



Missoula County Airport Authority  
5225 W Broadway Street  
Missoula, MT 59808  
(406) 728-4381

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# Development Guidelines

**DRAFT**

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Missoula County Airport Authority

*Missoula Montana Airport (MSO)*

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Date Published:



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## 1. INTRODUCTION

### 1.1. *Background*

- 1.1.1. The Missoula Montana Airport is the primary commercial and general aviation airport for the City and County of Missoula, Montana. The Airport is owned and operated by the Missoula County Airport Authority (Authority). The Director of Airports, who is appointed by the Authority, oversees the daily operations of the Airport.

### 1.2. *Purpose*

- 1.2.1. These Development Guidelines, and any amendments thereto, are set forth to promote consistent, attractive, and compatible high-quality development at the Airport and to establish, implement, and convey the standards/criteria and policies/procedures for development of aeronautical and non-aeronautical land and/or improvements at the Missoula Montana Airport.
- 1.2.2. The Missoula County Airport Authority hereby declares and provides that all development at the Airport is subject to the following covenants, restrictions, and conditions.
- 1.2.3. It shall be understood that all covenants, restrictions, and conditions established herein shall be considered the Development Guidelines to be followed by all Lessees, Sublessees, developers, contractors, and all others interested in development at the Airport.

### 1.3. *Goal*

- 1.3.1. It is the goal of the Authority to preserve the scenic quality of the Airport for the benefit of its tenants, users, and community and the continued high-quality development of its properties in a manner consistent with sound fiscal management, preservation of environmental quality, and adequate provision of necessary services and facilities. These Development Guidelines set forth general policies for realization of this goal within the framework of protection of public health, safety, and welfare. This is further supported by the following goals:
- 1.3.1.1. Economic: Protection of property values and enhancement of investment.
- 1.3.1.2. Environmental: Protection to minimize adverse impacts on the natural environment.
- 1.3.1.3. Function: Maintenance of acceptable planning and engineering standards of improvements and sites, yet flexible to respond to changes in market demand.
- 1.3.1.4. Visual: Maintenance of variety, interest, and a high standard or architectural and landscape design.

### 1.4. *Authority to Adopt*

- 1.4.1. These Development Guidelines for the Missoula Montana Airport are promulgated under the authority of Title 67, Chapter 11, Part 2, *Montana Code Annotated*, which specifically grants the Authority the power to “adopt, amend, and repeal such reasonable resolutions, rules, and orders as it shall deem necessary for the management, government, and use of any airport or air navigation facility owned by it or under its control”.

**1.5. Administration**

- 1.5.1. The Authority will administer these Development Guidelines.
- 1.5.2. Development at the Airport must receive prior approval of the Authority. Prior to commencing construction or alteration of any improvements on Leased Property at the Airport, the Lessee shall submit certified, detailed plans and specifications, including a material list, for the proposed construction (“Development Plan”) to the Airport Director. The Development Plan must be approved in writing by the Airport Director prior to commencement of construction. The Airport Director shall evaluate the plans pursuant to these guidelines, the Airport Master Plan, the quality of materials used, and conformance with the existing Airport environment.
- 1.5.3. Upon completion of any construction pursuant to a Development Plan, Lessee shall submit to the Airport Director a written certification from an architect licensed in the State of Montana or the builder, if certified plans have already been approved, that the work has been completed in compliance with the plans and specifications and in compliance with applicable local, Montana and Federal laws and regulations, including building, fire and safety codes.

**1.6. Conformance with Regulatory Measures**

- 1.6.1. Without exception, design, construction, alteration, moving, demolition, repair, or use of any Improvement at the Airport will be subject to these Development Guidelines and the applicable provisions of the Uniform Building Code (the edition of which is currently adopted by Missoula, Montana), the Uniform Fire Code (the edition of which is currently adopted by the Missoula Fire District), Ordinances of the City and County of Missoula, Montana, and any other applicable Regulatory Measure.
- 1.6.2. All Improvements constructed, altered, moved, or placed at the Airport shall conform to all governmental zoning and use requirements.

**1.7. Conflicting Regulatory Measures and Agreements**

- 1.7.1. In any case where a provision of these Development Guidelines is found to be in conflict with any other provision of these Development Guidelines or in conflict with a provision of any zoning, building, fire, safety, health, or other Regulatory Measure, the provision which establishes the higher standard (the most stringent or restrictive) for the promotion and protection of the health, safety, interest, and welfare of the people shall prevail.
- 1.7.2. It is not the intention of these Development Guidelines to repeal, abrogate, annul, or in any way impair or interfere with the existing provision of any other Regulatory Measure except those specifically repealed by these Development Guidelines.

**1.8. Severability**

- 1.8.1. The invalidity, voiding, or unenforceability of any particular Development Guideline contained herein by a government agency having jurisdiction over the Airport or the tenants located at the Airport or by a court of competent jurisdiction shall not in any way affect the validity of the remainder of these Development Guidelines.

**1.9. *Effective Date***

- 1.9.1. These Development Guidelines shall be in effect from the date of adoption by the Authority. These Development Guidelines shall remain in effect until repealed or modified by the Authority.

**1.10. *Amendments***

- 1.10.1. These Development Guidelines supersede and cancel all previous Development Guidelines adopted by the Authority.
- 1.10.2. These Development Guidelines may be supplemented, amended, or modified by the Authority from time to time and in such a manner and to such extent as is deemed appropriate by the Authority.
- 1.10.3. The Authority may issue special covenants, restrictions, conditions, notices, memorandums, or directives from time to time.

**1.11. *Variance***

- 1.11.1. The Authority has the right to approve variances to these Development Guidelines.
- 1.11.2. Variance requests must be fully explained including reasons why the land or Improvement cannot conform to the aforementioned.

**1.12. *Violations***

- 1.12.1. Any Entity violating any provision of these Development Guidelines shall be subject to all legal, equitable, statutory, and common law rights and remedies available to the Authority including, but not limited to, actions for declaratory relief, injunctive relief, specific performance, and damages.

**1.13. *Enforcement***

- 1.13.1. The enforcement of these Development Guidelines shall be by those procedures and processes described in the Agreement between the Lessee and the Authority.

**1.14. *General***

- 1.14.1. These Development Guidelines are general in nature and do not address every type of condition or detail individual Lessees may encounter in their individual areas. Lessees are therefore encouraged to develop an on-going review process during the early design stages with the Authority to determine specific design criteria and conditions that are acceptable to the Authority.
- 1.14.2. Where any building material or specification is identified by type, it shall be understood to be that material or specification, or equivalent.
- 1.14.3. Where the term “or equivalent” appears, the Authority shall determine equivalency.
- 1.14.4. No occupancy of any building or structure shall be permitted before the building or structure is completed, and an occupancy permit issued.
- 1.14.5. Where submittals to the Authority are identified, it is understood that those submittals are to be approved by the Authority.

## 2. LAND DEVELOPMENT POLICIES

### 2.1. *Fiscal Impacts*

- 2.1.1. It is the policy of the Authority to ensure that development at the Airport will not result in a reduction of the quality of services, public facilities, or programs provided to those located at or utilize the Airport.

### 2.2. *Environmental Quality*

- 2.2.1. It is the policy of the Authority to encourage features in any development proposal that will conserve energy resources and minimize the consumption of energy. To that end, it is the policy of the Authority to encourage orientation of buildings or structures to take advantage of the sun; to prevent Improvements from blocking direct sunlight to other Improvements; to encourage use of barriers as defense against wind; to promote the use of landscaping to maximize cooling in the summer and retention of heat in the winter; and to promote construction and siting which conserves natural gas, electricity, and gasoline.
- 2.2.2. It is the policy of the Authority to preserve and protect its present water resources. To that end, it is the policy of the Authority that no land use be initiated which would adversely affect the quantity, quality, or dependability of the Authority's water resources; or which would occur at the expense of established water dependent activities; or which would result in increased alkalization of water, loss of minimum stream flows; destruction of wildlife habitats, or entail future major expenditures on the part of the general public to reacquire or redistribute water resources beyond what is permitted by federal, state, and/or local Regulatory Measures.
- 2.2.3. It is the policy of the Authority to prevent the acceleration of the erosion of soil and rock in order to reduce or eliminate erosion related problems such as stream sedimentation, dust, gullyng, alteration of drainage patterns, exacerbation of flood hazards, loss of natural vegetation, visual scars, leaching of minerals, destruction of animal habitats, and increased maintenance costs for roads and other Improvements beyond what is permitted by Regulatory Measures.
- 2.2.4. It is the policy of the Authority to preserve the integrity of existing and natural drainage patterns in order that the aggregate of future public and private development activities will not cause storm drainage and floodwaters patterns to exceed the capacity of natural or constructed drainage ways or to subject other areas to increased potential for damage due to flooding, erosion, or sedimentation.

### 2.3. *Adequate Provision of Necessary Services and Facilities*

- 2.3.1. It is the policy of the Authority to encourage development that utilizes existing services and facilities without overburdening such facilities and services or resulting in the need to provide additional services and facilities. In cases where existing infrastructures are underutilized, to that end, it is the policy of the Authority to:
- 2.3.1.1. Encourage development proposals that minimize Vehicle congestion and promote traffic safety.

- 2.3.1.2. Ensure that land is not committed to uses without adequate evidence that facilities to collect, treat, and dispose of anticipated types and qualities of wastewater are available or will be provided prior to the commencement of such use and that such facilities will possess suitable capacity, quality of discharge, point of discharge, and dependability.
- 2.3.1.3. Ensure that land is not committed to use without adequate evidence that a water supply of adequate quality, quantity, pressure, and dependability is available to support the use intended and to provide for protection from fire.

**2.4. *Manmade and Natural Hazards***

- 2.4.1. It is the policy of the Authority to encourage development that by virtue of location and design does not expose those located on its properties to avoidable natural and manmade hazards. To that end, it is the policy of the Authority to:
  - 2.4.1.1. Ensure that development in proximity to Airport operations facilities and other facilities inherently hazardous by virtue of operation or location is designed, constructed, and located in a manner compatible with the hazard.
  - 2.4.1.2. Prevent development in floodplains, geologic hazard areas, or other natural hazard areas that is incompatible with the hazard in terms of threats to public welfare, private property, and public property.
  - 2.4.1.3. Ensure the developments are designed and located in such a way to provide for adequate emergency service, fire protection, and police protection in a manner consistent with existing regulatory requirements.

**2.5. *Reuse of Resources***

- 2.5.1. It is the policy of the Authority to
  - 2.5.1.1. Encourage the efficient and environmentally sound re-utilization of resources, both natural and manmade, which will result in a reduction in the need for raw materials and finished products.
  - 2.5.1.2. Encourage beneficial reuse of wastewater so that other water supplies can be extended.

## PERMITTED USES AND DEVELOPMENT REQUIREMENTS

### 3. PERMITTED USES AND DEVELOPMENT REQUIREMENTS

#### 3.1. *Purpose*

- 3.1.1. The following Development Guidelines are established to avoid threats to the health, safety, welfare, and property, both public and private, from noise, flight characteristics, and crash hazards associated with airport operations.

#### 3.2. *General Requirements*

- 3.2.1. No Improvement or tree shall be erected, altered, or allowed to grow, or shall be maintained in any portion of the Airport Influence Area that is in excess of any of the Airport imaginary surfaces described in these Development Guidelines or the Airport Master Plan.
- 3.2.2. Notwithstanding any other provisions of these Development Guidelines, no use may be made of land and/or Improvement within the Airport in such a manner as to create electrical interference with Aircraft radios, make it difficult for Aircraft crew members to distinguish between Airport lights and others, result in glare in the eyes of Aircraft crew members using the Airport or personnel engaged in air traffic control operations, impair visibility in the vicinity of the Airport, attract wildlife, endanger the landing, taking off, or maneuvering of Aircraft, or not in harmony with Regulatory Measures related to development within the Airport Influence Area.

#### 3.3. *Prohibited Uses*

- 3.3.1. To establish limits for objectionable uses or uses that are detrimental to the general welfare of the occupants and users of the Airport:
- 3.3.1.1. No use shall be permitted on any land that injures the reputation of any land or is in violation of any Regulatory Measure.
- 3.3.1.2. Improvements are limited to uses that, in the opinion of the Authority, produce no adverse effects which may be detrimental to the health, safety, or welfare of persons or which may be harmful to property.
- 3.3.1.3. No temporary Improvements or mobile home, office, or storage shall be installed or maintained on any lot without the specific written approval of the Authority. All applications for approval of any temporary Improvements will include provisions for its dismantling and/or removal no later than five days after permanent construction completion.
- 3.3.1.4. No use shall be permitted that contributes to the propagation of wildlife on Airport property.

#### 3.4. *Nonconforming Uses*

- 3.4.1. Amortization Period
- 3.4.1.1. Uses: Uses that are not in conformance with the requirement of these Development Guidelines shall be discontinued no later than 10 years from the adoption hereof.
- 3.4.1.2. Improvements: Improvements not in conformance with these Development Guidelines shall be brought into conformance within 10 years of the adoption hereof. Failing this, they shall be removed.
- 3.4.2. Marking and Lighting
- 3.4.2.1. Notwithstanding the preceding provision of these Development Guidelines, the owner of any nonconforming Improvement or tree within the Airport Influence Area shall be required to install, operate, and maintain thereon such markers and lights as shall be deemed necessary by the Authority or FAA to indicate to the operators of Aircraft in the vicinity of the Airport, the presence of such airport hazards.



## PERMITTED USES AND DEVELOPMENT REQUIREMENTS

3.4.2.2. Such markers and lights shall be installed, operated, and maintained at the expense of the owner of such Improvement(s).

### 3.4.3. Existing Uses

3.4.3.1. No permit shall be granted that would allow the establishment or creation of any airport hazard or permit a nonconforming use, Improvement, or tree to be made or become higher, or become a greater hazard to air navigation than it is when the application for a permit is made.

### 3.5. *Uses within 65 LDN Contour*

3.5.1. Any Improvement proposed for development within the 65 LDN contour must be reviewed and approved by the Authority in accordance with 14 CFR Part 150 and applicable Regulatory Measures.

#### 4. DESIGN CRITERIA

##### 4.1. *Accessory Buildings or Structures*

- 4.1.1. All required accessory buildings or structures should be indicated on the Development Plan and approved by the Authority in writing prior to construction.
- 4.1.2. Accessory buildings or structures for this part shall be any building or structure other than the main building or structure itself that is intended to be in place for more than 6 months.
- 4.1.3. Accessory buildings or structures shall match the primary building or structure in design and materials.

##### 4.2. *Additions and Expansions*

- 4.2.1. Additions or expansions to existing Improvements will require submission of detailed plans and specifications and must be approved by the Authority in writing prior to construction.
- 4.2.2. Materials should match existing Improvements (or approved variations).

##### 4.3. *Address Numbers*

- 4.3.1. See Section 4.32.7.

##### 4.4. *Aircraft Accesses*

- 4.4.1. To allow for the efficient and safe operation of Aircraft and to minimize conflicts of pedestrians and Vehicles with Aircraft operations:
  - 4.4.1.1. A 20-foot frontage Apron minimum shall be required between the edge of the access Taxiway (or Taxi Lane) and exterior wall of the hangar door.
  - 4.4.1.2. Where two hangars access a common Taxiway (or Taxi Lane), a 40-foot access Taxi Lane shall be required between the two frontage Aprons, edge to edge. Where a common access Taxi Lane is possible, the Lessee will be required to provide (construct and lease) one-half of said access Taxi Lane.
  - 4.4.1.3. Minimum setbacks from Side Lot Line to Utility Transformer or Meter shall be:
    - 4.4.1.3.1. No Apron – 10 feet
    - 4.4.1.3.2. With Apron – 40 feet
  - 4.4.1.4. No direct Vehicle or pedestrian access will be permitted to the Apron or Taxiway.

##### 4.5. *Alterations*

- 4.5.1. No alterations to the exterior appearance of existing buildings or structures shall be made without approval by the Authority in writing prior to alteration. This shall include sitework alterations.

##### 4.6. *Antennae*

- 4.6.1. All required antennae, satellite dishes, and similar equipment shall be indicated in the Development Plan and approved by the Authority in writing prior to construction.
- 4.6.2. No equipment shall be allowed that will interfere with existing or future Airport operations.
- 4.6.3. When possible, all antennae will be screened from view.

##### 4.7. *Basketball Backboards*

- 4.7.1. Installation of basketball backboards must be approved by the Authority in writing prior to installation.

**4.8. Building Height**

- 4.8.1. The overall height of the Improvement shall be commensurate with other proximate Improvements, depending on use and Aircraft size.
- 4.8.2. All Improvements (including antennae, satellite dishes, and other similar equipment) shall receive from the FAA a determination that the Improvement is not identified as an obstruction under any standard of FAR Part 77, Subpart C, and would not be a hazard to air navigation.

**4.9. Clean-Up During Construction**

- 4.9.1. The construction site and other areas used by Lessee's contractor shall at all times be kept free of accumulated waste materials, dirt, and surplus material.
- 4.9.2. Removal of the waste material, surplus material, dirt, trash, and debris to a suitable licensed landfill must be done on at least a daily schedule or whenever the waste material creates a safety or health hazard or interferes with any contractor's work.
- 4.9.3. If the construction site is not maintained in a clean, orderly, and safe condition, the Authority may, after issuing a written notice to the Lessee, and within 24 hours of issuing said notice, have others clean up the construction site and charge the cost thereof to the Lessee.

**4.10. Damages During Construction**

- 4.10.1. The Lessee assumes sole responsibility for all damages to the existing facilities, including but not limited to the premises occupied by others, arising from the Improvements and remodel work of the Lessee under the Agreement, and will take immediate steps to replace or repair such damages to the satisfaction of Authority and its affected Lessees and contractors.

**4.11. Doors**

- 4.11.1. Aircraft hangar doors shall be sliding, overhead, or bi-fold doors, as appropriate for the size of aircraft hangar.
- 4.11.2. Doors shall be constructed of pre-finished aluminum or steel, in colors complementary to the rest of the structure. No wood, plastic, corrugated fiberglass, tin, or other unfinished materials may be used.
- 4.11.3. Pedestrian doors shall be in a number commensurate with local fire and building codes, depending on size of the structure. All pedestrian doors must be of pre-finished metal construction in metal jambs. No wood, plastic, corrugated fiberglass, tin, or other unfinished materials may be used.
- 4.11.4. Vehicle access doors shall be of overhead construction, in colors complementary to the rest of the structure.

**4.12. Drainage (and Grading)**

- 4.12.1. To establish compatible grading and drainage relationships between Improvements and adjacent land and to control drainage and erosion:
  - 4.12.1.1. A site plan indicating proposed grading and drainage (including drainage flow and contours/elevations), in conformance with SWPPP, must be submitted with the Development Plan and approved by the Authority in writing prior to construction.
  - 4.12.1.2. Any grades, berms, channels, and swales should be an integral part of the grading and paved surface design.
  - 4.12.1.3. Paved area grades shall not exceed two percent slope and shall not be less than one-half of one percent slope.

- 4.12.1.4. Drainage facilities and structures shall be designed to accommodate all storm water generated by the land for a minimum five-year return period.
- 4.12.2. Drainage shall not negatively impact adjacent land and/or Improvements and shall flow into natural or developed drainage.
- 4.12.3. The elevation of the land shall not be changed to materially affect the surface elevation or grade of surrounding land.
- 4.12.4. Drainage from roofs shall use gutters and downspouts and not create erosion or affect adjacent land and/or Improvements.

**4.13. *Erosion Prevention during Construction***

- 4.13.1. To prevent loss of soil by water and wind erosion and to prevent dust nuisance to adjacent development, practical combinations of the following technical principals should be used to provide effective erosion control.
  - 4.13.1.1. Expose smallest practical area of cleared land during construction.
  - 4.13.1.2. Provisions should be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development or construction.
  - 4.13.1.3. The permanent surfacing and landscaping should be installed as soon as practicable during construction activities.
  - 4.13.1.4. Temporary mulching should be used for imported fill subject to erosion during construction projects.
  - 4.13.1.5. Water down at frequent intervals all areas creating excessive dust.

**4.14. *Exterior Lighting***

- 4.14.1. To create a functional, pleasing, and coordinated relationship of lighting, signs, and plant material for aesthetics, security, and safety:
  - 4.14.1.1. A lighting plan describing the exterior illumination layout and fixture selection must be submitted with the Development Plan and approved by the Authority in writing prior to construction.
  - 4.14.1.2. Lights shall not be placed to cause glare or excessive light spillage on neighboring land or Improvements.
  - 4.14.1.3. All parking lot and driveway lighting should provide relatively uniform illumination. Accent illumination is recommended at key points such as entrances, exits, loading zones, and drives.
  - 4.14.1.4. Concealed light sources are recommended.
  - 4.14.1.5. Security light sources shall be kept in operation all night and shall illuminate the building exterior sufficiently for safety and security.
  - 4.14.1.6. All exterior lighting fixtures shall direct light rays downward.

**4.15. *Exterior Materials***

- 4.15.1. Exterior building material and color samples must be submitted with the Development Plan and approved by the Authority in writing prior to construction.
- 4.15.2. Exterior buildings materials can be masonry, brick, steel or E.I.F.S. Insulated metal panel exteriors are also acceptable; however, masonry, brick, or E.I.F.S. shall be integrated within building elevations. All exterior surfaces must be completed with a suitable finish which has been approved by the Airport Director or his designee.

- 4.15.3. Exterior building materials must be compatible with adjacent buildings or structures and shall not affect Aircraft operations. As a general rule, reflective glass and other materials will not be approved.
- 4.15.4. Building glazing shall not cause glare or reflections that will interfere with Airport operations or ground circulation.
- 4.15.5. The facades of all buildings and structures must always be kept in good repair and appearance.

**4.16. Exterior Storage**

- 4.16.1. To shield stored materials from public view:
  - 4.16.1.1. No articles, goods, materials, machinery, equipment, plants (except approved landscaping), animals or similar items should be stored or kept in the open, or exposed to public view, within the area between building setback line and line along the street.
  - 4.16.1.2. No outside storage or operations (other than Aircraft related) of any kind shall be permitted on any lot, unless such activity is visually screened from the street in a manner approved by the Authority. No outside storage shall extend above the top of such screening.
  - 4.16.1.3. Any article, goods, or material to be stored other than in an enclosed, covered building shall be enclosed either with an architectural screen fence at least six feet in height or landscaped planting or other as directed and approved by the Authority.
  - 4.16.1.4. No storage shed or peripheral buildings or structures other than the main building shall be permitted except during construction or as may be approved for special use.

**4.17. Fences and Buffers (chained link w/security barb wire (perimeter))**

- 4.17.1. To provide security and visual buffer of unsightly areas such as storage and parking areas:
  - 4.17.1.1. Screening fences and buffer areas shall be of a height at least equal to that of the material or equipment being stored.
  - 4.17.1.2. Fencing shall be of the same type and style as the existing perimeter fence.
  - 4.17.1.3. Fences must be maintained and accepted for good appearance.
  - 4.17.1.4. Fence shall not be permitted directly adjacent to Aircraft operations areas.
  - 4.17.1.5. Objects such as water towers, storage tanks, processing equipment, cooling towers, communications towers, vents, and other structures or equipment shall be architecturally compatible or effectively shielded from view from any street and shall be approved by the Authority in writing prior to construction.
- 4.17.2. Required fencing (buffers) shall be indicated in the Development Plan and approved by the Authority in writing prior to construction.
  - 4.17.2.1. Submittal shall include information such as location, gates, height, materials, color, and other design considerations.

**4.18. Fuel Storage Facilities**

- 4.18.1. Plans for fuel storage and installation shall be submitted to the Authority for approval prior to any installation.
  - 4.18.1.1. Submittal shall include information such as location, detailed schematics, and identification of environmental protection equipment.
  - 4.18.1.2. Location must be approved by the Authority.
- 4.18.2. All tanks and/or facilities must meet the requirements of the Uniform Fire Code, Article 24.

**4.19. Garbage Containers**

- 4.19.1. Exterior garbage containers and waste recycling containers shall be fenced and/or screened from view.

**4.20. Inspections**

- 4.20.1. Persons who are employees of the Authority or under contract may be assigned to inspect the construction site.
- 4.20.2. These persons may inspect and observe the Lessee's contractor's work to determine whether designs, materials used, manufacturing and construction processes and methods applied, and equipment, furnishings, fixtures, systems, and finishes installed satisfy the requirements of the approved plans, documents, and drawings (as submitted and approved in the Development Plan).
- 4.20.3. The Lessee's contractors shall permit these inspectors and all other governmental agency inspectors' unlimited access and provide the means of access to the construction site.
- 4.20.4. Such inspections shall not relieve Lessee's contractor of any of its obligations under its owner-contractor agreement.

**4.21. Landscaping**

- 4.21.1. Any portion of Leased Property that is not used for a building or structure or is not paved shall be landscaped according to a landscaping plan to be submitted with the Development Plan and approved by the Authority in writing prior to construction.
  - 4.21.1.1. Landscaping materials are to be installed within ninety (90) days of the date of occupancy of the building. Seasonal exemptions may be granted. If seasonal conditions do not permit planting, interim erosion control must be approved by the Authority.
  - 4.21.1.2. All landscaping must be maintained year-round and accepted for good appearance.
  - 4.21.1.3. The Lessee is responsible for landscape maintenance.
- 4.21.2. All areas with frontage shall be landscaped to provide effective screening of parking with berms and/or shrubbery.
  - 4.21.2.1. Berms and/or shrubbery will have a maximum height of three feet, as measured from the adjacent parking lot surface.
  - 4.21.2.2. Berm slopes must not exceed 2:1 with a three-foot-wide flat crown. Lessee shall provide shade trees per local code at parking lots.

- 4.21.3. Landscaping shall also be used, consistent with building and fire codes, to screen unsightly items such as above ground storage tanks, air conditioning units, and/or utility boxes.
- 4.21.4. Landscaping materials should be indigenous to the state of Montana and may include such items as trees, shrubs, hedges or bushes, and ground cover such as grass or landscaping rocks. Small landscaping rock will be permitted, provided it is not placed such that it will become a hazard to Aircraft or personnel near Aircraft. Decorative bark and seed or fruit bearing trees shall be prohibited. Landscape materials may not be placed in areas that promote the propagation of wildlife that may be deemed harmful to Airport operations.
- 4.21.5. All landscaped areas shall be irrigated by a permanent, underground irrigation system suitable for the type and amount of landscaping installed.
- 4.21.6. Landscaping materials shall be compatible with that of surrounding development and may not pose a hazard to aviation security or safety. All landscaping installed shall not, when fully grown, exceed 25 feet above ground level, or penetrate the Part 77 airspace surfaces as depicted on the Airport Airspace drawing, whichever is less.

**4.22. Loading and Service Areas**

- 4.22.1. To provide a functional and aesthetically pleasing method of handling loading and service areas and Vehicles:
  - 4.22.1.1. All loading and unloading of Vehicles should be conducted on each Leased Premises.
  - 4.22.1.2. Loading areas, loading docks, parking areas, and service areas should be planned so that one use does not interfere with another.
  - 4.22.1.3. No loading docks or service areas shall be visible from the street. Use of a landscape buffer is required (where possible).

**4.23. Maintenance**

- 4.23.1. In accordance with the Agreement and in order to ensure that all Improvements are maintained in a neat and orderly manner:
  - 4.23.1.1. Each Lessee shall maintain its buildings, landscaping, drives, parking lots, or other Improvements located upon the Leased Premises in good and sufficient repair and shall keep such premises painted, lawns mowed, landscape weeded, shrubbery trimmed, windows glazed, and otherwise maintain the Leased Premises and Improvements in an aesthetically pleasing and first-class manner.
  - 4.23.1.2. Any Improvements, planting, driveway, or parking lot that are damaged by the elements, by Vehicles, fire, or any other cause shall be repaired as promptly as the extent of damage will permit.
  - 4.23.1.3. Buildings that are vacant for any reason shall be kept locked, windows shall be glazed to prevent entrance by vandals, and maintenance shall continue as if occupied.
  - 4.23.1.4. Roads and pavements shall be kept true to line and grade and in good repair.
  - 4.23.1.5. Drainage gutters or basins shall be kept clean and free of any obstacles.
  - 4.23.1.6. Fences shall be maintained in good condition.
  - 4.23.1.7. Undeveloped areas for future use or expansion shall be maintained in a ground cover specified in the planting list and trimmed and mowed only as necessary to ensure a neat appearance. Irrigation of undeveloped areas is not required.

**4.24. Minimum Land Area**

4.24.1. No Improvement or structure of any type shall be erected, constructed, or placed on any land area that has less than the square footage identified in the Minimum Standards, unless approved by the Authority in writing prior to construction.

**4.25. Minimum Improvement Area**

4.25.1. No part or portion of any Improvement shall have less than the square footage identified in the Minimum Standards, unless approved by the Authority in writing prior to construction.

**4.26. Open Sided Structures**

4.26.1. All structures shall be fully enclosed. No open sided structures shall be permitted (except in the case of shade hangars).

**4.27. Parking**

4.27.1. To allow for safe and convenient movement of Vehicles and to provide as much as practical for landscaping within parking areas to soften visual impact, parking will be permitted only in designated parking areas, unless otherwise approved in writing by the Authority.

4.27.2. A parking area plan describing the parking layout must be submitted with the Development Plan and approved by the Authority in writing prior to construction.

**4.27.3. Materials**

4.27.3.1. All parking areas (and access roadways) shall be paved with asphalt or concrete to a strength sufficient to accommodate the heaviest expected usage.

**4.27.4. Number of Parking Stalls**

4.27.4.1. Parking areas shall be sufficient to park the Vehicles of all users of any Improvement and consistent with requirements set forth by the Minimum Standards and these Development Guidelines.

4.27.4.2. The minimum number of parking spaces shall be dependent upon the use (commercial/private) and location of the Leased Premises.

4.27.4.3. Parking requirements will be reviewed by the Authority on a case-by-case basis dependent upon the factors noted herein.

**4.27.5. Minimum Parking Stall Dimensions**

<b>Parking Angle</b>	<b>Stall Width</b>	<b>Stall Length</b>	<b>Aisle Width</b>
90	Full Size Auto – 9’-0” Compact Auto – 8’-0”	Full Size Auto – 19’-0” Compact Auto – 17’-0”	25’-0” (2 way)
Parallel	Full Size Auto – 15’-0” Compact Auto – 14’-0”	Full Size Auto – 23’-0” Compact Auto – 21’-0”	20’-0” (2 way)
45	Full Size Auto – 9’-0” Compact Auto – 8’-0”	Full Size Auto – 20’-0” Compact Auto – 18’-0”	16’-0” (1 way)
60	Full Size Auto – 9’-0” Compact Auto – 8’-0”	Full Size Auto – 22’-0” Compact Auto – 20’-0”	15’-0” (1 way)
Handicap	12’-0”	18’-0”	25’-0” (2 way)

4.27.5.1. The stall width shall be measured perpendicular to the direction of the stall and the stall length measured perpendicular to the direction of the aisle. Where there is a common driveway aisle, the Lessee will be required to lease and construct one-half of the aisles.

4.27.6. Parking Ratios

- 4.27.6.1. Ratio of full-size spaces to compact spaces = 60% full size and 40% compact.
- 4.27.6.2. Handicapped parking spaces shall be provided as follows

<i>Number of Parking Spaces Provided</i>	<i>Number of Handicapped Spaces Required</i>
1 –24	0
25-74	1
75-99	2
100-199	3
200-299	4
300-399	5
400 and above	6 plus 1 for each 200 additional parking spaces provided.

- 4.27.6.3. Each handicapped space shall be designated by a sign showing the international disabled symbol of a wheelchair. Each sign shall be no smaller than one foot by one foot and shall be located at the end of the space at a height no greater than four feet. The sign may either be wall mounted or freestanding. Handicapped spaces shall be located so as to provide convenient access to a primary accessible building entrance unobstructed by curbs or other obstacles to wheelchairs.

4.27.7. Other

- 4.27.7.1. Landscaping islands should be provided at intervals of 10 parking spaces.
- 4.27.7.2. A poured-in-place concrete curb shall be provided at the perimeter of planted areas within parking lots to prevent vehicular intrusion. Curbs should be continuous.
- 4.27.7.3. An access driveway (20 feet wide minimum) shall be provided and maintained between each automobile parking area and the street and between parking areas.
- 4.27.7.4. All parking spaces must be designated by painted lines or other approved methods.
- 4.27.7.5. The perimeter of lots shall have concrete curb and gutter.

**4.28. Protection of Property and Work in Progress**

- 4.28.1. The Lessee and Lessee’s contractor shall take all reasonable precautions for the safety of, and shall provide all reasonable protection to prevent damage, injury, or loss to:
  - 4.28.1.1. All the work and all materials, equipment, systems, fixtures, and furnishings to be incorporated therein, whether in storage on or off the construction site, under the care, custody, or control of the contractor, subcontractors, subordinate subcontractors of any tier, or suppliers; and
  - 4.28.1.2. Other property at the construction site or adjacent thereto, including but without limitation, lawns, walks, pavements, roadways, structures, and utilities not designated for removal, relocation, or replacement during construction.

- 4.28.2. If any of Lessee’s contractors destroy or damage any real or personal Property, public or

private, Lessee's contractor shall promptly repair or replace such Property before the Authority will issue a letter of occupancy to the Lessee.

**4.29. Residence**

4.29.1. No building or structure shall be used as a place of residence. However, short-term use of dayrooms by pilots shall be allowed.

**4.30. Safety**

4.30.1. The Lessee's contractor is responsible for the health and safety of its employees, agents, subcontractors, subordinate contractors, suppliers, materialmen, and other persons on the construction site. The Lessee's contractor shall take all necessary and reasonable precautions and actions to protect all such persons from injury, damage, or loss.

4.30.2. Such actions shall include, but without limitation, compliance with all the applicable federal, state, and local occupational health and safety Regulatory Measures.

**4.31. Setbacks**

4.31.1. To provide sufficient space between buildings and streets to ensure adequate light, privacy, and sound control for Lessee and to allow for landscaping and functional uses (including emergency vehicle access, adequate parking and access, and aircraft clearance), the following setbacks have been established:

4.31.2. Minimum Building Setback Requirements from:

4.31.2.1. Front (landside): 20 feet, minimum, from edge of structure to lot line.  
Where the property abuts a taxiway, the minimum setback shall not include the taxiway.

4.31.2.2. Back (airside): setback on the aircraft side shall be based on the largest aircraft permitted in the area (as outlined on the Airport Layout Plan), plus a minimum of 5 feet.

4.31.2.3. Sides: 5 feet, minimum, from edge of structure to lot line, or as specified by Fire Code.

4.31.2.4. Structures located on the south side of streets or highways may be required to provide additional building setbacks, depending on structure height, to allow necessary snow and ice melt from adjacent streets and sidewalks.

4.31.3. Parking Area Setback Requirements from:

4.31.3.1. Street right-of-way: 10 feet landscaped and bermed (where possible), except that portion used for pedestrian access and access driveways, as required.

4.31.3.2. Side Lot Line: 5 feet (not applicable if adjacent lots have a contiguous parking area)

4.31.3.3. Buildings: 5 feet sidewalk or landscaped area.

4.31.4. Utility Transformer or Meter Setback Requirements from:

4.31.4.1. Street right-of-way: 5 feet

4.31.4.2. Side Lot Line:

4.31.4.2.1. No apron – 10 feet

4.31.4.2.2. With apron – 40 feet

4.31.5. No part or portion of any building shall be erected, constructed, or extended nearer than a distance from Aircraft movement areas as shown in Exhibit B.

The Authority will determine for Lessee any setback distances required from any Taxi Lane or Apron edge, said setbacks to be uniformly established.

4.31.6. Different setbacks may be required based upon several factors such as lot size, structure use, aircraft size, specific location on the Airport and surrounding non-compatible development (i.e., fuel storage facility).

4.32. *Signage*

- 4.32.1. These criteria are provided to provide suitable graphics for business identification; communicate information in a straightforward and aesthetically pleasing manner; and establish a compatible relationship between sign structures and the natural environment and the overall design character of a lot. The signage portion of these Development Guidelines is intended to achieve a compatible balance of good taste, adequate business identification, uniformity, and individual image, while at the same time improving the safety and efficiency of pedestrian and vehicular traffic. Only the general parameters are addressed.
- 4.32.1.1. A lighting plan describing the exterior illumination layout and fixture selection must be submitted with the Development Plan and approved by the Authority in writing prior to construction.
- 4.32.2. A signage plan must be submitted with the Development Plan and approved by the Authority in writing prior to construction.
- 4.32.3. General
- 4.32.3.1. Streetside identification signs shall be an approximate 4:1 horizontal rectangle and not exceed 6.5 square feet. Minimum setback from back of the curb is three feet, and the top of the sign shall not exceed six feet from the top of the curb.
- 4.32.3.2. No signs shall exceed 50 square feet per face for ground signs and 200 square feet in area for wall identification.
- 4.32.3.3. No signs shall be located closer than three feet to any lot line.
- 4.32.3.4. Wall signs shall not comprise more than five percent of the area of the elevation upon which the sign is located. Wall signs shall be fixture signs; signs painted directly on the surface of the wall or projection more than 12 inches shall not be permitted.
- 4.32.3.5. Wood-painted signs shall not be permitted.
- 4.32.3.6. No more than three directional signs, (or as approved by the Authority in cases of large lots) will be permitted on any lot at any one time. Directional signs can be used to give directions to traffic or pedestrians or give special instructions.
- 4.32.3.7. Identification signs are restricted to advertising only the Lessee located on the lot.

4.32.4. Business Signs

- 4.32.4.1. FBOs, by virtue of their airside activity, will be allowed to advertise the brand of fuel product they sell, as well as their business name. These signs may be double faced. Existing airside signs are approved as constructed. FBOs shall request in writing any changes or revisions to their airside signs, and the Authority will review and approve on an individual basis. The Authority will strive to promote equity, while at the same time maintaining the integrity of the sign code.
- 4.32.4.2. Individual businesses other than FBOs who deal primarily with transient aircraft and/or infrequent visitors to the Airport may have an identification sign on the sides of their buildings, or a free-standing sign located in the landscaped areas between the aircraft/auto parking and the building. Free-standing signs will not exceed 4' x 8', with the top of sign no higher than six feet from the ground. Logo type signs will not exceed 32 square feet. Individual letters will not exceed two feet in height. Signs may be lit either internally or by external lights, but in no case will they interfere with aircraft operation and/or control.
- 4.32.4.3. Entire buildings may have an identification sign located in the landscaped area between the parking area and the building. These signs shall not exceed 4' x 8' (6' x 8" with base) nor be more than six feet high. Decorative logos may also be included in the entrance way décor.
- 4.32.4.4. Lessees (or Sublessees) who utilize an entrance other than the main entrance to a building may have a business identification sign, not to exceed six square feet either on or adjacent to their entrance door.
- 4.32.4.5. Lessees (or Sublessees) who have an entire office hangar within a building may have a business identification sign either on the door, adjacent to the door in the entrance way, the closest window, or on the wall between the window and the entrance way. The specific shape and size of the sign will be determined at the time of individual request, but in no case will the sign exceed 12 square feet or extend higher than the entrance door. Only the sign on the wall may be lit internally. Indirect lighting may also be used.

4.32.5. Building Directory Signs

- 4.32.5.1. Building Directory Signs shall be located inside the entrance door. The menu board style directory is recommended, but the specific style is left to the discretion of the building owner.

4.32.6. Parking Signs

- 4.32.6.1. Directional signs to parking areas will be in accordance with these Development Guidelines. Individual, visitor, and handicap spaces may be identified by a standard sign, with the top not to exceed four feet above ground. Wherever possible, No Parking Zones should be denoted by a yellow painted curb and/or a no parking sign.

4.32.7. Address Signs

- 4.32.7.1. All individual addresses may have street numbers (and street name) in the close proximity of the main entrance. Numbers (and street names) should contrast with the background and be four to seven inches high.

- 4.32.8. Temporary Signage
  - 4.32.8.1. Temporary signage may be approved by the Authority in specific cases. Applicants shall request such signage in writing and provide a sketch of the sign, location map, and desired time frame (in no case shall exceed 90days). All Authority approvals will be in writing.
- 4.32.9. Project Identification Signs
  - 4.32.9.1. Project identification signs may be installed during construction, and up to 30 days following issuance of the certificate of occupancy. Signage is limited to the side of the construction office plus one free-standing sign notto exceed 4'x8' and maximum of six feet high. Signs may include leasing information, except for prices.
- 4.32.10. Miscellaneous Signs
  - 4.32.10.1. Miscellaneous signage not included in these Development Guidelines shall be approved by the Authority, on an individual basis, in writing.
- 4.32.11. Vacated Property
  - 4.32.11.1. Signs pertaining to activities or occupants no longer using the property are to be removed within 30 days of vacating the property. After that time, the Authority may remove the sign.
- 4.32.12. Hangar/Office Building Development Signs
  - 4.32.12.1. One sign attached to the hangar/office building facing the aircraft movement area and one sign attached to the hangar/office building facing the parking lot. Said signs shall not individually be more than 5% of the building elevation square footage on which the sign will be adhered, and atno time shall each be more than 200 square feet in area. Said sign shall be back lighted, or otherwise illuminated, and shall be positioned not to create a glare which could distract a pilot. Sign location, size, colors, materials, and text shall be submitted with development plan.
- 4.32.13. Prohibited Signs
  - 4.32.13.1. Neon signage, either on exterior building walls, in windows, or locatedinside the building so that it can be seen from the street.
  - 4.32.13.2. Moving or flashing signs or lights.
  - 4.32.13.3. Rooftop signs.
  - 4.32.13.4. Electronic message boards used for advertising.
  - 4.32.13.5. Any sign not considered by the Authority to be in good taste.
  - 4.32.13.6. Signs not maintained in an acceptable manner.

**4.33. Structure**

- 4.33.1. The building structure shall be masonry, concrete, or steel frame bearing construction. Wood frame structures may be allowed at the discretion of the Airport Director only if high quality materials are used.

**4.34. Utilities**

- 4.34.1. A utilities plan identifying all utilities must be submitted with the Development Plan and approved by the Authority in writing prior to construction.
- 4.34.2. All utility improvements shall conform to the appropriate agency requirements. The Lessee is responsible for the maintenance of all utility lines to their facility, and for keeping all shutoff accessible for immediate use.

- 4.34.3. To provide for the construction and maintenance of necessary utilities serving developed areas, Lessee shall:
  - 4.34.3.1. Provide utility easements as required.
  - 4.34.3.2. Install all utility lines underground. No pipe, conduit, cable, line for water, gas, sewage, drainage, steam, electricity, or any other energy or service shall be installed or maintained upon any lot (outside of any building) above the surface of the ground, except for hoses, movable pipes use for irrigation or other purposes during construction, or transformers.
  - 4.34.3.3. Co-locate transformers with utility meters where possible and screen with vegetation.
- 4.34.4. Lessee or Lessee's contractor shall apply for and pay for all utility meters required for its Leased Premises.
- 4.34.5. Utility costs and charges for any services and meters (including temporary service) on the Premises shall be the sole responsibility of the Lessee from the date of Notice to Proceed.
- 4.34.6. Extension of utilities to proposed facilities shall be the responsibility of Lessee.
- 4.34.7. Lessee or Lessee's contractor will be responsible for returning any areas disturbed by excavation as a result of utility installation to their original condition.

**4.35. Pedestrian Circulation**

- 4.35.1. To allow for safe and convenient movement of pedestrians throughout the lot and improvements:
  - 4.35.1.1. Sidewalk – four-foot minimum width
  - 4.35.1.2. Provide convenient pedestrian access from all parking areas to building entrances.
  - 4.35.1.3. All pedestrian sidewalks shall be constructed of Portland cement concrete. Bituminous asphalt, dirt, and gravel walks shall be prohibited.
  - 4.35.1.4. Pedestrian access to buildings, structures, and sites shall be designed in accordance with the American with Disabilities Act.

## 5. PROCEDURES FOR APPROVAL

### 5.1. *Procedural Guidelines*

#### 5.1.1. Pre-Submittal Meeting

- 5.1.1.1. Applicants are required to schedule a pre-submittal meeting with the Airport Director. This meeting gives the applicant an opportunity to present their idea and to discuss available land (if any) and their designated land use. This also gives the applicant valuable general comments on the feasibility of the idea and an opportunity to identify any potential problems associated with it. The applicant will then be directed to contact all utilities pertaining to the proposed development to obtain written assurances that the provider has the ability to serve the entire development or that the land is included in the service district boundaries. A Land Development Application will be given to the applicant at this point.

#### 5.1.2. Concept Plan

- 5.1.2.1. Following pre-submittal discussions, the Concept Plan should be submitted to the Authority for placement on the Authority's agenda at a scheduled meeting. During this meeting, the applicant will be required to submit a completed Land Development Application together with the appropriate application fee(s). Applicants must contact the Authority for current fee schedules.
- 5.1.2.2. This meeting will give the Authority members an opportunity to review the Concept Plan and address any questions or concerns with the applicant and Airport staff members. The following items will be required prior to any consideration of the Concept Plan by the Authority, 10 copies of which must be received not later than two weeks prior to the date of the scheduled meeting so that the Airport staff has sufficient time to review the Concept Plan and address with the applicant any changes which may be necessary prior to placing the proposal on the Authority's meeting agenda.
- 5.1.2.3. Written narrative describing the proposed development to include:
  - 5.1.2.3.1. Proposed use.
  - 5.1.2.3.2. Number of structures, gross, and net density.
  - 5.1.2.3.3. Type of structure(s), approximate size(s) of unit(s), and approximate maximum height of building(s) in feet; and
  - 5.1.2.3.4. Amount and function of proposed open space, whether public or private
- 5.1.2.4. Plan drawings which include the following minimum information:
  - 5.1.2.4.1. Title or name of the development above the term "Concept Plan".
  - 5.1.2.4.2. Vicinity map, scale, north arrow, and date of preparation.
  - 5.1.2.4.3. Location and legal description of lot.
  - 5.1.2.4.4. Total area of open space.
  - 5.1.2.4.5. Location and proposed use(s) of building areas to include ranges of dimensions and square footage.
  - 5.1.2.4.6. Location and dimensions of required building and landscaping setbacks as described within these Development Guidelines.
  - 5.1.2.4.7. Parking area(s), verifiable based upon building square footage.
  - 5.1.2.4.8. Designation and classification of any right of way, turning or acceleration and/or deceleration lanes, areas to be vacated, access points, etc. that are required.
  - 5.1.2.4.9. Topographic map depicting existing and proposed contours;
  - 5.1.2.4.10. Utilities plan depicting existing and proposed locations.
  - 5.1.2.4.11. Internal site circulation and designation of public and private streets.
  - 5.1.2.4.12. Proposed timetable for development plan

## PROCEDURES FOR APPROVAL

- 5.1.2.5. Letters from appropriate utilities (i.e., electric, gas, water and sewer, and fire district).
- 5.1.2.6. The applicant or their designated representative will be required to attend the scheduled meeting of the Authority to present the Concept Plan.
- 5.1.3. Development Plan
  - 5.1.3.1. Following the approval of the Concept Plan by the Authority, the Development Plan should be submitted to the Authority for placement on the Authority's agenda at a scheduled meeting. The function of the Development Plan is to fully define the proposed land use and its location, maximum height of structure(s), minimum building setbacks and signage criteria. The Development Plan also proposes and approves the function, right(s)-of-way, and widths of roads within and adjacent to the project area. This outlines the plan and the location, type and extent of access onto Airport roads and the necessary traffic controls (if any) for the development's access points.
  - 5.1.3.2. Concurrent with consideration of the Development Plan, the applicant must enter into an Agreement with the Authority for the proposed Leased Premises. If a Sublessee of an existing Lessee is making the development, then the Authority must issue a Consent to Sublease. These approvals may occur at the same Authority meeting. Under no circumstances shall construction occur prior to entering into an approved Agreement or receiving a Consent to Sublease.
  - 5.1.3.3. Development Plan submittal packets must be received within a minimum of 45 days prior to the Authority's meeting where the applicant's proposal will be heard.
  - 5.1.3.4. To be considered complete and to be accepted by the Authority, the Development Plan submittal must include all the items listed below or waiver requests for required items listed herein. The Authority will not accept incomplete submittals. All the items should be organized into 10 individual packets in order to facilitate the process of forwarding the application to the appropriate referral agencies.
    - 5.1.3.4.1. Letter of Intent: This letter fully describes the request, anticipated construction schedules and/or phasing plans, and history of the parcel or project. This letter shall give specific details of all aspects of the parcel's development, both past and future.
    - 5.1.3.4.2. Letter from Water and Sewer Providers: Based upon written notification to the providers(s) from the applicant of their intent to develop a parcel which includes an estimated total number of gallons per day of water requirements and an estimated number of gallons per day of sewage to be treated, both based upon total building square footage and use, letter(s) from the proposed water and/or sewer providers shall include (1) proof that the provider has the ability to serve the full development according to requirements outlined by the applicant, or (2) proof of inclusion in the service district boundaries.
    - 5.1.3.4.3. In the case of a proposal for utilization of individual wells and/or septic tanks, the Letter of Intent should clearly state that wells are proposed. The Authority will refer the entire submittal to the appropriate agency for their opinion on the adequacy of the proposal.
    - 5.1.3.4.4. Letter from Fire District: This letter states the impacts to the district caused by the development and the district's capabilities of servicing the development.
    - 5.1.3.4.5. Traffic Impact Study: A waiver may be granted for those projects that have little or no traffic impact.
    - 5.1.3.4.6. Phase III Drainage Report: The Phase III Drainage Report covers the site area only and shows the impact to regional facilities.
    - 5.1.3.4.7. NOTE: Please note that all parcels located within areas served by an airport regional detention pond will be subject to a pro rata fee for construction and maintenance of the detention facility.
    - 5.1.3.4.8. Folded Prints of Development Plan: See "Plan Map Requirements" below.

## PROCEDURES FOR APPROVAL

- Prints shall be folded to fit into a 9" x12" envelope.
- 5.1.3.4.9. Folded Construction Drawings: See "Construction Drawing Requirements" below. Prints shall be folded to fit into a 9" x12" envelope.
  - 5.1.3.4.10. Waiver Request letter: This letter, which requests a waiver to the submittal process, should include each item for which waiver is requested and a detailed justification of the request. This is separate letter and should not be substituted for or combined with the Letter of Intent.
  - 5.1.3.4.11. Review Fee: Checks should be made payable to the Missoula County Airport Authority for the total amount of required fees. Contact the Authority for current fee schedules.
  - 5.1.3.4.12. Lease Agreement
  - 5.1.3.4.13. Completed FAA Form 7460-1, if required.
- 5.1.3.5. Plan Map Requirements
- 5.1.3.5.1. The Development Plan shall be prepared on 24" x 36" blue line and shall contain the following completed drawings:
    - 5.1.3.5.2. Cover: Project name, date of drawing, appropriate scale (1" = 2,000' preferred), vicinity map with north arrow facing top of page, and an emphasis on the major roadway network within one mile of the proposed site.
    - 5.1.3.5.3. Site Plan: Building outline, setbacks, parking areas and ratios, curb cuts, land and building use with square footage, distances between structures, maximum building heights, existing and proposed right(s)-of-way widths for all existing/proposed internal and external roadways, existing and proposed public and/or private roadways and their conceptual points of access to adjacent and/or external roadways, unobstructed open space, and utility locations.
    - 5.1.3.5.4. Landscape Plan: Location, maximum dimensions and detailed description of fences, walls, planters, screens, building, or other materials used, plant materials and any other landscaping features as well as grassed areas (include type), planting schedule, lighting and signage, proposed criteria for signage types, locations and maximum dimensions, if known, of all proposed signs, building finish.
    - 5.1.3.5.5. Grading Plan: Existing contours (dashed) to 100 feet outside property line; proposed contours (solid) tied to existing; finish floor elevations; building heights, drainage and storm detention facilities.
    - 5.1.3.5.6. Erosion Control Plan
    - 5.1.3.5.7. Signage Plan: Including size, color, materials, and construction details.
    - 5.1.3.5.8. Elevations: Referenced to the Airport benchmark, and lot corners located by the Airport station and offset.
    - 5.1.3.5.9. Owner(s) of Record signature block
    - 5.1.3.5.10. Signature Block for Authority Chairman on Mylar.
- 5.1.3.6. Construction Drawing Requirements:
- 5.1.3.6.1. The final construction drawings shall be prepared on 24" x 36" blue line.
  - 5.1.3.6.2. All plans will be subject to review and approval by the appropriate agencies.
- 5.1.3.7. The Authority may impose any condition or requirement deemed necessary to protect the health, safety, and welfare of the public; to prevent a nuisance or hazard to property; and to ensure proper completion of the project. The Authority shall approve, with or without conditions, approve contingent upon minor revision(s), deny the application, or defer action on the application to a future meeting pending completion of major revision(s) required for approval of the Development Plan.
- 5.1.3.8. Following approval of the Development Plan and prior to application to the Building

## PROCEDURES FOR APPROVAL

Permit Department for any building permit, the applicant shall deliver to the Authority:

- 5.1.3.8.1. One set of final construction drawings, signed by a registered architect or professional engineer and
- 5.1.3.8.2. One complete plan map set prepared on Mylar for signature by the Chairperson of the Authority
- 5.1.4. Requirements of the Federal Aviation Administration
  - 5.1.4.1. General
    - 5.1.4.1.1. Since any planned development at the Airport is on property purchased in part with a Federal grant, the airport must notify the FAA regarding any such planned development. FAA form 7460-1 is the official notification to the FAA of the proposed construction or alteration and the applicant should review the copy included in these Development Guidelines and be ready to provide the information on or about the time submittal is made to the Authority for final approval of the Development Plan.
  - 5.1.4.2. Non-Aeronautical Uses
    - 5.1.4.2.1. FAA approval may be required for projects that would not be considered “aeronautical uses” in accordance with Grant Assurances the Airport agreed to as a condition of accepting Federal grants-in-aid.
  - 5.1.4.3. Possible Obstructions in the Navigable Airspace
    - 5.1.4.3.1. Part 77 of the FARs establishes the maximum allowable heights of objects on or in the vicinity of airports. It does this by the definition of “imaginary surface” which, if penetrated by an object, would be considered an obstruction. Any planned development that would penetrate the part 77 imaginary surfaces would most likely not have the backing of the FAA, and it is likely that the Airport would not pursue the project.
  - 5.1.4.4. Notice of Proposed Construction or Alteration
    - 5.1.4.4.1. Once the Development Plan has the support of the Airport, FAA Form 7460-1, Notice of Proposed Construction or Alteration (a non-negotiable example is provided in these Development Guidelines), is submitted to the FAA by the Airport. This form provides the FAA with specific information regarding the project including the nature of the proposal, the description of the structure(s), the location of the structure(s), and the height and elevation to the nearest foot of both the site and the structure(s).
- 5.1.5. Notice
  - 5.1.5.1. Prior to considering any Development Plan, public notice will have been given by posting notice of the Development Plan at least 15 days prior to the date of the scheduled Authority meeting so that interested members of the public and adjoining/nearby property owners and/or Airport tenants may attend.
  - 5.1.5.2. The applicant or their designated representative will be required to attend the scheduled meeting of the Authority to present the Development Plan.
  - 5.1.5.3. The Development Plan process is the vehicle that grants any final approval or rights to items discussed in this section.
- 5.1.6. Development Review Checklist
  - 5.1.6.1. To be utilized throughout development to help ensure compliance with these requirements.
  - 5.1.6.2. City of Missoula contact information and additional development guides can be found in Attachment.

**Development Review Checklist**

- Please confirm that an FAA form 7460 (Notice of Proposed Construction or Alteration) has been approved by the FAA .
- Lessee will be responsible for a Categorical Exclusion (CatEx) study.
- Provide a copy of both architectural and civil plans to MCAA. This should include all exterior surface materials.
- Provide contact information for: Owner, Contractor, Project Manager or Supervisor, and any other key person involved in the construction.
- If construction crew(s) require badging, Lessee is responsible for this expense. Lessee must be familiar with and willing to comply with the duties and responsibilities of a signatory under the badging protocol.
- Provide a copy of the Contractor's Construction Phasing and Safety Plan. This should include provisions for site security, dust and garbage control, traffic control, use of obstruction lights or flags for cranes, schedule of safety meetings, etc. If your contractor needs an example of how to produce this document, please let us know.
- Provide a lighting plan for all exterior spaces. If pack lighting is to be used on the building to illuminate the ramp, the Airport will require reflectors on the edges of the ramp. Any light poles installed on the property will need a minimum of 2 obstruction lights.
- Prior to groundbreaking, Airport will conduct a safety briefing to explain the unique nature of construction activities on Airport property.
- The Prime Contractor or Lessee must be on site any time there is work being done on site.
- Lessee is responsible for keeping the air operations area (AOA) clear of foreign object debris (FOD) caused by activity on the Leased Premises and maintaining the site to minimize FOD impacts to the AOA. MCAA shall be the sole judge of the cleanliness of the site and impacts to the AOA. Any violations must be addressed immediately or MCAA may perform the necessary work.
- If MCAA personnel and/or equipment are used for clean up or to fulfill requirements not followed by Prime Contractor or Lessee, a minimum fee of \$250 will be charged to Lessee for the first hour and \$100 per hour thereafter. All charges thus incurred are due and payable within ten days. Failure to pay such charges when due will be grounds to terminate access to the AOA.

## PROCEDURES FOR APPROVAL

- Lessee will be responsible for any fees levied by the City of Missoula, Missoula County or the State of Montana including but not limited to any permit fees, fines, utility connections fees, or licensing/inspection fees.
- Lessee will be responsible for providing a water meter during construction and reading beginning and ending meter readings, then report these to Airport Administration for billing. Lessee is also responsible for providing a permanent water meter accessible by the Airport for ongoing billing purposes.
- Lessee may be liable to repair any damage to any property owned by the airport and adversely impacted during the construction of this facility. This may include but is not limited to roadways, infield areas, etc.
- Lessee will be responsible for providing “As-Built” plans of project after completion of construction. Include the size and location of any underground utilities installed.
- Lessee will be responsible for a final survey to determine the lot size and location at the end of construction.
- Lessee will be responsible for a review of and compliance with the Airport’s SWPPP (Storm Water Pollution Prevention Plan) at the completion of construction.

## 6. PROSECUTION OF WORK

### 6.1. *Construction*

- 6.1.1. Submit application, construction drawings and signed plan map set to the Building Permit Department for building permit review and approval.
- 6.1.2. Submit application, construction drawings, and signed plan map set to the Fire District for review and approval.
- 6.1.3. Prior to the start of construction, the Authority will arrange a pre-construction meeting with the applicant and contractor to review Airport safety requirements, operational restrictions, and coordination procedures.
- 6.1.4. Within 30 days of project completion, the applicant shall submit reproducible Mylar as-built drawings (and all available CADD files) of all improvements, including underground utilities either constructed or found in place. Vertical and horizontal locations shall be referenced to the Airport benchmark and station/offset system. The as-built drawings are to be signed by a Montana Registered Professional Engineer or Registered Land Surveyor.

### 6.2. *Permits and Licenses*

- 6.2.1. The Lessee, Lessee's contractor, subcontractors, and suppliers (of any tier) shall obtain and pay for all required permits, licenses, and certificates.
- 6.2.2. The Lessee, Lessee's contractor, subcontractors, and suppliers shall obtain all permits, approvals, and development agreements required by the City.
- 6.2.3. Charges for permits, approvals, tap fees, and development agreements required by the City (or other governmental Agency) will be at Lessee's expense.
- 6.2.4. No building shall be undertaken without receiving a building permit from the City of Missoula.

### 6.3. *Contractors' Bonds*

- 6.3.1. Contractors Bond
  - 6.3.1.1. Prior to the issuance of Notice to Proceed, the Lessee's contractor shall deliver to the Authority and maintain in effect throughout the period of construction, a construction Performance Bond and a Labor and Material Payment Bond each in a sum not less than 100% of the construction contract amount.
  - 6.3.1.2. Said bonds shall guarantee prompt and faithful performance of the said contract and prompt payment by the Lessee's contractor to all persons supplying labor, materials, team hire, sustenance, provisions, provender, supplies, rental machinery, tools and equipment used directly or indirectly by said contractor, subcontractor, and suppliers in the prosecution of the Work provided for in said owner-contractor agreement and shall protect the commission from any liability, losses, or damages therefrom.
  - 6.3.1.3. The Payment Bond and the Performance Bond shall name the Lessee as the Obligee with the Authority being name on the Dual Obligee Rider.
- 6.3.2. Tenant Payment Bond
  - 6.3.2.1. Prior to the issuance of Notice to Proceed, the Lessee shall provide the Authority with a Payment Bond in a sum not less than 100% of the construction contract amount. Said Payment Bond shall guarantee prompt and faithful payment for work performed under the said Lessee-contractor agreement by the Lessee directly to the Lessee's contractor.

- 6.3.3. Surety Company's Financial Rating Requirement
  - 6.3.3.1. All bonds shall be issued by a surety company licensed to transact business in the State of Montana and satisfactory to and approved by the Authority. If a bond is executed by an attorney-in-fact of surety, a power of attorney must be attached to the bond.
  - 6.3.3.2. The surety company must have a rating with the United States Treasury Department of an A-VIII Financial Rating or above.

**6.4. Insurance**

- 6.4.1. Contractor or Tenant, at its sole cost and expense, will obtain and maintain in full force during the term of the construction the following insurance:
  - 6.4.1.1. Commercial General Liability "occurrence" coverage in the minimum amount of \$1,000,000 combined single limit (CSL) bodily injury & property damage each occurrence and \$2,000,000 aggregate, including personal injury, broad form property damage, products/completed operations, explosion, collapse, underground, broad form blanket contractual and \$100,000 fire legal liability.
  - 6.4.1.2. Commercial Automobile Liability coverage in the minimum amount of \$1,000,000 CSL bodily injury & property damage, including owned, non-owned and hired automobiles.
  - 6.4.1.3. Personal Automobile Liability coverage, in the amounts of \$250,000 per Person and \$500,000 each Accident Bodily Injury and \$100,000 each Accident Property Damage for each vehicle to be operated in association with this contract that is not insured under Commercial Automobile Liability.
  - 6.4.1.4. Workers' Compensation (WC) coverage, in full compliance with Montana statutory requirements, for all employees and Employer's Liability in the minimum amount of \$1,000,000.
  - 6.4.1.5. Professional Liability (Errors & Omissions) Engineers & Architects coverage in the minimum amount of \$500,000 each occurrence and \$1,000,000 aggregate.
  - 6.4.1.6. Property Coverage: Course of Construction (Builders Risk) Insurance covering all materials and equipment at the job site, with limits of not less than one hundred percent (100%) of the total estimated cost of construction, against all perils including flood, until the project is accepted as completed by the Authority. Should the work being constructed be damaged by fire or any other causes except earthquake during construction, contractor shall replace it in accordance with the requirements of the plans and specifications without additional expense to the Authority.
- 6.4.2. All insurance required shall be issued by a company or companies authorized to transact business in the State of Montana which have a BEST rating of B+ VII or higher.
- 6.4.3. All insurance required will be primary coverage as respects Authority and any insurance or self-insurance maintained by the Authority will be excess of contractor's insurance coverage and will not contribute to it.
- 6.4.4. The Authority is to be notified immediately if any aggregate insurance limit is exceeded. Additional coverage must be purchased to meet requirements.
- 6.4.5. The Missoula County Airport Authority (individually and collectively), representatives, officers, officials, employees, agents, and volunteers are to be

named as Additional Insureds as respects work done by contractor on all policies required (except Workers' Compensation).

- 6.4.6. Contractor agrees to waive all rights of subrogation against the Missoula County Airport Authority (individually and collectively), representatives, officers, officials, employees, agents, and volunteers for losses arising directly or indirectly from the activities and/or work performed by contractor (applies only to Commercial General Liability and Workers' Compensation).
- 6.4.7. Policies will not be canceled, non-renewed or reduced in scope of coverage until after sixty (60) days written notice has been given to the Authority.
- 6.4.8. Contractor agrees to provide the Authority with the following insured documents on or before the start of construction:
  - 6.4.8.1. Certificates of Insurance for all required coverages
  - 6.4.8.2. Additional Insured endorsements
  - 6.4.8.3. Waiver of Subrogation endorsements (A.K.A.: Waiver of Transfer Rights of Recovery Against Others, Waiver of Our Right to Recover from Others)
  - 6.4.8.4. 60 Days' Notice Cancellation Clause endorsements
- 6.4.9. It is the responsibility of the contractor to confirm that any and all subcontractors that contractor may use comply with all terms and conditions of the Insurance Provisions.
- 6.4.10. Insurance coverage in the minimum amounts set forth herein shall not be construed to relieve the contractor of liability in excess of such coverage, nor shall it preclude Authority from taking such other actions as are available to it under the law.
- 6.4.11. Claims Made Insurance: If the Professional Liability coverage is "claims made", contractor must, for a period of three (3) years after the date when contract is terminated, completed, or non-renewed, maintain insurance with a retroactive date that is on or before the start date of contract services or purchase an extended reporting period endorsement (tail coverage).
- 6.4.12. Contamination and Pollution: contractor, solely at its own cost and expenses, will provide clean-up of an premises, property or natural resources contaminated or polluted due to contractor activities. Any fines, penalties, punitive or exemplary damages assigned due to contaminating or polluting activities of the contractor will be borne entirely by the contractor.

## 6.5. Survey Requirement

- 6.5.1. After completion of construction, MCAA shall re-survey the Leased Property to account for changes in boundaries and any other changes to the Leased Property. Lessee shall be responsible for the cost of the survey and shall pay the invoice for such cost within 30 days of receipt. The new survey shall replace the current lease exhibit. The amended square foot charges, if any, shall take effect on the first day of the month following completion of the survey.



**DEVELOPMENT SERVICES**

435 RYMAN | MISSOULA, MT 59802-4297 | 406.552.6630 | FAX 406.552.6053

April 12, 2019

MISSOULA COUNTY AIRPORT AUTHORITY  
5225 US HIGHWAY 10 W  
MISSOULA MT 59808-9385

RECEIVED  
APR 16 2019

Welcome to the City of Missoula,

Following the recent annexation of 3,227 acres of property west of Reserve Street, including the property at this address, we want to introduce ourselves and our services, and make you aware of some key city services and code requirements.

Development Services is a one-stop shop for all things development-related combining planning, engineering, building and permitting services in one department. We have zoning, engineering and building staff on call at City Hall every work day (M, W & F 9 am - 3 pm; Tu & Th 10 am - 3 pm) to answer your questions. We also provide a wide range of online tools and services for your convenience.

**Planning/Zoning:** All questions regarding planning and zoning (including signage) in the city can be directed to our zoning desk: [cityzoner@ci.missoula.mt.us](mailto:cityzoner@ci.missoula.mt.us)

**Building Permits:** Commercial building plans must be submitted online. Additionally, residential, electrical, plumbing, and mechanical permits may be applied for online for the convenience of customers via <https://ebiz.ci.missoula.mt.us/citizenaccess/Welcome.aspx>

This website can also be used to follow where applications are in the review process, schedule inspections, and pay fees. Inspections can also be scheduled via our Interactive Voice Response (IVR) system by phone at 406-552-6040 or via text at 888-413-4439.

**Engineering/Utility Permits:** Engineering permits cover work outside of a building footprint and include excavation, fence, ADA, right-of-way (ROW), and paving permits. Work in the ROW and traffic control plans must be approved prior to initiating any work. In order to work in the ROW and excavate for utilities, a contractor must also be bonded and insured.

**Code Compliance:** Complaints regarding snow not cleared from sidewalks, hazardous vegetation or other violations of city code are addressed by our Code Compliance team. Complaints may be submitted via our website by completing a Citizen Complaint Form or by calling 552.6630.

**Business Licensing:** All businesses with more than \$6,000 in annual revenues must have a current business license. For more information: <https://www.ci.missoula.mt.us/129/Business-Licensing>

Applications: Businesses can submit license applications in person, by mail or email. Payment is required at the time of filing. Emailed applications may be paid by phone using a credit card. Forms of payment accepted are cash, check, Visa and MasterCard. Licensing questions may be addressed to Kristi at 552-6103 or [blic@ci.missoula.mt.us](mailto:blic@ci.missoula.mt.us)

License Type	Renewal Date	Additional Info
Liquor License	January 31	Excludes breweries/distilleries
Contractor Business License	February 28	-All Contractors must have insurance -Electricians & Plumbers must have state license -ROW or Excavation Contractors must also be bonded in addition to insurance
Rental Business License	April 30	Any commercial building (office/retail space or wholesale/warehouse space) rented by a separate business. Fees based on square footage.
General Business License	May 31	Retail, Office, Restaurant, Warehouse, Online Sales, etc.
Itinerant/Mobile License	May 31	7 days, 90 days or 1 year licenses available

\*All General and Itinerant licenses applied for now will have an expiration date of May 31, 2020

Thank you, and again we welcome you to the City of Missoula – we look forward to working with you and serving you in any way we can into the future.

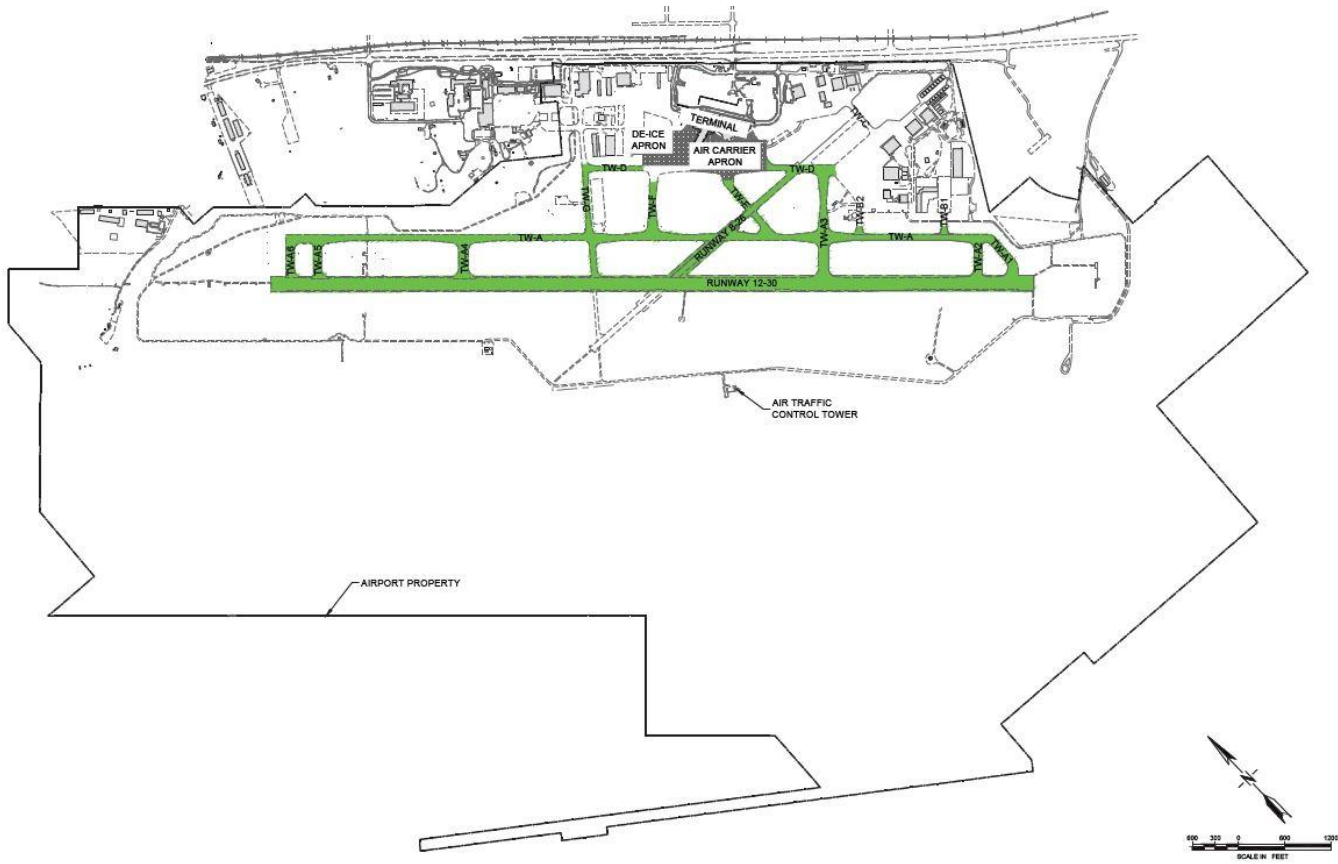
Should you have any general questions please call our front desk at 552-6630 and they will direct you to the appropriate staff person.

Sincerely,



Mike Haynes, AICP, Development Services Director

**Exhibit B**





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5225 West Broadway | Missoula, MT 59808  
www.flymissoula.com | 406-728-4381

### AIRPORT CERTIFICATE OF OCCUPANCY

- Provide a copy of both architectural and civil plans to MCAA. This should include all exterior surface materials.
- Provide contact information for: Owner, and any other key person involved with the lease area.
- Provide a lighting plan for all exterior spaces. If pack lighting is to be used on the building to
- Provide “As-Built” plans of project after completion, plans shall be both electronic and paper, and will include locations of all underground utilities.
- Lessee will be responsible for cost of a final survey to determine the lot size and location at the end of construction using an engineer of the Airports choosing.
- Lessee had completed and provided study showing that project is in compliance with airport SWPPP (Storm Water Pollution Prevention Plan).
- Lessee has provided a permanent water meter accessible by the Airport for ongoing billing purposes.
- Lessee has provided a copy of the city/county certificate of occupancy.