

XVII. SPECIAL MANAGEMENT AREAS.

(A) Missoula Wastewater Treatment Plant Service Area (MWTPSA). The purpose of the MWTPSA requirements are to place landowners on notice that permission to use wastewater disposal in this area is temporary and is intended to be replaced with discharge to a public sewage treatment plant. The following restrictions shall apply to all land within the Missoula Wastewater Treatment Plant Service Area depicted on the map in Appendix D:

1) The Department shall not issue a permit for an increased use or new wastewater absorption system **permit, or** a replacement seepage pit system permit issued in accordance with Section **XII** (E)), in the MWTPSA unless the **owner(s)** execute a deed restriction waiving the right to protest the creation of a Special Improvement District (SID) or a Rural Special Improvement District (RSID) for the installation of public sewer, using the language set forth below. The filing of a deed restriction shall not be required if previously filed for the same parcel, or where similar language has been shown on an approved and filed subdivision plat.

"**I/We**, the undersigned, hereby certify that **V**we are the owners of the real property located at (legal description) which is located in an area where public sewer is planned to be installed. **V**we hereby waive any right to protest an **RSIDs** or **SIDs** affecting said property for the purpose of financing the design and construction of a public sewer benefiting said property. Further, **my/our** signatures on this waiver may be used in lieu of **my/our signature(s)** on an RSID or SID petition for the creation of one or more RSID or SID petitions for the purpose of financing the design and construction of a public sewer benefiting the above-described property. This deed restriction is granted to the County or City of Missoula in exchange for permission to discharge sewage into the ground until such time that public sewer is installed

This deed restriction shall also constitute an agreement whereby the **owner(s)** shall connect to public sewer within 180 days after public sewer mains are installed and available to the property.

This waiver shall run with the land and shall be binding on the transferees, successors, and assigns of the owners of the land described herein.

All documents of conveyance shall refer to and incorporate this waiver."

2) All new divisions of land, including all subdivisions as defined in Section **II** within the MWTPSA shall exhibit language consistent with section XV, (A), (1). of this regulation on the face of the recorded plat or on a deed restriction recorded with the plat. Language approved by the City and County Attorney shall be available at the Department.

3) Any person installing a new or replacement septic tank in an area of the MWTPSA designated for STEP (on Appendix D) or approved for STEP via any applicable subdivision approval process shall install a STEP septic tank with **manway**. A list of subdivisions containing lots which require STEP tanks as a condition of an applicable approval process is contained in Appendix G.

4) Individual and multi-user or community septic tanks, and multi-user or community system mains and service lines installed in the MWTPSA shall conform to the design criteria established by the City of Missoula Engineering Department. The design, installation and inspection of all mains, service lines connected to mains STEP tanks and related appurtenances must be approved by the City of Missoula Engineering Department. As-built plans for all multi-user, community, or dry laid systems must be submitted to the City of Missoula Engineering Department and the Department by the applicant within 60 days of installation.

5) If a property in the MWTPSA is part of a proposed division or subdivision of land, as defined in MCA 76-3-102 containing three or more lots of less than five acres per lot, the developer must provide a multi-user or community system that may be easily connected to public sewer when sewer mains are available to service the property except as provided below.

(a) In areas where STEP tanks are required and the division or subdivision of land contains no more than fourteen lots in all phases approved after September 21st, 1994, a properly designed, installed and inspected dry laid pressure main connecting the lots with appropriate easements may be used.

(b) In areas where STEP tanks are not required and the division or subdivision of land contains no more than fourteen lots in all phases approved after September 21st, 1994, a properly designed, installed and inspected dry laid pressure or gravity main connecting the lots with appropriate easements may be used with written permission and approval from the City Engineering Department.

(c) When the division of land includes perpetually dedicated common areas and wildlands or an area reserved from development by deed restriction until public sewer becomes available, the Department shall divide the area of such dedicated land by the number of lots and add the result to each lot area for the purposes of determining applicability of this requirement.

(d) All portions of the proposed multi-user or **community** system, except for on lot service lines, shall be installed before the system may be used. Installation of the system may be phased with the Department's approval so long as the system is installed within two years of **final** plat approval and an improvement guarantee approved by the Department is provided by the developer.

Appendix D

