

CHAPTER 2

DEFINITIONS

2.1 *General Interpretation*

Whenever the following words or phrases appear in these regulations, they shall have the meaning assigned to them by this chapter. When not defined herein, the words used in these regulations shall have their common and customary meanings. When not inconsistent with the context in which a word is used, the present tense includes the future tense; the singular, unless otherwise specifically defined in a particular section, includes the plural, and the plural the singular; the word “shall” is always mandatory, and the word “may” indicates the use of discretion in making a decision. The phrase “used for” as applied to any land or building includes arranged for, designed for, intended for, maintained for, and for which it is occupied. The word “person” includes individual, corporation, partnership, and any incorporated or unincorporated association of persons.

2.2 *Definitions*

As used within these regulations, except where otherwise specifically defined or unless the context or subject matter clearly otherwise requires the following terms, phrases, words, and their derivations shall have the following meanings:

2.2.1 **ACCESS**

LEGAL ACCESS: That the subdivision abuts a public street or road under the jurisdiction of the city, the county, or the state. In the alternative, that the subdivider has obtained adequate and appropriate easements from a public road to the subdivision across all intervening properties.

PHYSICAL ACCESS: That a road conforming to these regulations provides vehicular access from a public road to the subdivision.

2.2.2 **ACCESS CONTROL LINE**

A line designated on a subdivision plat for the purpose of restricting or limiting vehicular access.

2.2.3 **ACCESSORY USE**

A use clearly incidental, customarily found with, and subordinate to the main use of the premises.

2.2.4 **AGRICULTURAL WATER USER FACILITIES**

Those facilities which provide water for irrigation or stock watering to agricultural lands for the production of agricultural products. These facilities include, but are not limited to, water supply and drainage ditches, canals, pipes, sprinkler systems, and head gates.

2.2.5 AGRICULTURE

Agriculture is defined as the use of the land for growing, raising, or marketing of plants or animals to produce food, feed, and fiber commodities. Examples of agricultural activities include, but are not limited to, cultivation and tillage of the soil; dairying; growing and harvesting of agricultural or horticultural commodities; and the raising of livestock, bees, fur-bearing animals, or poultry. Agriculture does not include gardening for personal use, keeping of house pets, kenneling, or landscaping for aesthetic purposes.

Agricultural land includes land used for agriculture or having a soil type defined by the Natural Resources Conservation Service as having agricultural importance, including prime farmland, prime farmland if irrigated, farmland of statewide importance, and farmland of local importance.

2.2.6 APPLICANT

The owner of land proposed for subdivision or the owner's legally designated representative. (See also "Subdivider")

2.2.7 BLOCK

A group of lots, tracts, or parcels organized in a grid pattern or similarly well-defined pattern with fixed boundaries.

2.2.8 BODY OF WATER, OTHER

Ponds and reservoirs greater than 4,356 square feet in area that do not support fish, and drainage systems discharging directly into streams, pond, or other surface water. Swimming pools and water bodies used solely for treating, transporting, or impounding pollutants are not considered surface water.

2.2.9 BOULEVARD

An area of public right-of-way or private easement between the edge of the street or road, whether curbed or not, and the walkway. The boulevard is landscaped primarily with grass, trees, shrubs, and other vegetation, which is intended to be kept as park-like space and a sidewalk. (See Parkway Median)

2.2.10 BUILDING

A structure, or any portion thereof, having a roof supported by walls; when separated from an adjacent building by a party wall without openings, it shall be deemed a separate building.

2.2.11 BUILDING, ACCESSORY

A detached subordinate building, excluding a guest house, mobile home, or trailer, the use of which is customarily incidental to that of the main building or to the main use of the premises, located on the same lot with the main building of use.

2.2.12 BUILDING CODE

The International Building Code as adopted by the County of Missoula and as amended from time to time.

2.2.13 BUILDING SETBACK LINE

A line establishing the minimum distance that structures may be located from lot lines and street rights-of-way.

2.2.14 BUILDING SITE

Any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

2.2.15 CERTIFICATE OF SURVEY

A drawing of a field survey prepared by a professional land surveyor for the purpose of disclosing facts pertaining to boundary locations and monuments.

2.2.16 CHIEF PLANNING OFFICER

The Direction of Planning, Development and Sustainability Planning or an authorized designee.

2.2.17 COMPREHENSIVE PLAN, MASTER PLAN, or GROWTH POLICY

A comprehensive development plan, master plan, or comprehensive plan that was adopted pursuant to Title 76, Chapter 1, MCA, before October 1, 1999, or a policy that was adopted pursuant to Title 76, Chapter 1, MCA, on or after October 1, 1999.

2.2.18 CONDOMINIUM

A form of individual ownership with unrestricted right of disposal of 1 or more units in a multiple-unit project, with the land and all other parts of the project held in common ownership or use with owners of the other units, pursuant to Title 70, Chapter 23, MCA.

2.2.19 CONSERVATION EASEMENT

An easement or restriction, running with the land and assignable, whereby an owner of land voluntarily relinquishes to the holder of such easement or restriction, any or all rights to construct improvements upon the land or to substantially alter the natural character of the land or to permit the construction of improvements upon the land or the substantial alteration of the natural character of the land, except as this right is expressly reserved in the instruments evidencing the easement or restriction.

2.2.20 CONSTRUCTION

Any grading, excavation, cutting, or filling of material or other disturbance that results in a travel-way for motorized or non-motorized vehicles or the site for a building, structure, or landscaping. As the word “construction” relates to buildings, the common and customary meaning applies.

2.2.21 CONTIGUOUS TRACT

A parcel of land abutting another individual parcel of land. Tracts separated only by public right-of-way easements shall be construed as abutting and therefore contiguous.

2.2.22 COURTYARD

A common area, landscaped, outdoor living space surrounded by walls, fences, or structures.

2.2.23 COVENANT (RESTRICTIVE)

Written covenants, running with the land, which restrict or regulate the use of the property or the kind, character, and location of buildings or other structures which may be located thereon.

2.2.24 CUT AND FILL

The excavating of material in one place and depositing of it as fill in another place.

2.2.25 DAYS

Consecutive calendar days, unless otherwise specifically designated. Working days are days, exclusive of weekends or legal holidays.

2.2.26 DEDICATION

The deliberate appropriation of land by an owner for general and public use reserving to the landowner no rights that are incompatible with the full exercise and enjoyment of the public use to which the property has been devoted, as required by §76-3-103, MCA, as amended.

2.2.27 DEFENSIBLE SPACE

A natural or human-made area where material capable of allowing a fire to spread unchecked has been treated, removed, or modified to slow the rate and intensity of an advancing wildfire and to provide a safe working area for wildfire suppression operations to occur while protecting life and improved property.

2.2.28 DEVELOPMENT

Any man-made change to real estate or property, including buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling.

2.2.29 DIVISION OF LAND

The segregation of one or more parcels of land from a larger tract, held in single or undivided ownership, by transferring or contracting to transfer title to a portion of the tract, or properly filing a certificate of survey or subdivision plat establishing the identity of the segregated parcels, pursuant to the MSPA. The conveyance of a tract of record or an entire parcel of land that was created by a previous division of land is not a division of land.

2.2.30 DRAINAGE

A general term applied to the removal of surface or subsurface water from a given area either by gravity or by pumping.

2.2.31 DRAINAGE SYSTEM

The surface and subsurface system for the removal of water from the land, including both the natural elements of streams, marshes, swales, and ponds, whether of an intermittent or continuous nature, and the manufactured elements which includes culverts, ditches, channels, retention facilities, and the storm sewer system.

2.2.32 DRIVEWAY

A vehicular access to a single lot.

2.2.33 DWELLING UNIT

Any building or portion thereof providing complete, independent, and permanent living facilities for one household. The presence of a plumbed kitchen presumes the building is a dwelling unit.

2.2.34 EASEMENT

A right acquired by a public or private authority to use or control property for a designated purpose.

2.2.35 ENGINEER (PROFESSIONAL ENGINEER)

A person licensed in conformance with Title 37, Chapter 67, MCA. For the purposes of these regulations, this term is synonymous with registered engineer as used in the Montana Subdivision and Platting Act.

2.2.36 ESTABLISHED ROAD

An existing access or haul route for motorized or non-motorized vehicles that is passable under one or more of the following circumstances:

- A. As is;
- B. With clearing of windfall or small woody vegetation;
- C. With surface blading;
- D. With replacement of stream crossing structures and drainage structures that were removed to restrict access; or,
- E. With removal of constructed access barriers.

2.2.37 EXAMINING LAND SURVEYOR

The professional land surveyor duly appointed by the governing body to review surveys and plats submitted for filing, as required by §76-3-611, MCA. For the purposes of these regulations, this term is synonymous with registered land surveyor as used in the Montana Subdivision and Platting Act.

2.2.38 FIRE PROTECTION JURISDICTION

An area within legally defined boundaries with fire protection responsibilities.

2.2.39 FLOOD

The water of any watercourse or drain-way which is above the banks or outside the channel and banks of such watercourse or drain-way.

2.2.40 FLOODFRINGE

That portion of the floodplain outside the limits of a designated floodway.

2.2.41 FLOODPLAIN

The area adjoining any watercourse or drain-way which would be covered by the floodwater of a flood of 100-year frequency, as defined by the Federal Emergency Management Agency, including sheet-flood areas that receive less than 1 foot of water per occurrence and are considered "Zone Shaded X" by the Federal Emergency Management Agency.

2.2.42 FLOODPLAIN ADMINISTRATOR

The Director of Planning, Development and Sustainability or an authorized designee.

2.2.43 FLOODPLAIN REGULATIONS

Resolution No. 2019-017 of the County of Missoula, Montana, as amended.

2.2.44 FLOODWAY

The channel of any watercourse or drain-way and those portions of the floodplain adjoining the channel which are reasonably required to carry and discharge the floodwater of the watercourse or drain-way.

2.2.45 FUEL BREAK

A strip of land where the natural fuels have been greatly reduced or thinned.

2.2.46 GOVERNING BODY

The Board of County Commissioners of the County of Missoula, Montana, pursuant to §76-3-103(7), MCA.

2.2.47 GRADE, EXISTING

The grade or elevation of the ground surface before human alteration such as grading, grubbing, filling, or excavation. For sites that have been previously developed prior to a subdivision application, existing grading shall be the grade or elevation of the ground surface at the time of the preapplication meeting required by *Chapter 5, Procedures for Subdivision Review, Preliminary Plat, Variances, and Appeals*, unless the site has been deliberately altered to circumvent or avoid certain regulations or development restrictions.

2.2.48 GRADE, FINISHED

The grade of a site after grading and building construction, inclusive of any retaining walls, built up grade, or other changes to existing grade.

2.2.49 HAZARD

Any natural or human-created condition that presents danger to the public health, safety, or welfare.

2.2.50 HEALTH AUTHORITIES

Montana Department of Environmental Quality and/or the Missoula Public Health Department.

2.2.51 HYDROLOGY

The properties of water, including circulation and distribution, on and below the ground.

2.2.52 IMPERVIOUS SURFACE

Any surface which either prevents or retards the entry of water into the soil profile (the area from ground surface to parent material), as under natural conditions prior to development and/or a surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Surfaces which impede the natural infiltration of surface and storm water runoff are impervious. Drainage swales are not considered impervious under this definition.

2.2.53 IMPROVEMENT AGREEMENT

A contractual agreement that may be required by the governing body to ensure the construction of such improvements as required by local subdivision regulations. The improvement agreement may require collateral to secure the construction of such improvements, such as the deposit of certified funds, irrevocable letters of credit, performance or property bonds, private or public escrow agreements, or similar financial guarantees.

2.2.54 LOCAL SERVICES

Any and all services and related facilities that local government entities or public utilities may provide, both currently and in the future, such as motorized and non-motorized transportation facilities and systems, parking, law enforcement, fire protection, drainage structures, water, utilities, water supply, sanitary sewage disposal, solid waste disposal, electrical, internet, telephone and natural gas facilities, recreation, parks, libraries or schools.

2.2.55 LOT

A parcel, plot, or other land area created by subdivision or by a subdivision exemption.

2.2.56 LOT MEASUREMENTS

- A. Lot Depth:** The average depth of the lot.
- B. Lot Width:** The average width of the lot.
- C. Lot Frontage:** The width of the front lot line.
- D. Lot Area:** The area of a lot exclusive of street, highway, alley, road, or other rights-of-way, unless otherwise expressly stated.

2.2.57 LOT TYPES AND SIZES

- A. Corner Lot:** A lot located at the intersection of two streets.
- B. Interior Lot:** A lot with frontage on only one street.
- C. Double Frontage or Through Lot:** A lot whose front and rear lot lines both abut on a street other than an alley.
- D. Large Lot:** A lot that is greater than one-half of an acre in size.
- E. Small Lot:** A lot that is one-half acre or less in size.

2.2.58 MAINTENANCE AGREEMENT

An agreement that specifies certain responsibilities for maintaining facilities when such maintenance is required to achieve and maintain compliance with these regulations. The agreement also establishes the responsible parties for the maintenance. See *Appendix B, Maintenance Agreements*.

2.2.59 MOBILE HOME

A factory assembled structure equipped with necessary service connections, made so as to be readily movable as a unit on its own running gear and designed to be used as a dwelling unit without a permanent foundation. The term "mobile home" includes forms of housing known as "trailers," "house trailers," or "trailer coaches" exceeding 8 feet in

width or 45 feet in length, designed to be moved from one place to another by an independent power connected to them, or any trailer, house trailer, or trailer coach up to 8 feet in width or 45 feet in length used as a principal residence. Mobile homes shall meet structural codes (American National Standards Institute) and fire codes (National Fire Protection Association 501) as adopted by the State of Montana.

2.2.60 MOBILE HOME LOT

A designated portion of a mobile home park designed to accommodate one mobile home and its accessory buildings or structures for the exclusive use of the occupants.

2.2.61 MOBILE HOME PARK

A tract of land providing two or more mobile home lots for lease or rent to the general public.

2.2.62 MOBILE HOME STAND

That area of a mobile home lot within a mobile home park, which has been prepared for the placement of a mobile home.

2.2.63 MONUMENT (PERMANENT MONUMENT)

A structure of masonry, metal, or other permanent material, placed on or in the ground, which is exclusively identifiable as a monument to a survey point expressly placed for surveying reference.

2.2.64 NATURAL ENVIRONMENT

The system of physical, chemical, and biotic factors that exist within or influence a geographic area or community. These factors include, but are not limited to, geology, soils, topography, climate, surface water, groundwater, floodplain, wildlife habitat, flora and fauna, and objects or places of cultural, historic, or aesthetic significance. Natural environment also includes aesthetic, cultural and historical resources that relate to the landscape and history of an area.

2.2.65 NON-MOTORIZED FACILITIES

Improvements designed for the use, safety, and comfort of pedestrians, cyclists, equestrians, and similar forms of non-motorized transportation. Examples of non-motorized facilities include sidewalks, walkways, trails, bikeways, and related appurtenances, such as signs and ramps.

2.2.66 OPEN SPACE LAND

Any land which is provided or preserved for: (a) park or recreational purposes; (b) conservation of land or other natural resources; (c) historic or scenic purposes; or, (d) assisting in the shaping of the character, direction, and timing of community development.

2.2.67 ORDINARY HIGH WATER MARK

The stage regularly reached by a body of water at the peak fluctuation in its water level. The ordinary high water mark is generally observable as a clear, natural line impressed on the land. It may be indicated by such characteristics as terracing, changes in soil

characteristics, destruction of vegetation, absence or change of vegetation, presence or absence of litter or debris, or other similar characteristics.

2.2.68 OVERALL DEVELOPMENT PLAN

The plan of a subdivision design proposed to be subdivided in stages.

2.2.69 PARCEL

An area of land or building for which title to or possession of the land, building, or area can be sold, rented, leased, or otherwise conveyed.

2.2.70 PARKWAY MEDIAN

A parkway median is a landscaped area located in the middle of the street or road, sometimes referred to as a Boulevard Median.

2.2.71 PHASED DEVELOPMENT

A subdivision application and preliminary plat that at the time of submission consists of independently platted development phases that are scheduled for review on a schedule proposed by the subdivider.

2.2.72 PHASING PLAN

A detailed plan for final platting and development of a subdivision in two or more phases.

2.2.73 PLANNED UNIT DEVELOPMENT (PUD)

A land development project, consisting of residential clusters, industrial parks, shopping centers, or office building parks, that compose a planned mixture of land uses, built in a prearranged relationship to each other and having open space and community facilities in common ownership or use.

2.2.74 PLANNING BOARD (MISSOULA CONSOLIDATED PLANNING BOARD)

A consolidated planning board which has all the rights, duties, powers, and obligations for planning in the County and City of Missoula as provided by §76-1-106, MCA, and §76-1-305, MCA, and §76-1-401 and 402, MCA, and as otherwise authorized by the Interlocal Agreement between the City of Missoula and Missoula County, and as jointly or independently assigned by Missoula County or the City of Missoula pursuant to state-enabling legislation.

2.2.75 PLANNING OFFICE

The Missoula County Planning, Development and Sustainability Department or other office designated by the Missoula County Commission to administer the requirements set forth in the MSPA.

2.2.76 PLAT

A graphical representation of a subdivision showing the division of land into lots, parcels, blocks, streets, alleys, or other divisions and dedications.

- A. Preliminary Plat:** A neat and scaled drawing of a proposed subdivision, showing the layout of streets, alleys, lots, blocks, and other elements of a subdivision which furnishes a basis for review by the governing body as required by the MSPA.

- B. Final Plat:** The final drawing of the subdivision and dedication required to be prepared for the filing of records with the Missoula County Clerk and Recorder containing all elements and requirements set forth in these regulations and in the MSPA.
- C. Vacated Plat:** A plat which has been voided under the provisions of MCA, §76-3-305, §7-5-2501, §7-5-2502, §7-14-2616(1) and/or (2), §7-14-2617, §7-14-4114(1) and/or (2), and/or §7-14-4115.
- D. Amended Plat:** The final drawing of any change to a filed platted subdivision, or any lots within a filed platted subdivision.

2.2.77 PLATTING REPORT

A report from a title service on the condition of title to property proposed for subdivision, which identifies the owners of record of the property, lien holders, encumbrances, easements and restrictions of record, and all other conditions of title of public record issued within 30 days of the date of submission of the platting report to the County Attorney's Office, and accompanied by a guarantee of the accuracy of the report to the extent of 5,000 dollars from the title insurance agent or its underwriter.

2.2.78 PRIVATE IMPROVEMENTS

Private improvements are the same types of improvements as defined under PUBLIC IMPROVEMENTS, except that ownership and/or maintenance and repair shall be the responsibility of a private entity.

2.2.79 PUBLIC HEALTH AND SAFETY

A condition of well-being, reasonably free from danger, risk, or injury, for a community at large, or for all people, not merely for the welfare of a specific individual or a small class of persons. Conditions that relate to public health and safety include but are not limited to, flood hazards, geologic hazards, dam failures, avalanches, air quality, water quality, toxic or hazardous substance exposure, fire or wildfire hazards, proximity to high voltage power lines or high pressure gas lines, noise, air or vehicular traffic hazards, parks and recreation facilities, and threats to life, health, safety and wellness.

2.2.80 PUBLIC IMPROVEMENTS

Any structure or facility constructed to serve the residents of a subdivision or the general public, such as parks, streets or roads, sidewalks, curbs and gutters, street lighting, utilities, and systems for water supply, sewage disposal, and drainage.

2.2.81 RECREATIONAL CAMPING VEHICLE

A vehicle designed to be towed or a motorized home or pickup coach designed and constructed for human habitation, which can be operated independently or with utility connections and which is used as a temporary vacation dwelling.

2.2.82 RECREATIONAL VEHICLE PARK

A place used for public camping where persons can rent space to park individual recreational vehicles or automobiles for transient dwelling purposes.

2.2.83 RECREATIONAL VEHICLE SPACE

A designated portion of a recreational vehicle park designed for the placement of a single recreational vehicle and the exclusive use of its occupants.

2.2.84 RESTING AND PASSING SPACE

A turnout from the trail, with dimensions adequate to allow trail amenities such as seating, wheelchair rest spots (minimum 5' x 5'), trash containers, landscape and/or shelter facilities, interpretive displays, etc.

2.2.85 RIGHTS-OF-WAY

Land dedicated or acquired for use as a public way.

2.2.86 RIPARIAN RESOURCE

A river, lake, stream, wet meadow, woody draw, wetland, or other body of water, the banks of these water bodies, adjoining riparian vegetation, and any designated buffer. An irrigation ditch that does not lie within a floodplain, and measures less than 3 feet in width at its widest point on the subject property, as measured from the high watermark of the ditch, is not considered a riparian resource for the purpose of these subdivision regulations. See *Appendix F, Riparian Wetland Habitat & Community Types*, for types of vegetation that may be in riparian areas.

2.2.87 ROAD

A travel-way providing access to two or more lots and of adequate width to permit the unrestricted movement of traffic.

2.2.88 ROAD AND STREET TYPES

As used in these regulations, road or street types are as follows:

- A. Alley:** A street or road used primarily for vehicular access to the rear of property which abuts a road.
- B. Arterial:** A street or road having the primary function of moving traffic and the secondary function of providing access to adjacent land. Arterials generally carry relatively large volumes of traffic. Characteristics of an arterial are two to four lanes of traffic with limited access to abutting property.
- C. Circle:** A local street or road which closes in on itself.
- D. Collector:** A street or road having the equally important functions of moving traffic and providing access to adjacent land. Characteristics of collector streets are two traffic lanes and two parking lanes. Residential collectors generally serve only residential neighborhoods; non-residential collectors serve other land uses.
- E. Cul-De-Sac:** A street or road which terminates in a vehicular turn-around area.
- F. Dead-End Street or Road:** A street or road temporarily having only one outlet for vehicular traffic and intended to be extended in the future.
- G. Driveway:** A vehicle access to a single lot.
- H. Frontage Access (Service Road):** A local or collector street or road, usually parallel and adjacent to an arterial or major collector street or road, which provides access to abutting properties and control of traffic access to arterials or collectors.

- I. **Half-Street or Road:** A portion of the width of a street or road, usually along the outside perimeter and adjacent to a subdivision, up to the right-of-way or road easement centerline.
- J. **Local Streets:** A street or road having the primary function of serving abutting properties and the secondary function of moving traffic. Characteristics of local streets are two traffic lanes, one or two parking lanes, and access to abutting properties. Local streets shall be designed to discourage future use as collector streets. Residential local streets serve individual residential areas; non-residential local streets serve non-residential land uses.
- K. **Loop:** A local street or road which begins and ends on the same street, generally used for access to property.
- L. **On-Site Road:** A road right-of-way entirely contained within the boundaries of a subdivision.
- M. **Off-Site Road:** A road right-of-way not entirely contained within the boundaries of a subdivision.
- N. **Short Courts:** A short road serving 3 to 6 lots.

2.2.89 RURAL AREA

The unincorporated portion of the County that is not included in either the Lolo Water and Sewer District (RSID 901) or the higher intensity land use designations from the 2019 Missoula Area Land Use Element, consisting of: Residential, Neighborhood Residential, Planned Neighborhood, Neighborhood Center, Commercial Center, Live/Make Neighborhood, Community Mixed-Use, Civic Employment Center, and Industrial Center. See *Appendix A, Urban Area*.

2.2.90 RUNOFF

That part of precipitation that flows off the land without filtering into the soil or being absorbed by plant material.

2.2.91 SIDECASTING

The act of moving excess earthen material over the sides of a road during road maintenance operations or excavation for structural improvements.

2.2.92 SLIDE

The downhill mass movement of soil, rock, or snow resulting from failure of that material under stress.

2.2.93 SLOPE

The inclination of the surface of the land from the horizontal, prior to development.

2.2.94 STREAM

A natural watercourse of perceptible extent that has a generally sandy or rocky bottom of definite banks and that confines and conducts continuously or intermittently flowing water.

2.2.95 SUBDIVIDER

A person, firm, corporation, or other entity who causes land to be subdivided, or who proposes a subdivision of land. When used in these regulations, the term “subdivider” may also include the property purchaser on a contract for deed or its agent, or the landowner’s agent, if the landowner has provided written notification that the landowner’s agent is authorized to act on the landowner’s behalf.

2.2.96 SUBDIVISION

The division of land or land so divided, that creates one or more parcels containing fewer than 160 acres that cannot be described as a $\frac{1}{4}$ -aliquot part of a United States Government Section, exclusive of public roadways, in order that the title to the parcels may be sold or otherwise transferred including any re-subdivision and a condominium.

- A. Major Subdivision:** A subdivision of land in which 6 or more lots are created.
- B. Minor Subdivision:** A subdivision of land in which 5 or fewer lots are created.
- C. Small Lot Subdivision:** A subdivision in which more than half of the lots are $\frac{1}{2}$ -acre or less in size. Subdivisions in which exactly half of the lots are large lots and the other half are small lots shall be considered to be small lot subdivisions.
- D. Large Lot Subdivision:** A subdivision in which the size of more than half of the lots are larger than $\frac{1}{2}$ -acre.

2.2.97 SUBDIVISION ADMINISTRATOR

The Director of Planning, Development and Sustainability or a designated representative of the department.

2.2.98 SURVEYOR (PROFESSIONAL LAND SURVEYOR)

A person licensed in conformance with Title 37, Chapter 67, MCA, to practice surveying in the state of Montana. For the purposes of these regulations, this term is synonymous with registered land surveyor as used in the Montana Subdivision and Platting Act.

2.2.99 SWALE

A drainage channel or depression designed to direct surface water flow.

2.2.100 TOPOGRAPHY

General term to include characteristics of the ground surface such as plains, hills, mountains, degree of relief, steepness of slope, and other physiographic features.

2.2.101 TOWNHOME, TOWNHOUSE

Property that is owned subject to an arrangement under which persons own their own units and hold separate title to the land beneath their units, but under which they may jointly own the common areas and facilities.

2.2.102 TRACT OF RECORD

A parcel of land, irrespective of ownership that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the County Clerk and Recorder’s Office, as stated in §76-3-103, MCA.

2.2.103 URBAN AREA

The unincorporated portion of the County that is within either the Lolo Water and Sewer District (RSID 901), including properties confirmed by a will-serve letter, or the higher intensity land use designations from the 2019 Missoula Area Land Use Element, consisting of Residential, Neighborhood Residential, Planned Neighborhood, Neighborhood Center, Commercial Center, Live/Make Neighborhood, Community Mixed-Use, Civic Employment Center, and Industrial Center. See *Appendix A, Urban Area*.

2.2.104 VICINITY SKETCH

A map at a scale suitable to locate the proposed subdivision, showing the boundary lines of all adjacent properties and streets and other information necessary to determine the general location of the proposed subdivision.

2.2.105 WETLANDS

Those areas that are inundated or saturated by surface or groundwater at frequency and direction sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include marshes, swamps, bogs, and similar areas.

2.2.106 WILDLAND URBAN INTERFACE (WUI)

The line, area or zone where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuels.

2.2.107 WILDLIFE

A mammal, bird, reptile, amphibian, fish, mollusk, crustacean, or other animal that is native to the area and is not domesticated or tamed. The term does not include feral animals, which are animals that have escaped captivity and become wild (including dogs, cats, and Eurasian ferrets).

2.2.108 WILDLIFE HABITAT

Geographic areas containing physical or biological features essential to wildlife for feeding and forage, cover, migration, breeding, rearing, nesting, or buffers from those areas. It also includes areas essential to the conservation of species protected by the Endangered Species Act or of special interest or concern to the State of Montana. Some of the most important types of wildlife habitat in Missoula County include, but are not limited to big game winter range, grizzly bear habitat, travel corridors, bald eagle nesting sites, and riparian and wetland areas.

2.2.109 ZONING CODE

Missoula County Zoning Regulations.