

SUBDIVISION EXEMPTION AFFIDAVIT

Instructions: Please fill out the form (complete sections 1 through 9 and any additional sections applicable to the exemption sought) and attach copies of documents as requested. The Claimant must sign before a notary public and submit this form, together with the requested attachments to the **City of Missoula Development Services, 435 Ryman, Missoula, 59802**. Requested maps and drawings may be hand drawn or based on copies of other documents. Please refer to the attached submittal checklist for information and attachments required for review.

1. CLAIMANT IDENTIFICATION:

Steven M. Inabnit
Claimant(s)

Agent (if any)

Claimant(s)

Agent (if any)

PO Box 16462, Missoula, MT 59808
Claimant's Address

Agent's Address

406 549 5022
Claimant's Phone Number

Agent's Phone Number

steve@elisurvey.com
Claimant's Email Address

Agent's Email Address

Questions about this Affidavit should be directed to: Steve Inabnit

2. EXEMPTION PROPOSED TO BE USED:

76-3-207 (1) (b), MCA divisions made outside of platted subdivisions for the purpose of a single gift or sale in each county to each member of the landowner's immediate family

(State name of exemption proposed as basis for division)

3. ADDRESS OF PARCEL FOR WHICH DIVISION IS PROPOSED:

Polk Street - 1300 Block

(Provide street and block number if an actual address has not been assigned)

4. LEGAL DESCRIPTION OF PARCEL FOR WHICH DIVISION IS PROPOSED:

Tract 1, Certificate of Survey 6397, S23, T13N, R19W; Tax Id: 3382509

(Give a COS #, subdivision name, lot(s) and block or a deed reference along with Section, Township and Range.)

5. LOCATION OF TRACT:

- b. If the parcel is zoned, state the zoning classification. R5.4/ PUD/Woody
- c. If the parcel is not zoned, **Attach** the unzoned lands worksheet and list the comprehensive plan and land use designation for the parcel? na

(You may contact the Development Services for this information (406) 552-6625)

6. HISTORY OF TRACT:

- a. Is the parcel to be divided the result of a division that has occurred since July 1, 1974?
☐ YES ☒ NO
- b. If the answer is YES, identify the history of the parcel from July 1, 1974, including date, name of person dividing the property, the exemption used and COS. (If platted subdivision, it is sufficient to reference the plat or amended plat).
- c. Are you aware of any proposed division of the parcel as it existed on July 1, 1974, that has been denied approval? If so, please identify and describe. Not aware of any.

7. UTILITY SERVICES, ACCESSES AND COMMON FACILITIES:

- a. Identify all private accesses, parking lots, water/sewer services, or other private services that exist. Attach copies of sewer service and water service utility cards. [Sewer service cards may be obtained by visiting Development Services at 435 Ryman, Missoula, or at <http://maps.ci.missoula.mt.us/DataVue/>. Water service utility cards can be obtained from Mountain Water Company, 1345 W. Broadway.] Location of water/sewer services crossing or adjacent to boundaries will need to be field verified.
- b. If the proposed parcel will be subject to restrictive covenants, please set out the book and page where the covenants are recorded: N/A
- c. How will access be provided to all parcels/lots? Polk Street and public alley

8. CLAIMANT HISTORY:

- a. Has claimant divided any real property any place in Missoula County by use of an exemption after July 1, 1974?
☐ YES ☒ NO
- b. If the answer is YES, please list the divisions and state the date, COS No. or amended plat name and the exemption used.
- c.
- d.
- e.
- f.

9. INTENDED USE OF PARCELS/LOTS:

- a. Please state the intended use and area of each proposed parcel: Tract 1 proposed single family residence = 5,857 sq ft.; Tract 2 proposed single family residence = 5,857 sq ft.; Tract 3, single family residence = 28,939 sq ft.

10. ADDITIONAL INFORMATION FOR BOUNDARY RELOCATION OR LOT AGGREGATION:

If a boundary relocation or aggregation exemption is sought, please provide the following:

- a. Number of lots affected:
- b. Number of lots remaining:
- c. List names and addresses of additional owners, if any: N/A
- d. Relationship of parties: N/A
- e. Purpose of relocation:

11. ADDITIONAL INFORMATION FOR SECURITY PARCEL:

If a security parcel exemption is sought, please provide the following:

- a. Has claimant made use of the security exemption previously? ☐ YES ☐ NO
- b. If YES, state the COS or deed reference for each such use together with the date of filing:
- c. If YES, has the claimant ever separately conveyed or forfeited either the deed release parcel or the parent parcel? ☐ YES ☐ NO
- d. If the answer is YES, state the recording reference for each such conveyance or forfeiture:

12. ADDITIONAL INFORMATION FOR FAMILY TRANSFER:

If a family transfer exemption is sought, please provide the following:

- a. Name of person (also state age if transferring to a minor) to whom created parcel will be transferred: Elijah L. Inabnit, 29; Hannah K. Inabnit, 28

(Please note that if transferring property to a minor, proof that a trust has or will be set up in the name of the minor is required before a transfer will be approved.)

- b. Relationship to claimant: Elijah = Son; Hannah = Daughter
- c. If being transferred to a child, do you have any other children? ☐ YES ☒ NO
- d. If YES, how many?
- e. If YES, do you intend to transfer property to your remaining children? ☐ YES ☒ NO
- f. Has the claimant divided other property in Missoula County using the family transfer exemption? ☐ YES ☒ NO
- g. If YES, list the following COS, intended recipient, relationship and date:
- h. Has the claimant received from the intended recipient property which was divided using an exemption? ☐ YES ☒ NO

- i. If YES, please provide the COS and date:
- j. If either the claimant or the intended recipients have ever been known by any other name, please list the other name(s):

13. ADDITIONAL INFORMATION FOR AGRICULTURAL EXEMPTION:

If the claimant is seeking use of an agricultural exemption, please provide the following:

- a. Has the claimant ever used or revoked an agricultural exemption before? ☐ YES ☐ NO
- b. If the answer is YES, please explain:
- c. Do you intend to transfer either of these parcels to someone else? ☐ YES ☐ NO

It is understood that this Affidavit seeks approval of the use of an exemption to subdivision review to divide property. It is also understood that approval of the use of the exemption is not approval under zoning, health, floodplain, or other applicable regulations.

Under penalties of perjury, we declare that we have examined this form including the accompanying Certificate of Survey, and to the best of our knowledge and belief, it is true, correct, and complete and is in compliance with all Montana State laws and Missoula City ordinances or resolutions and the transfer of property will occur as represented.

Claimant's Agent

Claimant Steven M. Inabnit

Agent's License No. if applicable

Claimant

STATE OF MONTANA

)
: ss.
)

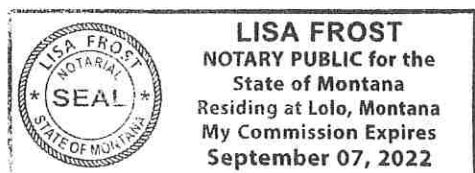
COUNTY OF MISSOULA

On this 27th day of November, 2019, before me, a Notary Public for the State of Montana, personally appeared Steven M Inabnit

_____, known to me (or proved to me on oath) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

(SEAL)

Lisa Frost
Notary Public for the state of Montana



Lisa Frost
Print Name



DEVELOPMENT SERVICES

435 RYMAN • MISSOULA, MT 59802 - 4297 • (406) 552-6630 • FAX: (406) 552-6053

Submittal Check list

*The following check list may not be all inclusive of everything needed to complete the review process.
Please complete this checklist and submit with the affidavit.*

Please provide one complete packet and fee with the following information:

Two site plans: One of existing conditions and a second one of proposed conditions.

Each plan should include a north arrow; clearly indicated scale (1"=20' maximum); names of streets; and all boundaries.

1. Existing – show how lots exist currently

- ☒ Lot square footage and dimensions
- ☒ Locations of existing structures
- ☒ Label streets and alleys
- ☐ Show existing parking (if a commercial location, show parking calculation-how many spaces are needed for the business and how many are provided)
- ☒ Identify existing uses of buildings (if a duplex or greater, provide number of residential units, and square footage within each residential unit)
- ☒ Distance from all structures to property line and distance between structures
- ☒ Dimensions and types of easements
- ☐ Show existing water and sewer service lines with dimensions from existing property lines
- ☐ Include existing water and sewer connection drawings/sketches/records
- ☐ Exterior building height of all structures

2. Proposed – show what you are proposing for the lots

- ☒ Proposed lot boundaries, square footage and dimensions
- ☐ Locations of existing structures to remain
- ☒ Label streets and alleys
- ☐ Show proposed parking for all lots (if currently vacant provide information to show parking is possible on lots – they will be fully reviewed at such time as a building permit is submitted)
- ☒ Identify proposed uses of buildings (i.e. duplex, multifamily housing, restaurant, warehouse...)
- ☐ Distance from all structures to property lines, especially new property lines
- ☒ Dimensions and types of easements
- ☒ Show proposed water and sewer service lines with dimensions from proposed property lines and associated corresponding easements if applicable
- ☐ Exterior building height of all structures
- ☐ If removing structures as part of lot rearrangement, show as "to be removed"

There is a \$200.00 non-refundable fee per exemption.

Please make checks payable to **City of Missoula.**

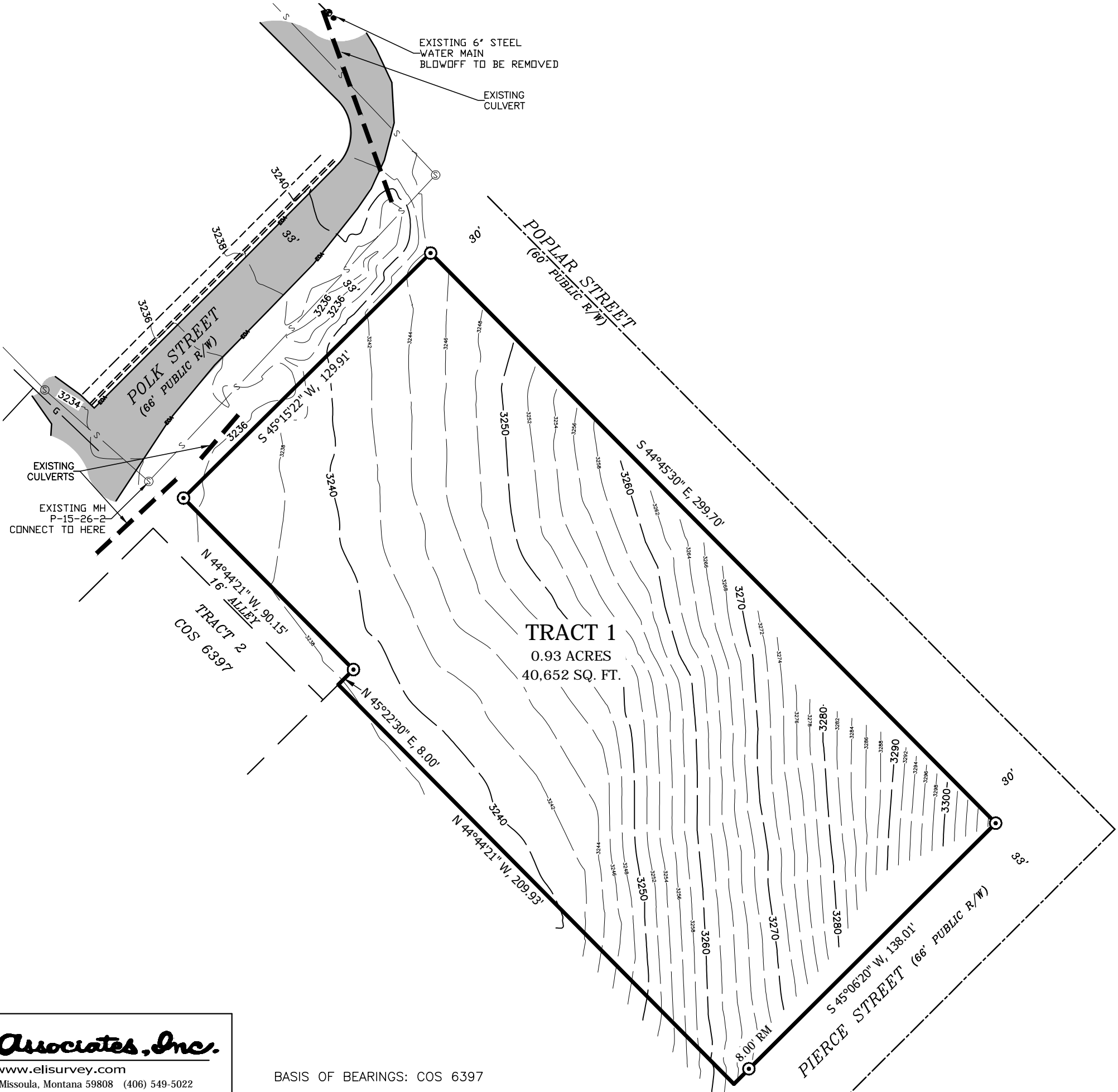
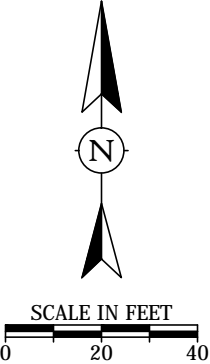
Receipt #

Date Paid

Failure to complete this form and to provide all the requested information will result in delay of the review.

EXHIBIT - EXISTING CONDITIONS

LEGEND	
	SET SURVEY MONUMENT
	FOUND SURVEY MONUMENT
	SANITARY SEWER MANHOLE
	WATER SERVICE LINE
	SEWER SERVICE LINE
	UNDERGROUND GAS LINE
	UNDERGROUND WATER LINE
	UNDERGROUND SEWER LINE
	ASPHALT PAVEMENT
	CONTOUR 10' INTERVAL
	CONTOUR 2' INTERVAL
	CONCRETE CURB AND GUTTER



TRACT 1 OF CERTIFICATE OF SURVEY NO. 6397
SW1/4, S22, T13N, R19W, PMM, MISSOULA COUNTY, MONTANA
ELI PROJECT NO. 15-7377 DRAWN: DECEMBER 7, 2020
PREPARED FOR: STEVEN M. INABNIT

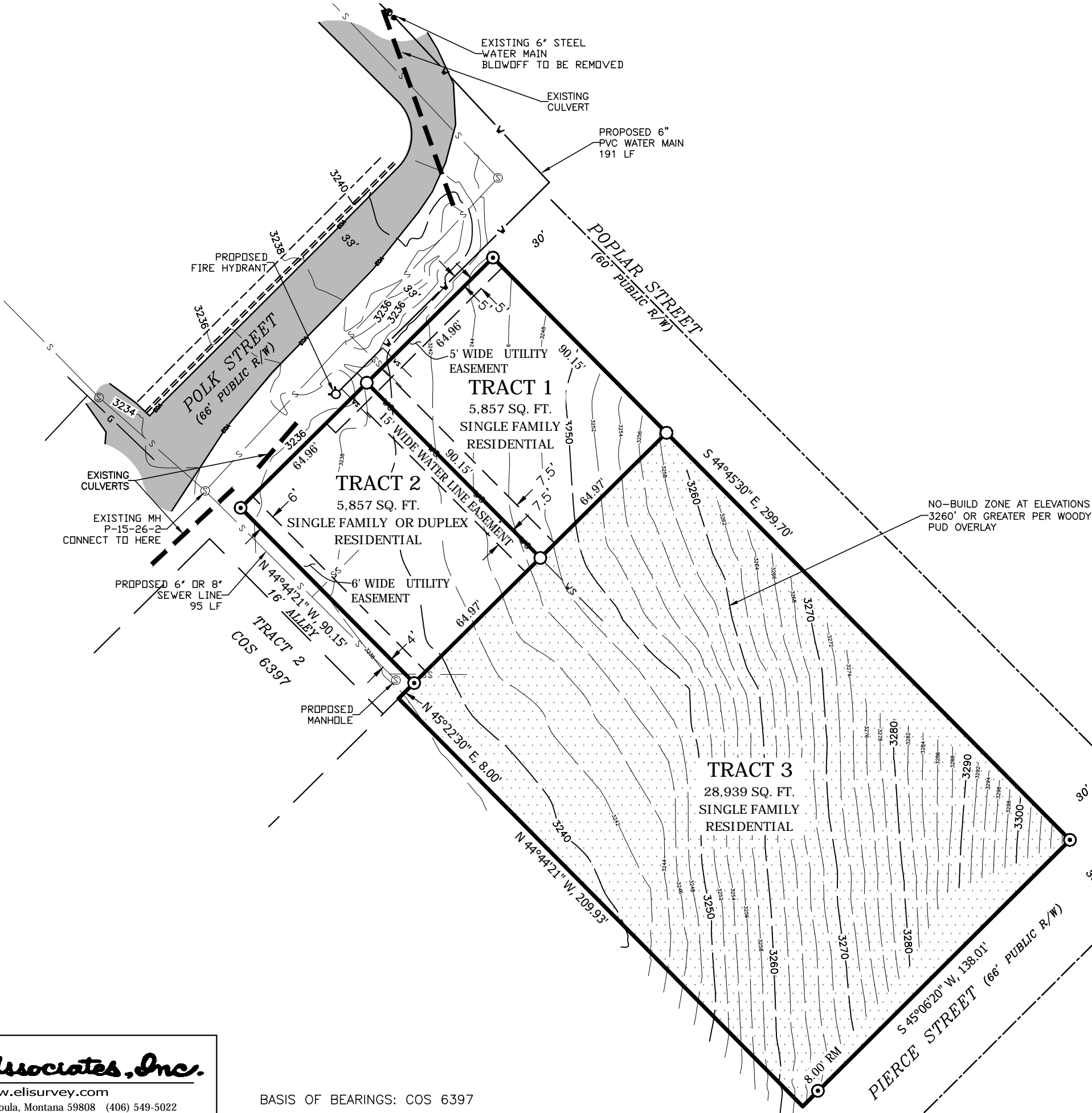
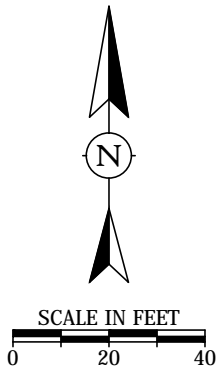
Eli & Associates, Inc.
www.elisurvey.com
P.O. Box 16462 Missoula, Montana 59808 (406) 549-5022

BASIS OF BEARINGS: COS 6397

EXHIBIT - PROPOSED CONDITIONS

LEGEND

- SET SURVEY MONUMENT
- ⊙ FOUND SURVEY MONUMENT
- Ⓢ SANITARY SEWER MANHOLE
- WS — WATER SERVICE LINE
- SS — SEWER SERVICE LINE
- G — UNDERGROUND GAS LINE
- W — UNDERGROUND WATER LINE
- S — UNDERGROUND SEWER LINE
- ASPHALT PAVEMENT
- CONTOUR 10' INTERVAL
- CONTOUR 2' INTERVAL
- CONCRETE CURB AND GUTTER
- WOODY PUD OVERLAY



TRACT 1 OF CERTIFICATE OF SURVEY NO. 6397
SW1/4, S22, T13N, R19W, PMM, MISSOULA COUNTY, MONTANA
ELI PROJECT NO. 15-7377 DRAWN: NOVEMBER 20, 2019
PREPARED FOR: STEVEN M. INABNIT



Eli & Associates, Inc.
www.elisurvey.com
P.O. Box 16462 Missoula, Montana 59808 (406) 549-5022

BASIS OF BEARINGS: COS 6397

SITE MAP

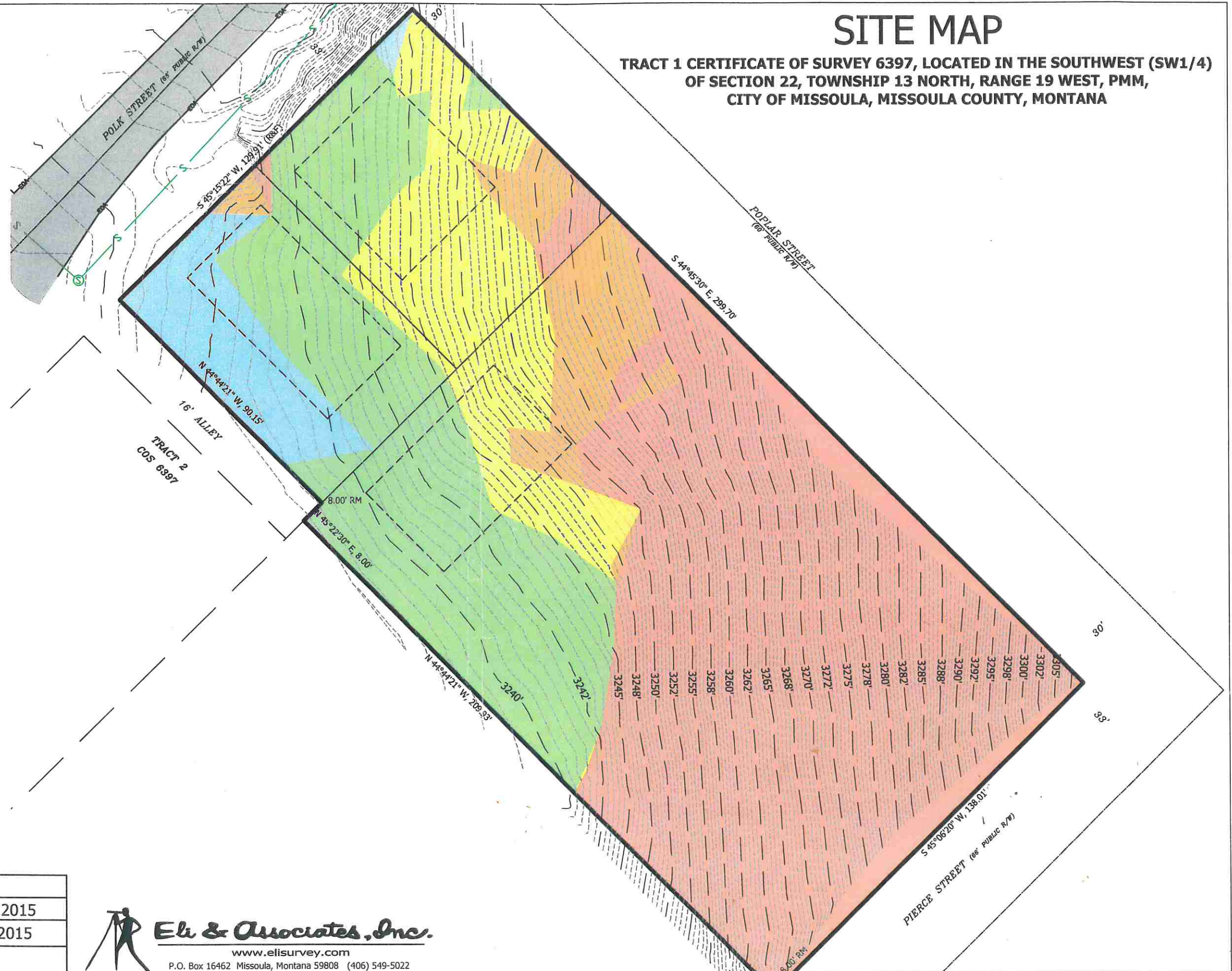
TRACT 1 CERTIFICATE OF SURVEY 6397, LOCATED IN THE SOUTHWEST (SW1/4)
OF SECTION 22, TOWNSHIP 13 NORTH, RANGE 19 WEST, PMM,
CITY OF MISSOULA, MISSOULA COUNTY, MONTANA

PERCENT SLOPE LEGEND

- 5%–10%
~2,450 SF
- 10.01%–15%
~10,380 SF
- 15.01%–20%
~5,475 SF
- 20.01%–25%
~2,705 SF
- >25%
~19,640 SF



SCALE IN FEET



ELI PROJECT NO. 15-7377

INITIAL SURVEY DATE: AUGUST 3, 2015

WORKSHEET DRAWN: AUGUST 5, 2015

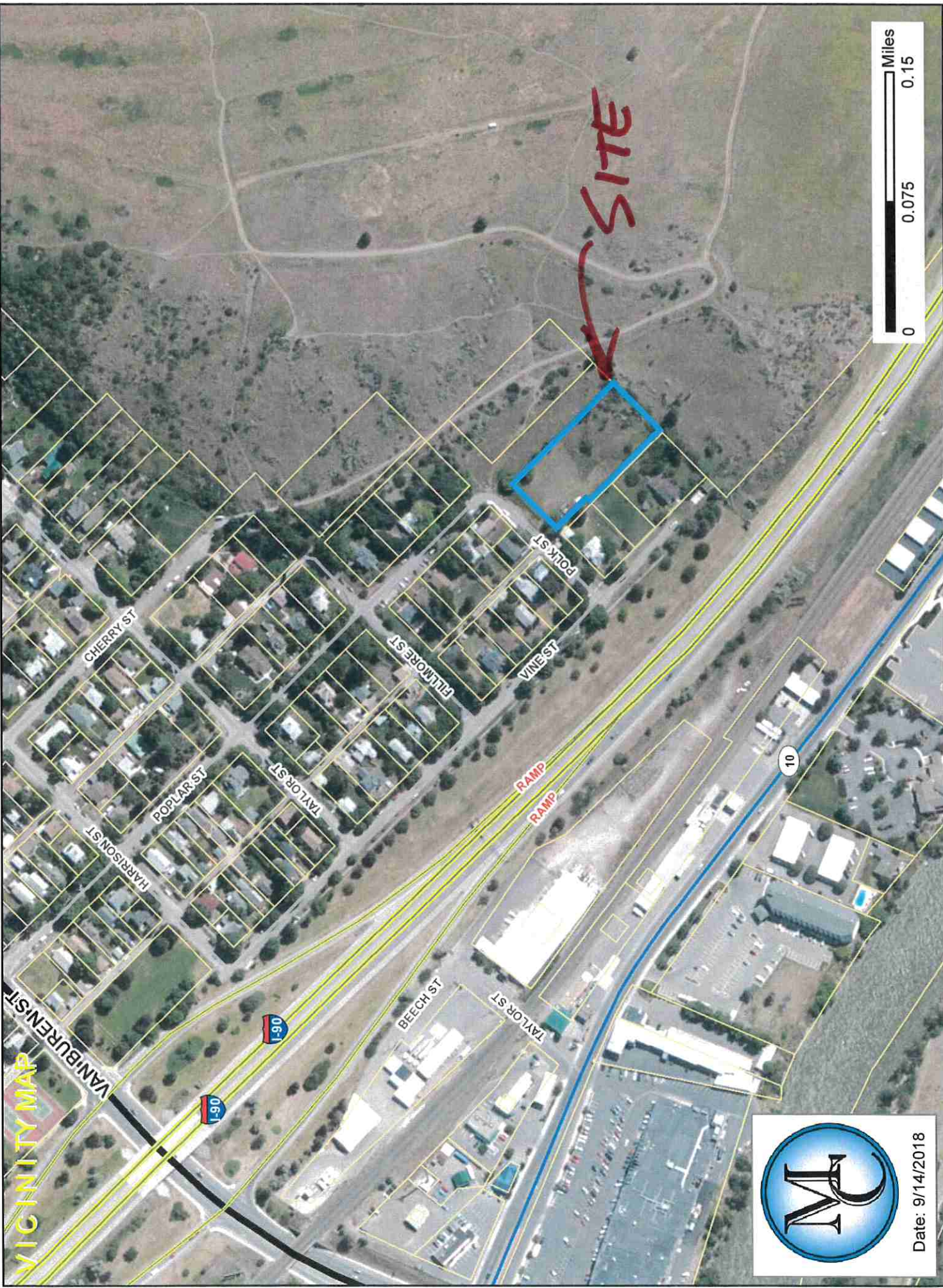
REVISED: JULY 5, 2018



Eli & Associates, Inc.

www.elisurvey.com

P.O. Box 16462 Missoula, Montana 59808 (406) 549-5022



VICINITY MAP



Date: 9/14/2018

Map Center: X: -113.97701 Y: 46.86870

The material displayed on this page is informational and should be used for reference only. No reliance should be placed thereon without verification by the user. Missouri County does not warrant that the information is either complete or accurate. No representation, warranties or covenants of any kind are made by Missouri County. Before acting on the information contained on this page the user should consult original documents.

CITY HILLSIDE PROPERTY DENSITY REDUCTION CALCULATION WORKSHEET

Applicant Name: Steve Inabnit Phone #: 549-5022

Project Name: Polk Street

Property Legal Description and/or Address: Tract 1, COS 6397

Slope Category Map attached? (required) Yes

Area of Property (sq. ft.): 40,510

Property Zoning Designation: R5.4

Number of units permitted at base zoning: 7.5

Required minimum parcel area (sq. ft.): 5,400

Area (sq. ft.) in Slope Categories:

0-15%: 12,830

15.01-20%: 5,475

20.01-25%: 2,705

> 25%: 19,640

0-15% Slope Category:

$$\begin{aligned} & \frac{12,830}{5,400} \text{ sq. ft.} \\ & \div \text{ Minimum parcel area (sq. ft.)} \\ & = 2.37 \text{ Units permitted at base density (to two decimals)} \end{aligned}$$

15.01-20% Slope Category:

$$\begin{aligned} & \frac{5,475}{5,400} \text{ sq. ft.} \\ & \div \text{ Minimum parcel area (sq. ft.)} \\ & = 1.01 \text{ Units permitted at base density (to two decimals)} \\ & \div 1.43 \text{ Density adjustment} \\ & = 0.71 \text{ Units permitted at adjusted density (to two decimals)} \end{aligned}$$

20.01-25% Slope Category:

$$\begin{aligned} & \frac{2,705}{5,400} \text{ sq. ft.} \\ & \div \text{ Minimum parcel area (sq. ft.)} \\ & = 0.50 \text{ Units permitted at base density (to two decimals)} \\ & \div 2 \text{ Density adjustment} \\ & = 0.25 \text{ Units permitted at adjusted density (to two decimals)} \end{aligned}$$

TOTAL NUMBER OF ADJUSTED UNITS ON HILLSIDE PROPERTY

Add the number of units permitted in each slope category:

$$\begin{aligned} & 2.37 \text{ Units permitted in the 0-15% slope category (without density bonus)} \\ & + 0.71 \text{ Adjusted units permitted in the 15.01-20% slope category} \\ & + 0.25 \text{ Adjusted units permitted in the 20.01-25% slope category} \end{aligned}$$

$=$	<u>3</u>	Total adjusted units permitted (rounded down)
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ORDINANCE NUMBER 3372

AN ORDINANCE TO REZONE PROPERTY LOCATED IN SECTION 23, T13N, R19W, P.M.M. LEGALLY DESCRIBED IN EXHIBIT A, FROM P-I (OPEN SPACE) TO R-I (RESIDENTIAL) WITH A WOODY PUD OVERLAY AS SHOWN IN EXHIBITS A AND B.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSOULA:

THAT the property legally described in Exhibit A be rezoned from P-I (Open Space) to R-I (Residential) with a Woody PUD Overlay as shown in Exhibits A and B.

Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words have been declared invalid or unconstitutional, and if for any reason this ordinance should be declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

PASSED by a 10 Ayes, 0 Nays, 0 Abstain, 2 Absent vote and

APPROVED by the Mayor this 14th of April, 2008.

ATTEST:

APPROVED:

/s/ Martha L. Rehbein
Martha L. Rehbein
City Clerk

/s/ John Engen
John Engen
Mayor

(SEAL)

EXHIBIT A – WOODY PUD OVERLAY

WOODY PLANNED UNIT DEVELOPMENT OVERLAY

I. INTENT

The areas subject to this PUD overlay are located in the Lower Rattlesnake Valley at the base of Mount Jumbo. It is the intent of this Planned Unit Development to supplement the R-1 underlying zoning district with zoning standards that will prohibit structures to be built on the slopes of Mount Jumbo and provide a buffer to the Mount Jumbo Open Space.

II. APPLICABILITY

This Planned Unit Development applies to the following lots, located in Section 23, T13N, R19W, P.M.M and as shown in Exhibit A:

- Woody Subdivision, Block 129, Lots 1, 2, 3, 4, 5, 6 and 7
- Woody Addition, Block 134, Lots 14, 15A, 16A, 17, 18, 19, and 20
- Woody and Town Company, Block 136, Lots 18, 19, and 20

III. GENERAL STANDARDS

Except as provided in this chapter, all applicable portions of the City of Missoula Zoning Ordinance apply.

IV. PERMITTED AND CONDITIONAL USES

Uses listed in accordance with the R-1 (Residential) zoning district.

V. DEVELOPMENT STANDARDS

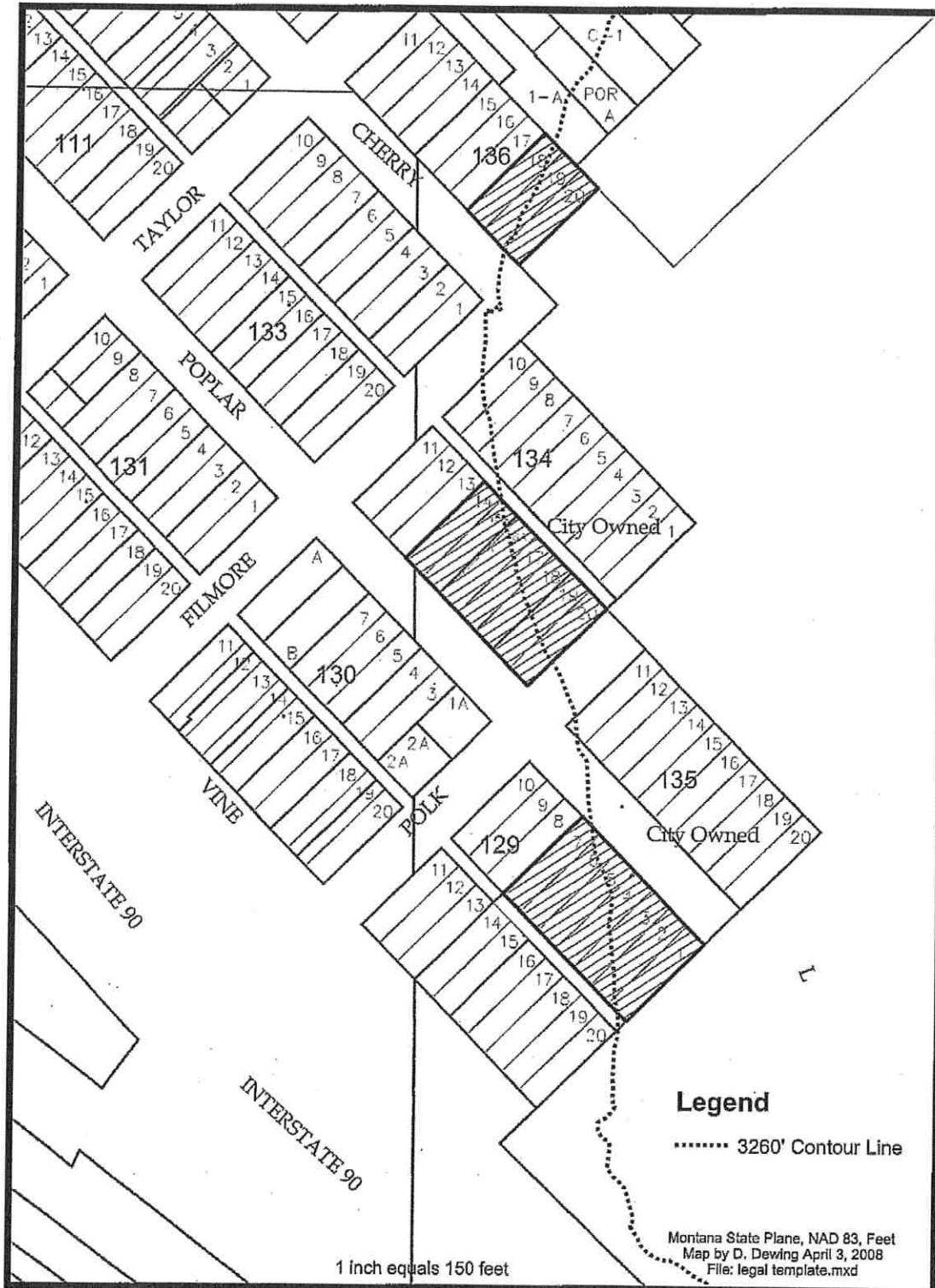
A. Space and Bulk

1. Height – as outlined in the R-1 (Residential)
2. Minimum Setbacks – as outlined in R-1 (Residential)
3. Lot area – as outlined in R-1 (Residential)

B. Location

1. No building footprints for a primary or accessory structure shall be built above the 3,260 foot ground elevation line as shown on Exhibit B.

EXHIBIT B – WOODY PUD OVERLAY



(1 of 4)

City Zoning: R5.4/PUD/Woody

ZONING	R5.4/PUD/Woody
Base	R5.4
Overlay	PUD/Woody
Ordinance	
Ord Approval Date	
Resolution Number	
Reso Approval Date	
Acres	0.67

Edited on 7/22/19 at 9:55 AM

[Zoom to](#)

001

VINE ST
1301

MT 200 W

90



City of Missoula
435 Ryman St
Missoula, MT 59802
Business Licensing: (406) 552-6121
Development Services: (406) 552-6630
Inspection Hotline (406) 552-6040

Receipt No: **220206**

Receipt Date: **11/27/2019**

R E C E I P T

RECORD & PAYER INFORMATION

Record Id: **2019-MSS-SEA-00036**
Record Type: Planning/Subdivision/Exemption Affidavit/NA
Property Address:
Description of Work: Family Transfer - Polk St. 1300 Block - Steven Inabnit
Payer: Steven Inabnit

PAYMENT DETAIL

Date	Payment Method	Reference	Cashier	Comments	Amount
11/27/2019	Paper Check	35206	SSHEPARD		\$ 200.00

FEE DETAIL

Fee Description	Invoice #	Quantity	Fee Amount	Current Paid
Exemption Affidavit Fee	141414	1.00	\$ 200.00	\$ 200.00
			200.00	\$ 200.00