



TRANSMITTAL LETTER

TO: CPDI - Development Services
435 Ryman Street
Missoula, MT 59802
Delivery Method: Hand Delivery

DATE: December 21, 2022
FROM: Tamara R. Ross
JOB NAME: Wustner Rezone
LOCATION: Missoula Montana
IMEG #: 22007622.01

WE ARE TRANSMITTING THE FOLLOWING TO YOU:

- 1 - Complete and compiled Rezone Application
- 1 - Complete review fee check #1001 (\$6,442.00)

-
- | | | |
|--|---|--|
| <input type="checkbox"/> For Your Information | <input type="checkbox"/> As Requested | <input type="checkbox"/> Shop Drawings |
| <input checked="" type="checkbox"/> For Review/Comment | <input type="checkbox"/> For Distribution | <input type="checkbox"/> For Your Use |
| <input type="checkbox"/> For Signature | | |
-

REMARKS:

Please find all required materials for the Wustner Rezone. Feel free to contact me at 406-272-0253 or via email tamara.r.ross@imegcorp.com with any questions.

TRR/smh

\\files\Active\Projects\2022\22007622.00\Correspondence\3_Outgoing Correspondence (PDFs only)\20221220 CPDI Rezone Transmittal.docx



December 21, 2022

City of Missoula
Community Planning
Development and Innovation
Development Services Division
435 Ryman Street
Missoula, MT 59802

sent via email:
zoningdesk@ci.missoula.mt.us

Re: Wustner Rezone

Dear Reviewer,

IMEG Corp. is representing landowner, Bertram Wustner, who is requesting the rezoning of a property adjacent to the East of 984 Deer Creek Road, in Missoula.

The landowner is requesting a zone change from R20 to R40 to allow for Agriculture/Animal uses on the property as they are currently not permitted within the existing R20 zoning designation. The proposed rezone to R40 would result in an overall reduced density allowed on the property but would enable the landowner to construct the necessary buildings and improvements for his Bee Pollination Business. The applicable comprehensive plan is "Our Missoula City Growth Policy 2035" which recommends a land use designation Residential Low Density, between 1 du/acre and 2 du/acre, for the subject property. Based on the current relatable zoning districts R40 is comparable to RT10, R20, and R80 for a variety of conventional development options.

Please find the attached City Rezone Application complete with the \$6,442 review fee and all necessary exhibits. If you need any additional information or have questions, please do not hesitate to contact me.

Sincerely,
IMEG Corp.

Prepared By:

A handwritten signature in black ink that reads "Tamara Ross".

Tamara Ross
Civil Designer / Planning Technician
1817 South Ave West | Suite A | Missoula, MT 59801
P: (406) 272-0253
Tamara.R.Ross@imegcorp.com

TRR/smh

Enclosures: Intake Form w/attachments


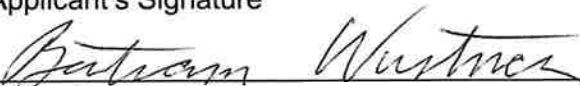



CITY REZONE APPLICATION

A. GENERAL INFORMATION

1. Submit the completed application with all attachments by email to the City Zoning Desk at ZoningDesk@ci.missoula.mt.us
2. Once the application is deemed complete by CPDI, Development Services and the applicant has paid the rezoning fee the rezone proposal will be scheduled for public hearings at Planning Board and City Council.
3. Name of proposed Rezone: **Wustner Rezone**
4. Name(s) of Applicant: **Bertram Wustner**
Mailing Address: **9830 Miller Creek Rd. Missoula, MT, 59803**
Telephone Number: **406-273-7500**
Email Address: **wustner44@gmail.com**
5. Name(s) of Owner of Record: **Bertram Wustner**
Mailing Address: **Directly adjacent to the east of 984 Deer Creek Road**
Telephone Number: **See Above**
Email Address: **See Above**
6. Name and Company of Representative: **IMEG Corp.**
Mailing Address: **1817 South Ave. West Suite A. Missoula, MT 59801**
Telephone Number: **406-532-0269**
Email Address: **joseph.m.dehnert@imegcorp.com**
7. Does the applicant(s) whose signature(s) are included below own at least 35% of the area or number of the parcels included within the area proposed to be rezoned? (Requirement of Title 20, 85.050(A)) Yes
8. If the applicant is someone other than the property owner, the owner must also sign the application in the space provided below.

Certification: I hereby certify that the foregoing information contained or accompanied in this application is true and correct to the best of my knowledge.

	<u>12-14-2022</u>
Applicant's Signature	Date
	<u>12-14-2022</u>
Owner's Signature	Date
	<u>12-20-2022</u>
Representative's Signature	Date

B. SUBJECT PROPERTY INFORMATION

General location of subject property and address (if address has been assigned):

The subject property can generally be described as located directly adjacent to the east of 984 Deer Creek Road.

Legal Description - complete and unabbreviated: **S20, T13 N, R18 W, C.O.S. 5850, PARCEL 2**

Bearings & Distances Descriptions (if boundaries of proposed rezone are not exactly the same as the boundaries of the property legally described above): **NA**

Geocode: **04-2201-20-1-01-13-0000**

C. ZONING AND GROWTH POLICY INFORMATION

1. Complete the following table (where applicable, indicate Unzoned):

	Zoning	Current Land Use
Adjacent (North)	City: OP1/Rural Cluster Dev Standard and RT10/Rural Cluster Dev Standard and County: Residential Low Density (RRS1) - 1 to 2 units per acre	Single Dwelling Residential, Clark Fork River and Open Space (Golf Course), and I-90 Vacant land and Clark Fork River
Adjacent (South)	County: Rural Residential, Small Agriculture (RRS) - 1 to 2 units per acre and Resource and Open Lands (RO)	Single Dwelling Residential, Kim Williams Trail, and Vacant Land
Adjacent (East)	City: Residential Low Density (R40)	Single Dwelling Residential and Vacant Land
Adjacent (West)	County: Rural Residential, Small Agriculture (RRS) - 1 to 2 units per acre	Commercial Business and Vacant Land

2. What is the current zoning of the property (including intensity designator)? **R20 Residential - Low Density**

3. What is the requested zoning for the property (including intensity designator)? **R40 Residential – Low Density**

4. What is the applicable City Growth Policy (comprehensive plan) and land use designation for the property?

The applicable City Growth (comp. plan) is "Our Missoula City Growth Policy 2035" which recommends a land use designation of Residential Low Density, Less than 1 unit per 2 acres for the subject property. This area is shown on the City of Missoula Area Zoning Map.

5. What is the intended use for the property? **The intended use is to rezone the subject property from R20 Residential - Low Density to R40 Residential – Low Density.**

The requested rezone allows and is intended for residential development of between 1 du/acre and 2 du/acre residential building types with allowed accessory uses. Although the primary character of this district is intended to accommodate residential use types some nonresidential uses are also allowed. Therefore, an additional intended use of this property is to allow for an Agriculture, Animal classification per Table 20.05-1 Uses Allowed in Residential Districts.

D. RESPONSES TO REVIEW CRITERIA REQUIRED BY STATE LAW & THE CITY OF MISSOULA TITLE 20 ZONING ORDINANCE

Review Criteria. Provide a response to the following review criteria for rezone requests.

1. Whether the zoning amendment is consistent with MCA § 76-2-304:

a. *Whether the zoning is made in accordance with a growth policy;*

The proposed R40 Residential – Low Density zoning is in accordance with the ‘Our Missoula’ City Growth Policy for this area. The policy states this land use pattern is generalized to support a range of development density where the outcome is overall balanced and in keeping with the character of the residential use category.

In accordance with this, the proposed rezone is identified within the city limits of Missoula, for future land use designation, residential low density uses, amended February 13, 2017. This proposed zoning would continue to incorporate low density residential development and fits well within the existing growth policy.

The rezoning of this site promotes development flexibility, while at the same time helping to ensure that new development is compatible with similar neighborhoods in the City of Missoula. The proposed rezone will support the importance of agricultural for its potential to provide future agricultural related consumer products to the community and offers the possibility of conservation through clustering of future developments. Lastly, in accordance with the growth policy for this area the property is

adjacent to a property similarly zoned.

- b. *Whether the zoning is designed to secure safety from fire and other dangers;*

The proposed rezone is located within an urban area of Missoula so quick response time for emergency personnel to arrive at the property will secure safety from fire and other dangers. The City of Missoula Police Department and the City of Missoula Fire Department serve the area. The East Missoula Rural Volunteer Fire Station may aid in fire and emergency services to the area. Additionally, the proposed rezone property will be served by individual septic sewer and wells similar to the surrounding area.

- c. *Whether the zoning is designed to promote public health, public safety, and the general welfare;*

The proposed rezone is designed to promote public health, public safety and the general welfare through promoting low density residential development in an area with the ability to construct individual well and septic. The City of Missoula will have the opportunity to provide comment regarding any concerns with fire access, emergency response plans and review future construction permitting phases of this project. The East Missoula Rural Volunteer Fire Station may aid in fire and emergency services to the majority of the project area. Additionally, the Missoula Police Department will address potential problems of noise, property damage or personnel injury with no unusual impacts anticipated.

The value of adjacent land uses and buildings will be preserved, see “h” below. Areas adjacent to this development include vacant lands, commercial businesses, and transportation systems such as the railroad right of way and the I-90 interstate. This development will add to the character of the area using urban agricultural and still provide opportunity to maintain a natural setting contributing to the community’s future identity and potentially reduce impacts to the Clark Fork waterway. There is no evidence to indicate the proposed zone change and development would negatively impact the value of surrounding buildings or natural environment.

- d. *Whether the zoning is designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;*

The zoning is designed to facilitate adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

The proposed rezone maintains the semi-rural character and has adequate infrastructure typically seen in a low-density residential area. Motorized transportation includes a portion of I-90, known as a principle arterial – interstate, and typical residential road networks both paved and unpaved for local travel. The ability to commute to inner city Missoula via non-motorized travel depends on the resident’s willingness to commute a greater distance by bike or walking.

Water and sewerage residential support services will be served through the future construction of individual infrastructure. If in the future, development is required to connect to a public sewer system, a public sewer line is located roughly 700 feet to the north across I-90.

The zoning is designed to facilitate adequate access to public education and are as follows; Elementary – Bonner, Middle School – Bonner, High School - Hellgate.

No adverse impacts are anticipated because of the proposed rezone.

- e. *Whether the zoning considers the reasonable provision of adequate light and air;*
The proposed zoning considers the reasonable provision of adequate light and air. Surrounding land use designations allow similar residential uses and densities, as a result, the characteristics of the area are based on a common function or Residential “use group”. This Residential Low Density land use designation recognizes varying parcel sizes and encourages development to be consolidated in smaller areas in order to retain larger open spaces to serve other functions.

The zoning also considers required building code and zoning code setbacks which will be similar to the properties abutting the subject parcel. Additionally, the maximum height is 30 feet or 35 feet for a primary structure with an 8:12 or greater roof pitch promoting adequate access for all development to sunlight.

- f. *Whether the zoning considers the effect on motorized and nonmotorized transportation systems;*

Rezoning the subject property to R40 would result in fewer impacts to the existing motorized transportations systems. The subject property would be served by Deer Creek Road, a residential road, would be impacted with less development as a result of this proposed rezone compared to the existing R20 zoning designation.

Nonmotorized facilities do not serve the property. Further, a decrease in density permitted in the proposed R40 designation is not anticipated to negatively impact the proximal nonmotorized facilities located to the south of the property.

- g. *Whether the zoning considers the promotion of compatible urban growth;*

Considering the existing nature of the adjacent areas, in conjunction with the growth policy designation, this was envisioned to be a low-density residential area. A proposed R40 land use designation would support the intended growth of this area. Additionally, the proximity to railways, interstates, and natural resources making this an ideal property for urban agricultural support services.

Adjacent properties to the west are within the county and zoned Rural Residential, Small Agriculture (RRS1), the development character remains rural in nature. This land use designation would allow for low-density residential developments with larger tracts of land used for active agricultural production or limited commercial services.

Therefore, the proposed R40 land use designation supports the character of the area considers its semi-rural character.

- h. Whether the zoning considers the character of the district and its peculiar suitability for particular uses;*

The proposed zoning is suitable for residential uses and is in accordance with the expected character of the district according to the Growth Policy's recommendation of Residential- Low Density. Both the current zoning of R20 and the proposed zoning of R40 allow similar uses, therefore, the character of the district will remain. This is also supported through county zoning due to adjacent properties being zoned RRS1 and Resource and Open Lands (RO) intended to protect natural landscapes, waterways and wildlife habitats to minimize risks of public health and safety. The adjacent zoning considers that buildings, utilities and impervious surfaces are limited, similarly to the proposed R40 city zoning.

- i. Whether the zoning conserves the value of buildings and encourages the most appropriate use of land throughout the jurisdictional area.*

Both the current zoning of R20 and the proposed zoning of R40 allow similar uses, therefore, the proposed zoning conserves the value of buildings throughout the district and encourages an appropriate use of land throughout the jurisdictional area.

This residential zoning district could accommodate residential use types; however, some nonresidential uses are allowed including agricultural related practices. As a result, the proposed zoning of R40 encourages the most appropriate use of the land through the area because of its lower density standard and additional opportunities for agricultural or open space uses.

The adjacent properties are either vacant, open space, public infrastructure, or commercial in nature. Further, adjacent county zoning to the west allows for land use activities related to agricultural including businesses. This proposal is not foreseen to have any impacts on the value of adjacent properties infrastructure, storage units. Adjacent properties are separated by public infrastructure or the Clark Fork River.

- 2. Whether the proposed zoning amendment corrects an error or inconsistency in the zoning ordinance or meets the challenge of a changing condition;*

This rezone will encourage development that utilizes rural services provided to the area. Adjacent properties use both private well and septic in this area with the nearest public sewer line is located roughly 700 feet to the north across I-90.

The subject parcels current R20 zoning does not "focus inward" regarding a higher density area with existing or available public infrastructure. The proposed rezone supports a lower density similar to adjacent property uses.

The proposed zoning allows for low density residential development and encourages other rural practices such as; open space or agricultural practices and businesses.

- 3. Whether the proposed zoning amendment is in the best interests of the city as a whole.*

Yes, the proposed zoning is suitable for residential uses and the rezone is in accordance with the character of the district which aligns with the 'Our

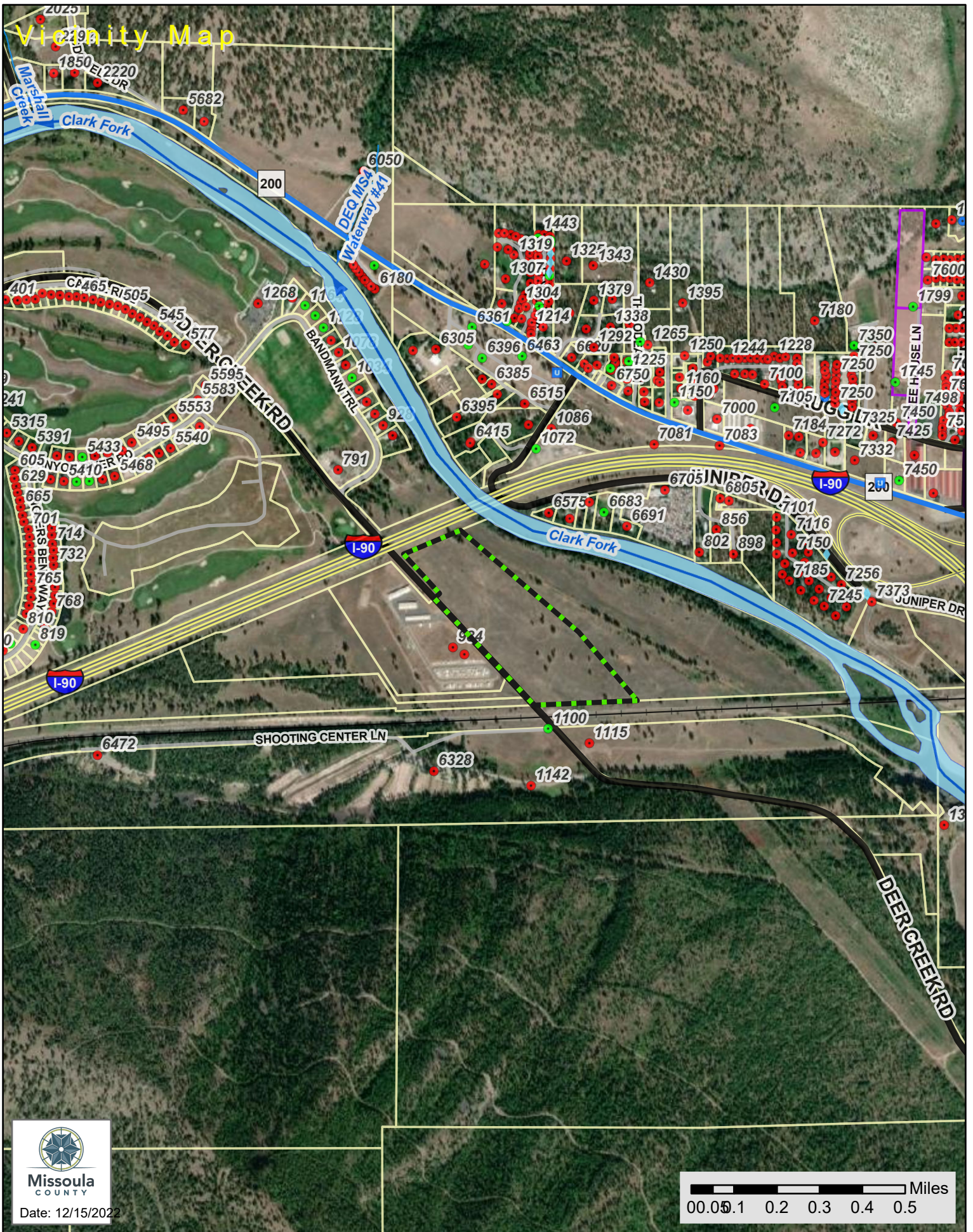
Missoula' City Growth Policy. The R district also has the ability to promote a wide variety of community and lifestyle choices that could preserve natural resources, protect water quality and to promote conservation of natural resources, including agricultural lands.

E. ATTACHMENTS

As separate attachments (8.5" x 11" or 11" x 17"), provide the following materials with the site clearly identified. Where appropriate, required information may be combined, as long as the information is clearly presented. Please check the box if the material is included in the packet. If the material is not included in the submittal packet, please note "N/A".

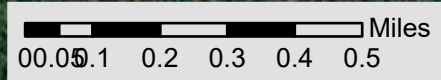
- A vicinity map** showing the subject property and the area within 300 feet of the subject property.
- A Zoning map** of the subject property and vicinity (showing the existing zoning district), extending at least 300 feet from the property boundaries.
- An aerial photo** of the subject property and vicinity extending at least 300 feet from the property boundaries.
- A Growth Policy/Comprehensive Plan map** of the subject property and vicinity extending at least 300 feet from the property boundaries for the applicable comprehensive plan, clearly showing the land use designation of the subject property and surrounding properties.
- The current plat** of the subject property.

Vicinity Map



Missoula
COUNTY

Date: 12/15/2022



Map Center: X: -113.90958 - Y: 46.87557

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County Zoning

AGW 40

AGW 40

RRS 1

AGRR 10

200

AGW 40

553 577 5595 5583 5582 5554

DEER CREEK RD

1268 1212

BANDMAN TRL

1128 1078 1012

791

RRS 1

NC

RRS 19

LM

NC

NC

CC

RRS 1

RRS 5

SHOOTING CENTER LN

JUNIPER DR

RO

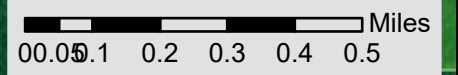
DEER CREEK RD

AGW 40



Missoula
COUNTY

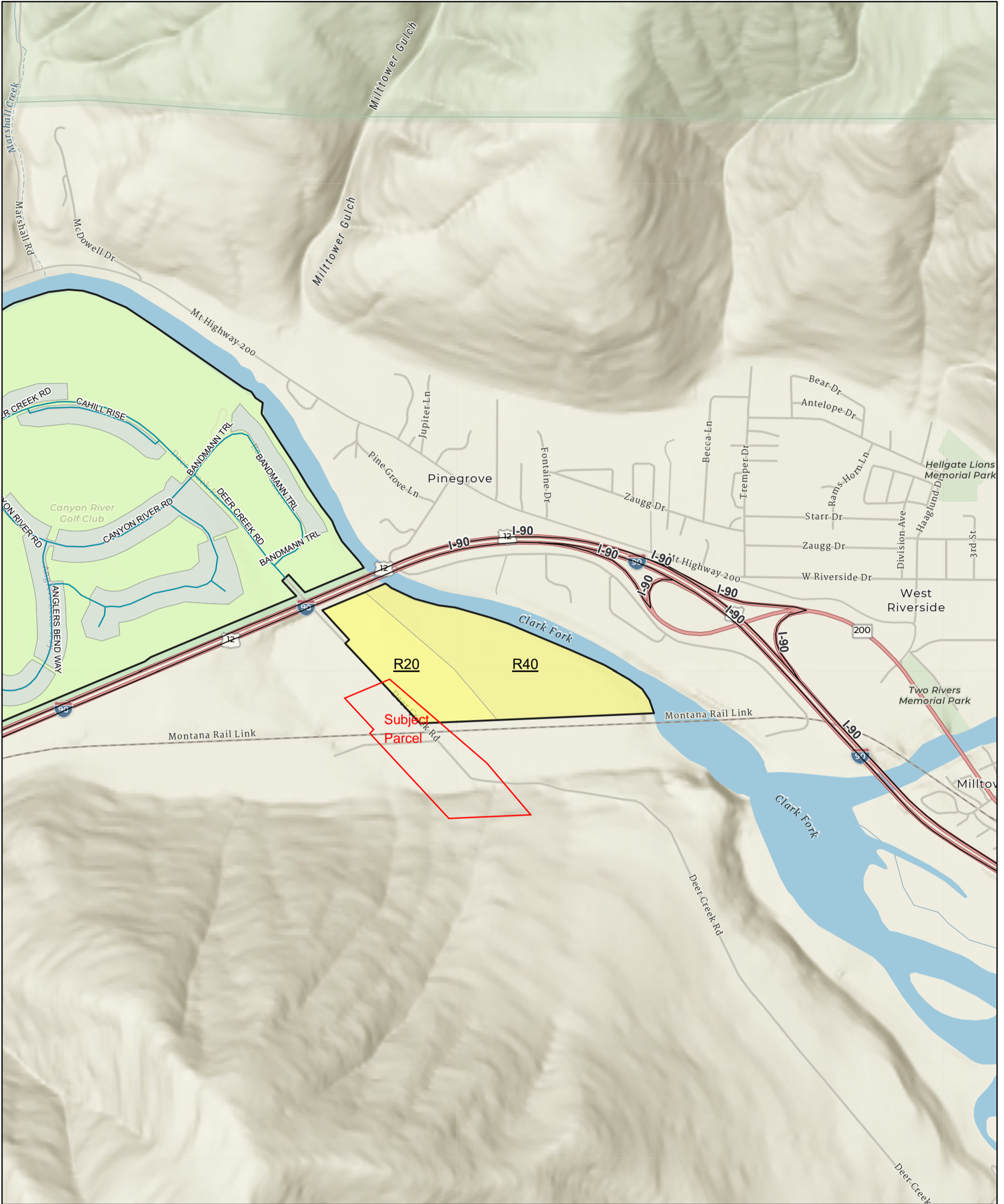
Date: 12/16/2022



Map Center: X: -113.90467 - Y: 46.87784

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City of Missoula Zoning



12/16/2022, 10:12:24 AM

City Limits

City Zoning

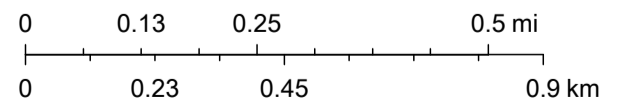
OP1

R20

R40

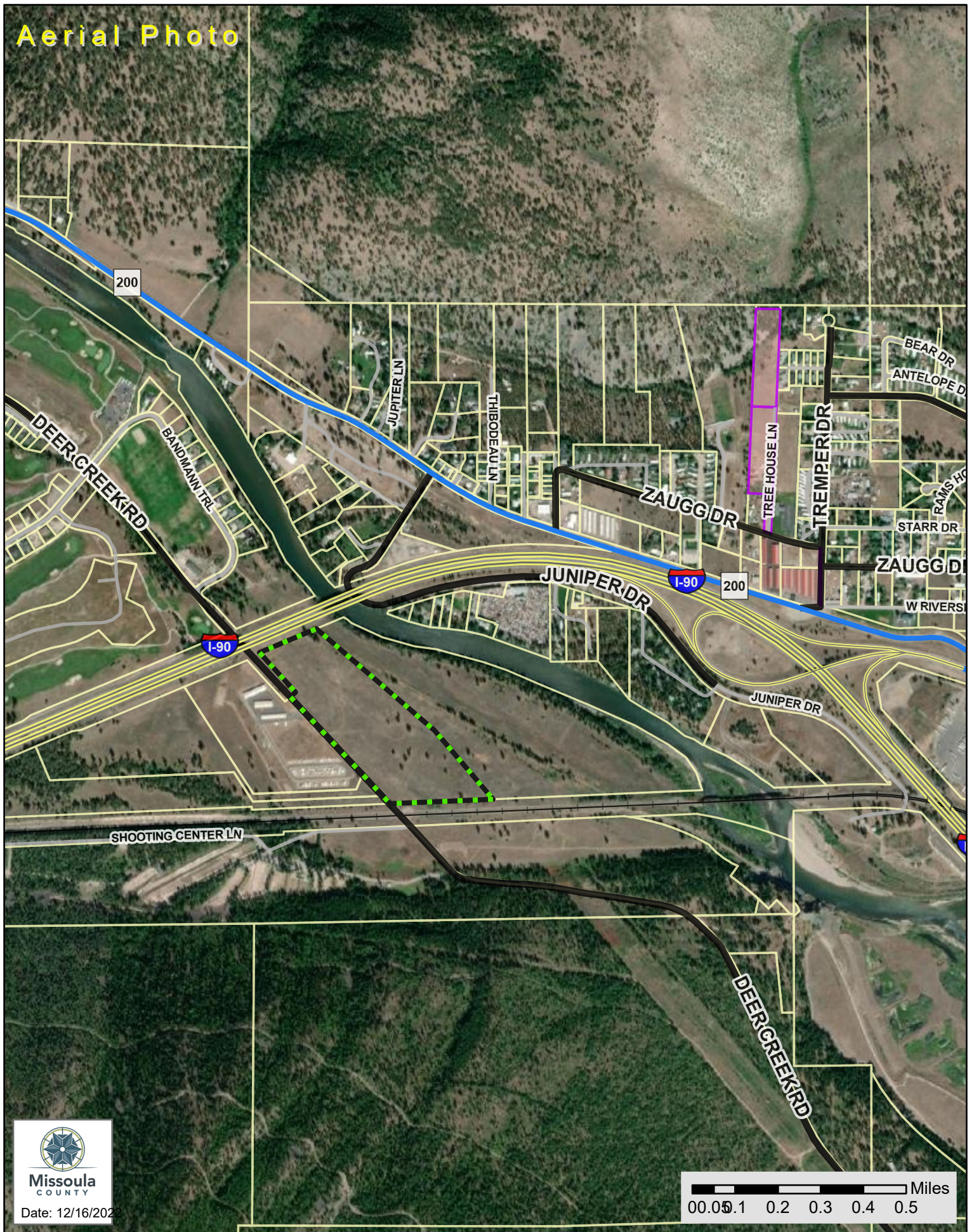
RT10

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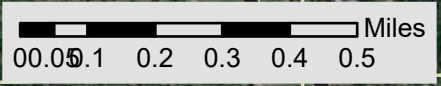
Esri, NASA, NGA, USGS, FEMA, Esri Community Maps Contributors, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA

Aerial Photo



Missoula
COUNTY

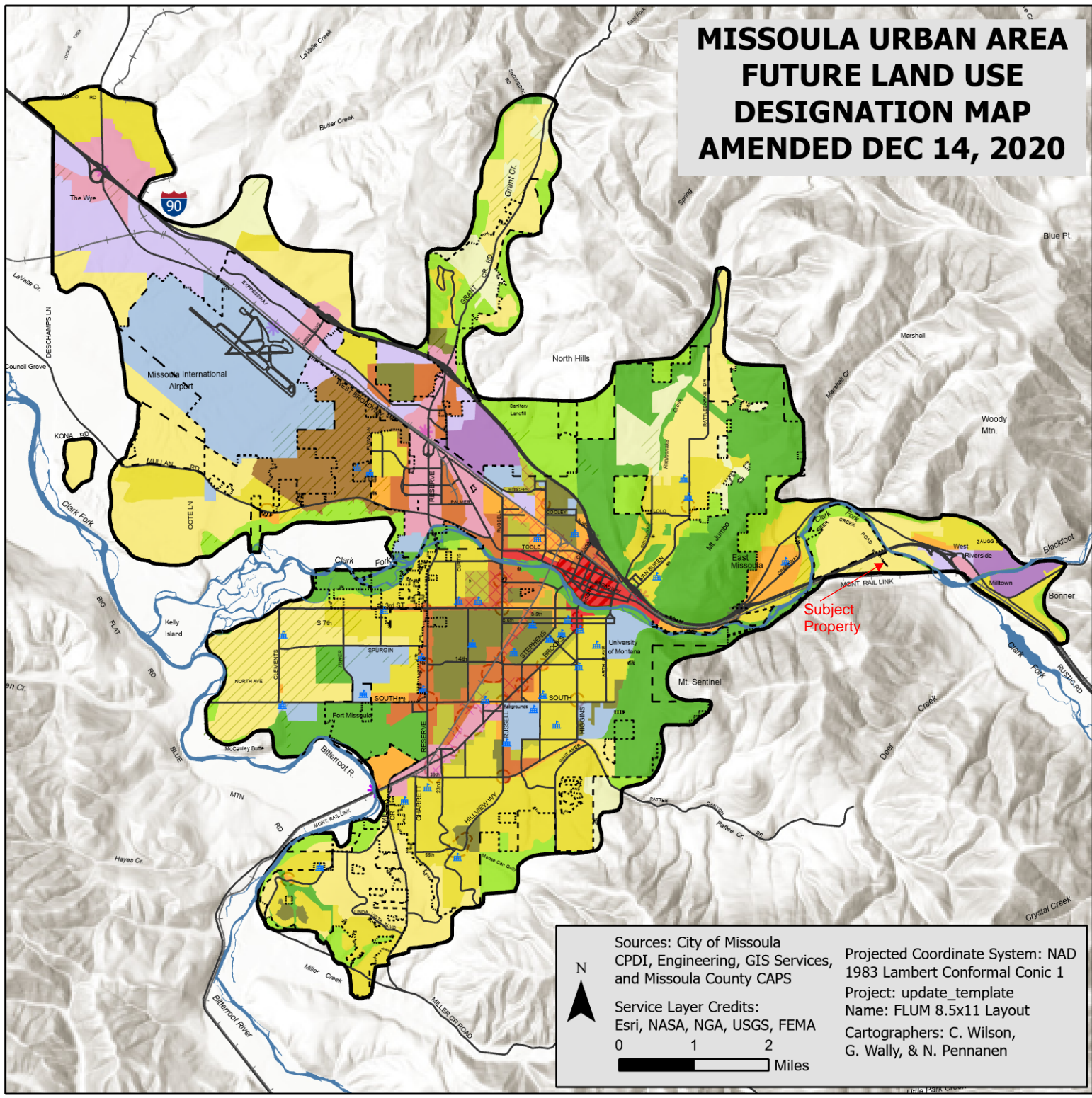
Date: 12/16/2022



Map Center: X: -113.90467 - Y: 46.87784

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MISSOULA URBAN AREA FUTURE LAND USE DESIGNATION MAP AMENDED DEC 14, 2020



City Limits
 City Limits

Growth Policy Boundary
 Growth Policy Boundary

Schools
 Schools

Land Use

- Community Mixed Use
- Neighborhood Mixed Use
- Urban Center
- Regional Commercial and Services
- Open and Resource
- Parks and Open Lands
- Public and Quasi-Public
- Residential High Density - Greater than 24 units per acre
- Residential Medium High Density - 12 to 23 units per acre
- Residential Medium Density - 3 to 11 units per acre
- Residential Low Density - 1 to 2 units per acre
- Residential Rural - Less than 1 unit per 2 acres
- Swtppqyen (S-wh-tip-KAYN) Neighborhoods
- Industrial Light
- Industrial Heavy

Overlays

- City Core
- Cottage Industry
- Urban Agriculture
- Node Development
- Gateways

Sources: City of Missoula
 CPDI, Engineering, GIS Services,
 and Missoula County CAPS

Projected Coordinate System: NAD
 1983 Lambert Conformal Conic 1

Project: update_template
 Name: FLUM 8.5x11 Layout

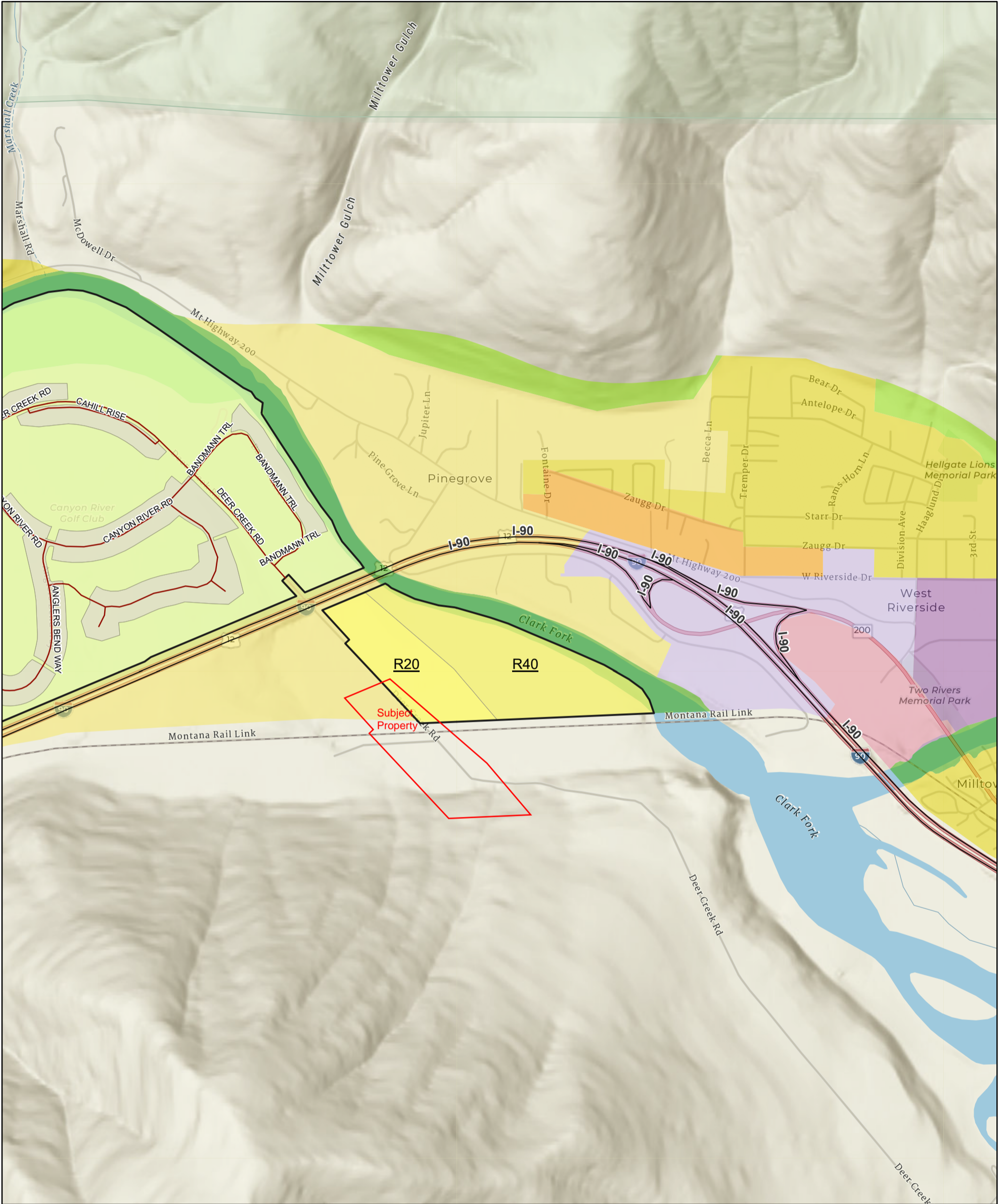
Cartographers: C. Wilson,
 G. Wally, & N. Pennanen

Service Layer Credits:
 Esri, NASA, NGA, USGS, FEMA

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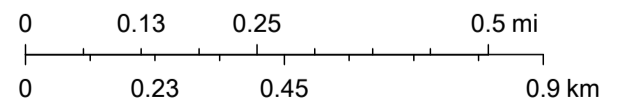
City of Missoula Comp. Plan Map



12/16/2022, 10:15:37 AM

- | | |
|------------------------|---|
| City Limits | Regional Commercial and Services |
| City Zoning | Open and Resource |
| OP1 | Parks and Open Lands |
| R20 | Residential Medium Density - 3 to 11 units per acre |
| R40 | Residential Low Density - 1 to 2 units per acre |
| RT10 | Industrial Light |
| Land Use | Industrial Heavy |
| Neighborhood Mixed Use | |

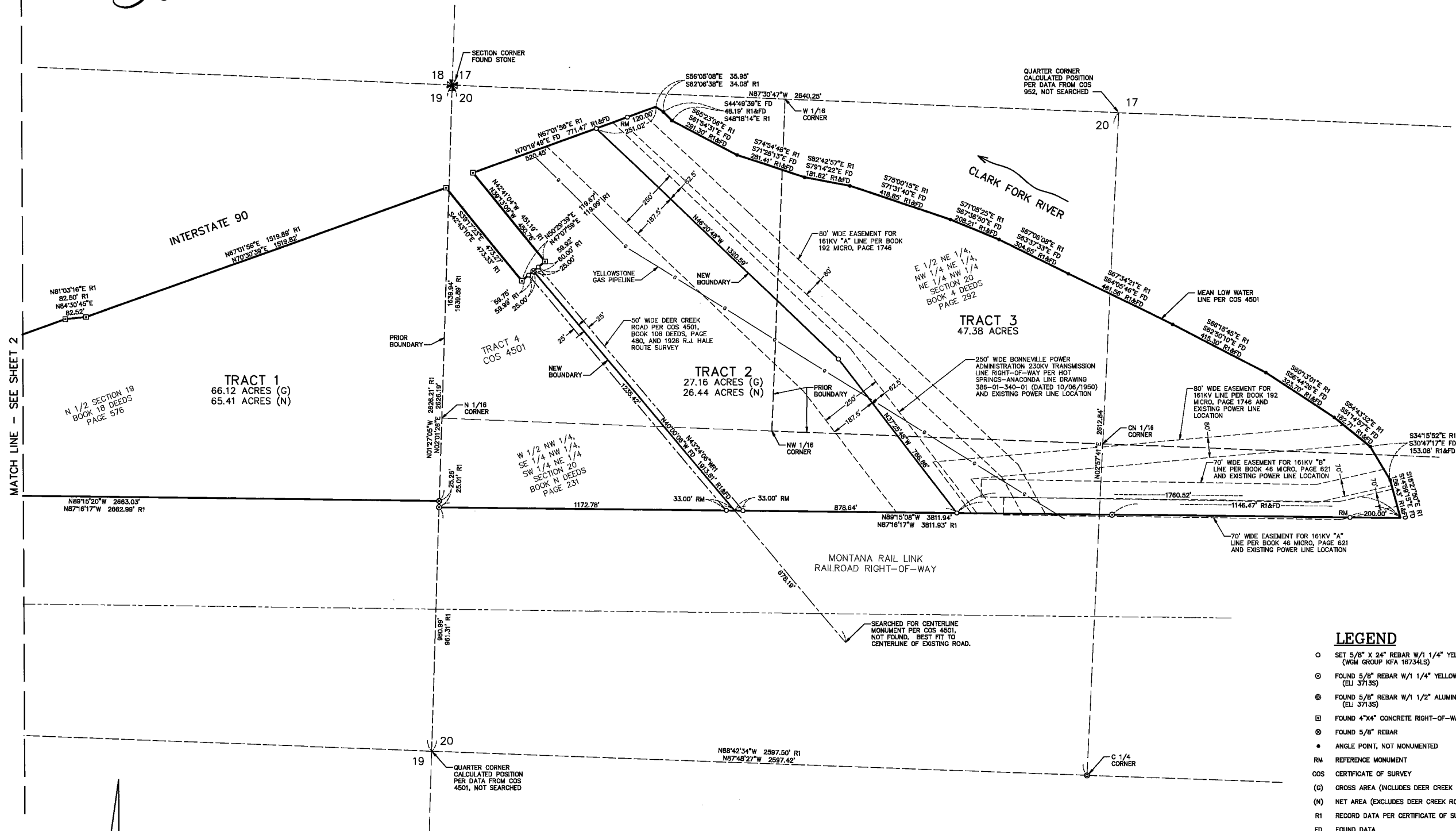
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5850

CERTIFICATE OF SURVEY



N 1/2 SECTION 19
BOOK 18 DEEDS
PAGE 576

TRACT 1
66.12 ACRES (G)
65.41 ACRES (N)

TRACT 4
COS 4501

TRACT 2
27.16 ACRES (G)
26.44 ACRES (N)

TRACT 3
47.38 ACRES

W 1/2 NW 1/4,
SE 1/4 NW 1/4,
SW 1/4 NE 1/4
SECTION 20
BOOK N DEEDS
PAGE 231

E 1/2 NE 1/4,
NW 1/4 NE 1/4,
NE 1/4 NW 1/4
SECTION 20
BOOK 4 DEEDS
PAGE 292

LEGEND

- SET 5/8" X 24" REBAR W/1 1/4" YELLOW PLASTIC CAP (WGM GROUP KFA 16734LS)
- ⊙ FOUND 5/8" REBAR W/1 1/4" YELLOW PLASTIC CAP (ELJ 3713S)
- ⊗ FOUND 5/8" REBAR W/1 1/2" ALUMINUM CAP (ELJ 3713S)
- ⊠ FOUND 4"x4" CONCRETE RIGHT-OF-WAY MONUMENT
- ⊙ FOUND 5/8" REBAR
- ANGLE POINT, NOT MONUMENTED
- RM REFERENCE MONUMENT
- COS CERTIFICATE OF SURVEY
- (G) GROSS AREA (INCLUDES DEER CREEK ROAD)
- (N) NET AREA (EXCLUDES DEER CREEK ROAD)
- R1 RECORD DATA PER CERTIFICATE OF SURVEY NO. 4501
- FD FOUND DATA

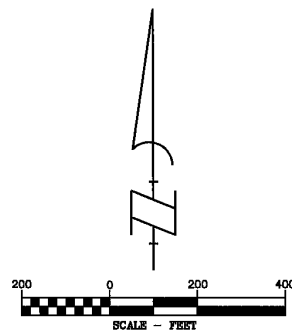
NOTE:
ALL BEARINGS, DISTANCES, AND CURVE DATA SHOWN
ARE FOUND OR SET, UNLESS OTHERWISE NOTED.

BASIS OF BEARINGS
GRID NORTH OF MONTANA STATE PLANE
COORDINATE SYSTEM NAD83 (CORS)

OWNER
NEIGHBORHOODS BY DESIGN, LLC

THE FOLLOWING NOTE IS PLACED HEREON AS REQUIRED BY THE
MISSOULA COUNTY ATTORNEY'S OFFICE:

THIS CERTIFICATE OF SURVEY WAS NOT REVIEWED FOR ADEQUATE
ACCESS, INSTALLATION OF UTILITIES, COMPLIANCE WITH ZONING,
COMPREHENSIVE PLAN, OR AVAILABILITY OF PUBLIC SERVICES; NOR
DOES THIS APPROVAL OBLIGATE MISSOULA COUNTY TO PROVIDE
ROAD MAINTENANCE, DUST ABATEMENT, OR OTHER SERVICES.



WGM GROUP, INC.
ENGINEERING • SURVEYING • PLANNING
3021 Palmer • (406) 728-4611
P.O. Box 16027 • Missoula, MT 59808

5850

1/4	SEC	T.	R.
☒	19	13N.	18W.
☒	20	13N.	18W.
☐	—	—	—
☐	—	—	—



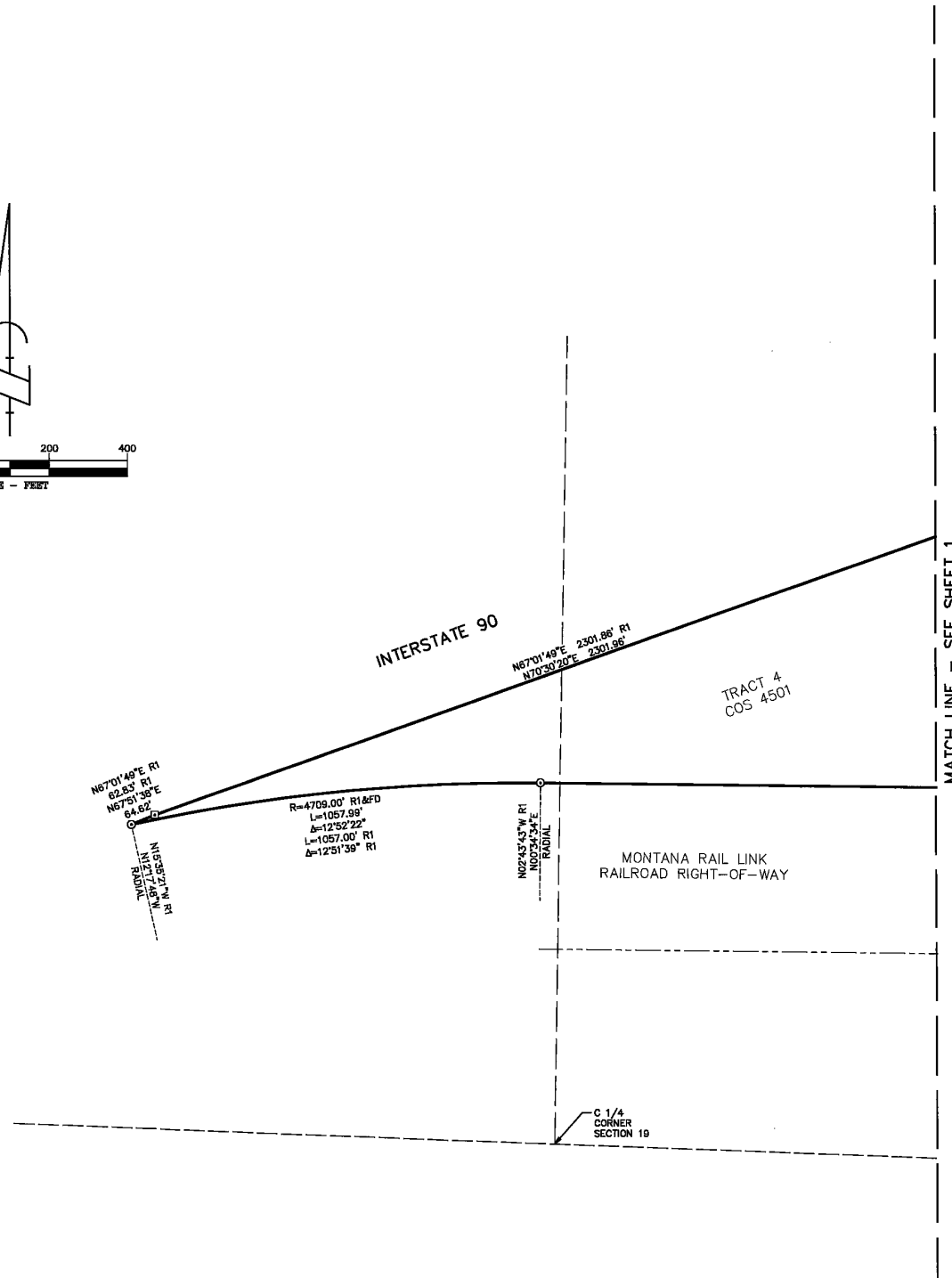
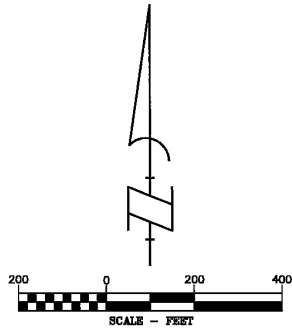
SHEET 1 OF 2
PRINCIPAL MERIDIAN, MONTANA
MISSOULA COUNTY, MONTANA
CERTIFICATE OF SURVEY NO.

05850

SURVEY PERFORMED FOR:
BOB BRUGH
DATE: JUNE 2006
PROJECT: 06-05-11 DRAFT CEG
FILE: 06051COS.DWG LAYOUT TAB: SHT1

5850

CERTIFICATE OF SURVEY



LEGAL DESCRIPTION: PERIMETER

TRACT 4 OF CERTIFICATE OF SURVEY NO. 4501 LOCATED IN THE NORTH HALF OF SECTION 19 AND THE NORTH HALF OF SECTION 20, TOWNSHIP 13 NORTH, RANGE 18 WEST, PRINCIPAL MERIDIAN, MONTANA; CONTAINING 140.66 ACRES, MORE OR LESS; BEING SURVEYED AND MONUMENTED ACCORDING TO THIS CERTIFICATE OF SURVEY.

LEGAL DESCRIPTION: TRACT 1

TRACT 1 OF CERTIFICATE OF SURVEY NO. 05850 LOCATED IN THE NORTH HALF OF SECTION 19 AND THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 13 NORTH, RANGE 18 WEST, PRINCIPAL MERIDIAN, MONTANA; CONTAINING 66.12 ACRES, MORE OR LESS; BEING SURVEYED AND MONUMENTED ACCORDING TO THIS CERTIFICATE OF SURVEY.

LEGAL DESCRIPTION: TRACT 2

TRACT 2 OF CERTIFICATE OF SURVEY NO. 05850 LOCATED IN THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 13 NORTH, RANGE 18 WEST, PRINCIPAL MERIDIAN, MONTANA; CONTAINING 27.16 ACRES, MORE OR LESS; BEING SURVEYED AND MONUMENTED ACCORDING TO THIS CERTIFICATE OF SURVEY.

LEGAL DESCRIPTION: TRACT 3

TRACT 3 OF CERTIFICATE OF SURVEY NO. 05850 LOCATED IN THE NORTH HALF OF SECTION 20, TOWNSHIP 13 NORTH, RANGE 18 WEST, PRINCIPAL MERIDIAN, MONTANA; CONTAINING 47.38 ACRES, MORE OR LESS; BEING SURVEYED AND MONUMENTED ACCORDING TO THIS CERTIFICATE OF SURVEY.

CERTIFICATE OF OWNER*****

THE UNDERSIGNED HEREBY CERTIFY THAT THE PURPOSE OF THIS SURVEY IS TO RELOCATE COMMON BOUNDARIES BETWEEN ADJOINING PROPERTIES, AND THAT NO ADDITIONAL PARCELS ARE CREATED; THEREFORE, THIS SURVEY IS EXEMPT FROM REVIEW AS A SUBDIVISION PURSUANT TO 76-3-207(1)(c) M.C.A. TO WIT: DIVISIONS MADE OUTSIDE OF PLATTED SUBDIVISIONS FOR THE PURPOSE OF RELOCATING COMMON BOUNDARY LINES BETWEEN ADJOINING PROPERTIES.

FURTHERMORE, SINCE TRACTS 1, 2, AND 3 ARE EACH GREATER THAN 20 ACRES IN SIZE, THEY ARE EXEMPT FROM REVIEW BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY PURSUANT TO SECTION 76-4-103 M.C.A.

Robert G. Burch
 AUTHORIZED OFFICIAL
 NEIGHBORHOODS BY DESIGN, LLC

ACKNOWLEDGEMENT*****

STATE OF Montana
 COUNTY OF Missoula

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 28 DAY
 OF July 2006, BY Robert G. Burch AS
Managing member OF NEIGHBORHOODS BY DESIGN, LLC.

NOTARY PUBLIC FOR THE STATE OF _____
 RESIDING AT _____
 MY COMMISSION EXPIRES: _____
 PRINTED NAME OF NOTARY PUBLIC: _____



CERTIFICATE OF SURVEYOR*****

I, THE UNDERSIGNED, KIRK F. ADKINS, PROFESSIONAL LAND SURVEYOR, LICENSE NO. 16734LS, DO HEREBY CERTIFY THAT THIS CERTIFICATE OF SURVEY IS A TRUE REPRESENTATION OF A SURVEY PERFORMED UNDER MY SUPERVISION DURING THE MONTH OF JUNE, 2006.

Kirk F. Adkins 7/14/06
 DATE

KIRK F. ADKINS, P.L.S.
 MONTANA LICENSE NO. 16734LS
 FOR WGM GROUP, INC.

UNLESS SIGNED, SEALED, AND DATED, THIS IS A PRELIMINARY OR UNOFFICIAL DOCUMENT AND CANNOT BE RELIED UPON IN WHOLE OR PART.



5850

PURPOSE OF SURVEY

THIS SURVEY IS FILED WITH THE INTENT TO QUALIFY FOR THE EXEMPTION AS FOUND IN 76-3-207(1)(c) M.C.A. TO-WIT: DIVISIONS MADE OUTSIDE OF PLATTED SUBDIVISIONS FOR THE PURPOSE OF RELOCATING COMMON BOUNDARY LINES BETWEEN ADJOINING PROPERTIES.



SAC Book 779 Page 1233
 WD Book 779 Page 1234
 Mtg Book 779 Page 1235

CERTIFICATE OF SURVEY FINAL APPROVAL GRANTED BY:

MISSOULA CITY COUNTY HEALTH DEPARTMENT
Michelle L. Wright 7-17-06

MISSOULA COUNTY - DEPARTMENT OF PUBLIC WORKS

1/4	SEC	T.	R.
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SHEET 2 OF 2
 PRINCIPAL MERIDIAN, MONTANA
 MISSOULA COUNTY, MONTANA
 CERTIFICATE OF SURVEY NO. 05850