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After Recording Return To:
Ronald C. Iverson and Ross A. Iverson
246 Oakview Road
St. Paul, Minnesota 55118

**ELK CREEK PRESERVE
DECLARATIONS OF COVENANTS, CONDITIONS, AND RESTRICTIONS**

This Declaration of Covenants, Conditions, and Restrictions is made this 14th day of August, 2006, by Ronald C. Iverson and Ross A. Iverson of 246 Oakview Road, St. Paul, Minnesota 55118, provides as follows:

WITNESSETH

1. Ronald C. Iverson and Ross A. Iverson are the owners of certain real property, located in the County of Missoula, State of Montana, which is more particularly described as follows:

Lots 1 through 5 of Elk Creek Preserve, a platted subdivision of Missoula County, Montana, according to the official recorded plat thereof.

2. Ronald C. Iverson and Ross A. Iverson desire to place certain covenants, conditions and restrictions as to the use of the above described real property.

3. Ronald C. Iverson and Ross A. Iverson do hereby declare that all the real property described above shall be held, sold, and conveyed subject to the following covenants, conditions, and restrictions, all of which are for the purpose of enhancing and protecting the value, desirability, and attractiveness of the Real Property and which are intended to run with the title to the real property and be binding upon and inure to the benefit of Ronald C. Iverson and Ross A. Iverson, their heirs, successors and assigns.

ARTICLE 1- DEFINITIONS

Section 1. "Owner" shall mean the record Owner of a fee, or undivided fee, whether one or more persons or entities, of any Lot, including buyers under

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a contract for deed, but excluding any person or entity who has sold or is selling any Lot under a contract and those having an interest merely as security for the performance of an obligation.

Section 2. "Property" or "Properties" Shall mean and refer to that certain real Property described above.

Section 3. "Lot" shall mean and refer to those Lots as are shown upon the recorded plat of Elk Creek Preserve or as those Lots may be subsequently divided.

Section 4. "Declarants" shall mean and refer to Ronald C. Iverson and Ross A. Iverson, their heirs, successors and assigns, to whom they might expressly assign their rights as Declarants.

ARTICLE II
ENVIRONMENTAL PRESERVATION AND GENERAL USE RESTRICTIONS
AND CONTROL

The purpose of the covenants, restrictions, conditions, and reservations in this Article and the Declaration generally are intended to assure the use of the Property for attractive residential purposes only; to prevent unnecessary impairment of the environmental or ecological attractiveness of the Property; to maintain the tone of the Property in its native form and preserve its natural beauty as far as possible and thereby to secure to each Lot Owner the full benefit and enjoyment of his Lot with no greater restriction upon the free and undisturbed use of the Owner the full benefit and enjoyment of this property with no greater restriction upon the free and undisturbed use of the same than is necessary to insure the same advantage to the other Lot Owners. Further, these covenants are intended to preserve the environmental, ecological, and aesthetic style and values of the Property and the visual environment, so far as may be consistent with its use for residential purposes as herein contemplated. These restrictions and covenants should be interpreted to accomplish these purposes.

Section 1. Residential Purposes Only. The Property shall be used for residential purposes only. Only one (1) single family dwelling and one (1) associated guest residence (provided that the guest residence is used to accommodate guests and is not rented) shall be allowed on each Lot, as well as outbuildings associated with rural living such as a shop, barn, ect. There shall be no business, trade or other commercial activity on the Property, other than home occupations, which are permitted if such activities take place solely within the dwelling house located on the Lot, so long as such use does not increase the flow of vehicular traffic on the real property; so long as such use does not result

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in noise, disturbance, odor, or in any way negatively impact the residential nature of the real property and so long as such use does not change or conflict with the residential nature of the real property. The raising of all livestock, except for horses for personal use, is not permitted.

Section 2. Structural & Architectural Requirements. All buildings must be of a permanent type of new construction and stick built on site. Travel trailers, motor homes, or other mobile residences may only be used on a temporary basis not to exceed 30 consecutive days or for up to 180 days during construction of a residence.

Section 2.2. Residential Structure Size, Exterior Appearance and Construction. The area of any residential structure located on a Lot, exclusive of open porches and garages, shall be not less than 1,800 square feet. A single-family residential structure may include a ranch style, split level, tri-level or two-story residence. Exteriors of all structures shall be of a natural, non-metallic appearance, and the use of cedar, pine or log is encouraged. All structures shall be constructed of new materials and must utilize a concrete foundation. However, suitable materials such as used brick or beams may be utilized provided that the Architectural Control Committee has provided advance approval. The Architectural Control Committee shall consist of Owners of lots 1,2,3,4, and 5 of the Elk Creek Preserve minor sub-division. Each lot Owner shall have one vote to cast for architectural review. No galvanized metal siding or roof material shall be used on the exterior of structures and outbuildings, except that factory-painted metal roofing or siding is permitted if the color is dark and non-reflective and the color is maintained. Cedar and wood shake roofs are prohibited for purposes of fire protection. No mobile homes, either double or single wide, or other pre-manufactured homes constructed off-site from the Lot on which they would be situated shall be permitted. Provided, the Owners shall not be prohibited from using structural component parts manufactured or assembled on a site other than the Lot on which the building is to be located, such as trusses and wall components.

Section 3. Setbacks. Unless there is a specific exception in the original deed from the Declarants to the individual Lot Owner, no building shall be erected or located upon any Lot closer than 100 feet to the property line of the adjoining Lot or closer than 100 feet to a road easement or right of way line. No timber cutting will be allowed within sixty (60) feet of the easement, unless it is necessary for the proper maintenance and functionality of the road or to create defensible space, per Section 15 of this Declaration.

Section 4. Subdivision of Lots. Each of the Lots which are in existence at the time this Declaration is recorded may be divided into 2 Lots. Any Lot which is so divided shall not be further subdivided in any manner. No Lot shall be

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created which is less than 20 acres in size. A change in boundary lines between adjacent Owners shall not be considered a subdivision.

Section 5. Nuisances and Firearms. No noxious or offensive activities shall be carried on upon any Lot; nor shall anything be done which may be declared or which may become an annoyance or nuisance in the area. Firearms may be discharged on any Lot so long as a nuisance is not created to that end there shall be no shooting clubs or firing ranges permitted. Hunting is permitted on any Lot, by such Lot's Owner or with such Lot Owner's permission.

Section 6. Garbage and Rubbish Storage. No Lot shall be used or maintained as a dumping ground for garbage or rubbish. All garbage and rubbish shall be stored indoors. No automobiles, trucks, or other vehicles which are not in operating condition shall be kept on any lot for more than 30 days.

Section 7. Individual Sewage and Water Systems. No permanent individual sewage disposal system or water system shall be permitted on any Lot unless such system is located, constructed and equipped in accordance with the requirements of the Missoula County Health Department and the Montana Department of Environmental Quality. In no event shall any system whether temporary or permanent, be located, constructed or equipped in such a manner as to pollute the water of any stream, spring or other source of water.

Section 8. Preserve Natural Beauty. Consistent with the reasonable use of the Property and the individual Lots for residential use, the Declarants and the individual Lot Owners shall attempt to preserve the natural beauty of the Property. To this end a Lot shall not be denuded of tree and other vegetation and a reasonable number or quantity of trees and vegetation shall be left on each Lot to screen the buildings and to preserve the natural setting of the area.

Section 9. Fire Protection. Dead-end driveways in excess of one hundred and fifty (150) feet in length shall have an approved turnaround for fire apparatus. A turnaround shall be located within one hundred and fifty (150) feet of the building. A minimum unobstructed width of not less than twenty (20) feet and an unobstructed vertical clearance of 13'6" shall be provided for any driveway over one hundred and fifty (150) feet. The opening through a gate should be two (2) feet wider than the road. Final design of driveways shall be approved by the Condon Rural Fire Department. All homes shall have address signs clearly visible from the street and must be visible in all light conditions and at all hours of the day. Address signs should clearly identify the property.

Section 10. Fences. Fencing the perimeter of a Lot in a manner that blocks the natural movements of wildlife is strongly discouraged. This includes, but is not limited to, the use of chain link fences, woven fire fences or hog panel



fences. Owners must be aware that important wildlife habitat exists in the Swan Valley and fencing should be compatible with the needs of wildlife to move across the landscape. The movement patterns of deer, elk, moose, bears and mountain lions should be taken into account if fencing is desired. Fencing of the Lots should be kept to the minimum needed. Fences with the top barrier height (rail or wire) of no more than 42 inches and a bottom barrier 18 inches above the ground will best allow wildlife to cross the fence without causing damage to the fence or the wildlife. Woven wire fences are the least wildlife friendly and are most apt to be damaged by wildlife or cause injury to them.

Section 11. Noxious Weeds. The Owner shall re-vegetate any ground disturbance with beneficial species at the first appropriate opportunity after disturbance occurs and maintain the property in compliance with the Montana County Noxious Weed Control Act and the Missoula County Noxious Weed Management Plan.

Section 12. Radon Gas. The Missoula City-County Health Department recommends that all new construction incorporate radon resistant construction features.

Section 13. Outdoor Lighting. Outdoor lighting shall be designed to minimize light pollution by proper shielding, etc. and shall be designed to direct illumination towards the ground and not upwards towards the sky. The use of outdoor lighting shall be permitted within 3 hours of dusk and dawn, and no all night yard lights will be permitted.

Section 14. Living with Wildlife. Owners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Owners must be aware of potential problems associated with the occasional presence of wildlife such as deer, black bears and Grizzly bears, mountain lions, coyotes, foxes and skunks.

The following covenants are designed to help minimize problems that Owners could have with wildlife, as well as helping Owners protect themselves, their property and the wildlife that Montanans value.

1. Owners must be aware of the potential for **vegetation damage by wildlife, particularly from deer** feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Owners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.

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2. **Gardens and fruit trees** can attract wildlife such as deer and bears. Keep produce and fruit picked and off the ground, because rotting vegetable material can attract bears and skunks. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. Netting over gardens can help deter birds from eating berries.
3. **Garbage** should be stored in secure bear-resistant containers or indoors to avoid attracting animals such as bears, skunks, dogs, etc. Do not set garbage cans out until the morning of garbage pickup.
4. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to provide supplemental feed attractants if it results in a "concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, Owners should be aware that deer might occasionally attract mountain lions to the area.
5. **Bird feeders** attract bears. Consider not using them in this area between the months of April through October. If used, bird feeders should:
 - a) be suspended a minimum of 20 feet above ground level,
 - b) be at least 4 feet from any support poles or points, and
 - c) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
6. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Under current state law it is illegal for dogs to chase hooved game animals and the Owner may also be held guilty. Animals shall not be permitted to become a nuisance or annoyance in any manner. Dogs used or trained for the pulling of sleds will not be permitted on any Lots.
7. **Pet food and/or livestock feed** should be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, raccoons, etc. When feeding pets and/or livestock do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.

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8. **Barbecue grills** should be stored indoors. Keep all portions of the barbecues clean. Food spills and smells on the grill, lid, etc. can attract bears and other wildlife.
9. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer or elk becoming entangled in the fence or injuring themselves when trying to jump the fence.
10. **Compost piles** can attract skunks and bears. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps.
11. **Apiaries (bee hives)** could attract bears in this area and should be avoided (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)

Section 15. Wildland/Residential Interface. The property Owner shall create a defensible space for fire protection around each structure as approved by or in consultation with the Swan Valley Rural Fire District. Vegetation shall be removed and reduced around each building according to the slope of the land. Single ornamental trees or shrubs need not be removed as long as all vegetation near them is reduced according to the "Wildland/Residential Interface Vegetation Guidelines," which are appended to these covenants. Ornamental trees and shrubs should not touch any buildings. When planting, the Owner shall select trees, shrubs, and other vegetation that limit or retard fire spread as follows:

Perennials: Choose hardy perennial flowers that are adapted to Missoula County's climate. These green, leafy, succulent plants are difficult to burn. Watering and regular weeding improves fire resistance.

Shrubs: Evergreen shrubs such as dwarf conifers or junipers tend to ignite easily; avoid them unless well spaced.

Trees: Deciduous trees can be clumped, scattered, or planted in greenbelts or windbreak patterns. Evergreen trees tend to ignite easily and should be spaced in accordance with the landscaping guidelines appended to these covenants.

Roof construction should be with Class A or B fire-rated materials only.



Section 16. Riparian Management Plan. Attached to this declaration is a copy of the Riparian Resources Management Plan and Map for this subdivision. No vehicular access through or across the Riparian Area is permitted, except that vehicular access is permitted through or across Roads, as defined in this Declaration, which traverse across areas that contain riparian vegetation. No permanent structures shall be constructed in the Riparian Areas. No alteration or removal of riparian vegetation is permitted in the Riparian Areas. Pedestrian access within, through or across the Riparian Areas by Owners and their guests and invitees is permitted.

ARTICLE III – GENERAL PROVISIONS

Section 1. Effect of Covenants on Mortgage. A breach of any of the foregoing covenants, conditions and restrictions, shall not defeat or render invalid the lien of any mortgage or deed of trust made in good faith and for value on any Lot, or portion of any Lot, and any improvements thereon, but said covenants, conditions and restrictions shall be binding upon the effective against any Owner thereof whose title thereto was acquired by foreclosure, trustee sale or otherwise.

Section 2. Enforcement. Any property Owner who is subject to these covenants as well as the Declarants shall have the right to enforce by any proceeding at law or in equity all restrictions, covenants, conditions, reservations, liens and charges now or hereafter imposed by the provisions of this declaration. Each person who has been found by a County of competent jurisdiction to have violated one or more of these covenants shall be liable for all attorney's fees and costs incurred in connection with the litigation. The failure of any Owner or Owners of any Lot or Lots to enforce any of the restrictions set forth in this document at the time of its violation, shall in no event be deemed a waiver of the right to do so thereafter. The restriction set forth herein shall be personally binding upon any person, persons, corporations, only with respect to breaches committed during its, his, or their Ownership of or title to any of said Lots and any part thereof.

Section 3. Severability. Invalidation of any of these covenants by judgment or a court order shall not affect any of the other provisions herein, which other provisions shall remain in full force and effort.

Section 4. Amendment. These covenants are to remain perpetual and may be changed by one hundred (100%) or more of the Ownership vote. These development covenants may not be amended, modified, added to or deleted without the written consent of the governing body (Missoula County Board of Commissioners).

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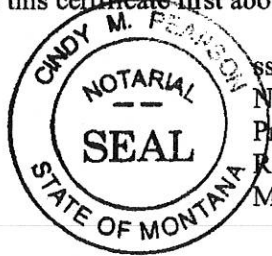
IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has herunto set its hand and seal this 14th day of July, 2006.

Ronald Iverson

Ronald Iverson

STATE OF Montana
County of Missoula) ss

On this 14 day of July, 2006, before me, a Notary Public for the State of Montana personally appeared Ronald Iverson known to me to be the person that executed the within instrument and acknowledged to me that he executed the same.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



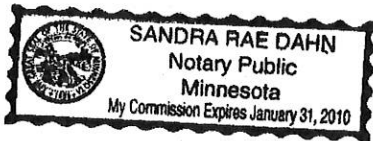
Cindy M. Pearson
ss
Notary Public for the State of Montana
Printed Name of Notary Cindy M. Pearson
Residing in Missoula
My Commission expires August 1, 2007

Ross Iverson

Ross Iverson

STATE OF Minnesota
County of Dakota) ss

On this 17 day of July, 2006, before me, a Notary Public for the State of Minnesota personally appeared Ross Iverson known to me to be the person that executed the within instrument and acknowledged to me that he executed the same.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



ss
Notary Public for the State of Minnesota
Printed Name of Notary Sandra Rae Dahn
Residing in Dakota Co
My Commission expires January 31, 2010

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RIPARIAN RESOURCE MANAGEMENT PLAN Elk Creek Preserve

Site Location:

Elk Creek Preserve is a proposed 5 lot Minor Subdivision of a one-half section of land containing 264.57 acres, more or less. The property is located off of Kraft Creek Road (Road # 561) south and west of Condon in rural northern Missoula County. The property is in the Swan Valley approximately equidistant from the Mission Mountain Wilderness on the west and the Bob Marshall Wilderness (Swan Range) on the east. The tract is located in a forested setting on rolling hills at an altitude of approximately 4,000 feet and is currently undeveloped. Except for the areas immediately adjacent to the drainages, the property was clear-cut several years ago by Plum Creek Timber Company. These areas are now beginning to regenerate into nicely forested areas. Mature timber on the parcel consists of thick stands of Lodgepole Pine interspersed with Larch (Tamarack).

The proposal is to subdivide the existing 264.57 acre parcel into five (5) acreage tracts ranging in size from approximately 36 acres to up to 69 acres, as shown on the Preliminary Subdivision Plat. Parcel 1, situated at the northern end of the property and north of Stoner Lake Road consists of 68.78 acres, more or less. Parcel 2, located south and southwest of Stoner Lake Road in the north central portion of the tract, consists of 49.57 acres, more or less. Parcel 3, located in approximate center of the tract and west of Glacier-Elk Creek Road and north of Kraft Creek Road, consists of \pm 57.48 acres. Parcel 4, consisting of \pm 40 acres, is located in the southern segment of the tract south of Kraft Creek Road and east of Loon Flats Road (US Forest Service Road No. 9579). Parcel 5 occupies the southern segment of the property, is located east of Loon Flats Road and consists of 48.74 acres, more or less.

The summary legal description of the property is: A tract of land known as Tract A of a COS # 5721 located in the E 1/2, Section 25, T20N, R17W, P.M.M., Missoula County, Montana.

See the attached Riparian Resource Management Plan Map for the location and extent of riparian areas on this property.



Geology and Soils:

The surficial geology of the Swan Valley is described as consisting of glacial lake sediments from Glacial Lake Missoula. In the more recent geological past, streams cut through this surficial geology and deposited alluvial material. The tract consists in part of drainages that constitute part of the headwaters of the Swan River, which flows from south to east of the subject property.

Soils on this property uniformly consist of Walbillig gravelly silt loam, 4 to 30 percent slopes. This soil type is described as a very deep, well drained gravelly silt loam that formed in alpine till on top of glacial moraines. The surface layer of these soils has a high content of volcanic ash resulting from geologically "recent" volcanic activity in the Pacific Northwest Region.

Riparian Inventory:

The riparian resources were surveyed on the ground on July 26, 2005. Recent aerial photographs dated May 27, 2005 were used as a guide to help locate the riparian areas on the ground and to facilitate the visual inspection.

The riparian resources on this site are generally confined to the lower elevations of the property both in and immediately adjacent to the drainages that transect the property. However, in the case of Parcels 1, 3 and 5, there are also isolated riparian areas not connected to the drainages. These are generally situated at somewhat higher elevations where there are minor depressions in the landscape and where the presumed presence of underlying localized impermeable soils cause perched water, making conditions favorable for the growth of riparian vegetation. The locations and areal extent of the riparian areas are shown on the accompanying Riparian Resources Management Plan Map.

A lot-by-lot description of these riparian areas follows:

Parcel 1. Most of the riparian resources on this lot are found within the confines of the drainage at the extreme northwest corner along the western boundary of the parcel, separating it from the adjacent Glacier Ridge subdivision. The outer fringes of this area are dominated by Trembling (or Quaking) Aspen [*Populus tremuloides*] in the canopy layer with some willows found in the shrub layer. Immediately adjacent to and beyond the Aspen that fringe the area are thick stands of Lodgepole Pine [*Pinus contorta*] that form the outer edges of this zone. The under story is dominated by mixed grasses and sedges [*Carex sp.*]. These grasses and sedges form a thick mat of vegetation that fills a low lying basin that widens and spreads to the northeast. Standing water is found in this area. Wildlife trails through the meadow were evident throughout this area as were areas where deer had recently bedded down, especially along the edges where standing water was not present. This area is characterized ecologically as a sub-alpine wet meadow.

In addition to the expansive wet meadow on the western portion of this lot are three (3) isolated pockets of riparian vegetation that occur in the higher elevations of this lot in its northeast corner. These areas are found in very slight depressions in the landscape and are dominated by

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grasses and sedges in the open center fringed by a few mature Aspen at the very edges. The presence of riparian vegetation is likely due to underlying impermeable soils that result in a perched water table condition which favors the growth of riparian vegetation.

Riparian areas on this lot (including buffers) comprise ± 14.52 acres out of a total of 68.78 acres or 21.1 percent of the lot area.

Figure 1 shows a typical view of the sub-alpine wet meadow found within this subdivision and Figure 2 shows a view of one of the small isolated riparian areas found at higher elevations on this lot and also on Parcel 5. Figure 3 shows a close-up view of the typical meadow vegetation.

Parcel 2. This lot shares the previously described wet meadow riparian area with Parcel 1 to the north. It also shares this riparian area with a lot in the previously approved Glacier Ridge Subdivision to the west. On Parcel 2, this area is located along the western boundary of the lot which runs approximately north-south. Direction of flow of surface water in this zone, albeit very sluggish and almost imperceptible when observed on the site, is to the north.

In addition to this area, Parcel 2 also shares the northern portion of a riparian area with Parcel 3 to the south. This area is located in the approximate center of the lot and straddles the southern property line. This area is a small sub-alpine wet meadow which shares the same previously described ecological features as noted for Parcel 1, but much smaller in aerial extent.

Riparian areas on this lot (including buffers) comprise about 8.47 acres out of a total of 49.57 acres or 17.1 percent of the area of the lot.

Parcel 3. The riparian resources on this lot are found straddling the western boundary and in the middle of the lot. The riparian area along the western boundary is a part of a shallow drainage that flows generally to the north and consists of a previously described sub-alpine wet meadow fringed with Aspen. The meadow itself is dominated by mixed grasses and sedges [*Carex sp.*]. Clumps of willow [*Salix sp.*] are also found along the edges of the meadow. This area was found to have standing water during the site visit in July 2005.

The second riparian area is another sub-alpine wet meadow and an associated drainage that bisects the middle of the lot. The drainage tends to flow out of the meadow to the southeast and extends under Kraft Creek Road to Parcel 4.

The third area is a small isolated pocket of riparian vegetation located north of Kraft Creek Road and about equidistant from the other two riparian areas on this lot.

The riparian areas on this lot (including buffers) comprise about 12.53 acres out of a total of 57.48 acres or 21.8 percent of the area of this lot.

Parcel 4. The riparian resources on this site are generally confined to two (2) isolated pockets along the south side of Kraft Creek Road and a shallow drainage way that runs along the



southern boundary of the property and is shared by Parcel 5. These areas are sub-alpine wet meadows as described previously. The riparian area that runs along the southern boundary line generally drains to the east and ultimately forms one of the contributing tributary sources for the Swan River which runs to the east. Again, the edges of these meadows are dominated by Aspen with mixed grasses and sedges comprising the meadow itself. Several whitetail deer were bedding down in this area and were flushed from the grass during the site visit in late July 2005.

The Riparian areas on this parcel (including buffers) comprise about 10.13 acres out of a total of 40 acres or 25.3 percent of the land area of this parcel.

Parcel 5: Most of the riparian resources on this parcel are found on its northern border with Parcel 4. There are two areas or "fingers" of riparian vegetation that are contiguous with the drainage way that runs east-west along the southern boundary of Parcel 4, one to the west and one in the center of the parcel. There are also three (3) isolated areas of riparian vegetation near the southern property line. All of these areas consist of sub-alpine wet meadows which are fringed by Aspen. The areas along the northern border are connected physically and hydrogeologically with the drainage way that transects this area and tends to flow towards the east. The isolated areas are not directly connected hydrogeologically, but appear to have formed in shallow areas where subsoil conditions and perched water tend to favor the growth of water tolerant vegetation.

Riparian resources on this lot (including buffers) comprise about 6.71 acres out of a total of 48.74 acres or 13.8 percent of the land area in this parcel.

A total of 52.35 acres within this subdivision consist of riparian areas along with their designated buffers. These areas represent approximately 19.8 percent of the land area within the subdivision.

The defined riparian areas provide cover, habitat, water and food sources for whitetail deer, elk, moose, black bears, songbirds, woodpeckers and small mammals including, chipmunks, skunk, squirrels, the northern bog lemming [*Synaptomys borealis*], and field mice. On occasion, Grizzly Bears [*Ursus arctos horribilis*] can also be expected to venture into this area, as these sites are close to known Grizzly Migration Corridors. Grizzlies have been known to excavate for roots in such wet sub-alpine meadows.

Management Plan (3-13-3):

A. Proposed access to or through the riparian areas:

Existing roads that are found in the subdivision cross over the major drainages that contain riparian vegetation. These crossings consist of earthen fill with culverts, which appear to be adequate to serve this development. Other than this existing situation, which is necessary in order to gain access to the properties within the subdivision and beyond, all other vehicular access, including the use of 4-wheelers, through or across the riparian areas will be prohibited.



Vehicular traffic in the wet meadows is to be strictly avoided as such would tend to alter the shallow hydrology due to the formation of ruts and may cause portions of these areas to dry out.

There is no need to limit pedestrian access, since the subdivision is proposed as low density residential, with no public access. Subdivision residents will be permitted to traverse the riparian areas on foot in order to gain access to higher ground on other segments of their property. Most of the pedestrian use will likely be associated with recreational pursuits on their own property including birding, nature photography, hiking, etc. Pedestrian uses will be very diffuse and infrequent and thus impacts to the riparian areas will be very minimal.

B. Proposed low-impact use of the area:

The identified riparian areas and a suitable (50') buffer zone surrounding them (See the Riparian Resources Management Plan Map) have been designated on the Preliminary Subdivision Plat as "Area of Riparian Resource/ No Disturbance Zone." No permanent structures will be built in these zones. Pedestrian access across these areas will be permitted for subdivision residents and their guests. Foot traffic will have minimal impacts on these riparian areas. The post development impacts are judged to be no more severe than current impacts from wildlife (deer, elk, moose) that frequently forage in these areas.

C. Planned restoration of the area with native species:

No alteration or removal of riparian vegetation is permitted within the designated "Area of Riparian Resource/ No Disturbance Zone" shown on the Map. There is already a wide variety of riparian plant species growing within the defined riparian areas. Since none of the existing vegetation will be removed, no restoration is necessary.

D. Planned mitigation of impacts from all proposed uses:

Foot traffic in the Riparian areas will be infrequent and diffuse and thus will have minimal impacts on the riparian areas.

There are no other proposed impacts on the riparian areas. Therefore, no mitigation is necessary.

E. Planned buffer to mitigate development adjacent to areas of riparian resource:

We have proposed a 50' wide buffer zone around the riparian areas within the proposed subdivision (see the Riparian Management Plan Map and the Subdivision Plat). This zone is deemed to be highly protective of the riparian areas and will insure that their ecological functions and values will be maintained.



Figures:



Figure 1: This is a view of the large sub-alpine wet meadow found on the west side of Parcel 1. The view here is to the northeast with the mountains of the Swan Range visible in the background. The edges of the meadow are dominated by Aspen and Lodgepole Pine with mixed sedges and grasses found in the meadow itself. Upland vegetation surrounding these riparian areas is dominated by Lodgepole Pine intermixed with Larch.

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Figure 2: This is a view of one of the isolated riparian areas on the northeast corner of Parcel 1. Located on higher ground and much smaller than the riparian areas within the drainages, these areas share the same types of vegetation. Perched water conditions due to impermeable soils underlying the area favor their existence.



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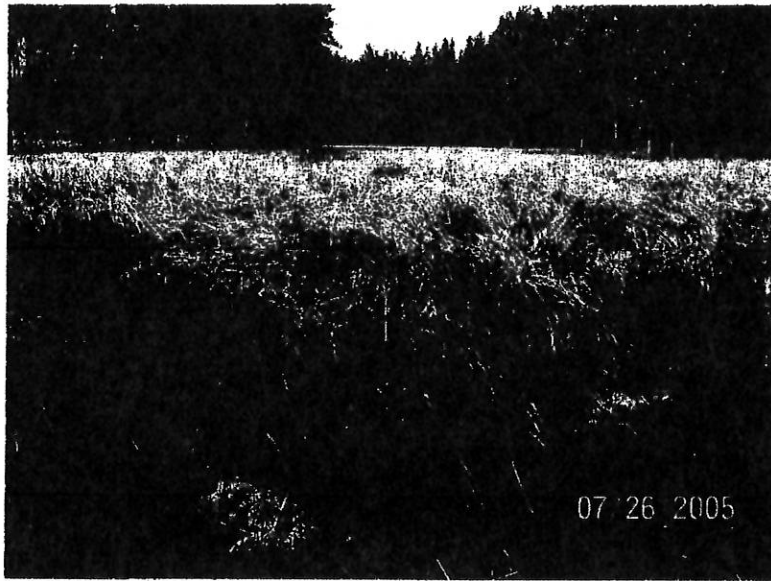
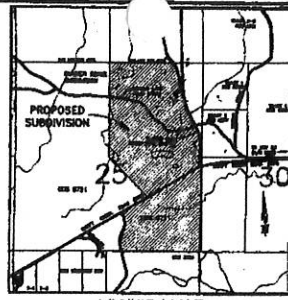


Figure 3: Shown here is a close-up view of the sub-alpine wet meadow on Parcel 2. Standing water was visible in the foreground during the July site visit. A mix of sedges and grasses comprise the meadow, which is fringed by Aspen and Lodgepole Pine. The view here is to the northwest.

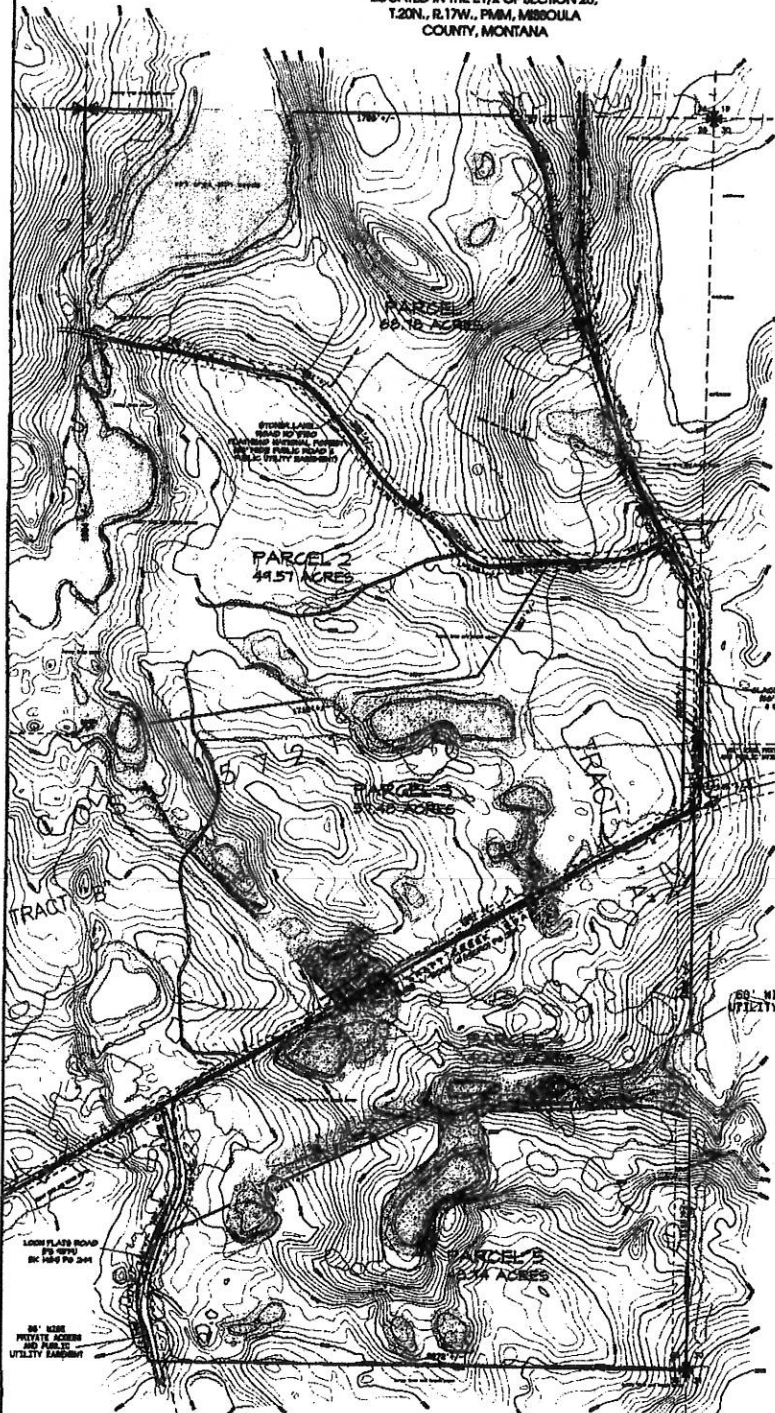
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RIPARIAN RESOUR MANAGEMENT PLAN MAP

CREEK PRESERVE
 A 6 LOT MINOR SUBDIVISION OF TRACT A
 LOCATED IN THE E1/2 OF SECTION 25,
 T.20N., R.17W., P.M.M., MISSOULA
 COUNTY, MONTANA



VICINITY MAP



SCALE IN FEET
 0 200 400
 1 INCH = 200 FEET
 VERTICAL DATUM: NAVD 1983
 CONTOUR INTERVAL: 2 FOOT
 DATE OF PHOTOGRAPHY: 11/07/21/2005
 SEPTEMBER 2005

LEGEND:

— RIPARIAN AREA EXCLUDED BY OWNER (NO RELATIONSHIP SHOWN)

Professional Geomatics Inc.
 Eugene, Oregon, Phoenix, Arizona

OWNERS/DEVELOPERS: RONALD & ROSA IVERSON

PREPARED AT THE REQUEST OF: RON IVERSON PCI PROJECT NUMBER: T414-05 Z64-01

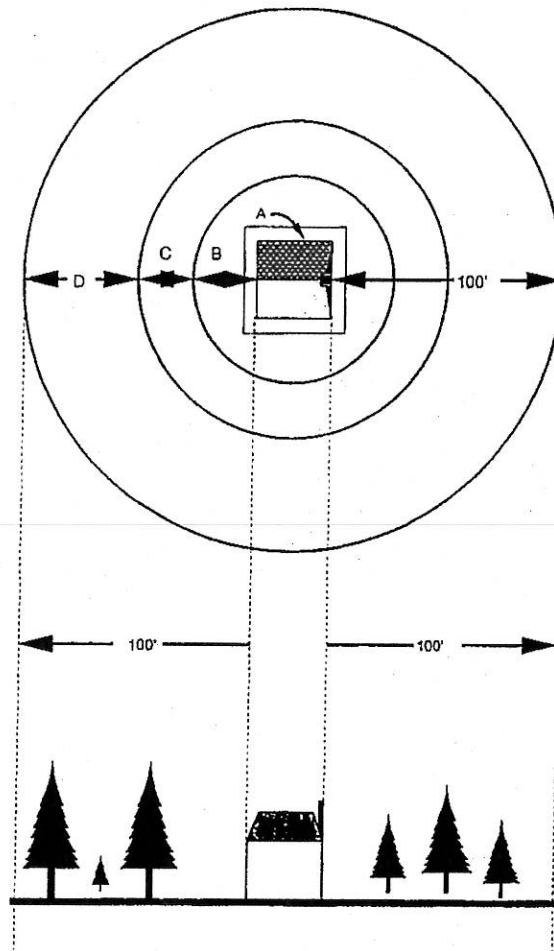


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APPENDIX VIII
WILDLAND/RESIDENTIAL INTERFACE
VEGETATION REDUCTION GUIDELINES

VEGETATION REDUCTION GUIDELINES: 0% TO 10% SLOPE



A = THE FIRST THREE (3) FEET OF B

Maintain an area of non-combustible material - flowers, plants, concrete, gravel, mineral soil, etc.



B = TEN (10) FEET

Remove all trees and downed woody fuels.

C = TWENTY (20) FEET

Thin trees to ten (10) feet between crowns.

Prune limbs of all remaining trees to fifteen (15) feet or one-third (1/3) the total live crown height, whichever is less.

Maintain surface vegetation at three (3) inches or less.

Remove all downed woody fuels.

D = SEVENTY (70) FEET

Thin trees to ten (10) feet between crowns.

Prune limbs of all remaining trees to fifteen (15) feet or one-third (1/3) the total live crown height, whichever is less.

Remove all downed woody fuels more than three (3) inches in diameter.



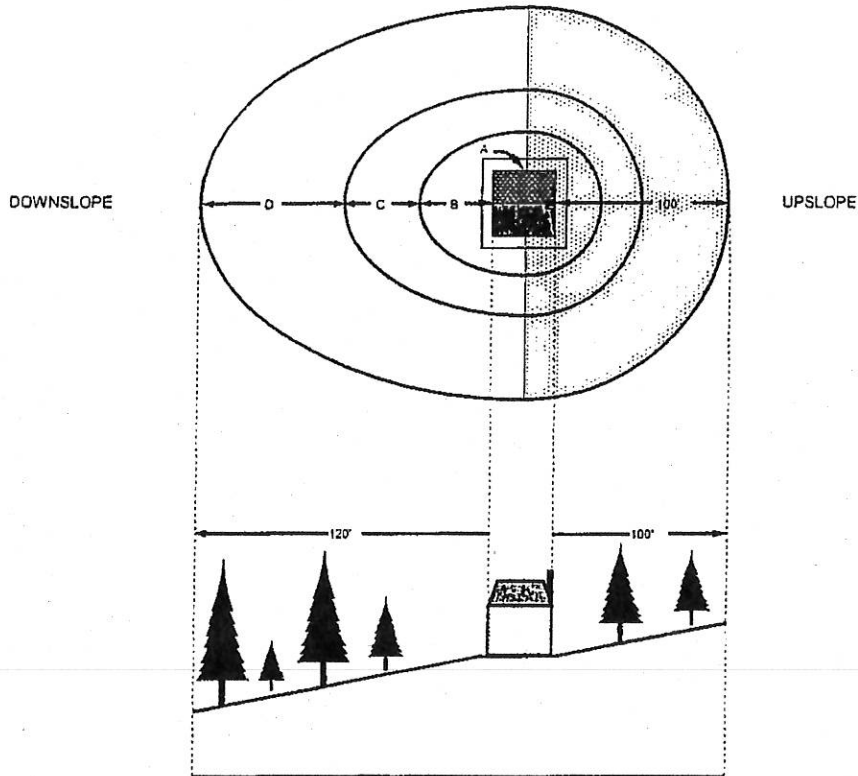
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VEGETATION REDUCTION GUIDELINES: 10% TO 20% SLOPE



The shaded areas (upslope) of B, C, & D remain a constant distance of ten (10) feet, twenty (20) feet, and seventy (70) feet respectively. The shaded area begins from the mid-section of a structure. The unshaded areas (downslope) of B, C, and D increase with slope as detailed below:

A = THE FIRST THREE (3) FEET OF B

Maintain an area of non-combustible material – flowers, plants, concrete, gravel, mineral soil, etc.

B = FIFTEEN (15) FEET

Remove all trees and downed woody fuels.



C = TWENTY- FIVE (25) FEET

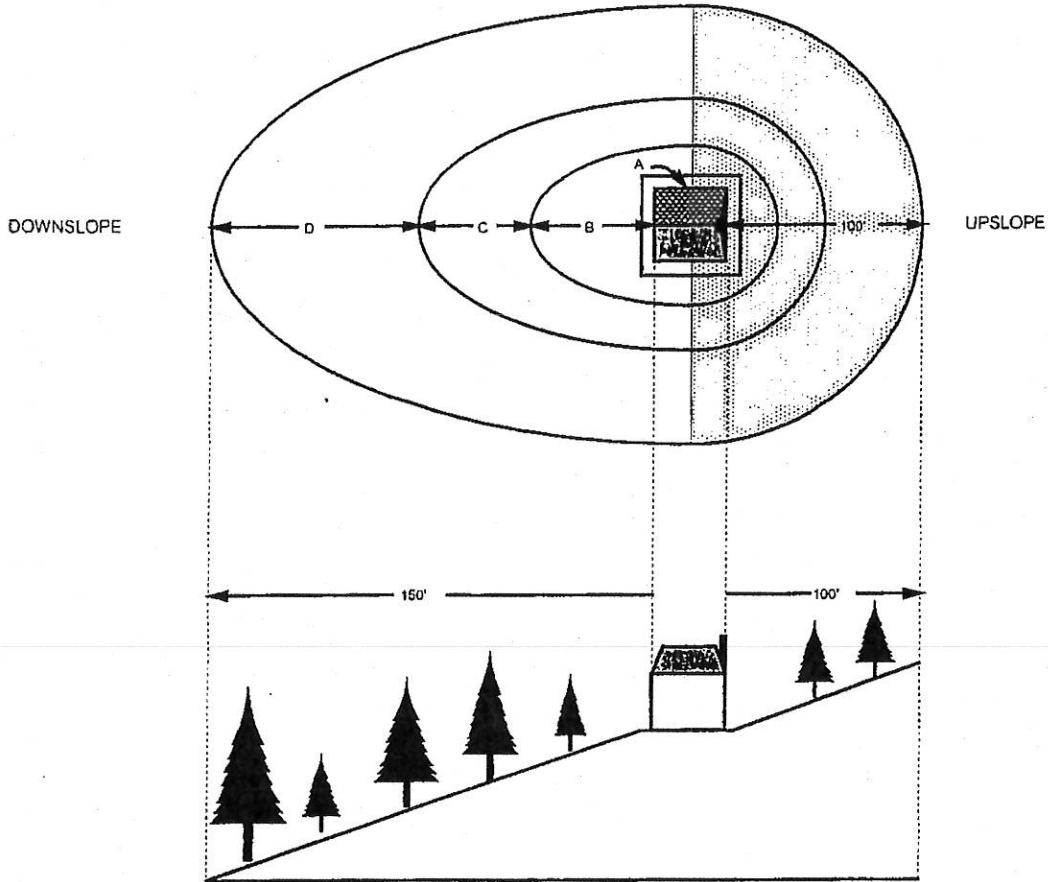
Thin trees to ten (10) feet between crowns.
Prune limbs of all remaining trees to fifteen (15) feet or one-third (1/3) the total live crown height, whichever is less.
Maintain surface vegetation at three (3) inches or less.
Remove all downed woody fuels.

D = EIGHTY (80) FEET

Thin trees to ten (10) feet between crowns.
Prune limbs of all remaining trees to fifteen (15) feet or one-third (1/3) the total live crown height, whichever is less.
Remove all downed woody fuels more than three (3) inches in diameter.



VEGETATION REDUCTION GUIDELINES: 20% TO 30% SLOPE



The shaded areas (upslope) of B, C, & D remain a constant distance of ten (10) feet, twenty (20) feet, and seventy (70) feet respectively. The shaded area begins from the mid-section of a structure. The unshaded areas (downslope) of B, C, & D increase with the slope as detailed below:

A = THE FIRST THREE (3) FEET OF B

Maintain an area of non-combustible material – flowers, plants, concrete, gravel, mineral soil, etc.



B = TWENTY (20) FEET

Remove all trees and downed woody fuels.

C = THIRTY (30) FEET

Thin trees to ten (10) feet between crowns.

Prune limbs of all remaining trees to fifteen (15) feet or one-third (1/3) the total live crown height, whichever is less. Maintain surface vegetation at three (3) inches or less.

Remove all downed woody fuels.

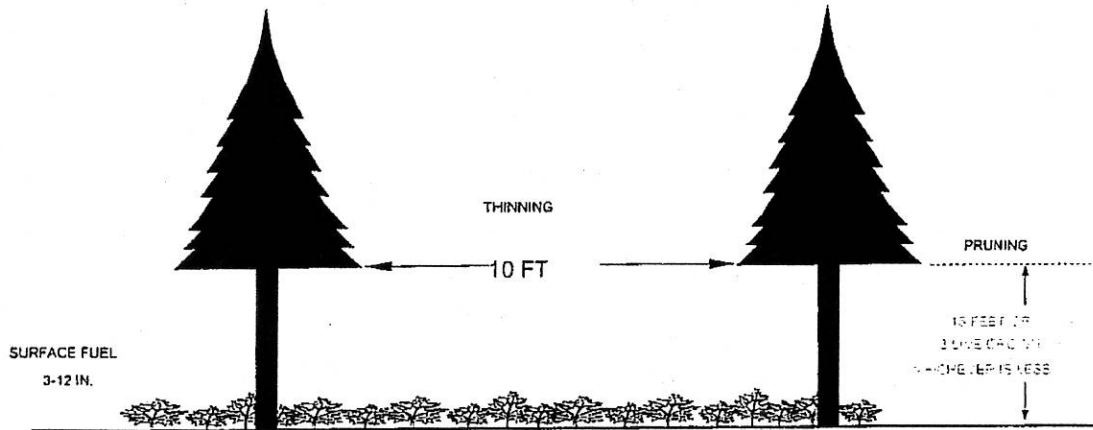
D = ONE HUNDRED (100) FEET

Thin trees to ten (10) feet between crowns.

Prune limbs of all remaining trees to fifteen (15) feet or one-third (1/3) the total live crown height, whichever is less. Remove all downed woody fuels more than three (3) inches in diameter.



VEGETATION REDUCTION GUIDELINES: THINNING AND PRUNING



In areas where vegetation modification is prescribed, use the following guidelines:

A. THINNING

Thin trees to ten (10) feet between crowns.

B. PRUNING

Prune the limbs of all remaining trees to fifteen (15) feet or one-third (1/3) the total live crown height, whichever is less.

C. SURFACE VEGETATION

Maintain surface vegetation at three (3) feet to twelve (12) feet as detailed.



ATTORNEY'S CERTIFICATE

COMES NOW, John K. Tabaracci, who after being duly sworn, upon his oath deposes and states as follows:

1. That he is an attorney licensed to practice in the State of Montana and gives this affidavit in compliance with the Missoula County Subdivision Regulations.
2. That he has participated in the preparation of the Declaration of Covenants, Conditions and Restrictions of Elk Creek Preserve and in connection therewith, is thoroughly familiar with the content of the proposed Declaration.
3. That the Declaration contains the applicable provisions required by the Regulations of Missoula County and satisfy the conditions for plat approval as set forth by the Board of County Commissioners.
4. To the best of his knowledge, no provision contained within the proposed covenants conflicts with any provisions upon which the plat approval was conditioned.

FURTHER, AFFIANT SAYETH NOT.

Dated this 10th day of August, 2006.




John K. Tabaracci

STATE OF MONTANA)
 : ss
 County of Missoula)

ACKNOWLEDGED before me by John K. Tabaracci, this 10th day of August, 2006.




 Notary Public for the State of Montana
 Printed Name: A.C. PADGETT
 Residing at: Missoula Montana
 My commission expires: 1/17/2007