

*Betty T. Lund*

CLERK AND RECORDER

BY *Debra Anderson*

DEPUTY *T. To tee*

RESOLUTION NO. 905  
RAVALLI COUNTY, MONTANA

A RESOLUTION TO CREATE THE UPPER MILL CREEK VOLUNTARY ZONING DISTRICT  
AND TO CREATE THE PLANNING AND ZONING COMMISSION

WHEREAS, the Board of County Commissioners held a public meeting on May 26, 1998, to consider the adoption of this resolution; and

WHEREAS, adequate public notice of that meeting was provided in the following ways:

- Publication on the Commissioners' agenda for the week of May 26 to 29, 1998, and posting in two locations in the County Courthouse
- Publication of a public notice in the "Ravalli Republic" on May 14 and 21, 1998
- Letters were sent to all property owners in the proposed district (Mailed May 13, 1998)

WHEREAS, 93 percent of the freeholders in the proposed district have signed a petition as verified by Betty T. Lund, Clerk & Recorder, (Exhibit A) requesting that the Board of County Commissioners appoint a planning and zoning commission and create a zoning district with certain proposed regulations (Exhibit B) (76-2-101(1), MCA); and

WHEREAS, the proposed district is not currently zoned and is located in the unincorporated area of the county (76-2-101(2) MCA); and

WHEREAS, the proposed district contains more than 40 acres (76-2-101(3), MCA); and

WHEREAS, no part of this district has been included in a previous attempt to create a zoning district within the last year (76-2-101(5), MCA); and

WHEREAS, this district shall become null and void if freeholders representing 50 percent or more of the property (land area) in the district protest its creation within 30 days from the date of this resolution (76-2-101(5), MCA); and

WHEREAS, the creation of the district is consistent with and furthers the intent of the Ravalli County Comprehensive Plan (1981); and

WHEREAS, we find the creation of this district is in the public interest or convenience because it furthers the health, safety, and general welfare of the citizens within the proposed district and Ravalli County by establishing an appropriate plan and reasonable standards for future development so as to:

- maintain and conserve the natural resources found in the county;
- minimize the impacts of development on wildlife, wildlife habitat, agricultural land, agricultural activities, and adjacent properties;
- ensure that new projects blend with, enhance, or otherwise fit into the landscape and the surroundings;
- develop and/or maintain traffic circulation patterns to minimize impacts on the area;
- maintain the county's rural nature and character and minimize the overcrowding of the land, while protecting valuable open space;
- minimize the effects of development on local services, including police protection, fire

*Ret. Ravalli County Commissioner*

- protection, and schools, and  
create attractive and pleasing neighborhoods (76-2-101(1), MCA).

WHEREAS, each of the landowners living within the district will share in the benefits and costs of the district.

NOW THEREFORE, BE IT RESOLVED the Ravalli County Planning and Zoning Commission for the Upper Mill Creek Voluntary Zoning District is hereby created consisting of the three county commissioners; Mrs. Mary Kay Browning, the county treasurer and county surveyor; and Mrs. Betty T. Lund, the county clerk and recorder (76-2-101 and 76-2-102, MCA); and

NOW THEREFORE BE IT FURTHER RESOLVED that the Board of County Commissioners hereby establishes the Upper Mill Creek Voluntary Zoning District consisting of that area as shown in Exhibit C.

Adopted this 27<sup>th</sup> day of May, 1998.

BOARD OF COUNTY COMMISSIONERS

ATTEST

*John M. Athowe, Jr.*  
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 John M. Athowe, Jr., Chairman

*Betty T. Lund*  
 \_\_\_\_\_  
 Betty T. Lund, Clerk & Recorder

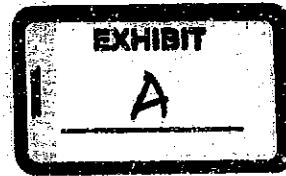


*Jerry L. Allen*  
 \_\_\_\_\_  
 Jerry L. Allen, Member

*"Smut" Warren*  
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 "Smut" Warren, Member

Attachments:

- Exhibit A. Petition Verification from Betty T. Lund to Board of County Commissioners dated October 17, 1997
- Exhibit B. Proposed Zoning District Regulations as submitted by Petitioners
- Exhibit C. Legal description with map of District



*gma  
Ravalli  
Committee*

October 17, 1997

**TO: RAVALLI COUNTY COMMISSIONERS**

**FROM: RAVALLI COUNTY CLERK AND RECORDER**

*Cathy T. Lund*

**RE: UPPER MILL CREEK VOLUNTEER ZONING DISTRICT**

Attached please find the Upper Mill Creek Volunteer Zoning District petition (Charles Keeling) that was presented to me for signature approval. We find that there are 31 correct freeholder signatures out of a possible 33, which calculates to be 93%.

As per 76-2-101 MCA you are authorized and empowered to order and create a planning and zoning district after the appropriate public hearings. Attached also is an A101 for the \$250.00 advertisement/handling fees required by you.

If you have any questions, please feel free to contact me.  
Thank you.

**Voluntary Zoning District Regulations  
Ravalli County, Montana**



**Upper Mill Creek  
Voluntary Zoning District**

- Sec. 1. Table of Contents.
- Sec. 1. Table of contents
- Sec. 2. Generally
- Sec. 3. Authority
- Sec. 4. Definitions
- Sec. 5. District boundaries
- Sec. 6. Purpose and intent of district
- Sec. 7. Permitted uses within district
- Sec. 8. Accessory uses and structures
- Sec. 9. Dimensional standards
- Sec. 10. Performance standards for permitted uses
- Sec. 11. Regulations to apply uniformly throughout district
- Sec. 12. Enforcement
- Sec. 13. Variances
- Sec. 14. Amendments
- Sec. 15. Nonconformities
- Sec. 16. Responsibility for interpretation
- Sec. 17. Abrogation
- Sec. 18. Severability
- Sec. 19. Effective date

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**Sec. 2. Generally.**

This resolution establishes the Upper Mill Creek Voluntary Zoning District and describes the uses that may occur within said district, and establishes certain standards and requirements.

**Sec. 3. Authority.**

This district is enacted pursuant to and consistent with the requirements and authority of Section 76-2-101 and 76-2-205, M.C.A.

**Sec. 4. Definitions.**

For the purpose of this resolution, the following words are defined and shall have the meaning ascribed to them:

*Accessory Building* means a structure that is clearly incidental and subordinate to and customarily found with a principal use.

**Accessory Use** means a use incidental or accessory to the principal permitted use of a land parcel or building.

**Adult Foster Family Care Home** means a private residence owned by one or more persons 18 years of age or older which offer light personal care or custodial care to disabled adults who are not related to the owner by blood or marriage or which offer light personal care or custodial care to aged persons.

**Agriculture** means the use of land for agricultural purposes, including forestry, farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, aquaculture and animal and poultry husbandry. Accessory uses include those facilities necessary for producing, packing, treating, storing, or retailing agricultural products produced on the premises. The term does not include commercial feed lots and intensive animal production operations.

**Chemical Dependency Treatment Facility** means a facility that provides treatment, rehabilitation, and prevention of chemical dependency.

**Cluster Development** means the subdivision of a parcel of land into two or more lots, not all of which meet the minimum lot area requirement of these regulations, but which maintains an average area per lot that is equal to or greater than said minimum lot area requirement.

**Community Development Facility** means any of the facilities as defined and limited by M.C.A. 76-2-411 and 76-2-412.

**Community Home for Persons with Severe Disabilities** means a family-oriented residence that is designed to provide residential services for two to eight persons with severe disabilities and that does not provide skilled or intermediate nursing care. This definition does not preclude the provision of skilled or intermediate nursing care by third-person providers.

**Commercial Feed Lot** means any place and/or building or portions thereof, that is used or is intended to be used for keeping livestock animals where each of the following conditions are met:

1. livestock animals are maintained in close quarters;
2. more than 50 percent of the feed is not produced on the site; and
3. the majority of livestock animals are purchased from other sources for final shipment to market.

**Dwelling Unit** means a single unit providing complete, independent, and permanent living facilities for one housekeeping unit, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

**Factory-Built Home** means a dwelling unit that is (1) wholly or substantially constructed off-site and transported to the building site for assembly and (2) designed to be used on a permanent foundation.

Note: The Montana Department of Commerce, Building Codes Bureau, regulates the construction of factory-built homes. A factory-built home bears an orange insignia which certifies that it meets the applicable state statutes and administrative rules in effect at the time of construction.

*Family Day-Care Home* means a private residence in which day care is provided to three to six children from separate families on a regular basis. (Also see: *Group Day-Care Home*)

*Group Day-Care Home* means a private residence in which day care is provided to 7 to 12 children on a regular basis. (Also see: *Family Day-Care Home*)

*Home Occupation* means any occupation, profession, enterprise, or similar activity, except those that would meet the definition of heavy industry, that is conducted on the premises of a single-family residence as an accessory use.

*Industry, Heavy* means a use that is engaged in the following or similar uses: processing or manufacture of materials or products predominantly from extracted or raw materials; storage of or manufacturing processes using flammable or explosive materials; or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

*Kennel, Commercial* means a place where four (4) or more dogs over six (6) months of age are kept for boarding, breeding, training, or sale. For the purpose of this definition an animal hospital, animal grooming parlor, or pet shop shall not be construed as a commercial kennel.

*Kennel, Private* means a place where dogs are kept and not classified as a commercial kennel.

*Lot of Record* means a lot which has been recorded in the office of the Clerk and Recorder of Ravalli County, Montana, as of the effective date of this resolution.

*Manufactured Home* means a dwelling unit that is (1) constructed off-site; (2) equipped with the necessary utility service connections; (3) made so as to be readily movable as a unit or units on its (their) own running gear; (4) designed to be used without a permanent foundation.

Note: The Department of Housing and Urban Development regulates the construction of manufactured homes. If fabricated after June 15, 1996, the manufactured home bears a red insignia which certifies that it meets the Federal manufactured Housing Construction and Safety Standards Act of 1974 (See: 24 CFR 328).

*Mobile Home* means a dwelling unit that was constructed prior to June 15, 1976, and that is (1) constructed off-site; (2) equipped with the necessary utility service connections; (3) made so as to be readily movable as a unit or units on its (their) own running gear; (4) designed to be used without a permanent foundation.

Note: After June 15, 1976, no mobile homes have been constructed. There is no certification of any code compliance.

*Nonconforming Lot* means any lot of record that does not conform with the lot standards established for the district in which it is located.

*Nonconforming Use* means any use that does not conform with the use standards established for the district in which it is located.

***Nonconforming Sign*** means any sign that does not conform with the use standards established for the district in which it is located.

***Nonconforming Structure*** means any structure that does not conform with the building standards established for the district in which it is located.

***Nuisance*** means any use, activity, or structure that interferes with the use or enjoyment of adjacent property, endangers personal health or safety, or is offensive to the senses, said nuisance being particularly described in M.C.A. 27-30-101 and/or 45-5-111.

***Principal Use*** means the main use of land or structure.

***Residence, Single-family*** means a structure containing one (1) dwelling unit, and not attached to any other dwelling unit by any means.

***Site-Built Home*** means a dwelling unit that is constructed on the site on which it will be located.

***Sign*** means any device which is used to announce, direct attention to, identify, advertise, or otherwise communicate information or make anything known. The term shall exclude architectural features or art not intended to communicate information.

***Stable, Commercial*** means a place and/or building, or portions thereof, that is used or is intended for keeping eight (8) or more horses for boarding or hire on trail rides. The term includes commercial stables, riding clubs, and riding instruction facilities.

***Stable, Private*** means a place where horses are kept for private use and not classified as a commercial stable.

***Variance*** means a grant of relief from the strict application of these regulations that would permit development in a manner otherwise prohibited.

***Youth Foster Home*** means a youth care facility licensed by the state in which one to six children or youth other than the foster parents' own children, stepchildren, or wards are given food shelter, security and safety, guidance, direction, and if necessary, treatment. (Also see: *Youth Group Home*)

***Youth Group Home*** means a youth care facility licensed by the state in which 7 to 12 children or youth are given food shelter, security and safety, guidance, direction, and if necessary, treatment. (Also see: *Youth Foster Home*)

**Sec. 5. District Boundaries.**

The boundaries of the district are described in Exhibit 1 and graphically depicted in Exhibit 2. Where the legal description in Exhibit 1 deviates from the map in Exhibit 2, Exhibit 1 shall control.

**Sec. 6. Purpose and Intent of District.**

The district is intended to provide for and assure rural and semi-rural development of land parcels primarily for agricultural and residential uses so as to conserve and protect open land uses, foster orderly growth and prevent urban and agricultural land use conflicts. The large parcels of land provided for by this district are intended to protect wildlife habitat, natural vegetation and watersheds.

**Sec. 7. Permitted Uses Within District.**

(a) *Permitted Uses.* The following uses shall be permitted throughout the district provided that the standards of Section 9 and 10 are satisfied:

- (1) Single-Family Residence, including site-built and factory built homes, but not including manufactured homes or mobile homes.
- (2) Poultry operations not to exceed 100 animals.
- (3) Veterinary services.
- (4) Home Occupations as prescribed in Section 10.
- (5) Agriculture including commercial raising, breeding and feeding of animals, but excluding commercial feed lot operations, and providing that pens and other enclosures, excluding open pasture, are maintained as set forth in Section 9.
- (6) Private Kennel.
- (7) Private Stable.
- (8) Portable saw mills

The following additional uses are pursuant to state law:

- (9) Adult Foster Family Care Home.
- (10) Community Home for Persons with Severe Disabilities.
- (11) Family Day-Care Home.
- (12) Group Day-Care Home.
- (13) Chemical Dependency Treatment Facility.
- (14) Youth Foster Home.
- (15) Youth Group Home.

(b) *Prohibited Uses.* Those uses not listed above shall be prohibited.



**Sec. 8. Accessory Structures and Signs**

(a) *Accessory Structures.* Accessory structures are permitted for principal uses, provided they are only used by the owners or tenants of the premises.

(b) *Signs.*

Signs are permitted for business or professional operations, provided they do not exceed twenty-four (24) square feet in area and are located on the premises. Said signs may be permanently painted or attached to dwellings and accessory buildings or be freestanding. Temporary real estate, political campaign, and construction signs must be removed within ten (10) days following termination of the activity for which they were intended. Signs shall not be flashing or utilize intermittent illumination. No sign shall be placed so as to obstruct traffic visibility.

**Sec. 9. Dimensional Standards.**

The following dimensional standards shall apply to all permitted dwellings and accessory structures within the district:

(1) **Minimum Lot Area:** ten (10) acres, except for non-conforming land parcels existing at the time of adoption of these regulations, as provided by Section 15, and except for lots created by a cluster development in which the average area per lot is at least 10 acres.

(2) **Minimum Front Yard:** twenty-five (25) feet

(3) **Minimum Side Yard:** twenty-five (25) feet

(4) **Minimum Rear Yard:** twenty-five (25) feet

(5) **Minimum Residential Floor Area:** 700 square feet of living space (exclusive of porches, decks and garages).

(6) **Minimum setback for livestock pens and other enclosures, excluding open pasture:** forty (40) feet.

**Sec. 10. Performance Standards for Permitted Uses.**

(a) *Residential.* No more than one (1) single family residence may occupy any land parcel.

(b) *Utilities.* In so far as practicable, all new utility services shall be placed underground.

(c) *Home Occupation.* Home Occupations (other than agriculture related occupations as previously described) shall meet the following standards:

(1) **Lot Size Requirements.** The minimum lot size on which a dwelling unit and an accessory building may be located is one (1) acre.

Note: This requirement refers to permitted uses, not to the minimum size of a lot (10 acres) which may be created by a subdivision of existing land parcels.

(2) **Location of Home Occupation.** The home occupation shall occur entirely within the dwelling unit and/or accessory building(s).

(3) **Nonresidential Employees.** There shall be no more than one (1) nonresident employee.

- (4) **Validity of Use.** The individual primarily responsible for the home occupation must permanently reside in the dwelling unit.
- (5) **Retail Sales.** The indoor display or retail sales of those products manufactured or otherwise made on the premises are permitted. All other on-site sales are prohibited.
- (6) **Client Traffic.** Home occupations shall not generate a volume of traffic greater than customary to a residential neighborhood and shall not constitute a nuisance.
- (7) **Exterior Character of Dwelling Unit.** The exterior character of the dwelling unit shall not be substantially altered to accommodate the home occupation.
- (8) **Storage of Materials.** There shall be no exterior storage of materials or equipment or any other outward indication of the occupation which would detract from the agricultural or residential character of the property.
- (9) **Signs.** Signs are permitted in accordance with Section 8.
- (10) **Noise, Vibration, Glare, Fumes, and Odors.** No home occupation shall generate any noise, vibration, glare, fumes, or odors that can be detected with normal senses on adjoining properties.
- (11) **Electrical Interference.** No home occupation shall create visual or audible interference in any radio or television receiver off the premises, or cause fluctuations in line voltage off the premises.

**Sec. 11. Regulations to Apply Uniformly Throughout District.**

All provisions shall apply uniformly to each structure and use and to all land and water within the boundaries of this district.

**Sec 12. Enforcement.**

(a) **County Enforcement.** The County shall enforce density and land use provisions of this district.

(b) **Enforcement by owners.** Provisions of this district not enforced by the County shall be enforced by the landowners of the district, pursuant to state law.

(c) **Effect of Nonenforcement.** Failure to immediately enforce any of these provisions shall not in any event be construed or held to be a waiver thereof or consent to any further or succeeding breach or violation.

**Sec. 13. Variances.**

(a) **Generally.** The Board of County Commissioners may grant a variance from the strict application of any provision of this Code, provided that such variance is granted in conformance with the County's Subdivision Regulations. No variance shall be granted unless the following positive findings can be made:

- (1) There is a hardship on the applicant in carrying out the strict letter of this Code as distinguished from a mere inconvenience.
- (2) The hardship does not directly result from the actions of the applicant.
- (3) The variance is the only option available to the applicant to afford relief from the hardship.

- (4) The variance is the minimum necessary to afford relief from the hardship.
- (5) The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties.
- (6) The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not applicable generally to other property.
- (7) Physical conditions, such as topography or parcel shape, prevent the applicant from meeting the strict letter of these regulations.
- (8) The variance will not in any manner vary the provisions of the zoning regulations or the Comprehensive Plan.
- (9) The variance will not cause a substantial increase in public costs.

(b) *Limitations on Issuing a Variance.* The following actions shall not be allowed by a variance:

- (1) establishment of a use otherwise prohibited;
- (2) expansion of a nonconforming use; or
- (3) modification to lot or other requirements so as to increase the permitted density or intensity of use.

**Sec. 14. Amendments.**

(a) *Landowner Initiated.* When not in conflict with the Ravalli County Comprehensive Plan, the County may amend the district boundary or any provision that applies to this district when sixty (60) percent of the landowners within said district submit a signed petition to the Board of County Commissioners.

(b) *County Initiated.* The County may amend the regulations and standards, or any other provision of this district when done in the context of a comprehensive plan revision.

(c) *Limitations on Amendments.* Under no circumstance may an amendment to a district boundary cause the district to be less than forty (40) acres.

**Sec. 15. Nonconformities.**

(a) *Generally.* Within the district(s) established or within districts established by future amendments, there may exist lots, structures, uses, signs, and other uses which were lawful before the adoption of this resolution, or amendment, but which would be prohibited, regulated, or restricted under the provisions of this resolution or amendment. This part prescribes how these nonconformities may be continued or made to comply with this resolution.

- (b) *Purpose and Intent.* It is the intent of this resolution to:
- (1) permit, but not encourage, nonconformities to continue until such time as they are removed, discontinued, changed, or enlarged; and
  - (2) ensure that nonconformities that are removed, discontinued, changed, extended or enlarged shall be made to conform to all provisions of this resolution.

(c) **Nonconforming Lots.** A parcel of land under one ownership and of record existing on the effective date of these zoning district regulations, which by its size does not comply with the provisions herein, is hereby deemed a legally existing parcel. Such nonconforming lots may be continued and used for any use permitted in the district, provided that the lot can comply with all other regulations of this zoning district.

(d) **Nonconforming Uses.** A nonconforming use of land may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No such nonconforming use shall be enlarged, increased or expanded to occupy a greater area of land than was occupied at the effective date of adoption or amendment.
- (2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment.
- (3) If any such nonconforming use is discontinued for more than six (6) months except as provided for in this section, any subsequent use of such land shall conform. Continuance of the use after such period is specifically prohibited.
- (4) If any such nonconforming use is discontinued because the structure in which it takes place is damaged or destroyed, the structure may be rebuilt and the use may resume, subject to the following conditions:
  - (a) construction or repair of the structure shall begin within 24 months of the event causing the damage or destruction and shall continue in good faith to completion;
  - (b) the use resumes immediately following the completion of the structure;
  - (c) the area of the structure devoted to the nonconforming use shall not exceed its original area;
  - (d) the structure shall be constructed at its original location; and
  - (e) the new structure complies with all state and local regulations that apply.

(e) **Nonconforming Structures.** A nonconforming structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No such structure may be enlarged or altered in a way to increase its nonconformity.
- (2) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- (3) Should such a structure be damaged or destroyed, by any means, it may be reconstructed, repaired, or replaced subject to the following conditions:
  - (a) construction or repair of the structure shall begin within 12 months of the event causing the damage or destruction and shall continue in good faith to completion;
  - (b) the structure shall be constructed at its original location; and
  - (c) the new structure complies with all state and local regulations that apply.

(f) **Nonconforming Signs.** All nonconforming signs with a replacement cost of less than one hundred dollars (\$100.00), and all signs prohibited shall be removed or altered to be conforming within ninety (90) days of the effective date of this resolution.

(g) **Unsafe Conditions.** Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part.

**Sec. 16. Responsibility for Interpretation.**

(a) *Responsibility for Interpretations.* In the event that any question arises concerning any provision or the application of any provision, the Planning Director shall be responsible for such interpretation and shall look to the Comprehensive Plan for guidance.

(b) *Limitations on Interpretations.* This responsibility for interpretation shall be limited to standards, regulations, and requirements of this Code, but shall not be construed to include interpretation of any technical codes adopted by reference in this Code, nor be construed as overriding the responsibilities given to any commission, board or official named in other sections or articles of this Code.

**Sec. 17. Abrogation.**

This resolution is not intended to repeal, abrogate, or interfere with any existing easements, covenants, or deed restrictions duly recorded in the public records of the county. Where the restrictions of this district exceed those of any covenant, the restrictions of the district shall supersede those of the covenant.

**Sec. 18. Severability.**

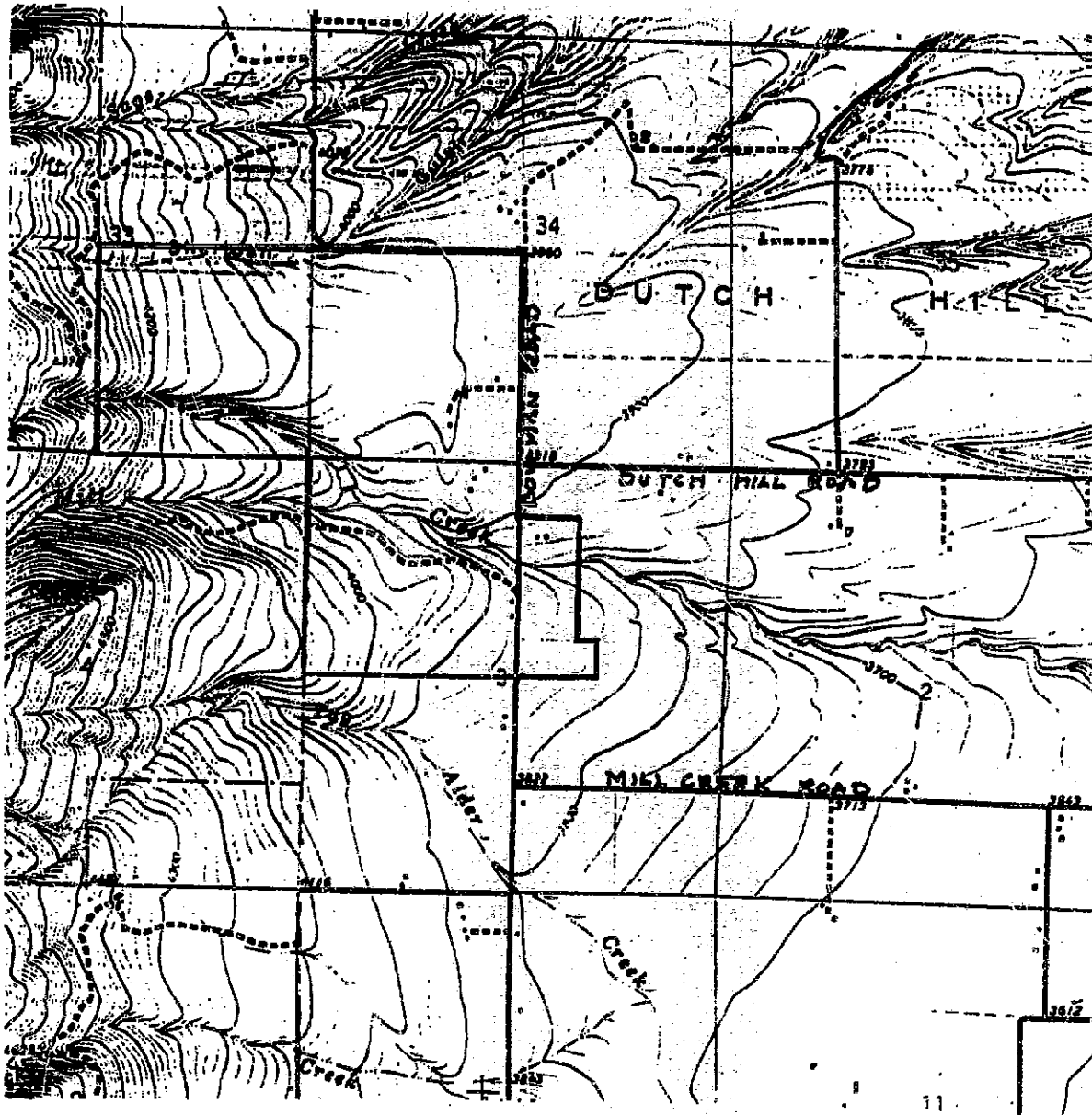
If any section, subsection, paragraph, sentence, clause, or phrase is for any reason held by any court of competent jurisdiction to be unconstitutional or otherwise invalid, the validity of the remaining portions shall continue in full force and effect.

**Sec. 19. Effective Date.**

This resolution shall become effective upon adoption.

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Exhibit 2.  
Location Map



**Exhibit C.**  
**Legal Description**  
**Upper Mill Creek Voluntary Zoning District**

The district includes lands located in Township 6 North and Township 7 North, Range 21 West, Principal Meridian, Montana, Ravalli County, Montana as follows:

TOWNSHIP 7, SECTION 33: All of SE 1/4

TOWNSHIP 7, SECTION 34: all of SW 1/4

TOWNSHIP 6, SECTION 3: all of NW 1/4

TOWNSHIP 6, SECTION 3: The following parcels in the NE 1/4: Tract A, COS 264; Tracts B-1 and B-2, COS 3414; Tract D, COS 2118, and Lot 11 of Mill Creek Meadows Subdivision.

The above land is generally described with the following metes and bounds perimeter:

Beginning at the center of Section 33, T7N R21W; thence Easterly along the East-West center of section lines of said Section 33 and Section 34, T7N, R21W to the center of said Section 34; thence Southerly along the North-South center of section line of said Section 34 to the North quarter corner of Section 3, T6N, R21W; thence Southerly 650.0 feet along said section line; thence Easterly 800.0 feet along the North boundary of Tract A, COS 264; thence Southerly 481.2 feet along the East boundary of said Tract A; thence Southerly 642.3 feet along the East boundary of Tract B-1, COS 3414; thence Southerly 417.9 feet along the East boundary of Tract D, COS 2118; thence Easterly 243.66 feet along the North boundary of Lot 11 of Mill Creek Meadows Subdivision to the NE corner of said Lot 11, thence Southerly 475.93 feet along the East boundary of said Lot 11 to the SE corner of said Lot 11, thence Westerly 1043.16 feet along the South boundary of said Lot 11 to the SE corner of the NW 1/4 of said Section 3, T6N, R21W; thence Westerly along the East-West center of section line of said Section 3 to the SW corner of the NW 1/4 of said Section 3; thence Northerly along the West boundary of said Section 3 to the NW corner of said Section 3; thence Westerly along the South boundary of Section 33, T7N, R21W to the SW corner of the SE 1/4 of said Section 33; thence Northerly along the West boundary of the SE 1/4 of said Section 33 to the point of beginning.

Exhibit 1.

Legal Description  
Upper Mill Creek Zoning District

The Upper Mill Creek Zoning District includes lands located in Township 6 North and Township 7 North, Range 21 West, Principal Meridian, Montana, Ravalli County, Montana as follows:

TOWNSHIP 7, SECTION 33: All of SE 1/4

TOWNSHIP 7, SECTION 34: all of SW 1/4

TOWNSHIP 6, SECTION 3: all of NW 1/4

TOWNSHIP 6, SECTION 3. The following ~~is~~ in the NE 1/4: Tract A, COS 264; Tract B, COS 3414 ~~and 264~~; Tract D, COS 2118, Lot 11 of Mill Creek Meadows Subdivision

The above land are generally described with the following metes and bounds perimeter:

Beginning at the center of Section 33, T7N R21W; thence Easterly along the East-West center of section lines of said Section 33 and Section 34, T7N, R21W to the center of said Section 34; thence Southerly along the North-South center of section line of said Section 34 to the North quarter corner of Section 3, T6N, R21W; thence Southerly 650.0 feet along said section line; thence Easterly 800.0 feet along the North boundary of Tract A, COS 264; thence Southerly 481.2 feet along the East boundary of said Tract A; thence Southerly 642.3 feet along the East boundary of Tract B, COS ~~264~~; thence Southerly 417.9 feet along the East boundary of Tract D, COS 2118; thence Easterly 243.66 feet along the North boundary of Lot 11 of Mill Creek Meadows Subdivision to the NE corner of said Lot 11, thence Southerly 475.93 feet along the East boundary of said Lot 11 to the SE corner of said Lot 11, thence Westerly 1043.16 feet along the South boundary of said Lot 11 to the SE corner of the NW 1/4 of said Section 3, T6N, R21W; thence Westerly along the East-West center of section line of said Section 3 to the SW corner of the NW 1/4 of said Section 3; thence Northerly along the West boundary of said Section 3 to the NW corner of said Section 3; thence Westerly along the South boundary of Section 33, T7N, R21W to the SW corner of the SE 1/4 of said Section 33; thence Northerly along the West boundary, the SE 1/4 of said Section 33 to the point of beginning.



Exhibit C  
(continued)

Location Map  
Upper Mill Creek Voluntary Zoning District

