



Board of County Commissioners  
Mailing Address: 200 West Broadway  
Physical Address: 199 West Pine  
Missoula, MT 59802-4292

BCC 2017-132  
April 17, 2017

(406) 258-4877  
bcc@missoulacounty.us

B & E Corp.  
316 Expressway  
Missoula, MT 59808

### TRAINING DRIVE SUBDIVISION

Dear B & E Corp.:

This is to confirm that at the public meeting on March 23, 2017, the Board of County Commissioners approved **Training Drive Subdivision**, subject to the conditions attached to this letter. The reasons for the decision, including the imposition of any condition of approval, may also be found in the attached document entitled "Findings of Fact and Conclusions of Law."

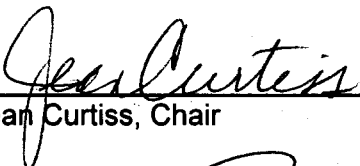
Please be advised the plat approval expiration date is **March 23, 2020**. The final plat must be submitted for approval or an extension must be requested and approved by the Board of County Commissioners by that time.

If you wish to appeal this decision or the imposition of any condition, you must follow the procedure established by M.C.A. §76-3-625(2) which states as follows:

**"A party . . . who is aggrieved by a decision of the governing body to approve, conditionally approve, or disapprove a proposed preliminary plat or final subdivision plat may, within 30 days after the decision, appeal to the district court in the county in which the property involved is located. The petition must specify the grounds upon which the appeal is made."**

The statute includes the applicant within the definition of an aggrieved party. If you have any questions or concerns with regard to this matter, please do not hesitate to contact us at (406) 258-4877.

Sincerely,  
BOARD OF COUNTY COMMISSIONERS

  
\_\_\_\_\_  
Jean Curtiss, Chair

  
\_\_\_\_\_  
Nicole Rowley, Commissioner

  
\_\_\_\_\_  
David Strohmaier, Commissioner

cc: Paul Forsting, Territorial-Landworks, Inc.  
Christine Dascenzo, Community and Planning Services  
Tim Worley, Community and Planning Services  
Andrew Stickney, Community and Planning Services  
John Hart, Deputy County Attorney  
Chris Newman, Missoula Rural Fire  
Clerk and Recorder

Surveyors' Office  
Environmental Health Department  
Greg Robertson, Public Works  
Brent O'Connor, Public Works  
Deborah Bell, Public Works  
Bryce Christiaens, Missoula County Weed District

**CONDITIONS OF APPROVAL**  
**TRAINING DRIVE SUBDIVISION**  
**March 23, 2017**

**Plat Notes:**

1. The following statement shall be shown on the face of the plat, subject to CAPS review and approval prior to final plat approval:

“Acceptance of a deed for a lot within the subdivision shall constitute the assent of the owners to any future SID/RSID, based on benefit, for upgrading and/or maintaining Training Drive, including but not limited to paving, curbs, gutters, non-motorized facilities, street widening, and drainage facilities and may be used in lieu of their signatures on an SID/RSID petition.”
2. The following statement shall be shown on the face of the plat, subject to CAPS review and approval prior to final plat approval:

“Acceptance of a deed for a lot within this subdivision shall constitute a waiver of the right to protest a future RSID/SID for a community or municipal water system for fire protection purposes.”
3. The following disclaimer shall be shown on the face of the plat, subject to CAPS review and approval prior to final plat approval:

“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.”

**Airport Influence Area:**

4. The following statement shall appear on the face of the plat: “This property is within the Airport Influence Area and subject to the requirements of the Airport Influence Area Resolution.”
5. An aviation easement shall be recorded for this subdivision in compliance with the Airport Influence Area Resolution and subject to review and approval of the Missoula County Airport Authority prior to final plat approval.

**Weeds:**

6. The Weed Management Plan shall be recorded with the Covenants or as a Development Agreement, subject to CAPS review and approval.
7. A Revegetation Plan for the subdivision shall be signed and approved by the Missoula County Weed District prior to final plat approval.

**Development Covenants:**

8. Installation of interior residential fire sprinklers that meet International Fire Code, NFPA 1, and NFPA 13D standards is required in each new building for the purpose of fire protection. All covenant references to the “County Fire Inspector” shall be amended to read “Missoula Rural Fire District,” and all references to “Uniform Fire Code” shall be amended to read “International Fire Code,” subject to review and approval of the Missoula Rural Fire District prior to final plat approval. The state Fire Marshall’s Office shall be deleted as a reviewing entity.
9. Address signs for buildings in the subdivision shall include characters a minimum of 6” in height, subject to review and approval of the Missoula Rural Fire District. Covenant references to the “County Fire Inspector” shall be amended to read “Missoula Rural Fire District,” and “residences” shall be amended to make proper reference to zoning compliant buildings in the subdivision, with language subject to review and approval of the Missoula Rural Fire District prior to final plat approval. This section of the covenants shall be reiterated under the “Building Permit Requirements” section, subject to review and approval of the Missoula Rural Fire District.

**Plat:**

10. Should well isolation zone easements be needed to accommodate well arcs within or adjacent to this subdivision, reasonable changes to the final plat shall be permitted, subject to CAPS review and approval prior to final plat approval. Arcs shall be shown with bearings and distances as appropriate. All off-property encroachments shall be verified by written approval of the appropriate landowners.
11. The "No Build Zones" for steep slopes shall be shown in bearings and distances on a conditions of approval sheet, subject to CAPS review and approval prior to final plat approval.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**  
**TRAINING DRIVE SUBDIVISION**  
**MARCH 23, 2017**

**SUBDIVISION FINDINGS OF FACT AND CONCLUSIONS OF LAW**

**A.) ZONING AND COMPREHENSIVE PLAN COMPLIANCE**

Findings of Fact:

1. The subdivision is two-lots on 2.22 acres. Lot sizes are 1.15 and 1.07 acres, respectively. *(Project Summary, Page 1)*
2. Dog Logic occupies the subject property. Services include dog day care and boarding. *(Project Summary, Page 1)*
3. The property proposed for subdivision is in the C-11, or Light Industry Zoning District. Permitted uses include retail and service facilities, public utility offices and installations, veterinary services, animal hospitals, and kennels. *(Zoning District Standards)*
4. The two lot subdivision places Dog Logic on Lot 1, and creates a vacant lot (Lot 2). *(Project Summary, Page 1)*.
5. Setbacks (in the C-11) for buildings fronting on industrial districts shall not be less than twenty-five (25) feet. Where buildings front on designated arterials and collectors, setbacks shall be not less than fifty (50) feet. *(Zoning District Standards)*
6. Any industrial building or related accessory building in the C-11 District shall not be permitted within one hundred (100) feet of residential, public or agricultural zones. *(Zoning District Standards)*
7. This property fronts on the C-11 district. Training Drive is neither an arterial nor a collector street. *(Property Information System)*
8. The subject property is within 100 feet of the C-P1, or Public Lands & Institutions Zone. *(Property Information System)*
9. Any new development proposed on Lot 2 will be reviewed for zoning compliance at time of building permit.
10. The applicable amendment to the Missoula County Growth Policy (2016) is the 2005 Wye Mullan West Comprehensive Area Plan ("Wye Mullan Plan"). The land use designation is primarily Light Industry, with a small amount of Open and Resource. *(Subdivision Application, Page 3; Property Information System)*
11. The Missoula County Growth Policy outlines a series of objectives. Objective 5.1 encourages the support of local businesses. *(Growth Policy)*
12. Objective 5.3 encourages the facilitation of well-designed commercial and industrial development that is located appropriately, served by necessary infrastructure, conducive to public health and the environment, and reduces buyer and developer financial and legal risks. *(Growth Policy)*
13. Objective 5.4 recommends the re-use of former industrial sites and previously developed, underutilized parcels of land to revitalize blighted and infrastructure deficient areas and spur private investment. *(Growth Policy)*
14. The Wye Mullan Plan notes that light industrial areas provide employment opportunities for Missoula County Residents. Recommended uses in the Plan are consistent with permitted uses in the C-11 zoning. *(Wye Mullan Plan, Page 7-18)*
15. A small portion of Lot 1, contained within a natural drainage, is designated Open and Resource in the Plan. *(Wye Mullan Plan, Page 7-2)*
16. The Open and Resource Land Use Designation is intended to protect natural areas, including drainages and associated resources. *(Wye Mullan Plan, Page 7-2)*
17. Lot 1 includes Dog Logic, and most of the area designated Open and Resource. No new development is planned for the area behind Dog Logic, which includes slopes greater than 25% designated as No Build Zones. *(Preliminary Plat)*

18. FEMA-designated floodplain is absent from the property. The subject property was not part of a parcel containing Zone A floodplain as of the adoption of FEMA floodplain maps in August 1983. (*Property Information System; Original Property Deed*)
19. The goal of the subdivider is to create one new lot (Lot 2) with road, water, and sewer infrastructure. A new well will be drilled for this lot. (*Project Summary, Page 1*)

Conclusions of Law:

1. The subdivision complies with the C-11 Light Industry Zoning.
2. The subdivision is in substantial compliance with the Missoula County Growth Policy (2016).
3. The subdivision is in substantial compliance with the Wye Mullan Plan (2005).

**B.) PRIMARY CRITERIA COMPLIANCE**

**CRITERION 1: EFFECTS ON AGRICULTURE AND AGRICULTURAL WATER USER FACILITIES -**

Findings of Fact:

1. Agriculture is absent from the site. The parent parcel is occupied by a single building, but most of the remainder of the site is occupied by outdoor storage, or shows disturbance. (*Layout with Aerial*)
2. Soils on the property are the Grassvalley silty clay loam, which is considered farmland of local importance. (*Grading and Drainage Plan*)
3. Land uses adjacent to the parent parcel are vacant, residential, or related to the airport's proximity. The property cannot be farmed as part of a larger agricultural enterprise. (*Layout with Aerial*)
4. The property lacks surface water rights. Records show a domestic well with a 30 gpm output. (*DNRC Water Rights Query*)
5. The property lacks irrigation facilities. (*Subdivision Application, Page 9*)

Conclusions of Law:

1. Impacts to agriculture or agricultural water user facilities are lacking in the subdivision.

**CRITERION 2: EFFECTS ON LOCAL SERVICES --**

**Roads**

Findings of Fact

1. The subdivision is served by Training Drive, a 25' wide offsite road within a 60' wide public access easement. (*Subdivision Application, Page 26*)
2. The subdivision is within the Urban Area, and subject to Urban Area road standards in Table 3.4.7. Large lot subdivisions are required to have a 20' road width (no parking), a 22' road width (parking on one side only) or a 30' road width (parking on both sides).
3. Training Drive is completely outside the property boundary. Parking for Dog Logic occurs to the side and behind the building. Off-street parking for the second lot will be evaluated at the time of building permit review, based on use, in accordance with the zoning. (*Preliminary Plat; Project Summary*)
4. County Public Works commented that the Lot 2 access point will be determined as part of future building permit review for this lot. (*Public Works, 1/18/17*)
5. The subdivision covenants address driveways in excess of 150' in length, as well as appropriate emergency vehicle clearance and drivable width. A condition of approval requires references to the Missoula County Fire Inspector to be changed to the Missoula Rural Fire District. (*Covenants*)
6. The subdivision is located in the Air Stagnation Zone. The Environmental Health Division states that all roads and most parking areas built in the Air Stagnation Zone must be paved. This would include new driveways. (*Environmental Health Division, 1/10/17*)

Conclusions of Law

1. The subdivision will meet the road standards in the Missoula County Subdivision Regulations with the required condition of approval.

## **Pedestrian Facilities**

### **Findings of Fact:**

1. Pedestrian facilities are lacking along Training Drive, and within the subdivision. (*Subdivision Application, Page 9*)
2. Minor subdivisions in the Urban Area are not required to have pedestrian facilities per Missoula County Subdivision Regulations Section 3.4.9.1.A. However, they are required to include a waiver of the right to protest creation of an SID/RSID for future construction of sidewalks, bicycle lanes or trails. This language is not on the preliminary plat.
3. A condition of approval requires the inclusion of SID/RSID language, subject to CAPS review and approval. (*Missoula County Subdivision Regulations Section 3.4.9.1.A*)

### **Conclusions of Law:**

1. The proposal complies with the Missoula County Subdivision Regulations with the required condition of approval.

## **Water & Sanitation Systems**

### **Findings of Fact:**

1. Lot 1 (Dog Logic) is served by an existing well. A new well is proposed for Lot 2. (*Water & Sanitation Report*)
2. The Dog Logic building is served by City Sewer. Lot 2 is proposed to connect to City Sewer. (*Water & Sanitation Report*)
3. A letter from the City Engineer confirms that a sewer extension is available to Lot 2 by contract. (*Development Services, 10/8/16*)
4. The Missoula Valley Water Quality District monitors and maintains a well adjacent to this project. They have no objection to the proposal. (*Water Quality District, 1/11/17*)

### **Conclusions of Law:**

1. The water and sanitation information complies with Subdivision Regulations.
2. Review of water and sanitation systems is under the jurisdiction of state and local health authorities under the Montana Sanitation in Subdivision Act.

## **Solid Waste**

### **Findings of Fact:**

1. Republic Services was contacted regarding solid waste disposal to the subdivision. No comment was received.
2. A query to Republic Service's Website confirmed that Dog Logic currently has service. (*Republic Services Address Query, 3/7/17*)

### **Conclusion of Law:**

1. Review of solid waste disposal is under the jurisdiction of state and local health authorities under the Montana Sanitation in Subdivision Act.

## **Parks and Recreation**

### **Findings of Fact:**

1. No parkland dedication or cash-in-lieu of park dedication is proposed for the subdivision. (*Subdivision Application*)
2. Missoula County Subdivision Regulations Sections 3.10.3.1 and 3.10.3.3 exempt minor subdivisions and non-residential subdivisions, respectively, from parkland dedication requirements.

### **Conclusions of Law:**

1. This subdivision is exempt from parkland dedication or cash-in-lieu of park dedication since it is a minor industrial subdivision.

## **Schools**

### **Findings of Fact:**

1. The Subdivision Application indicates that the subdivision is within Hellgate Elementary School District, but the County Property Information System shows the property within the boundaries of the DeSmet School District. (*Subdivision Application, Page 24; Property Information System*)
2. No residential impacted is expected, as the subdivision is industrial. (*Project Summary, Page 1*)

### **Conclusion of Law:**

1. There are no identified adverse impacts to schools requiring mitigation.

## **Fire Department**

### **Findings of Fact:**

1. The subject property is located in the Missoula Rural Fire District and is approximately one-half mile from the nearest fire station. (*Subdivision Application, Page 24*).
2. Missoula County Subdivision Regulations Section 3.5.3 requires water supply for fire protection that includes a municipal system, storage and hydrants, or fire sprinklers.
3. The Fire Suppression Plan confirms that fire sprinklers are the chosen water supply for firefighting. (*Fire Suppression Plan*)
4. The Covenants include language about the requirement for fire sprinklers. However, these covenants make reference to the Missoula County Fire Inspector and the State Fire Marshal's Office as reviewers. Reference is also made to Uniform Fire Code (UFC) rather than International Fire Code (IFC). A condition of approval requires amendment of this covenant language, subject to review and approval of the Missoula Rural Fire District (*Covenants; Missoula County Subdivision Regulations Section 3.5.3*)
5. Since no community or municipal water system with the required minimum fire flow is provided to this subdivision, an RSID/SID waiver statement shall be required stating that at such time a community or municipal water system is available the property owner shall be required to participate in the RSID/SID. This is a required condition of approval. (*Subdivision Regulations Section 3.5.11*)
6. The covenants include language regarding the minimum height of address numbers. A condition of approval requires amendment of this language to replace "County Fire Inspector" with "Missoula Rural Fire District." The condition requires this information to be located under "Building Permit Requirements" per recommendations of MRFD. (*Covenants*)

### **Road & Driveway Access**

7. The Dog Logic business has existing access and parking. Lot 2 is undeveloped, with access/egress being unknown as of the time of submittal. (*Project Summary, Page 1*)
8. Language in the covenants addresses emergency access, include unobstructed horizontal and vertical clearance, plus the need for turn-arounds on dead-end driveways exceeding 150' in length. A condition of approval requires references to "County Fire Inspector" to be amended to "Missoula Rural Fire District." (*Covenants; Missoula County Subdivision Regulations Section 3.5.7*)

### **Conclusions of Law:**

1. This subdivision meets the fire protection requirements of the Subdivision Regulations with the required conditions of approval.

## **Sheriff Department**

### **Findings of Fact:**

1. The subject property is approximately 7.8 miles away from the Missoula County Sheriff's office. (*Subdivision Application, Page 24*)
2. No comments indicating issues with the subdivision were received from the Sheriff's Department.

Conclusion of Law:

1. This subdivision has been reviewed for adequate police protection per Missoula County Subdivision Regulations. Missoula County law enforcement services will be available to the subdivision in a manner consistent with its distance from services and ease of access.

**CRITERIA 3 AND 4: EFFECTS ON THE NATURAL ENVIRONMENT AND WILDLIFE AND WILDLIFE HABITAT--**

Findings of Fact:

Natural Environment

1. Missoula County Subdivision Regulations Appendix E summarizes the Primary Review Criteria for subdivisions. Subdivisions with slopes greater than 25% can be considered to have an impact on the natural environment. (*Missoula County Subdivision Regulations Appendix E*)
2. A condition of approval requires these areas to be shown on the Conditions of Approval Sheet that is required with the final plat. (*Missoula County Subdivision Regulations Appendix E; A.R.M. 23.183.1107(3,4)*)

Wildlife & Wildlife Habitat

3. The subdivision is in a moderately-developed area south of West Broadway. It is located between the dry channels of La Valle Creek and Butler Creek. (*Property Information System*)
4. The site is largely developed or disturbed, and appears to offer no wildlife habitat. Habitat species that can be confirmed for the general area include black bear, white tail deer, and the occasional mountain lion. (*Wildlife & Wildlife Habitat Exhibit*)
5. Montana Fish, Wildlife and Parks was contacted regarding the subdivision, but did not comment.
6. Covenant language referred to as "Living with Wildlife" has been included that addresses the issue of wildlife attractants. This language may not be changed or deleted without prior approval of the governing body. (*Covenants*)

Weed Management

7. The subdivision site appears heavily disturbed. Further disturbance can be expected following development of Lot 2. (*Layout with Aerial*)
8. Subdivisions typically have weed problems that come from previous ground disturbances, subdivision development-related disturbance, and long-term proliferation over the lifetime of a development project. (*Layout with Aerial, Weed Management Plan, Revegetation Plan*)
9. The Covenants make reference to the Montana County Weed Control Act, the Missoula County Noxious Weed Management Plan, and the Training Drive Subdivision Weed Management Plan. Ground disturbances caused by construction or maintenance must be re-vegetated with beneficial species at the first appropriate opportunity. (*Covenants*)
10. Missoula County Subdivision Regulations Section 3.7.11 requires a revegetation plan for disturbed sites. Section 3.7.12.3 requires the replanting of disturbed areas no later than the first growing season after the ground disturbance to prevent erosion and weed invasion.
11. A Revegetation Plan has been submitted as part of the subdivision proposal. A condition of approval requires review and approval by the County Weed District. (*Revegetation Plan*)
12. The submitted weed management plan identifies noxious weed species on the property, and confirms that the applicant (B&E Corp.) is responsible for weed management until such time as a new owner/developer assumes responsibility for Lot 2. (*Weed Management Plan*)
13. The Missoula County Weed District did not comment on the subdivision. However, a condition of approval requires Weed District review and approval of the weed management plan, and that the plan will be recorded as part of the covenants or as a development agreement. (*M.C.A 7-2-21; Missoula County Subdivision Regulations Appendix B – Maintenance Agreements*)



Conclusion of Law:

1. With the required conditions of approval, the subdivision complies with the Missoula County Subdivision Regulations and mitigates for the subdivision's impacts to the natural environment, wildlife and wildlife habitat.

**CRITERION 5: EFFECTS ON PUBLIC HEALTH AND SAFETY--**

Findings of Fact:

Floodplain/Steep Slopes

1. The subdivision does not contain any FEMA floodplain. However, two Zone A FEMA floodplains (La Valle Creek and Butler Creek) are found within 2000 feet of the subject property. (*Property Information System*)
2. By definition, a FEMA Zone A floodplain lacks flood elevations. A parcel history analysis is therefore required to determine whether or not a parcel proposed for subdivision was part of a parent parcel mapped with Zone A floodplain as of August 15, 1983. (*Missoula County Subdivision Regulations Section 3.1.3.6.A.2*)
3. The parcel proposed for subdivision was part of a larger tract in 1975 that included land north of what is now Training Drive. The boundaries of the tract roughly equate with most of Certificate of Survey 4611, which does not come into contact with either Zone A floodplain in question. No flood study is therefore required. (*Missoula County Subdivision Regulations Section 3.1.3.6.A.2, Original Property Deed*)
4. Steep slope areas are shown on the plat within "No Build Zones." These are associated with the dry channel behind Dog Logic. (*Preliminary Plat*)
5. Natural slopes in excess of 25% grade shall be deemed unsuitable for building sites unless a geotechnical analysis and an engineering plan demonstrate that development can safely occur on the slope. The applicant has opted to show these as "No Build Zones." (*Missoula County Subdivision Regulations Section 3.1.2.3.B*)
6. A condition of approval requires these areas to be depicted by bearings and distances on the Conditions of Approval Sheet that is required with the final plat. (*Missoula County Subdivision Regulations Section 3.1.2.3.B*)

Airport

7. The subdivision is adjacent to Missoula International Airport, and within the Airport Influence Area. The subdivision will need to meet the requirements outlined in the Airport Influence Area Resolution, including the filing of an aviation easement. This is required as a condition of approval. (*Subdivision Regulations 3.1.3.2.K*)
8. A section of the covenants confirms the location adjacent to the airport, and therefore this location may be subject to noise, odors, fumes, dust, traffic, etc. This section may not be amended or deleted without governing body approval. (*Covenants*)
9. The Airport Authority commented that they have no objection to the subdivision so long as an aviation easement is executed between the developer and the airport, and all potential buyers are given an appropriate written disclosure that the property is located within the Airport Influence Area and subject to an aviation easement. The disclosure in the subdivision packet appears to be appropriate. A separate disclosure has been included in the "notes" section on the Layout with Aerial. (*Airport Authority, 1/23/17; Subdivision Regulations Section 3.1.3.2.K; Layout with Aerial*)

Radon

10. The covenants contain a section on Radon that confirms Missoula County as having high radon potential. In accordance with recommendations from the City-County Health Department, all new construction is recommended to incorporate radon resistant construction features. (*Covenants; City-County Health Department, 1/10/17*)

Air Quality

11. Since this subdivision is inside the Missoula Air Stagnation Zone, only approved pellet stoves may be installed at this location. The Missoula City-County Air Pollution Control Program regulations prohibit the installation of wood burning stoves or fireplaces inside the

Missoula Air Stagnation Zone. Pellet stoves that meet emission requirements or natural gas or propane fireplaces may be installed. Pellet stoves require an installation permit from the County Public Works Department. *(City-County Health Department, 1/10/17)*

12. The covenants include language about stove installation. Some of the covenant language differs slightly from what is acceptable by the City-County Health Department. A condition of approval requires amendments, subject to review and approval of the City-County Health Department. *(City-County Health Department, 1/10/17)*

Conclusions of Law:

1. The subdivision will comply with public health and safety standards in the Missoula County Subdivision Regulations with the required conditions of approval.
2. Hazards relating to radon and air quality will be mitigated if the owners enforce the Development Covenants as amended.

**C) COMPLIANCE:** This subdivision complies with:

1) SURVEY REQUIREMENTS

Findings of Fact:

1. The Seal of a Professional Land Surveyor or Engineer is required on all final plats, which states that the subdivision complies with part 4 of M.C.A. 76-3.

Conclusion of Law:

1. This proposal meets the survey requirements.

2) SUBDIVISION REGULATIONS

Findings of Fact:

1. Subdivisions are required to comply with the local subdivision regulations provided for in part 5 of M.C.A. 76-3.

Conclusion of Law:

1. The developer has submitted a plat which complies with the requirements of local subdivision regulations with the required conditions of approval.

3) REVIEW PROCEDURE AND NOTICE OF APPEAL PROCESS

Findings of Fact:

1. Subdivisions are required to comply with the local subdivision review procedure provided for in Section 5 of the Missoula County Subdivision Regulations.
2. The public meeting notification for this subdivision was mailed to notice recipients on February 27, 2017 per Missoula County Subdivision Regulations Section 5.7.11.
3. A decision of the governing body rejecting or approving a proposed subdivision may be appealed to the district court within thirty (30) days of such decision. The application shall specify the grounds upon which the appeal is made. An appeal may be made by the subdivider, a contiguous landowner, an owner of land within Missoula County who can establish a likelihood of material injury to property or its material value, or the Missoula County Board of County Commissioners. In order to file an appeal, the plaintiff must be aggrieved by the decision, demonstrating that a specific personal and legal interest, as opposed to a general interest, has been or is likely to be specifically and injuriously affected by the decision.

Conclusion of Law:

1. This subdivision proposal has followed the necessary application procedure and has been reviewed within the procedures provided in Missoula County Subdivision Regulations.

**D) PROVISION OF EASEMENTS FOR UTILITIES:**

Findings of Fact:

1. Missoula County Subdivision Regulations Section 3.8.7 requires easements for utilities. The plat shows the sewer line partially on proposed Lot 1, and partially within the Training Drive right-of-way. *(Preliminary Plat)*

2. The plat shows the sewer line relocated to be contained fully within a 20' wide utility easement, once it continues west to Lot 2 from an existing manhole. *(Preliminary Plat)*
3. A new well will be required for Lot 2. The plat shows the approximate location of a proposed well isolation zone on Lot 1 for the benefit of Lot 2. *(Preliminary Plat)*
4. A well isolation zone would be required for the benefit of Lot 2 immediately south of the lot, on land owned by the Missoula County Airport Authority. A condition of approval accommodates changes to the plat based on this and other potential well arc encroachments. The condition requires written verification of any off-property encroachment. *(Preliminary Plat)*

Conclusion of Law:

1. Utility services will be available to this subdivision and are in compliance with the subdivision regulations with the required condition.

**E) PROVISION OF LEGAL AND PHYSICAL ACCESS:**

Findings of Fact:

1. Training Drive serves the subdivision. It is found within a 60' wide county right-of-way.
2. Dog Logic has an existing driveway off Training Drive. A second will be required with the platting of Lot 2.

Conclusion of Law:

1. The proposal meets physical and legal access requirements for subdivision.

## FINAL PLAT REQUIREMENTS

With the Commissioners' approval of the subdivision, the preliminary approval applies to the subdivision as proposed on the preliminary plat and in the submittal packet, as amended by any conditions of approval. The Planning Office and other applicable agencies will review the following items, in addition to conditions of approval, Subdivision Regulations Sections 7.5-7.6, and the final plat checklist, prior to final plat approval in order to ensure compliance with the subdivision regulations, other applicable regulations, and the proposed preliminary plat and submittal packet:

### Plat

1. Notes regarding a well permit for Lot 2, stormwater systems installation and maintenance, and proximity to the airport shall be retained on the face of the plat or conditions of approval sheet as appropriate.