall be shown;

**7.6.10.4 Names**

Street names;

**7.6.10.5 Corners**

Minimum site distances and curb radii at corners;

**7.6.10.6 Bridges**

~~Locations and characteristics of bridges and culverts; and,~~

#### **~~7.6.10.7~~ Turn Arounds**

~~Provide the widths of turn-around radii, minimum right-of-way widths at turn-arounds, minimum surface widths at turn-arounds and total length of proposed cul-de-sac streets.~~

#### **~~7.6.11~~ 7.6.10 Hazardous Land Assessment**

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

#### **~~7.6.11~~ 7.6.10.1 Wildfire Hazard**

~~See Appendix C, *A Fire Hazard Assessment*, for requirements ~~for~~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*.~~~~

#### **~~7.6.11~~ 7.6.10.2 Flood Hazard**

- ~~A. See Appendix D, *Standards for A Flood Hazard Evaluations*, for requirements for the evaluation ~~if required by Section 3.1.3.6.C., *No Floodplain Delineation*.~~~~
- ~~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.~~

#### **~~7.6.11~~ 7.6.10.3 Earthquake Hazard**

~~A map of any known earthquake fault line within or near the proposed subdivision. ~~If the fault line is within the boundaries of the proposed subdivision, it also shall be shown on the preliminary plat. If the fault line is not within the~~~~

~~subdivision boundaries, the map shall show the fault line in relation to the proposed subdivision.~~

~~7.6.11.4~~**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~~ 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~~ subdivision in the event of a dam failure. ~~Any area of flooding within the proposed subdivision also shall be shown on the preliminary plat.~~

~~7.6.11.5~~**7.6.10.5 Landslide, Slope Instability**

Where the potential for landslide or slope instability exists within or adjacent to the proposed ~~subdivision~~ 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. ~~These areas also shall be shown on the preliminary and plat when located within the boundaries of the proposed subdivision.~~

~~7.6.11.6~~**7.6.10.6 Snow ~~Avalanche~~ Avalanche, Rock Fall Hazard**

A map of known avalanche or rock fall areas within or adjacent to the proposed ~~subdivision~~ subdivision. ~~If located within the proposed subdivision, these areas also shall be shown on the preliminary plat.~~

~~7.6.11.7~~**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.

~~7.6.11.8~~**7.6.10.8 Unsuitable Soils Hazard**

A soils map for the area within the proposed ~~subdivision~~ subdivision, maintained by Natural Resource Conservation Service, and an NRCS analysis of the soil suitability for development. ~~When evidence of high ground water 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 ground water through trenches for water and sewer lines and drainage facilities.~~

~~7.6.11.9~~**7.6.10.9 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. ~~If the polluted water or toxic/hazardous substances are within the proposed subdivision their location shall be shown on the preliminary plat.~~ A report also shall be submitted detailing the hazardous conditions and their risks to future residents in the proposed subdivision.

**7.6.10.10 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.

~~7.6.11.10~~ **7.6.10.11 Aircraft Traffic Hazard**

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

**7.6.10.12 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.

~~7.6.11.11~~ **7.6.10.13 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~~ subdivision.

**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.

~~Any area of flooding shall be shown on the preliminary plat.~~

~~**7.6.12 Wildland Urban Interface**~~

~~In wildfire hazard areas, development agreements and/or covenants shall be submitted that contain information required in Section 3.1.3.5.D., *Wildfire Hazard Area Standards*.~~

~~**7.6.13 Grading**~~

~~A complete grading and drainage plan must be submitted showing the proposed grades of streets and proposed drainage facilities for all lots, blocks, and other areas, displaying~~

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~~accurate dimensions, courses, elevations, existing and proposed contours, and a description and calculations of the proposed storm drainage plan.~~

#### ~~7.6.14.7.6.12~~ **7.6.12 Water, Sanitation**

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

##### **7.6.12.1 Map**

A ~~vicinity~~ map or plan that shows the following.

;

###### **A. Water Features**

~~The location, within 100 feet outside of the exterior property line of the subdivision and on the proposed lots, of~~ floodplains, 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. ~~F, and,~~ for parcels ~~smaller~~less than 20 acres, the map shall show proposed water wells, ~~and~~ wastewater treatment systems, ~~and; for parcels less than 20 acres,~~ mixing zones.;

###### **C. Representative Drain Fields**

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

~~and,~~

###### **D. Public Facilities**

~~Public water and sewer facilities located~~The location, within 500 feet ~~outside of the exterior property line~~of the subdivision, ~~of public water and sewer facilities.~~

#### ~~7.6.14.27.6.12.2~~ **7.6.12.2 System Descriptions**

A description of the proposed ~~systems for subdivision's~~ water supply ~~systems,~~ storm water ~~systems,~~ solid waste disposal ~~systems,~~ and wastewater treatment ~~systems,~~ 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.;

#### ~~7.6.14.37.6.12.3~~ **7.6.12.3 Lot Layout**

~~A drawing of t~~he conceptual lot layout at a scale no smaller than 1/1 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.;

~~7.6.14.4~~**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 [identified on the vicinity map](#) that complies with standards published by the Department of Environmental Quality;

**B. Limiting Layer Separation**

[A d](#)Demonstration that the soil profile contains a minimum of [44](#) feet of vertical separation ~~distance~~ between the bottom of the permeable surface of the proposed wastewater treatment system and a limiting [soil](#) layer; and,

**C. Ground Water Separation**

~~In cases in which~~[When](#) the soil profile or other information indicates that ground water is within [7-7](#) feet of the natural ground surface, evidence that the ground water will not ~~be less than~~[exceed](#) the minimum vertical separation ~~distance~~ of [44](#) feet [from the bottom of the permeable surface of the proposed wastewater treatment system](#).

~~7.6.14.5~~**7.6.12.5 Water Availability**

For new water supply systems, ~~except when~~[unless](#) cisterns are proposed, evidence of adequate water availability [based on 1 or more of the following](#):

**A. Well Logs:**

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

**B. Reports:**

~~Obtained from~~ 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.

~~7.6.14.6~~**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.

~~7.6.14.7~~**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~~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 Ground Water Mitigation**

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

#### **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.

#### **7.6.15 25% Slopes**

If the site proposed for subdivision has slopes of 25% or greater, unless such areas are designated as “no build” areas on the plat, the subdivider shall provide the following:

##### **7.6.15.1 Report**

A report summarizing the soil, geological and hydrological characteristics of the property proposed to be subdivided. The report shall be submitted by a professional engineer registered in the State of Montana. This report shall include:

##### **A. Slope Map**

A slope category 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;

**B. — Soil Data**

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

**C. — Geology, Hydrology**

Adequate description of the geology and hydrology of the site;

**D. — Grading**

Conclusions and recommendations for grading procedures;

**E. — Plans**

Plans or design for any proposed corrective measures; and,

**F. — Recommendation**

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

**7.6.16 Stormwater Mitigation**

~~When evidence of high ground water or unstable soils is present, the developer shall provide a groundwater drainage mitigation plan prepared by a licensed professional engineer. The plan shall include, but not be limited to measures to prevent the migration of ground water through water, sewer and drainage trenches and shall be approved by the Public Works Director.~~

**7.6.17 Covenants and Deed Restrictions**

~~When covenants and deed restrictions are proposed, drafts of covenants and restrictions to be included in deeds or contracts for sale must be provided.~~

**7.6.18 HOA Documents**

~~Preliminary Property Owners Association Documents: If common property is to be deeded to a property owners' association, the subdivider shall provide a draft of the covenants and restrictions that will govern the association. These covenants and restrictions shall, at a minimum, provide the following.~~

**7.6.18.1 Association Formed**

~~The property owners association will be formed before any property is sold.~~

**7.6.18.2 Mandatory Membership**

~~Membership is mandatory for each property buyer and any subsequent buyer.~~

**7.6.18.3 Perpetual Restrictions**

~~The open space restrictions shall be perpetual.~~

**~~7.6.18.4 Responsibilities~~**

~~The association shall be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.~~

**~~7.6.18.5 Assessments~~**

~~Property owners shall pay their pro-rata share of association costs and that the assessment charged by the association can become a lien on the property.~~

**~~7.6.18.6 Revise Assessments~~**

~~The association may adjust the assessment to meet changed needs.~~

**~~7.6.18.7 Attorney Review~~**

~~Prior to final plat approval, the property owners association's Articles of Incorporation, Bylaws, Covenants, and Restrictions shall be prepared or reviewed by an attorney licensed to practice law in the State of Montana.~~

**~~7.6.18.8 Enforcement~~**

~~The covenants must provide for enforcement and must provide for a method of receiving and processing complaints.~~

**~~7.6.18.9 Governing Body Permission~~**

~~The permission of the governing body is required before the association can be dissolved or the restrictions modified.~~

**~~7.6.18.10 Maintenance Program~~**

~~There is a regular maintenance program for private roads, parks, buildings, drainage facilities, and other mutually controlled facilities.~~

**~~7.6.19 Environmental Assessment~~**

~~The requirements of an environmental assessment are outlined in §76-3-603, MCA, and are met with the completion of the Primary Review Criteria Report described in detail in the Subdivision Application Form.~~

**~~7.6.19.1 Minor Subdivisions Exempt~~**

~~Notwithstanding the requirements of this section, Environmental Assessments are not required for minor subdivisions.~~

**~~7.6.20 Management Plan for Areas of Riparian Resources~~**

~~When riparian or wetland areas exist on the property, information as detailed in the Subdivision Application Form must be submitted including, but not limited to, a Riparian Area Management Plan. A management plan for areas of riparian resource must be submitted with the subdivision proposal. Approval of the management plan by the governing body is required as a condition of subdivision approval. The plan shall include, but not be limited to the following:~~

**7.6.20.1 Proposed Access**

Proposed access to or through the area.

**7.6.20.2 Proposed Use**

Proposed low-impact use of the area.

**7.6.20.3 Restoration**

Planned restoration of the area with native species.

**7.6.20.4 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. Alternation, Enhancement, and Restoration Plan;
- B. Planting Plan; and,
- C. Streambank Stabilization Plan.

**7.6.20.5 Buffers**

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

**7.6.20.6** A vegetation map showing:

- A. The location of vegetation types listed in *Riparian/Wetland Habitat and Community Types*;
- B. The vegetation proposed in the buffer area; and,
- C. The coordination of stormwater drainage plans and the protection of riparian areas.

**7.6.20.7 Description**—A description of the following:

- A. Abundance of vegetation types listed in *Riparian/Wetland Habitat and Community Types*;
- B. Contribution of the type to stream bank stabilization;
- C. Susceptibility of soil in the type to compaction;
- D. Contribution of the type in preventing erosion; and,
- E. Contribution of the type to fish and wildlife habitat, including big game species, upland game bird species, non-game bird species, fisheries, and threatened or endangered species.

**7.6.20.8 Maintenance**

A maintenance and monitoring plan outlining how the area of riparian resource will be maintained after occupancy. The approved management plan may not be altered without permission from the governing body.

## **7.7 Description of Final Plat Submittal Supplemental Requirements**

Several submittal requirements listed in *Table 7.5, Final Plat Submittal Requirements* are described in this Section. The following supplemental items shall be submitted with final plat applications, pursuant to §76-3-504, MCA, as amended:

### **7.7.1 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.”*

### **7.7.2 Title Abstract**

A certificate of a title abstracter shall showing 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.

### **7.7.3 State Highway Access Permit**

A copy of the State Highway Access permit is required when a new street will intersect with a highway under the jurisdiction of the State of Montana.

### **7.7.4 Final Road and Drainage Plans**

All engineering plans, specifications, and reports required in connection with public improvements and other elements of the subdivision required by the governing body and certification of the professional engineer.

### **7.7.5.7.3 Subdivision Public Improvements Agreement**

Pursuant to §76-3-507, MCA, final plat applications shall include a certification by the subdivider that all or part of required public improvements have been installed and/or that a Subdivision Improvements Agreement exists, which is acceptable to the County Attorney and governing body, securing the future construction of any incomplete public improvements.

### **7.7.5.1 Guarantees** Further a certification that financial g

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Guarantees ensure that all incomplete improvements the streets and roads will be designed and built according to the approved plans and specifications must be provided to Missoula County prior to final plat approval.

**~~7.7.6~~ Covenants and Restrictions**

~~Copies of covenants and restrictions encumbering each lot.~~

**~~7.7.7.7.4~~ HOA Property Owners' Association 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 and, further, that the documents shall contain the applicable provisions upon which plat approval was based or conditioned and that the provisions do not conflict.

**~~7.7.8~~ Title Insurance or Platting Report**

~~A preliminary commitment for title insurance or platting report, disclosing all title owners and lien holders, shall be submitted.~~

**~~7.7.9~~ Treasurer Health Department Certificate**

~~A certificate of approval by the Department of Environmental Quality shall be submitted.~~

**~~7.7.10.7.5~~ Certificates**

~~Certificates, Acknowledgments, and Descriptions including the following:~~

**~~7.7.10.1~~ Treasurer**

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

**~~Title Abstract~~**

~~A certificate of a title abstracter showing 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.~~

**~~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."~~

~~7.7.11~~**7.7.6 Certification of Parks and Open Space 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 ~~as noted on the face of the plat.~~

**7.7.7 Notice to Lot Purchasers**

~~7.7.11~~**7.7.7.1 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."*

~~7.7.11~~**7.7.7.2 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 6.3.3.4.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.

**7.7.12 Hazards**

~~Final plats for subdivisions shall include information as described below.~~

**7.7.12.1 Earthquake Hazard**

~~Any fault line located within the boundaries of a subdivision shall be shown on the final plat.~~

**7.7.12.2 Major Dam Failure Hazard**

~~Any area of flooding due to a major dam failure that may occur within the boundaries of a subdivision shall be shown on the final plat.~~

**7.7.12.3 Landslide, Slope Instability**

~~Areas susceptible to landslide or slope instability within the boundaries of a subdivision shall be shown on the final plat.~~

**7.7.12.4 Snow Avalanche, Rock Fall Hazard**

Avalanche or rock fall areas within the boundaries of a subdivision shall be shown on the final plat.

**7.7.12.5 Polluted Water, Toxic/Hazardous Substance**

Areas of any polluted water or toxic/hazardous substance located within the boundaries of a subdivision shall be shown on the final plat

**7.7.12.6 Ice Jam Flood**

Areas within the boundaries of a subdivision subject to flooding due to ice jams shall be shown on the final plat.

**7.8 Mobile Home Park, Recreational Vehicle Park, and Condominium Subdivisions, Additional Requirements**

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The following additional submittal requirements shall be submitted with applications for Mobile Home Park, Recreational Vehicle Park, and Condominium subdivisions:

**7.6.1 Engineering Certification**

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If the submittal includes engineering plans and specifications, certification of a professional engineer licensed to practice in the State of Montana shall also be included.

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**7.6.2 Plan Requirements**

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Information required in *Table 7.4, Plat Requirements* for preliminary plats, where applicable.

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**7.6.3 Preliminary Plan Supplemental Information**

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Information required in *Section 7.5, Preliminary Plat Application, Supplemental Information*, as required.

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**7.9 Cluster Subdivisions, Additional Requirements**

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The following additional submittal requirements shall be submitted with applications for Cluster Subdivisions:

**7.9.1 Conventional Zoning Potential**

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A “Potential Yield Sketch Plan” that demonstrates the development potential using conventional zoning. This plan shall show, in a general fashion, the density calculated using conventional lot size, width, and residential density allowed by the applicable zoning.

### **7.9.2 Cluster Development Plan**

A “Proposed Cluster Development Plan” in addition to other submittal requirements, showing the proposed cluster development including the following:

**7.9.2.1 Housing Units:** The number and types of housing units proposed;

**7.9.2.2 Non-residential:** If a mixed use development is proposed, non-residential uses shall be shown on the plan;

**7.9.2.3 Open Space:** Location of the proposed open space; and,

**7.9.2.4 Streets:** Location and dimensions of streets, roads, sidewalks, walkways, and trails.

### **7.9.3 Neighborhood Cluster**

For a “Proposed Planned Neighborhood Cluster” in addition to other submittal requirements, a plan showing the proposed cluster development, including the following:

**7.9.3.1 Lots:** The size, arrangement and location of lots;

**7.9.3.2 Structures:** The type, size and location of structures, proposed building groups, and parking facilities;

**7.9.3.3 Design:** Architectural drawings or sketches illustrating typical design and character of proposed structures;

**7.9.3.4 Landscape:** General landscape treatment for common areas and boulevards and typical treatment of lots or buildings;

**7.9.3.5 Owner’s Association:** General outline of intended organizational structure related to property owner’s association, deed restrictions, and provision of services; and,

**7.9.3.6 Design Criteria:** Description of compliance with design criteria.

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