



COMMUNITY PLANNING, DEVELOPMENT & INNOVATION

Development Services Division

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September 15, 2022

Adam Marsh
City of Missoula
1345 W Broadway
Missoula, MT 59803

RE: **File No.:** 2022-MSS-SEA-00006
Claimants: City of Missoula
 435 Ryman Street
 Missoula, MT 59802
Exemption(s): MCA § 76-3-201(1)(h): Rights-of-Way or Utility Sites
Legal: 4.64 Acres of COS 1461, located in Section 05,
 Township 12 North, Range 19 West, P.M.M.
Zoning District: 5.4 Residential

Dear Adam Marsh,

City of Missoula officials reviewed the subdivision exemption affidavit you submitted for the creation of a utility site at 507 Simons Drive. The affidavit was reviewed pursuant to MCA 76-3-201(1)(h) for creation of right-of-way or utility sites. A subsequent change in the use of the land to residential, commercial, or industrial use is subject to the requirements of this chapter. The affidavit proposal is to create two tracts:

Parcel 1 – 2.30 acres;

Parcel 2 – 2.34 acres.

Development Services Planning staff reviewed the proposed exemption to create rights-of-way or utility sites and indicated that it complies with the City of Missoula subdivision regulations, subject to the following condition of approval:

1. In order to comply with Article 8-040.4.E(2)(d) of the City's Subdivision Regulations, the applicant shall file a permanent non-exclusive access easement with the County Clerk and Recorder, subject to the review and approval of Development Services and the City Attorney, prior to filing the amended plat.

State law does not require an exemption to create rights-of-way or utility sites to comply with zoning, therefore this exemption was not reviewed for zoning.

Missoula Public Works and Mobility staff reviewed the proposed utility site creation and indicated that it complies with Public Works Standards and Specifications as proposed.

Missoula City Attorney Office staff did not identify any reason to believe that an evasion of the Montana Subdivision and Platting Act would occur as a result of use of this exemption and therefore had no grounds for denial.

City approval is conditioned upon no evidence arising indicating a purpose by the property owner to evade the requirements of the Montana Subdivision and Platting Act. If such evidence arises, appropriate legal action may be taken by the City.

City approval is also conditioned upon submission of a preliminary commitment for title insurance or platting report, with disclosure and consent of all title owners and lienholders to the City Attorney's office, and certification from the Missoula City and County Treasurer that all real property taxes and / or special assessments assessed and levied on the land have been paid.

City review pertains to compliance with the Montana Subdivision and Platting Act and does not pertain to any zoning, building, health permits, municipal sanitary sewer connection permits, driveway access permits, etc., that may be needed for additional improvement or development on the lands. Any development must comply with applicable zoning regulations.

Please include a copy of this letter when you submit your subdivision exemption for courtesy review to the Missoula County Surveyor's Office. A copy of this letter is being sent to the Missoula County Clerk & Recorder's Office in order to facilitate your submittal of the subdivision exemption affidavit. You or your client will be responsible for paying filing fees with the Clerk and Recorder.

Sincerely,

Madson Matthias

Madson Matthias, Associate Planner
Community Planning, Development and Innovation

CC: Troy Monroe, Public Works Infrastructure & Mobility
Ida Sajor, Public Works Infrastructure & Mobility
Jim Nugent, City Attorney
Steve Niday, Missoula County Surveyor's Office
Steve Inabnit, Missoula County Surveyor's Office

Attachment:
Approved Exhibit



HIGHPARK LOT
SUBDIVISION EXEMPTION APPLICATION
507 SIMONS DRIVE
MISSOULA, MONTANA

REVISIONS:		
NO.	DESCRIPTION	DATE

PROJECT:	...
LAYOUT:	AEM
SURVEYED:	...
DESIGN:	AEM
DRAFT:	AEM
APPROVE:	...
DATE:	FEBRUARY_2022

SHEET
PROPOSED

