

CHAPTER 3

GENERAL DESIGN STANDARDS FOR ALL SUBDIVISIONS

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3.1 *Natural and Cultural Environment*

3.1.1 Purpose and Intent

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

3.1.2 Character, Other Natural Features

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

3.1.2.1 Existing Conditions

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

3.1.2.2 Preserve Cultural, Historic Features

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

3.1.2.3 Conform to Topography

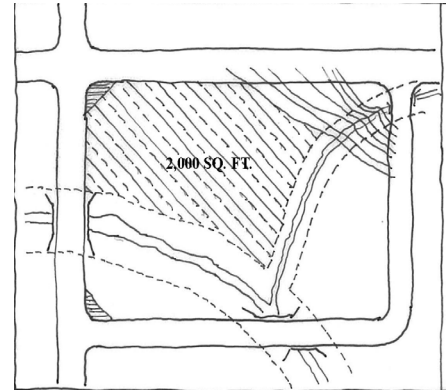
Subdivision design and development shall conform to the general landforms and topography and minimize alteration to the natural landscape.

A. Contiguous Area

All lots must contain a suitable building site consisting of at least 2,000 square feet of contiguous area that is not on a slope exceeding 25%.

B. Steep Slopes

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



3.1.2.4 Minimize Adverse Impacts

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

Info Box

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

3.1.3 Hazardous Lands

3.1.3.1 Prohibited or Mitigated Development

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

3.1.3.2 List of Hazard Areas

- A. Wildfire;
- B. Flooding;
- C. Earthquake;
- D. Major dam failure;
- E. Landslide, slope instability;
- F. Snow avalanches or rock falls;
- G. Ground subsidence;
- H. Unsuitable soils;
- I. High groundwater;
- J. Polluted water;
- K. High-voltage lines or high-pressure gas lines;

- L. Aircraft traffic congestion;
- M. Severe toxic or hazardous waste exposure;
- N. Ice jam floods; or
- O. Other hazards, as identified.

3.1.3.3 Hazard Areas Defined

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

A. Wildfire Hazard: Wildfire hazard includes land that:

1. WUI Map

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

2. Assessment

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

B. Flood Hazard

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

C. Earthquake Hazard

Land containing an earthquake fault line.

D. Major Dam Failure Hazard

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

E. Landslide, Slope Instability Hazard

Land on a hillside or at the base of a hillside that is susceptible to damage from mass movements of earth material caused by sliding or gravity.

F. Snow Avalanche or Rock Fall Hazard

Land on a hillside or at the base of a hillside that is susceptible to an avalanche or falling rocks.

G. Ground Subsidence Hazard

Soils susceptible to subsidence due to abandoned mine shafts or other geological features that can cause surface depressions.

H. High Groundwater Hazard

When the soil profile, groundwater monitoring, or other information indicates that groundwater is within 10 feet of the natural ground surface. Property identified as containing FEMA-designated floodplain and/or beneath the base flood elevation is considered evidence of high groundwater.

I. Unsuitable Soils Hazard

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

J. Polluted Water Hazard

Surface or groundwater within or upstream from a proposed subdivision that has pollutants at levels higher than Montana or U.S. standards.

K. High Voltage Line or High-Pressure Gas Line Hazard

Electrical transmission lines other than distribution lines to individual end users, pressurized gas lines other than lines that carry fuel to end users, and all other pipelines that carry potentially hazardous materials including oil or ammonia.

L. Aircraft Traffic Hazard

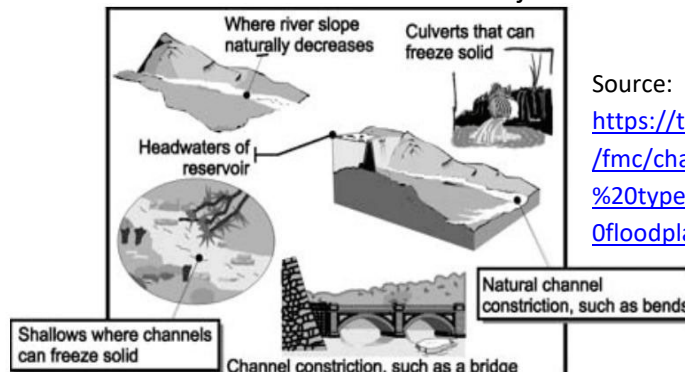
Land within an Airport Influence Area or the land that would be in such an influence area if no such area has been designated for an existing or proposed airport.

M. Toxic or Hazardous Waste Hazard

Areas within, adjacent or upstream to a proposed subdivision that contain toxic or hazardous substances that could affect the residents of the subdivision via wind, rain, stormwater runoff or a similar means of transmission.

N. Ice Jam Flood Hazard

Areas within, upstream or downstream of a proposed subdivision that can be inundated with flood waters due to an ice jam. Examples of constrictions that can cause ice jam are illustrated below.



Source:

<https://training.fema.gov/hiedu/docs/fmc/chapter%20%20-%20types%20of%20floods%20and%20floodplains.pdf>

O. Other Hazard

Other natural or human-created hazards as identified on or near the property to be subdivided.

3.1.3.4 Hazard Area Standards

All subdivisions that contain a hazard area defined in *Section 3.1.3.3., Hazard Areas Defined*, or are upstream or downstream or adjacent to a defined hazardous area when applicable, shall comply with the following standards.

A. Delineate Area

Any hazard area defined in *Section 3.1.3.3., Hazard Areas Defined* that is located within a proposed subdivision shall be delineated on the proposed subdivision plat/plan. When applicable, the description and location of any hazard area located adjacent, upstream or downstream to a proposed subdivision shall be included in the application for a proposed subdivision.

B. Prohibited Development

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

1. Building Envelopes

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

2. Plat

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

C. Mitigation

Mitigation designed to overcome or remove a hazardous condition must be approved by the Board of County Commissioners before development can occur within a hazardous area. Examples of mitigation include but are not limited to:

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

4. Snow fencing designed to divert avalanches when the hazard is an avalanche; or,
5. Prohibited basements or limited depth of structure when the hazard is high groundwater.

D. Subdivider Proposal

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

E. Professional

All proposed mitigation strategies shall be prepared and designed by a professional engineer or other qualified professional with expertise specific to the type of mitigation being proposed. All professionals shall be licensed or certified to work in Montana.

3.1.3.5 Wildfire Hazard Area Standards

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

A. Fire Chimneys

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

B. Defensible Space

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

1. Clearing

Within the defensible space required above:

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

2. Maintenance Agreement

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

C. Fire Suppression

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

D. Notification

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

1. Hazard

That the subdivision is located in a wildfire hazard area;

2. Specific Feature

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

3. On-Going Responsibilities

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

4. Information

Sources of information regarding construction techniques, landscaping, and other methods for mitigating fire hazards, including mitigation measures required to maintain a moderate or better score in accordance with *Appendix C, Fire Hazard Assessment*.

3.1.3.6 Flood Hazard Area Standards

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

A. All Subdivisions

1. Land Alteration

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

2. Access

When the only ingress/egress is subject to flooding, access through floodwaters no more than one foot deep during the 100-year flood event must be demonstrated.

Info Box

See the Missoula County Floodplain Regulations for permitted and prohibited land uses in the floodplain and floodplain permitting requirements.

<https://www.missoulacounty.us/home/showdocument?id=25481>

Other laws, such as the Natural Streambed and Land Preservation Act, may apply to land uses in and around floodplain areas. The [Missoula Conservation District](#) encourages developers to contact their office with questions.

3. One Mile From Zone A

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

B. Major Subdivisions

1. Prohibition

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

2. Allowed Uses

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

3. Ownership

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

4. Parkland

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

C. No Floodplain Delineation

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

1. Floodplain Administrator Verification

The County Floodplain Administrator may require an engineered flood analysis to determine the base flood elevation and whether the proposed subdivision is in the flood hazard area or may waive the requirement for a flood analysis based on a field determination; or,

2. Evaluation

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

a. Engineer

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

b. DNRC Review

The evaluation must be submitted to the Floodplain Management Section, Water Resources Division, and Department of Natural Resources and Conservation, for review of the information provided by the applicant to ensure that it is technically reasonable.

c. Study Contents

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

3. Determination of Flood Hazard

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

3.1.4 Agricultural Lands

3.1.4.1 Purpose and Intent

The purpose and intent of this section is to establish subdivision regulations that work in concert with established non-regulatory strategies and mitigate the impacts of subdivision development on agriculture and agricultural water facilities. These strategies are designed for the following purposes:

A. Preserve Options

Preserve and protect agricultural land, infrastructure, and community for future generations.

B. Statutes

Comply with state statutes by addressing potential impacts subdivisions may have on agriculture and agricultural water facilities.

C. Goals

Implement goals of the Missoula County Growth Policy.

D. Land Use

Promote land use patterns that accommodate functional agricultural operations and infrastructure.

E. Development

Balance the need for functional agricultural operations with the need to accommodate residential development and growth.

F. Interests

Balance the community's collective interests with the interests of private landowners.

G. Voluntary Efforts

Support voluntary efforts to protect agricultural lands.

H. Existing Operations

Support and enhance existing agricultural operations.

3.1.4.2 Agricultural Mitigation Standards

All proposed subdivisions shall comply with the following standards:

A. Minimize Adverse Impacts

The subdivider shall design the subdivision to reasonably mitigate potentially significant adverse impacts to agriculture and agricultural water facilities resulting from the subdivision.

B. Off-site Impacts

A proposed subdivision adjacent to agricultural lands, based on maps created by the Natural Resources Conservation Service, or adjacent to an agricultural operation must comply with the following standards:

1. Runoff

Subdivisions shall be designed to prevent stormwater runoff from subdivision lots, roads, and lawn watering from draining into agricultural water facilities or onto agricultural land.

2. Notification

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

3.1.5 Irrigation Water, Easements, and Water Rights

3.1.5.1 Purpose and Intent

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

Info Box

Subdivision applicants are encouraged to interact with local irrigation districts regarding specific requirements pertinent to those districts.

3.1.5.2 Irrigation Easements Required

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

Info Box

When creating an easement, Missoula County recommends consulting with legal counsel to ensure the easement's validity.

A. Easement Purposes

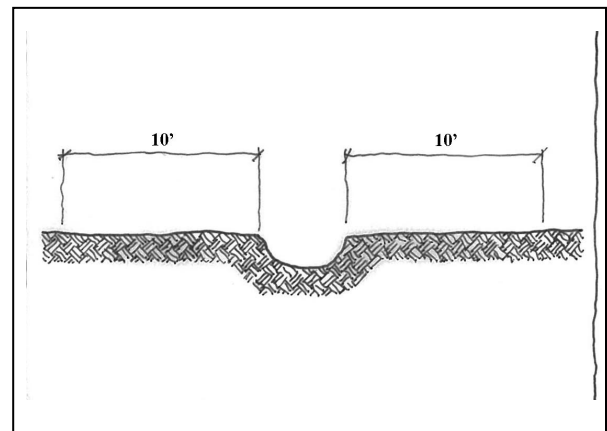
The easements shall allow the conveyance of irrigation water to persons and land legally entitled to the water pursuant to an appropriated water right or a permit from an irrigation district or other private or public entity formed to provide water rights to the subdivision lots. The easements shall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

B. Location

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

C. Width

Easements shall be sufficiently wide to allow the physical placement and unobstructed maintenance of open ditches or below-ground pipelines.



1. Wider Ditches

For ditches or canals at least 3 feet wide, the easement width shall be measured from the edges of the canal or ditch.

2. Narrower Ditches

For ditches or canals less than 3 feet wide, the easement shall extend 10 feet from both sides of the centerline of a proposed or existing irrigation ditch or canal.

D. Prohibit Structures, Landscaping

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

E. Easements on Plats

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

3.1.5.3 Irrigation Easement Not Required

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

A. Small Lot Size and Continued Assessment

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

B. Water Rights Removed

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

C. Disclosure of Continued Assessment

Disclosure required in section 3.1.5.3.A shall be contained in supplemental sheets or documents and recorded with the final plat, included in agreements and legal documents for related sales transactions, including purchase and sales agreements, and in any Conditions, Covenants and Restrictions or Homeowners' Documents.

3.1.5.4 Disclosure of Water Rights Removed

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

3.1.5.5 Water Rights

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

A. Transfer to Single Entity

Reserve all or a portion of the appropriated water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right

to the water, and reserve and sever any remaining surface water rights from the land; or,

B. Use Agreement

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

C. Sever Rights

Reserve and sever all surface water rights from the land.

3.1.5.6 Irrigation Improvements

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

3.2 Riparian Resource Areas

3.2.1 Purpose and Intent

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

3.2.1.1 Diversity

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

3.2.1.2 Waterbodies

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

3.2.1.3 Sediment Filters

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

3.2.1.4 Stream Features

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

3.2.1.5 Floodplain

Preserve floodplain capacity to retain flood waters.

3.2.1.6 Water Quality, Quantity

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

3.2.2 Applicability

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

3.2.3 Management Plan

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

3.2.4 Riparian Resource Area Standards

3.2.4.1 Development

Improvements, development, structures, fences, and the alteration of natural landscape and vegetation are prohibited in the riparian area unless expressly approved as part of a Riparian Resources Management Plan. Notwithstanding, restoration or enhancement of natural resources and roads pursuant to *Section 3.2.5, Road Construction*, shall be permitted.

3.2.4.2 Common Area, No Build

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

3.2.4.3 Parkland

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

3.2.5 Road Construction

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

3.2.5.1 Alignment

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

3.2.5.2 Soils

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

3.2.5.3 Contours

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

3.2.5.4 Perpendicular Crossing

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

3.2.5.5 Sidecasting

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

3.2.5.6 Erosion Control

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

3.2.5.7 No Fill Deposits

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

3.3 Lots and Blocks

3.3.1 Purpose and Intent

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

3.3.2 Standards for Lots and Blocks

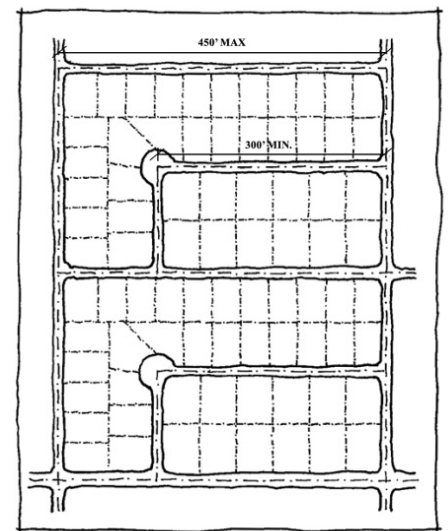
3.3.2.1 Grid Pattern

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

3.3.2.2 Block Length

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

3.3.2.3 Two-Tiered Blocks



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

3.3.2.4 No Through Lots

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

A. Minimization of Impacts Required

When through lots are permitted by variance, the proposed subdivision shall include design elements that minimize visual impacts and safety hazards, pursuant to *Section 3.3.2.4.B, Design Elements*. Such design elements shall separate land uses from pedestrian and vehicular traffic, and mitigate visual impacts of trash receptacles, utility installations, outdoor storage, and other unsightly elements that frequently are visible when the side/rear portions of properties are viewed from roads or other public areas.

B. Design Elements

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

C. Maintenance Agreement

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

3.3.2.5 Developable Lots

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

A. No Warranty

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

B. Zoning

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

3.3.2.6 Building Area

Each lot shall contain a building site large enough to accommodate the intended land use without extending development into a hazard area defined in *Section 3.1.3.3, Hazard Areas Defined*.

3.3.2.7 Boundary

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

3.3.2.8 Contiguous Lot

No single lot shall be divided by a navigable stream, alley, highway, interstate freeway, public street, or road right-of-way, including public road easements. The existence of a private easement or natural feature such as a non-navigable stream shall not constitute a subdivision that creates more than one parcel or tract divided by the private easement or natural feature.

3.3.2.9 Access

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

3.3.2.10 Lot Lines

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

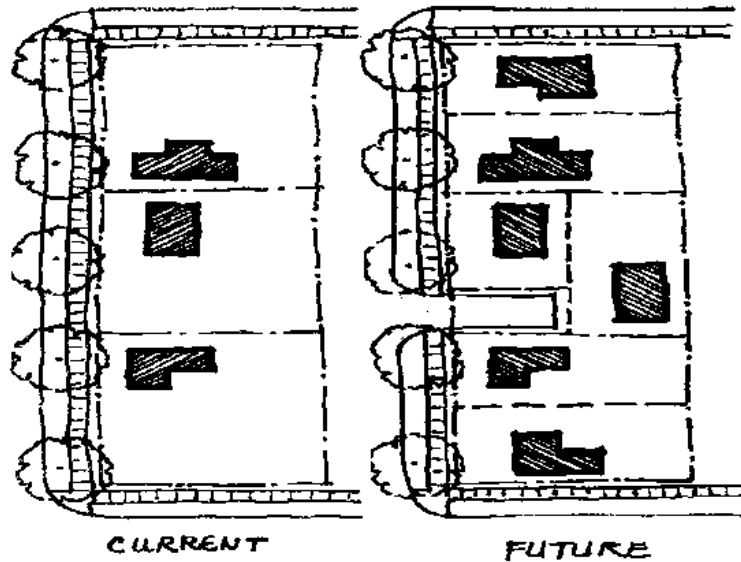
3.3.2.11 Solar Orientation

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

3.3.3 Future Development

3.3.3.1 Further Subdivision

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



3.3.3.2 Connecting Development to Adjoining Land

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

3.4 Transportation Standards

3.4.1 Purpose and Intent

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

3.4.1.1 Design Flexibility

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

3.4.1.2 Safe Access

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

3.4.1.3 Connectivity

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

3.4.1.4 Air Quality

Properly design and construct roads to reduce air pollution.

3.4.1.5 Transportation Plans

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

3.4.2 Urban and Rural Standards for Roads and Non-Motorized Facilities

These regulations establish Urban Areas within which Urban Standards for roads and non-motorized facilities shall apply and Rural Areas within which Rural Standards shall apply.

3.4.2.1 Urban Areas

It is the intent of these regulations that the Urban Areas include land that is serviceable by a community or municipal sewer or water system, and/or is able to support densities of at least two dwellings per acre. These areas are described below and shown in *Appendix A, Urban Area*.

A. Urban Area Boundaries

1. Land Use Designations

Urban standards apply to land within higher intensity land use designations from the 2019 Missoula Area Land Use Element, as amended. These consist of: Residential, Neighborhood Residential, Planned Neighborhood, Neighborhood Center, Commercial Center, Live/Make Neighborhood, Community Mixed-Use, Civic Employment Center, and Industrial Center.

2. Lolo Water and Wastewater Service Area

Urban standards apply to land within the Lolo Water Study Area, also referred to as RSID No. 901, as amended.

B. Changes to the Boundaries

The boundaries for land use designations and the Missoula and Lolo Wastewater Service Area are established and occasionally amended by the Board of County Commissioners. The applicable boundaries are those in place when a subdivision application is deemed sufficient.

C. Exceptions to Urban Standards for Residential Development

Rural standards for roads and non-motorized facilities shall apply to residential subdivisions in the Urban Area that meet all the criteria below.

1. Lot/Unit Size

The majority of the lots or units in the proposed subdivision are at least one acre in size, making further subdivision of them unpractical; and,

2. No Infrastructure Present

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

3. No Through Connection

The proposed subdivision does not provide an opportunity for a vehicular through connection to another subdivision or an area that potentially could be subdivided, avoiding the need for urban road standards.

3.4.2.2 Rural Area

It is the intent of these regulations that the Rural Area include land that is not serviceable by a community or municipal sewer or water system and is not able to support densities of two dwellings per acre or greater. All unincorporated areas of the county outside of the Urban Areas shall be the Rural Area for the purposes of these regulations.

A. Exceptions to Rural Standards

Urban standards for roads and non-motorized facilities shall apply to subdivisions in the Rural Area that meet all the criteria below.

1. Lot Size or Number of Units

The majority of the lots proposed are smaller than one acre and/or there are at least six units proposed; and,

2. Infrastructure is Present

The proposed subdivision will be served by a community or municipal sewer or water system; and,

3. Connection to Adjoining Land

The proposed subdivision provides an opportunity for a vehicular connection to adjoining subdivided lands or connectivity potential to adjoining undeveloped lands, consistent with *Section 3.3.3.2, Connecting Development to Adjoining Land*.

3.4.3 Legal Access

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

Info Box

When creating an easement, Missoula County recommends consulting with legal counsel to ensure the easement's validity.

3.4.4 Physical Access

Physical access from a public road for motorized vehicles, and in certain locations non-motorized users, shall be provided to the subdivision in accordance with the design standards of these regulations. The access also shall comply with *Section 6, Road*

Construction Standards and Section 10, Sidewalk and Non-motorized Facilities, of the Missoula County Public Works Manual, as amended.

3.4.5 Traffic Study, Off-Site Improvements

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

3.4.6 Road Network Standards

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

3.4.6.1 Frontage on State Arterial

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

3.4.6.2 Frontage On More Than One Road

When the proposed subdivision abuts more than one road, access to the lots shall be from the road of the lowest road class as defined in Table 3.4.7, Road Standards. If the abutting roads have the same classification, access shall be taken from the road with the lowest traffic volume.

3.4.6.3 Through Streets, Future Extensions

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

3.4.6.4 Turn Arounds

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

3.4.6.5 Wildland Urban Interface

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

3.4.7 Road Design Standards

Unless excepted in *Section 3.4.2.1.C., Exceptions to Urban Standards, Section 3.4.2.2.A., Exceptions to Rural Standards*, or *Section 3.4.7.5, Off-site Roads*, roads proposed in the Urban Area shall comply with the Urban Standards and roads proposed in the Rural Area shall comply with the Rural Standards in *Table 3.4.7, Road Standards*.

3.4.7.1 Air Stagnation Zone

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

Info Box

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

3.4.7.2 Maximum Grade

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

3.4.7.3 Curb, Gutter, Boulevard

In the Urban Area, all roads shall be constructed with a conventional curb, gutter, and boulevard sidewalk, unless the exception to the Urban Standards is met. The dimensions of the boulevard and sidewalk shall comply with the standards in *Table 3.4.9.4, Non-Motorized Standards*.

3.4.7.4 No Parking

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

3.4.7.5 Off-site Roads

Off-site roads providing subdivision access shall meet the following standards:

A. Emergency Access Standards

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

B. Roads Uniquely Attributable to the Subdivision

Off-site roads uniquely attributable to the subdivision shall meet the standards of Table 3.4.7, Road Standards.

C. Roads Not Uniquely Attributable to the Subdivision

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

D. Right-of-Way Dedication

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

E. Traffic Study

Subdivisions creating development as described in *Section 3.4.5, Traffic Study, Off-Site Improvements*, shall be subject to a traffic study pursuant to the section. If the findings of the traffic study differ from any applicable standard of *Section 3.4.7.5, Off-site Roads*, the stricter standard shall apply.

**TABLE 3.4.7
ROAD STANDARDS**

		Urban Standards							Rural Standards	
Road Class	Total Lots/Units	Right-of-Way Width	Pavement Width						Right of Way Width	Gravel or Pavement Width
			Small Lot Subdivision (½ acre or smaller)			Large Lot Subdivision (larger than ½ acre)				
			No Parking	Parking: 1 Side	Parking: 2 Sides	No Parking	Parking: 1 Side	Parking: 2 Sides		No Parking
Local / Private	2 – 5	60	20	24	30	20	24	30	40	18
Local / Public	2 – 5	60 – 80	20	24	30	20	24	30	60	24
Local	6 – 39	60 – 80	N/A	28	32	24	28	32	60	24
Minor Collector	40 – 199	60 – 80	24	N/A	32	24	N/A	32	60 – 80	26
Collector	200+	60 – 80	24	N/A	34	24	N/A	34	60 – 80	28
Commercial / Industrial	N/A	60 - 80	26	N/A	32	26	N/A	32	N/A	N/A

Notes to Accompany Table

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

3.4.8 Construction Standards

3.4.8.1 Drainage

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

3.4.8.2 Slope Easements

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

Info Box

When creating an easement, Missoula County recommends consulting with legal counsel to ensure the easement's validity.

3.4.9 Non-Motorized Facilities

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

3.4.9.1 Urban Area Requirements

Construction of non-motorized facilities, in compliance with the dimensional standards in *Table 3.4.9.4, Non-Motorized Standards*, is required for Urban Area subdivisions. See *Appendix A, Urban Areas*.

A. Recommended Density, Less than 8 Units per Acre

1. Urban Area subdivisions with a land use designation recommending less than 8 lots/units per acre shall include either a wider sidewalk on the one side of the road serving the most lots/units, or a narrower sidewalk on both sides of the streets that are internal to the subdivision. Either alternative shall comply with the dimensional standards in *Table 3.4.9.4, Non-Motorized Standards*.
2. In areas where the land use designation recommends a density less than 8 lots/units per acre but the adopted zoning permits greater density, the subdivider shall apply the standard in *Section 3.4.9.2.B, Recommended Density, 8 Units per Acre or Greater*.

B. Recommended Density, 8 Units per Acre or Greater

1. Urban Area subdivisions with a land use designation recommending 8 units/lots per acre or greater shall include a concrete boulevard sidewalk on both sides of the streets that are internal to the subdivision in compliance with the dimensional standards in *Table 3.4.9.4, Non-Motorized Standards*.
2. In areas where the land use designation recommends a density of 8 lots/units per acre or greater but the adopted zoning requires a lower density, the subdivider may apply the standard in *Section 3.4.9.2.A, Recommended Density, Less than 8 Units per Acre*.

C. Extend Adjacent Facilities, Urban Area

When a non-motorized facility is located along the street adjacent to a proposed subdivision, the subdivider shall extend the non-motorized facility, or facilities if more than one exists, across the frontage of the subdivision. If the proposed subdivision fronts more than one street, the non-motorized facilities on each street shall be extended across the subdivision frontage.

1. Each extension shall comply with the dimensional standards in *Table 3.4.9.4, Non-Motorized Standards*.
2. Each extension shall comply with the surface materials required in *Section 3.4.9.5, Trail Construction Standards*.
3. A non-motorized facility may be constructed within the adjacent road right-of-way or easement provided that sufficient width exists to safely accommodate it. Additional right-of-way or easement shall be provided across the frontage of the subdivision if the adjacent street contains insufficient right-of-way or easement width to safely accommodate the facility.

D. Off-Road Pedestrian Trail Option, Urban Area

An off-road pedestrian trail may be constructed as an alternative to sidewalks provided that no opportunity exists to connect to a network of existing sidewalks and at least one of the following criteria is satisfied:

1. The off-road trail contributes to an area wide network of trails by connecting to existing trails or future trails for which a trails plan has been approved by the governing body; or,
2. The subdivision is large enough that a trail can create a stand-alone system.

3.4.9.2 Rural Area Requirements

A. Minor Subdivisions, Rural Area

The construction of non-motorized facilities, such as sidewalks, bike lanes, or trails is not required for minor subdivisions in the Rural Area. Minor subdivisions shall include a waiver of the right to protest the creation of an SID/RSID for future construction of sidewalks, bicycle lanes, or trails. This waiver shall comply with the requirements of *Section 6.4.5.4.B, Waive Protest*.

B. Major Subdivisions, Rural Area

1. Rural major subdivisions shall:
 - a. Construct trails pursuant to the standards established in *Table 3.4.9.4, Non-Motorized Standards*.

- b. Include a trail on at least one side of all roads internal to the proposed subdivision; and,
 - c. Locate trails along the side of the road serving the most lots/units.
 - 2. If no opportunity exists to connect to a network of existing roadside trails, an off-road pedestrian trail may be constructed in lieu of trails required above when built pursuant to the standards in *Table 3.4.9.4, Non-Motorized Standards* and *Section 3.4.9.5, Trail Construction Standards*, and when at least one of the following criteria is satisfied:
 - a. The trail contributes to an area-wide network of off-road trails by connecting to existing trails or future trails for which a trails plan has been approved by the governing body; or,
 - b. The subdivision is large enough that a trail can create a stand-alone system.
 - 3. When a non-motorized facility is located along the street adjacent to a proposed subdivision, the subdivider shall extend the non-motorized facility, or facilities if more than one exists, across the frontage of the subdivision. If the proposed subdivision fronts more than one street, the non-motorized facilities in each street shall be extended across the subdivision frontage.
 - a. Each extension shall comply with the dimensional standards in *Table 3.4.9.4, Non-Motorized Standards*.
 - b. Each extension shall comply with the surface materials required in *Section 3.4.9.5, Trail Construction Standards*.
 - c. A non-motorized facility may be constructed within the adjacent road right-of-way or easement provided that sufficient width exists to safely accommodate it. Additional right-of-way or easement shall be provided across the frontage of the subdivision if the adjacent street contains insufficient right-of-way or easement width to safely accommodate the facility.

3.4.9.3 General Design Standards

A. Continuous Access

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

B. ADA

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

C. Raised Surface

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

**TABLE 3.4.9.4
NON-MOTORIZED STANDARDS
IN THE URBAN AREA AND MAJOR SUBDIVISIONS IN THE RURAL AREA***

	Boulevard Sidewalk		Bike Lane	Trail	
Designation Density* or Total Lots/Units	Sidewalk Width	Boulevard Width	Lane Width	Width	Vertical Clearance
Rural: Minor Subdivision	N/A	N/A	N/A	N/A	N/A
Rural: Major Subdivision, or Urban: Less than 8/acre**	8' on 1 side or 5' on both sides	7' ¹	N/A	10' ²	8' 6"
Urban: 8/acre or greater and fewer than 40 lots/units proposed **	5' on both sides	7' ¹	N/A	10' ²	8' 6"
Urban: 8/acre or greater and 40 – 199 lots/units proposed	5' on both sides	10' ¹	6'	10' ²	8' 6"
Urban: 8/acre or greater and 200+ lots/units proposed	5' on both sides	10' ¹	6'	10' ²	8' 6"
Rural: Commercial/Industrial Minor or Major Subdivision	8' on 1 side or 5' on both sides	7' ¹	N/A	10' ²	8' 6"
Urban: Commercial/Industrial Minor or Major Subdivision	5' on both sides	7' ¹	N/A	10' ²	8' 6"

Notes to Accompany Table:

1. See Section 3.4.9.4.B, Boulevard Elimination, for criteria for eliminating the boulevard.

2. Trail widths will be reviewed per AASHTO Guideline standards.

* Refer to Appendix A, Urban Area, to determine whether a site is in the Urban Area.

** See Sections 3.4.9.1, Urban Area Requirements and 3.4.9.2, Rural Area Requirements for locations of required facilities and for exceptions when the zoning density conflicts with the land use designation.

3.4.9.4 Sidewalk Standards

A. Dimensional Standards

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

B. Boulevard Elimination

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

1. Avoids significant impacts from hillside development or cuts and fills of the natural grade; or,
2. Allows a better design or circulation pattern than could be achieved with a regularly dimensioned boulevard; or,
3. Avoids impacting the sidewalk or trees planted along the street with snow storage; or,
4. Provides an area along the outer edge of the easement or right-of-way for an essential storm drainage facility or swale.

C. Wider Sidewalk

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

D. Boulevard Landscaping, Swale

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

E. Materials

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

3.4.9.5 Trail Construction Standards

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

3.5 Fire Suppression

3.5.1 Purpose and Intent

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

3.5.2 Fire Suppression Plan

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

Info Box

See NFPA 1142 for additional requirements that may exceed the standards of these regulations.

3.5.3 Water Source

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

3.5.3.1 Municipal System

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

3.5.3.2 Storage and Hydrants

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

3.5.3.3 Rivers, Ponds

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

3.5.3.4 Sprinklers

Fire sprinkler systems that comply with NFPA 1142, 13, and/or 13D, as applicable. The sprinkler plans shall be certified by a fire protection engineer with a NICET Level 3 certification and licensed to practice in Montana. Sprinkler

plans shall be reviewed for approval under the County Land Use Zoning Compliance Permitting System.

3.5.4 Location

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

Info Box

When creating an easement, Missoula County recommends consulting with legal counsel to ensure the easement's validity.

3.5.5 Access to Water

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

3.5.5.1 Width, Pull Outs

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

3.5.5.2 Access to Hydrants

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

3.5.6 Maintenance Agreement

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

3.5.7 Access to Individual Lots

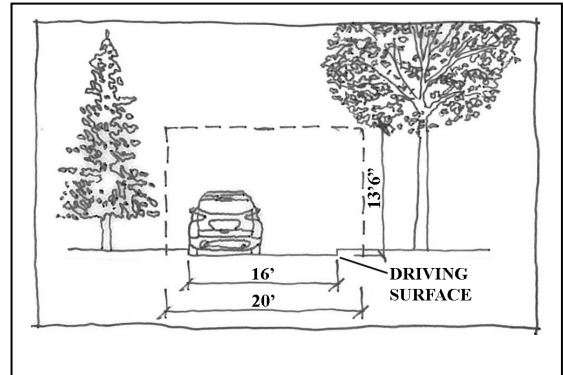
A subdivision shall provide accesses to each individual lot that complies with the standards of this section. Driving widths and standards may vary based on the requirements of the reviewing fire jurisdiction.

3.5.7.1 Minimum Width

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

3.5.7.2 Vertical, Horizontal Clearance

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



3.5.7.3 Fire Apparatus

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

3.5.7.4 Sub-grade

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

3.5.8 Subdivision Access

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

3.5.8.1 Escape Route

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

3.5.8.2 Legal Access

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

Info Box

When creating an easement, Missoula County recommends consulting with legal counsel to ensure the easement's validity.

3.5.8.3 Physical Access

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

3.5.9 Notification

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

3.5.9.1 Sprinklers

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

3.5.9.2 Maintenance

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

3.5.10 Fire District Review

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

3.5.10.1 Annexation

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

3.5.10.2 Response

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

3.5.11 RSID/SID Waiver

If no community or municipal water system with the required minimum fire flow is provided, an RSID/SID waiver statement shall be required stating that at such time a community or municipal water system is available the property owner shall be required to participate in the RSID/SID. This waiver shall comply with the requirements of *Section 6.4.5.4.B, Waive Protest*.

Info Box

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

3.6 Potable Water and Wastewater

3.6.1 Purpose and Intent

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

3.6.2 Potable Water Required

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

3.6.2.1 Adequate Source

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

3.6.2.2 DEQ Standards

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

3.6.2.3 Missoula Public Health Department Approval

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

3.6.2.4 Individual Wells

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

3.6.2.5 Water Rights

For any new water source, the subdivision application and/or preliminary plat/plan shall include either proof of a water right, as defined in §85-2-102(32), MCA or a letter from the Department of Natural Resources and Conservation stating that the water supply is exempt from water rights permitting requirements.

3.6.3 Wastewater System Required

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

3.6.3.1 Septic Systems

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

3.6.3.2 DEQ Approval

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

3.6.3.3 Missoula Public Health Department Approval

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

3.6.4 Easements

If the water source and/or wastewater disposal system is not provided on the individual lots, easements shall be recorded that allow each lot to connect to the water source and/or wastewater disposal system. The easements

shall be at least 20 feet wide and allow the water source and/or means of waste disposal, delivery and/or collection pipes, pumps, and related equipment, and maintenance and repair of the water and/or wastewater system.

Info Box

When creating an easement, Missoula County recommends consulting with legal counsel to ensure the easement's validity.

3.6.5 Connect to Public System

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

3.6.6 Public Service Commission

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

3.6.7 Submit Comments

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

comments provided by the governing body pursuant to *Section 5.8.15.9, Water, Wastewater Public Comment*.

3.6.7.1 Lot Smaller than 20 Acres, Containing Condos, or RV or Mobile Home Sites

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

3.6.7.2 Lot 20 Acres or Greater

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

Info Box

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

3.6.8 Notification

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

3.6.8.1 Permits

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

3.6.8.2 Costs

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

3.6.8.3 Maintenance

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

3.6.9 Decision

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

3.7 Stormwater Management, Grading, and Erosion Control

3.7.1 Purpose and Intent

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

3.7.2 Plans and Reports Required

3.7.2.1 Grading and Drainage

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

3.7.2.2 Geotechnical Report

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

3.7.3 Preserve Natural Drainage Ways

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

3.7.4 100-Year Event

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

3.7.5 Post-Development Runoff Rate

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

3.7.6 Extend Storm Drain System

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

3.7.7 Timing of Installation

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

3.7.8 Easements

3.7.8.1 Stormwater

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

Info Box

When creating an easement, Missoula County recommends consulting with legal counsel to ensure the easement's validity.

3.7.8.2 Cuts and Fills

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

3.7.9 Maintenance

A maintenance agreement shall be required that ensures the developer will maintain stormwater easements and drainage ways until a Homeowners' Association or a similar organization is capable of assuming the maintenance responsibility. The subdivider

shall obtain approval by the Montana Department of Environmental Quality for lots smaller than 20 acres and Missoula County Public Works Department that details the ongoing maintenance responsibilities and costs for future lot owners. The maintenance agreement shall comply with requirements in *Appendix B, Maintenance Agreements*.

Info Box

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

3.7.10 Graded Areas

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

3.7.11 Erosion Control

All stormwater facilities and graded areas shall be protected from erosion or silt deposition and seeded to reestablish beneficial vegetation. A revegetation plan shall be

required pursuant to *Section 17, Seeding and Weed Management*, of the Missoula County Public Works Manual, as amended.

3.7.12 Notification

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

3.7.12.1 Maintenance: Maintaining stormwater systems or minimizing erosion control.

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

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

3.8 Utilities

3.8.1 Purpose and Intent

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

3.8.2 Definition

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

3.8.3 Easements Required

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

Info Box

When creating an easement, Missoula County recommends consulting with legal counsel to ensure the easement's validity.

3.8.4 Location

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

3.8.4.1 Existing Utilities

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

3.8.4.2 Co-location Plan

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

3.8.5 Underground

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

3.8.5.1 Technically Feasible

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

3.8.5.2 Economically Feasible

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

3.8.6 Stubs to Property Line

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

3.8.7 Easements on Plats

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

Info Box

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

<http://tinyurl.com/CountyPublicWorksManual>

3.9 Solid Waste Disposal

3.9.1 Purpose and Intent

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

3.9.2 Solid Waste Disposal Required

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

3.9.3 DEQ Standards

Solid waste systems shall meet the minimum standards of the Montana Department of Environmental Quality (DEQ) per ARM 17.36.309, and any other applicable state

regulations. For subdivisions with at least one lot smaller than 20 acres, the solid waste disposal plan requires approval by the DEQ.

3.9.4 Missoula City-County Health Department approval

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

3.9.5 Collection Area

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

3.9.6 Wildlife

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

3.9.7 Notification

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

3.9.7.1 Permits

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

3.9.7.2 Cost Sharing

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

3.9.7.3 Maintenance

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

3.10 Parks and Open Space

3.10.1 Purpose and Intent

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

3.10.1.1 Preserve Natural Environment

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

3.10.1.2 Passive Recreation

Provide open space areas for passive recreation.

3.10.1.3 Active Recreation

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

3.10.1.4 Implement Goals

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

3.10.1.5 Social Interaction

Provide areas for social interaction and livability.

3.10.1.6 Accessible, Functional

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

3.10.1.7 Buffer Sensitive Areas

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

3.10.2 Park Dedication Required

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

3.10.2.1 Perpetual Use and Stewardship

Lands set aside as common area rather than dedicated to a governing body may not experience a change of use without the approval of the governing body and the property owners where lots or dwelling units are leased or rented or entities in whose name the title to the property is held. When parkland dedicated pursuant to this section is held by an entity other than a governing body, covenants, or other legal instruments must be submitted with the preliminary plat application and finalized at the time of final plat that ensures the long-term public benefit and stewardship of the land.

3.10.2.2 Wildland Urban Interface

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

3.10.3 Parkland Exemptions

Parkland is not required for the following subdivisions:

3.10.3.1 Minor Subdivisions

3.10.3.2 Larger Than 5 Acres

Land proposed for subdivision into parcels larger than 5 acres.

3.10.3.3 Non-residential

Subdivision into parcels which are all non-residential.

3.10.3.4 No Lots Created

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

3.10.3.5 One Additional Parcel

A subdivision in which only one additional parcel is created.

3.10.4 Requirements Based on Acreage

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

3.10.4.1 One-half Acre or Smaller

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

3.10.4.2 One-half to One Acre

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

3.10.4.3 One Acre to Three Acres

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

3.10.4.4 Three Acres to Five Acres

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

3.10.5 Alternative Methods of Compliance

Giving due weight to the expressed preference of the subdivider, the governing body may, in consultation with the County Parks, Trails, and Open Lands staff, determine whether the park dedication must be a land donation, a cash donation, or a combination of both.

3.10.5.1 Parkland Based on Density Requirements

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

3.10.5.2 Cash-In-Lieu

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

A. Appraisal

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

B. Combination Cash, Land

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

3.10.5.3 School Land Dedication

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

3.10.5.4 Waiver

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

3.10.6 Park Locations

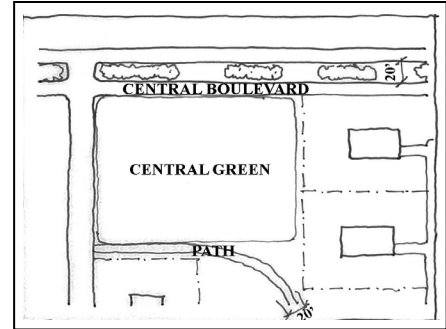
The governing body, in consultation with the subdivider and the parks and trails advisory committee, may determine suitable locations for park land.

3.10.7 Park Design Standards

Parks, open space, and common area dedication shall meet at least one of the following criteria and in addition meet the purpose and intent of section 3.10.1 and the goals of applicable adopted local plans.

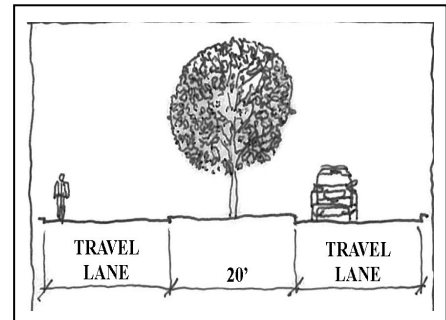
3.10.7.1 Central Green

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



3.10.7.2 Preserve Amenity

The preservation of a physical amenity such as a meadow, a stand of trees, a wildlife corridor, a stream or other water body, an area of riparian resource, a hillside with slopes less than 25%, or some other natural feature. Lands set aside to preserve an amenity are limited to 50% of the required dedication. Applicants must demonstrate how the proposed preservation of the physical amenity meets the purpose and intent of this section as described in 3.10.1.



3.10.7.3 Active Recreation

A site for active recreation on slopes which average 3% or less. Grade standards will vary depending on the use proposed. Sites for active recreation must be adjacent to public streets on at least 50% of the park's perimeter.

3.10.7.4 Ped/Bike Corridors

Pedestrian/bicycle greenway corridors shall count towards the required dedication if such corridor is determined to have primarily recreational or connectivity functions (up to 50% of the required dedication). The amount of dedication for greenway corridors shall be calculated by multiplying the easement width by the linear feet of the greenway corridor.

3.10.7.5 Courtyard

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

3.10.7.6 Other Designs

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

Info Box

Projects within the Missoula portion of the urban area are reviewed by both the Missoula County Parks Trails and Open Lands Program and Missoula City Parks and Recreation Department.

3.10.7.7 Stormwater Facilities Excluded

Stormwater retention or detention ponds that are designed to hold stormwater run-off from less than 100-year events shall not count towards the required dedication.

3.10.7.8 Parking Excluded

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

3.10.8 Park Design Standards

The following should be considered:

3.10.8.1 Accessibility

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

3.10.8.2 Natural State

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

3.10.8.3 Paths, Trails

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

3.10.8.4 Street Connection

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

Info Box

When creating an easement, Missoula County recommends consulting with legal counsel to ensure the easement's validity.

3.10.8.5 Setbacks

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

3.10.9 Trail Construction Standards: Parks and Common Areas

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

TABLE 3.10.9 TRAIL STANDARDS			
	Class I Core Trail Network	Class II Neighborhood Connector	Class III Low Impact Trail
Easement Width Adjacent to Roads	10	10	N/A
Trail Easement Width ¹	20	20	20
Improved Surface ²	8 – 10 ft.	6 – 8 ft.	3 – 5 ft.
Vertical Clearance ³	8 ft. 6 in.	8 ft. 6 in.	8 ft. 6 in.
Recommended Surfaces	Asphalt, Concrete, Crushed Rock	Asphalt, Concrete, Crushed Rock	Asphalt, Concrete, Crushed Rock
Resting & Passing Space ⁴	400 ft.	600 ft.	at Trail Head
Notes to Accompany Table ¹ Hillsides may require additional width to accommodate switchbacks for trails. ² In addition to the improved surface, a minimum of two-foot unobstructed clear space is required for safety purposes. ³ Where equestrian users are expected, a minimum vertical clearance of 9'6" shall be used. ⁴ Resting and passing spaces may not be necessary if the trail is limited exclusively to pedestrian use and is located in steep slopes or in areas where delicate vegetation merges onto the trail or where erosive soil conditions are present. Resting and passing space locations shall be determined by the County Parks Staff and/or the Planning Office and approved by the governing body.			