

MERRITT RANCH AREA ZONING DISTRICT AND REGULATIONS

- I. **Purpose:** The purpose of the Zoning District and Regulations is to:
 - Guide land use that will conform to the Lake County Growth Policy.
 - Comply with the provisions of Montana Code Annotated § 76-2-201, et. seq.
 - Maintain the rural character and agricultural use of the area.
 - Allow land uses that protect and enhance property values and amenities while protecting the natural environment.
 - Establish districts wherein compatible uses of land may be located and grouped to create, protect, or maintain the character of the area.
 - Provide for the health, safety, and general welfare of the community at large.
- II. **Boundary:** The Merritt Ranch Area Zoning District Boundary. See attached legal descriptions.
- III. **Applicability:** The regulations shall apply to all lands within the District except land owned by the Confederated Salish and Kootenai Tribes, which lie within the boundaries of the Flathead Indian Reservation, State, Local or Federal Government, unless it is a School Trust lease lot.

Property owners should be aware that other local and state laws may apply to the use of their property. It is the responsibility of the property owner and their contractors to obtain all required state and local permits including, but not limited to, those listed below. For information about permit requirements, contact:

- A. The Lake County Environmental Health Department for compliance with septic, and storm water management rules and regulations (when applicable).
- B. The Confederated Salish and Kootenai Tribes for all work for properties located on the Flathead Indian Reservation.
- C. The Montana Department of Commerce for compliance with state building, electrical, plumbing and mechanical codes.

IV. **Permitted Uses:**

- A. Retreat Centers.
- B. Agriculture and forestry including processing and sales.
- C. Mining gravel and quarrying rock accessory to the construction of permitted uses during the construction and building period and for road maintenance thereafter only.
- D. Accessory structures and uses.
- E. Temporary living quarters for agricultural workers.
- F. Temporary living quarters for construction workers during the construction period.
- G. Signage, see Section VIII.

V. Prohibited Uses:

- A. Mobile Home Parks.
- B. Recreational Vehicle Parks.
- C. Industrial uses not permitted in Section IV. Permitted Uses or Section IX. Accessory Structures and Uses.

VI. Space and Bulk Requirements:

A. Setbacks

- 1. One hundred (100) feet from the exterior boundary of the District.
- 2. Seventy-five (75) feet from the centerline of Garceau Gulch Road, Irvine Flats Road or Bjorge Lane.
- 3. Accessory structures shall meet all setback requirements.

B. Height - Except for agricultural buildings, utility buildings or structures the maximum building height is:

- 1. Within Sub-District A -The maximum building height shall be fifty (50) feet.
- 2. Within Sub-District B - The maximum building height shall be thirty (30) feet.

C. Building Coverage - The maximum building coverage for lots in the same contiguous ownership shall be no greater than two (2) percent of the land area that is less than twenty-five (25) percent slope.

VII. Outdoor Lighting: All new and replacement nighttime outdoor lighting must be lighted by continuous, stationary, shielded external light sources so as not to be obtrusive to adjacent landowners. Neon and internal illumination of transparent or semi-transparent surfaces that are not windows are not permitted.

VIII. Signs: The following standards apply:

- A. Detached signs are permitted and shall not exceed forty-eight (48) square feet in sign area, or extend more than twenty-five (25) feet in height above the average elevation of the natural ground level at the site. Gate overhead signs may provide for sixteen (16) feet of vehicle clearance plus the height of the sign.
- B. Signs attached to a building are permitted and shall not exceed forty-eight (48) square feet in sign area, or extend more than 16 feet in height above the average elevation of the natural ground level at the site.
- C. Incidental signs are permitted. Incidental signs are signs that provide direction, designate a location, provide interpretive information, provide caution or are for safety purposes.
- D. Signs, if illuminated, shall be lighted by continuous, stationary, shielded external light sources, directed to illuminate only the sign as to not be obtrusive to adjacent landowners. (Internal illumination and neon are not permitted.) Signs shall not rotate, move, flash, change or blink, except if utilized by a government agency for public safety or information.
- E. Flags and banners are allowed.

IX. Definitions:

- A. Accessory Structure and Uses – Any structure, building or portion thereof or use that is intended or designed to include features which allow it to support a primary structure or permitted use on the property including but not limited to:
 - 1. Crafting of furniture, statuary and implements to be used as part of any permitted use.
 - 2. The preparation of educational materials.
 - 3. In association with a Retreat Center:
 - a. Child Care.
 - b. School Facilities.
 - 4. Interpretive Center in association with a Retreat Center.
 - 5. Living quarters for individuals or families that are there in support of the permitted uses.
 - 6. Greeting and materials management buildings including buildings for receiving, short term storing or processing (including re-cycling) of bulk food, laundry or solid waste.
- B. Agricultural Activities and Forestry Operations - Land management and use that occurs in connection with the production of locally produced farm or timber products. Uses include but are not limited to:
 - 1. Forestry and agriculture.
 - 2. Raising of cows, horses, poultry, and other livestock.
 - 3. Greenhouses, hoop houses and agricultural processing buildings.
 - 4. Horticulture or orchards.
 - 5. Construction, alteration or maintenance of agricultural buildings, roads, drainage systems, irrigation systems, and farm ponds including any and all activities that are accessory or incidental to the primary use of the property for agriculture.
- C. Average Building Height – The vertical distance of a structure is computed by determining the average of the highest point of each major side of a structure. The highest point does not include typical extensions above a roofline such as chimneys and antennas. The highest point shall be measured from the top of the highest component of each major side to the average ground elevation along that side. For the purposes of these regulations, all structures will have a maximum of four (4) sides, and the highest point shall be determined as if the structure were to be squared off. The ground elevation for this purpose shall be measured from the lower of 1) existing grade prior to construction; or 2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the structure.

1. Exceptions - The following features are not counted in the measurement of building height:
 - a. chimneys and antennas;
 - b. vents and ventilation stacks;
 - c. wireless communication facility antenna arrays;
 - d. steeples;
 - e. belfries;
 - f. skylights;
 - g. solar panels;
 - h. water towers;
 - i. flag poles;
 - j. stair and elevator penthouses;
 - k. egress window wells;
 - l. basement stairwells not exceeding five (5) feet in width;
 - m. open guardrails and mechanical equipment; and
 - n. similar elements that do not add habitable floor area to a building.
 2. Churches and Temples - Churches and temples may exceed the building height limits of this District if the setbacks exceed the required setbacks by at least one (1) foot for each one (1) foot of height by which the building exceeds the maximum height limit not to exceed a maximum building height of eighty (80) feet.
- D. Buildable Area – That portion of a building site, which meets the setback requirements of these regulations and upon which a building may be lawfully constructed.
- E. Destroy – A building/structure is considered destroyed if greater than fifty (50) percent of the original structure that existed at the time of damage is deteriorated by the destructive action or is determined to no longer be able to be used for its intended purposes.
- F. Living Quarters – Any structure, building or portion thereof which is intended or designed for human occupancy as a residential use that includes standard features such as bedrooms, bathrooms, and other facilities to support human inhabitants.
- G. Industrial Use – Any manufacturing, production, or assembly of goods or materials, other than processing agriculture, including any on-site waste disposal area directly associated with an industrial use. This term does not include mineral extractions. This term includes junkyards and similar facilities or uses.
- H. Legally Existing – The use is in full compliance with all applicable laws, rules, and regulations, including but not limited to possession of and compliance with any permit, license, or other approval required under Federal, Tribal State or Local regulations.
- I. Mobile Home Park - A tract of land providing two (2) or more mobile home lots for lease or rent to the general public.

- J. Modular Living Quarters - Any residential structure with all of the following design characteristics:
 1. Containing sleeping accommodations, a flush toilet, a tub or shower, with plumbing and electrical connections provided for attachment to outside systems.
 2. Transportable on temporary wheels, a flatbed, or other type of trailer.
 3. Placed on a block foundation, either temporary or permanent with wheels removed.
- K. Natural Grade – The elevation of the ground surface in its natural state before man made alterations including but not limited to stripping, cutting, and filling.
- L. Nonconforming Use – A lawful use of a building, other structure or land, which predated the adoption of the zoning use regulations now in effect, and which would not be a use authorized in the District designation currently applied to that site.
- M. Prohibited Use – A use that is not permitted within the District.
- N. Recreational Vehicle Campground – A place used for public or private camping where spaces are available to park individual camping trailers, pickup campers, motor homes, travel trailers, or automobiles for transient occupancy.
- O. Retreat Center – Any area or tract of land, in the same contiguous ownership, containing buildings and accessory uses that are intended to provide people with a common pursuit in a quiet location designed for seclusion including but not limited to churches or temples, retreat cabins, and long term retreat buildings. (Examples of land uses that qualify under this definition are educational or religious facility. Examples of land uses that do not qualify as a retreat center under this definition are hotels, motels, and commercial resorts).
- P. Setbacks - The required setbacks for buildings, except utility buildings or structures, shall be measured from the vertical face of the structure, including foundation walls, and attached decks, that end closest to the applicable property line or centerline of the road right-of-way or public road easement excluding eaves, porches, and steps.
- Q. Temporary Living Quarters -
 1. Modular Living Quarters provided for construction workers for the construction period.
 2. Living Quarters provided for agricultural workers on a seasonal basis for agriculture.
- R. Utility Buildings and Structures - Any building or structure whose primary use is to provide private or public utilities including, but not limited to, sewer, water, communications, power, and natural gas.

X. Nonconforming Structures and Uses

- A. Nonconforming Structures - A lawful structure existing on the effective date of adoption or amendment of this District which could not be built in this District by reason of restrictions in this District, may be continued so long as it remains lawful, subject to the following conditions:
 1. No such structure may be expanded or replaced in size, shape or character or altered in a way which increases its nonconformity unless an enlargement or structural alteration is required by law.

2. Any such structure destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at time of destruction shall not be reconstructed or replaced except in conformity with the provisions of this resolution.
 3. Any such structure moved for any reason for any distance whatever shall thereafter conform to the regulations of this District.
 4. Any structure may be altered, if necessary, to adapt a nonconforming building to new technologies or equipment pertaining to uses housed in such building, but any enlargement necessary to adapt to new technologies shall be authorized only by a variance.
- B. Nonconforming Uses - A lawful use existing on the effective date of adoption or amendment of this District, made no longer permissible by this District as enacted or amended, may be continued so long as it remains otherwise lawful, subject to the following conditions:
1. No such nonconforming use shall be expanded or replaced in size, shape or character or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this District.
 2. No such nonconforming use shall be moved in whole or in part to any other portion of the District occupied by such use at the effective date of adoption or amendment of this District. If any such nonconforming use ceases for any reason for a period of one hundred eighty (180) days, or at the time the structure(s) housing such use is destroyed. Any subsequent use shall conform to the regulations specified by this District.

XI. Administration:

- A. Reviewing Authority - The Lake County Board of Adjustment and the Lake County Planning Department administer these regulations. All permit applications shall be filed with the Lake County Planning Department. The Lake County Board of Adjustment has been created by the Lake County Board of Commissioners and shall have the authority to hear and decide upon appeals, and variances in accordance with Section 76-2-223, M.C.A and these regulations. Where Board review and action are required, the Lake County Board of Adjustment shall review the application.
- B. Interpretation - The Lake County Planning Director shall be designated as the Zoning Administrator with the responsibility to implement the zoning regulations. Any interpretation of decision by the Zoning Administrator concerning the zoning district and regulations may be appealed to the Lake County Board of Adjustment by any landowner within the district in accordance with the appeals section of these regulations.
- C. Zoning Conformance Permit -
 1. New Structures or Signage – Zoning Conformance Permit Applications must be completed and provided to the Lake County Planning Department with the appropriate fee.
 2. Modifications to Existing Structures or Signage - Contact the Planning Staff to determine if a Zoning Conformance Permit is required.

3. Additional Applications Materials - If not already required by any required Zoning Conformance Permit Application, the following additional application materials shall be submitted:
 - a. A site map that includes:
 - 1.) Onsite and adjacent offsite streets, roads and easements.
 - 2.) Geographic features including:
 - a) Surface water features such as impoundments, ponds or streams.
 - b) Natural drainage ways on or adjacent to the site.
 - c) Topography with two (2) foot contours.
 - d) Existing land use.
 - 3.) Existing ground cover.
 - 4.) Existing buildings.
 - 5.) Existing septic tanks and drainfields.
 - 6.) Existing wells.
 4. Evidence that the site (which may include evidence of contiguous legal ownership of all parcels) is served by emergency medical and fire services by providing an official map of the service area boundaries for the District.
 5. Evidence that the site is within the boundaries of Lake County and is served by the Lake County Sheriff's Department.
 6. Evidence that maintained legal and physical access is provided to the property (which may include evidence of contiguous legal ownership of all parcels to Garceau Gulch Road or Irvine Flats Road from the proposed land use).
 7. Evidence that the site is not within an adopted floodplain, or if the site is within an adopted floodplain demonstrate how the proposal complies with Lake County floodplain regulations.

Review Criteria: In evaluating these zoning district regulations prior to adoption, the Board of County Commissioners determined these regulations comply with the criteria and guidelines for zoning regulations set forth in § 76-2-204, MCA, and the purposes set forth in § 76-2-201, MCA. Further, in accordance with § 76-8-107, MCA, the Board of County Commissioners has considered the potential significant impacts which might result on the surrounding physical environment and human population in the area to be affected and have designed the regulations to minimize such potential significant impacts. Therefore, the Board of County Commissioners has determined that structures and land uses which comply with the provisions of these regulations will not have potentially significant impacts on the surrounding physical environment and human population in the area to be affected.

- D. Site Visits in Association with Zoning Conformance Permit Applications and Variances - Site visits are required only when the Planning Staff needs additional information beyond the Zoning Conformance Permit information or aerial imagery to determine existing uses. Site visits are required for variance requests.

E. Appeals and Variance -

1. General Requirements - An application for all variance requests and appeals shall be obtained from the Lake County Planning Department, completed and submitted by at least one(1) holder of an interest in the real property for which variance is proposed within thirty (30) days of a regularly scheduled meeting of the Board of Adjustment. The applications shall be accompanied by the fee associated with its review as determined by the Lake County Board of County Commissioners.
2. Appeal - Any person, the city, or federal, state, county, or city government agency, may file an appeal when aggrieved by a decision or interpretation made by the Zoning Administrator; provided, that the appeal is based on an allegation that the zoning administrator made an error in interpretation of these regulations, and the erroneous interpretation specifically aggrieves the appellant
 - a. The zoning administrator shall transmit any appeal with all supporting materials to the Board of Adjustment at least five (5) calendar days prior to the date of their next regularly scheduled meeting.
 - b. An appeal under the terms of these regulations stays all proceedings in the matter appealed from unless the Zoning Administrator certifies to the Board of Adjustment hearing the application that, by reason of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, except by a restraining order granted by the Board hearing the appeal or by a court of record on application and notice to the Zoning Administrator from whom the appeal was taken and on due cause shown.
 - c. Decisions of the Board of Adjustment shall be by motion. The basis for the decision on each appeal, and a detailed summary of the facts and basis supporting the determination shall be recorded in the decision and shall constitute a part of the record thereof.
 - d. Any person aggrieved by a decision of the Board of Adjustment may file an appeal with a court of record within thirty (30) days of the filing of the decision by the Board.
3. Variance – In addition to the application, the following information shall be submitted:
 - a. A plan of the site for the variance proposal addressing all elements necessary to evaluate the request. These may include location of buildings, parking and loading area, traffic access and traffic circulation, open spaces, easements, existing and proposed grade, landscaping, refuse and service areas, utilities, water and sewer services, signs, storm water management plan, and such other information as the Zoning Administrator may require.
 - b. A narrative statement discussing the proposed use, the hardship peculiar to the property, and how the request is the minimum thing to alleviate the hardship. It should also evaluate the effects of the proposal on neighboring properties and the public, which includes consideration of the compatibility

of the proposal with other properties in the District and the relationship of the proposed use to the intent of the District.

c. Standards for evaluation:

- 1.) Hardships - Certain circumstances exist or arise wherein an unnecessary hardship is created through strict adherence to the provisions of these regulations. These provisions for the granting of a variance from the regulations are to ensure that the public welfare is secured and substantial justice can be done to those so affected.
- 2.) Review - The Board shall review the particular facts and circumstances of each proposed variance and may grant the variance if it determines the variance will not be contrary to the public interest, and where, owing to special conditions, a literal enforcement of the provisions of the resolution will result in unnecessary hardship, such that the spirit of the regulations shall be observed and substantial justice done. Findings are required to be made by the Board for approval of a variance. To determine whether unnecessary hardship exists and the granting of the variance will uphold the spirit of the regulations and provide substantial justice, the Board shall consider the following criteria:
- 3.) Strict compliance with the terms of these regulations will limit the reasonable use of the property; and deprive the applicant of rights enjoyed by other properties similarly situated in the District.
- 4.) The hardship is the result of lot size, shape, topography or other circumstances over which the applicant has no control.
- 5.) The hardship is peculiar to the applicant's property.
- 6.) The hardship was not created by the applicant.
- 7.) The hardship is not economic (when a reasonable or viable alternative exists).
- 8.) Granting the variance will not adversely affect the neighboring properties or the public.
- 9.) The variance requested is the minimum variance which will alleviate the hardship.

d. Hearing Notices - The Zoning Administrator shall place notice of the variance proposal or appeal in the local newspaper and written notice shall be sent by regular mail to all landowners adjoining the property to which variance is proposed within fourteen (14) days of the Board of Adjustment Hearing.

F. Grievance - An aggrieved landowner, within the District, may appeal the decision of the Zoning Administrator to the Board of Adjustment or a decision of the Board of Adjustment to a Court of Record provided that the appeal is filed in thirty (30) days or less of the issuance of decision to be contested.

G. Violation - Where the administrator finds any building or structure is erected, constructed, reconstructed, altered, or converted, or any land is used in violation of this Regulation a notice of non-compliance shall be issued in writing to the person responsible for such violations, as well as the property owner. The notice of violations shall indicate the nature of the violation and ordering the action necessary to correct it. The notices shall also order discontinuance of illegal uses, buildings or structures or of illegal additions, alterations, or structural changes.

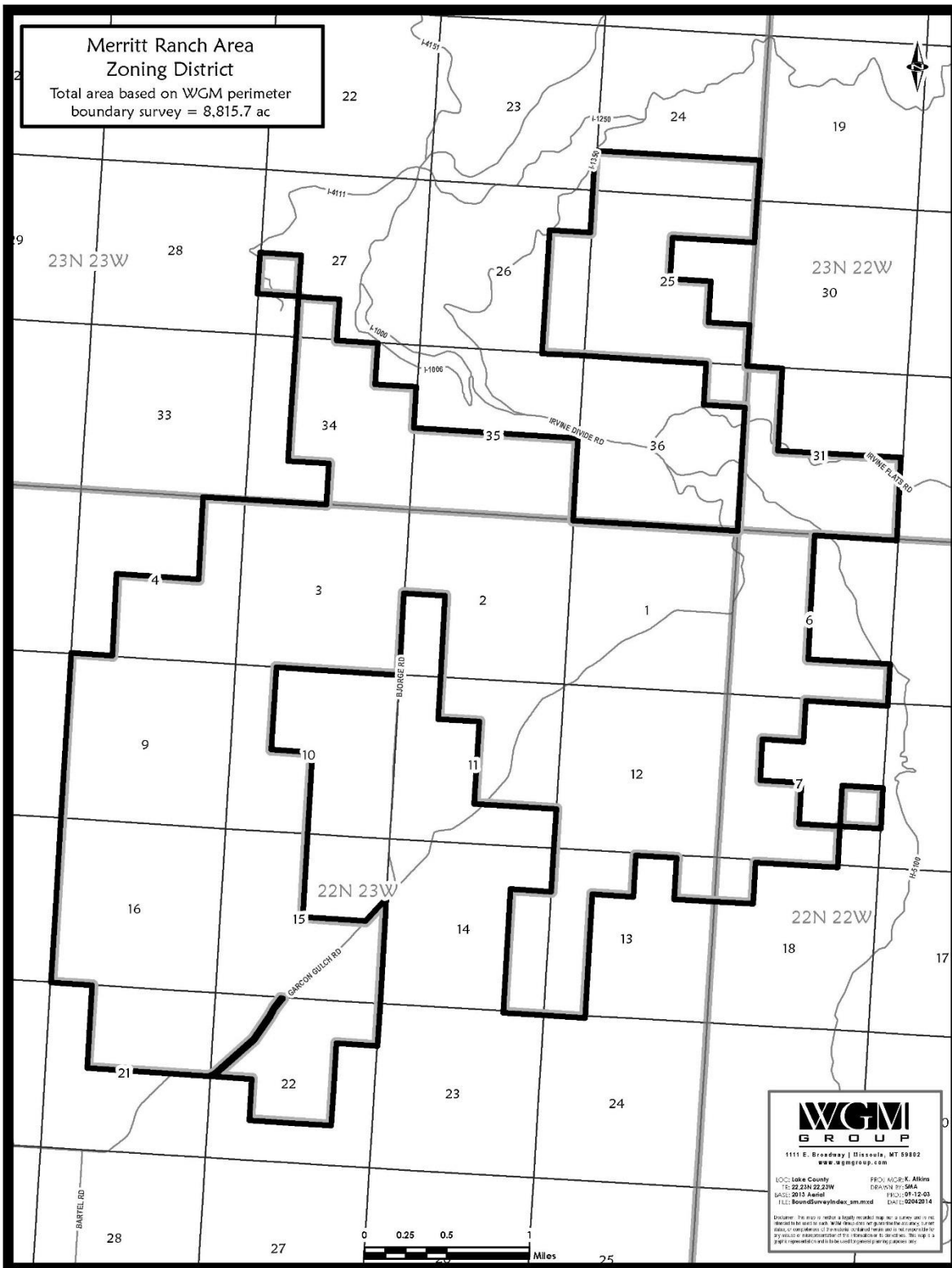
If the person in violation chooses to appeal the notice of non-compliance he may file an appeal with the Board of Adjustment as set forth in this section. If the party in violation does not comply with or appeal the notice within thirty (30) days, the Zoning Administrator shall forward the notice of non-compliance to the Lake County Attorney.

The County Attorney may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, or use to restrain, correct, or abate such violation, to prevent occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises. A violation of the Zoning Regulations is a misdemeanor and shall be punishable by a fine not exceeding five hundred dollars (\$500.00) or imprisonment in the county jail not exceeding six (6) months or both.

XII. Amendment:

- A. Amendments - A proposal to amend the zoning may be initiated by any landowner within the District, the Lake County Commissioners, Lake County Planning Board or Planning Department staff. The zoning regulations may be amended in whole or in part by the affirmative vote of the Board of Commissioners after a public hearing is held in accordance with 76-2-205 MCA.
 1. Text Amendments - Prior to taking any action to amend the regulations the Commissioners shall solicit a recommendation on the proposed action from the Lake County Planning Board. When considering an application for amendment to the provisions of these regulations the Planning Board and the Board of Commissioners shall be guided by and consider the criteria identified in state law Title 76, Chapter 2 MCA.
 - a. Requests to amend the text of these regulations may be initiated by providing the Zoning Administrator with the proposed amendment and the applicable review fee at least thirty (30) days prior to a regularly scheduled Planning Board meeting.
 - b. An owner of record, or his authorized agent shall sign the application for amendment.
 - c. After acceptance of the completed application by the Zoning Administrator, the planning staff shall set a public hearing date and publish a public notice in compliance with state law.
 - d. The planning board shall consider the application and make a recommendation to the Board of Commissioners to grant, amend or deny the application.
 - e. Upon receipt of the recommendation of the Planning Board, the Board of Commissioners shall render a decision to grant, amend or deny the requested amendment based on the results of the public input, the staff report, and findings of the Planning Board.
 - f. Should the proposed amendment be adopted by resolution in compliance with state law, the Zoning Administrator shall incorporate the amendment into the appropriate section or paragraph of these regulations.

- g. In the event that an application to amend these regulations is denied by the Board of Commissioners or the application for amendment is withdrawn after the hearing of the planning board, the Zoning Administrator shall have the authority to refuse to accept another application for any similar amendment within one year from the date of hearing of the previous application before the Board.
2. Amendments To Official Zoning Map (Rezoning) - An amendment proposing changes in the official zoning map shall follow substantially the same procedures as provided for above, with the following additional requirements to be adhered to:
- a. If property outside the zoning district is to be annexed into the District, it shall be adjoining and all proposals shall expand or complement the existing zoned property.
 - b. In the event that the Board of Commissioners grants the application to amend or rezone, they shall notify the Zoning Administrator of their action and the Zoning Administrator shall be responsible for coordinating the update of the official zoning map. The updating shall include the posting on the face of the official zoning map the date and the number of the Resolution or Ordinance amending the map.
 - c. In the event that an application to amend (rezone) is denied by the Board of Commissioners or that the application is withdrawn after the Planning Board hearing, the Zoning Administrator shall have the authority to refuse to accept another application for any similar amendment within one (1) year from the date of the hearing of the previous application before the Board.



MERRITT RANCH AREA ZONING DISTRICT: LEGAL DESCRIPTION

(See attached exhibit.)

Township 23 North, Range 23 West, P.M.M., Lake County, Montana

- Section 24:** The S1/2SW1/4 and the S1/2SE1/4 containing 160.14 acres, more or less.
- Section 25:** The NW1/4, the SW1/4, the N1/2NE1/4, the W1/2SE1/4 and the SE1/4SE1/4 containing 517.60 acres, more or less.
- Section 26:** The SE1/4NE1/4 and the E1/2SE1/4 containing 119.35 acres, more or less.
- Section 27:** The NW1/4SW1/4 and the SE1/4SW1/4 containing 79.65 acres, more or less.
- Section 34:** The E1/2NW1/4, the W1/2NE1/4, the SE1/4NE1/4, the NE1/4SW1/4 and the SE1/4 containing 397.72 acres, more or less.
- Section 35:** The S1/2 containing 318.59 acres, more or less.
- Section 36:** The NE1/4NE1/4 containing 39.96 acres, more or less.

Total Township Acreage: 1,633.01 acres, more or less.

Township 23 North, Range 22 West, P.M.M., Lake County, Montana

- Section 31:** Government Lot 1, Government Lot 2, the SW1/4 and the SE1/4 containing 379.12 acres, more or less.

Total Township Acreage: 379.12 acres, more or less.

Township 22 North, Range 22 West, P.M.M., Lake County, Montana

- Section 6:** The NW1/4, the SW1/4 and the S1/2SE1/4 containing 383.17 acres, more or less.
- Section 7:** Government Lot 1, Government Lot 2, the NE1/4NW1/4, the SW1/4, the NE1/4SE1/4 and the SW1/4SE1/4 containing 344.37 acres, more or less.
- Section 18:** Government Lot 1 containing 37.13 acres, more or less.

Total Township Acreage: 764.67 acres, more or less.

Township 22 North, Range 23 West, P.M.M., Lake County, Montana

- Section 1:** Section 1 containing 640.08 acres, more or less.
- Section 2:** The NW1/4, the NE1/4, the E1/2SW1/4 and the SE1/4 containing 562.55 acres, more or less.
- Section 3:** Section 3 containing 640.45 acres, more or less.
- Section 4:** The E1/2NE1/4, the E1/2SW1/4 and the SE1/4 containing 319.63 acres, more or less.
- Section 9:** Section 9 containing 639.54 acres, more or less.
- Section 10:** The W1/2NW1/4 and the SW1/4 containing 239.70 acres, more or less.
- Section 11:** The NE1/4NW1/4, the NE1/4 and the N1/2SE1/4 containing 279.21 acres, more or less.
- Section 12:** Section 12 containing 637.01 acres, more or less.
- Section 13:** The N1/2NW1/4, the SW1/4NW1/4, the NE1/4NE1/4 and the W1/2SW1/4 containing 239.45 acres, more or less.
- Section 14:** The SE1/4NE1/4 and the E1/2SE1/4 containing 119.64 acres, more or less.
- Section 15:** The NW1/4, the SW1/4, the SE1/4 and that certain tract of land in Section 15 described in Microfile No. 179525 on file in Lake County, Montana containing 485.26 acres, more or less.
- Section 16:** Section 16 containing 640.09 acres, more or less.
- Section 21:** The E1/2NW1/4 and the NE1/4 containing 240.46 acres, more or less.
- Section 22:** The NW1/4 lying westerly of the northwesterly right-of-way line of Garcon Gulch Road, the NW1/4 lying easterly of the southeasterly right-of-way line of Garcon Gulch Road, the W1/2NE1/4, the NE1/4NE1/4, the NE1/4SW1/4, and the NW1/4SE1/4 containing 355.86 acres, more or less.

Total Township Acreage: 6,038.93

TOTAL ACREAGE OF PROPERTY DESCRIBED: 8,815.7 ACRES

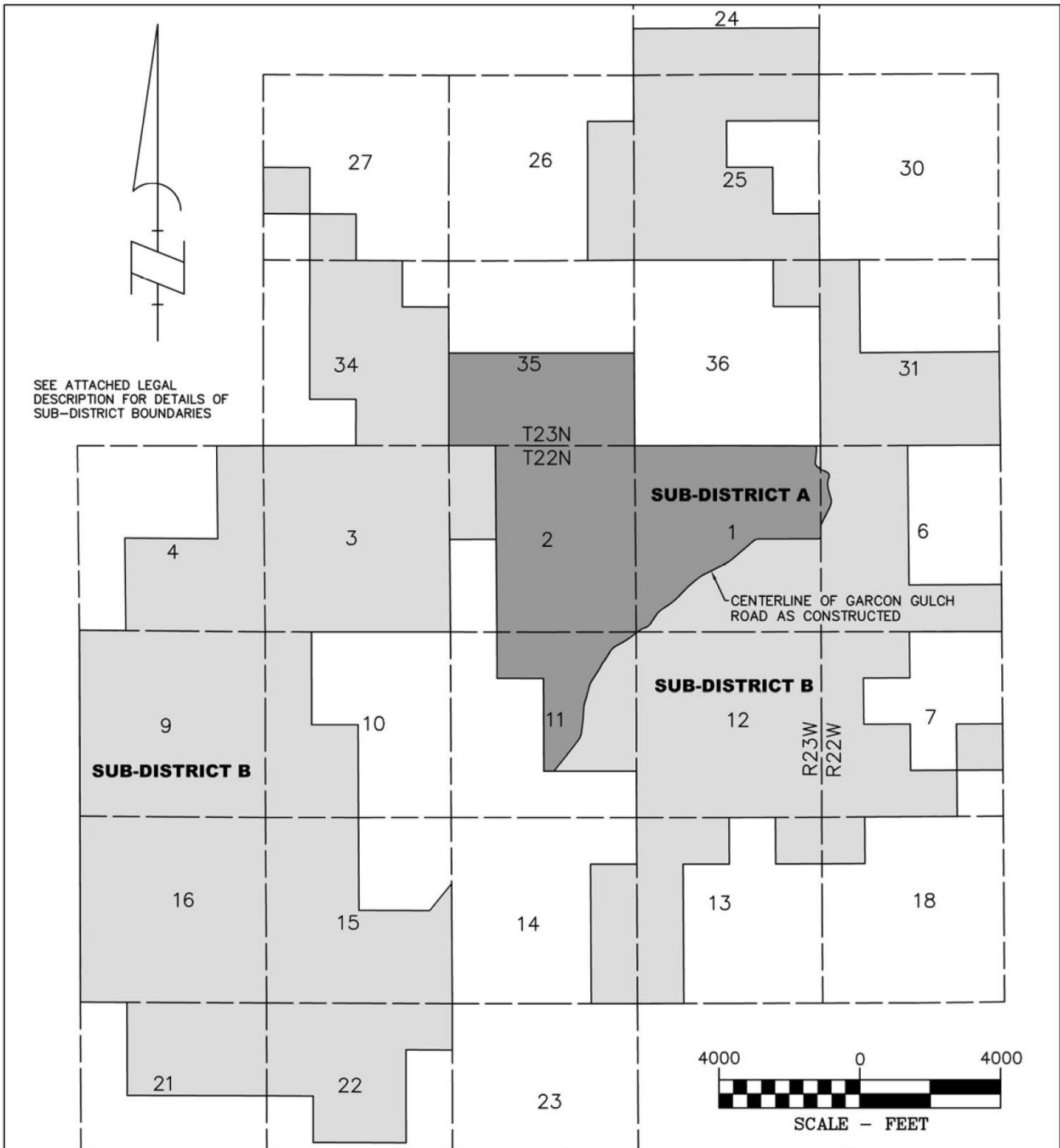


EXHIBIT "A"
 SUB-DISTRICT MAP
 MERRITT RANCH AREA ZONING DISTRICT
 LAKE COUNTY, MONTANA



PROJECT: 09-12-03
 FILE No: 091203_sub_dist_bndy.dwg
 FILE PATH
 W:\Projects\091203\CAD Data-091203\Exhibits
 LAYOUT: EXHIBIT 2
 SURVEYED: WGM GROUP
 DESIGN: JAD
 DRAFT: JAD
 APPROVE: KFA
 DATE: FEBRUARY 2014
 SHEET .01 OF .01 SHEETS

SUB-DISTRICT LEGAL DESCRIPTIONS – MERRITT RANCH AREA ZONING DISTRICT

SUB-DISTRICT A

Township 23 North, Range 23 West, P.M.M., Lake County, Montana

Section 35: The S1/2 containing 318.59 acres, more or less.

Total Township Acreage: 318.59 acres, more or less.

Township 22 North, Range 23 West, P.M.M., Lake County, Montana

Section 1: All that part of Section 1 lying northwesterly/westerly of the centerline of Garcon Gulch Road as constructed, containing 420.11 acres, more or less.

Section 2: The E1/2NW1/4, the NE1/4, the E1/2SW1/4 and the SE1/4 containing 481.65 acres, more or less.

Section 11: The NE1/4NW1/4, all that part of the NE1/4 lying northwesterly of the centerline of Garcon Gulch Road as constructed, and all that part of the N1/2SE1/4 lying northwesterly of the centerline of Garcon Gulch Road as constructed, containing 157.88 acres, more or less.

Section 12: All that part of Section 12 lying northwesterly of the centerline of Garcon Gulch Road as constructed, containing 0.01 acres, more or less.

Total Township Acreage: 1,059.65 acres, more or less

Township 22 North, Range 22 West, P.M.M., Lake County, Montana

Section 6: All that part of the NW1/4 lying westerly of the centerline of Garcon Gulch Road as constructed, containing 7.37 acres, more or less.

Total Township Acreage: 7.37 acres, more or less.

Total Area of Sub-District A: 1,385.61 acres, more or less.

SUB-DISTRICT B

Township 23 North, Range 23 West, P.M.M., Lake County, Montana

- Section 24:** The S1/2SW1/4 and the S1/2SE1/4 containing 160.14 acres, more or less.
- Section 25:** The NW1/4, the SW1/4, the N1/2NE1/4, the W1/2SE1/4 and the SE1/4SE1/4 containing 517.60 acres, more or less.
- Section 26:** The SE1/4NE1/4 and the E1/2SE1/4 containing 119.35 acres, more or less.
- Section 27:** The NW1/4SW1/4 and the SE1/4SW1/4 containing 79.65 acres, more or less.
- Section 34:** The E1/2NW1/4, the W1/2NE1/4, the SE1/4NE1/4, the NE1/4SW1/4 and the SE1/4 containing 397.72 acres, more or less.
- Section 36:** The NE1/4NE1/4 containing 39.96 acres, more or less.
- Total Township Acreage:** 1,314.42 acres, more or less.

Township 23 North, Range 22 West, P.M.M., Lake County, Montana

- Section 31:** Government Lot 1, Government Lot 2, the SW1/4 and the SE1/4 containing 379.12 acres, more or less.
- Total Township Acreage:** 379.12 acres, more or less.

Township 22 North, Range 22 West, P.M.M., Lake County, Montana

- Section 6:** All that part of the NW1/4 lying easterly of the centerline of Garcon Gulch Road as constructed, the SW1/4 and the S1/2SE1/4 containing 375.79 acres, more or less.
- Section 7:** Government Lot 1, Government Lot 2, the NE1/4NW1/4, the SW1/4, the NE1/4SE1/4 and the SW1/4SE1/4 containing 344.37 acres, more or less.
- Section 18:** Government Lot 1 containing 37.13 acres, more or less.
- Total Township Acreage:** 757.29 acres, more or less.

Township 22 North, Range 23 West, P.M.M., Lake County, Montana

- Section 1:** All that part of Section 1 lying southeasterly/easterly of the centerline of Garcon Gulch Road as constructed, containing 219.96 acres, more or less.
- Section 2:** The W1/2NW1/4 containing 80.91 acres, more or less.
- Section 3:** Section 3 containing 640.45 acres, more or less.
- Section 4:** The E1/2NE1/4, the E1/2SW1/4 and the SE1/4 containing 319.63 acres, more or less.
- Section 9:** Section 9 containing 639.54 acres, more or less.
- Section 10:** The W1/2NW1/4 and the SW1/4 containing 239.70 acres, more or less.
- Section 11:** All that part of the NE1/4 lying southeasterly of the centerline of Garcon Gulch Road as constructed, and all that part of the N1/2SE1/4 lying southeasterly of the centerline of Garcon Gulch Road as constructed, containing 121.34 acres, more or less.
- Section 12:** All that part of Section 12 lying southeasterly of the centerline of Garcon Gulch Road as constructed, containing 637.00 acres, more or less.
- Section 13:** The N1/2NW1/4, the SW1/4NW1/4, the NE1/4NE1/4 and the W1/2SW1/4 containing 239.45 acres, more or less.
- Section 14:** The SE1/4NE1/4 and the E1/2SE1/4 containing 119.64 acres, more or less.
- Section 15:** The NW1/4, the SW1/4, the SE1/4 and that certain tract of land in Section 15 described in Microfile No. 179525, on file in Lake County, Montana containing 485.26 acres, more or less.
- Section 16:** Section 16 containing 640.09 acres, more or less.
- Section 21:** The E1/2NW1/4 and the NE1/4 containing 240.46 acres, more or less.
- Section 22:** The NW1/4 lying westerly of the northwesterly right-of-way line of Garcon Gulch Road, the NW1/4 lying easterly of the southeasterly right-of-way line of Garcon Gulch Road, the W1/2NE1/4, the NE1/4NE1/4, the NE1/4SW1/4, and the NW1/4SE1/4 containing 355.86 acres, more or less.

Total Township Acreage: 4,979.29 acres, more or less.

Total Area of Sub-District B: 7,430.12 acres, more or less.