

#6312

AMEND PF# 78912

1-3-94

RES # 681

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To: County Board of Commissioners, Davall County
From: Sheafman Creek Area Zoning Petitioners

We, the petitioners being more than sixty (60) percent of the freeholders of property described in the petition signed on December 3, 1976, and by the attached map do respectfully request that the following restrictions be adopted for said property, thereby creating an agricultural-residential zoning district.

1. Present uses: Present agricultural and residential uses as of the date of this petition may be continued, notwithstanding anything to the contrary contained hereinafter.
2. Future uses:
 - a. No land shall be sold, conveyed, leased or rented which is less than one (1) acre in size.
 - b. Stream channels shall not be altered, and the natural, scenic beauty, including trees and shrubs, shall be reserved in accordance with approved timber management practices.
 - c. No goats or swine shall be raised or maintained for commercial purposes on any tract.
 - d. Except for those activities necessary in the continuance of agricultural or home occupations, no property shall be used for any industrial activity.
 - e. No noxious or offensive activities shall be carried on, on any tract, nor shall anything be done thereon which may be or may become a nuisance to the neighborhood.
3. Building Requirements and Restrictions:
 - a. Single family dwelling only shall be permitted.
 - b. No dwelling house having less than one thousand (1,000) square feet of living space shall be permitted. For purposes of determining "living space", basements of bi-level or tri-level homes with full-sized windows and completed habitable interior shall be counted. Open porches, attached garages and basements without full exterior wall exposure shall not be counted to meet space requirements.
 - c. No building whatsoever shall be located less than twenty-five (25) feet from the boundary line of any tract.

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- d. All structures shall be of at least eighty-five (85%) percent new construction, and no used building shall be moved from another location onto such land, in whole or in part. A trailer house, mobile home or camper unit may be occupied only at the site and during construction of a permanent residence, not to exceed eighteen (18) months.
- e. All buildings and improvements shall be of good, sound construction so as to comply with "construction standards" of FHA.
- f. Camper units and travel trailers may be stored on the property, but shall not be used as permanent living quarters after completion of the residence.
- g. A dwelling house shall not be occupied until its construction is ninety percent (90%) complete.
- h. Structures to house domestic animals shall compliment the general architecture of the surrounding dwellings; no shacks or dilapidated structures will be permitted.
- i. All property owners shall build and maintain such fencing as necessary to contain any agricultural animals prior to bringing such animals on the land.

4. General restrictions:

- a. All garbage and trash cans shall be stored so as to be screened from view and shall have tight covers to prevent escape of odors and entrance of pets and wild life.
- b. Trash and junk cars shall not be accumulated or stored on the premises unless in enclosed buildings.
- c. Owners and vendees of any tract hereby zoned shall comply with all state laws and regulations of the county pertaining to the State Board of Health and Environmental Sciences.

Invalidation of any one of these provisions by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

Dated: December 3, 1976

Stephen Charles Jones
Alvin [unclear]

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I hereby certify that the enclosed is a true and correct copy of the original as the same appears in the files of the Department of the Interior.
 Witness my hand and the seal of the Department at Washington, D.C.
 this 27th day of March, 1922.
 Carl S. Taylor
 Director

LEGAL DESCRIPTION FOR ZONING DISTRICT

EXHIBIT A

A tract of land located in and being a portion of Sections 25, 26, and 27, all in T7N R21W, P4M, Ravalli County, Montana and being more particularly described as follows:

Beginning at the West $\frac{1}{4}$ corner of said Section 27, said point being the true point of beginning; thence Northwesterly along the Westerly boundary of said Section 27, a distance of 1320 feet more or less to the Northwest corner of the $S\frac{1}{2} N\frac{1}{2}$ of said Section 27; thence Easterly, along the Northerly boundary of the $S\frac{1}{2} N\frac{1}{2}$ of said Section 27, a distance of 3960 feet, more or less, to the Southwest corner of the $NE\frac{1}{4} NE\frac{1}{4}$ of said Section 27; thence Northerly, a distance of 1320 feet, more or less to the Northwest corner of the $NE\frac{1}{4} NE\frac{1}{4}$ of said Section 27; thence Easterly, a distance of 1320 feet, more or less to the Northeast corner of said Section 27; thence Easterly, a distance of 3960 feet, more or less to the Northeast corner of the $NW\frac{1}{4} NE\frac{1}{4}$ of said Section 26; thence Southerly, a distance of 1320 feet, more or less to the Southeast corner of the $NW\frac{1}{4} NE\frac{1}{4}$ of said Section 26; thence Easterly, a distance of 1320, more or less to the Northeast corner of the $SE\frac{1}{4} NE\frac{1}{4}$ of said Section 26; thence Easterly, a distance of 330 feet, more or less to the Southwest corner of the $E\frac{1}{2} SW\frac{1}{4} NW\frac{1}{4} NW\frac{1}{4}$ of said Section 25; thence Northerly, a distance of 660 feet, more or less, to the Northwest corner of the $E\frac{1}{2} SW\frac{1}{4} NW\frac{1}{4} NW\frac{1}{4}$ of said Section 25; thence Easterly, a distance of 330 feet, more or less, to the Southwest corner of the $S\frac{1}{2} NE\frac{1}{4} NW\frac{1}{4} NW\frac{1}{4}$ of said Section 25; thence Northerly, a distance of 330 feet, more or less, to the Northwest corner of the $S\frac{1}{2} NE\frac{1}{4} NW\frac{1}{4} NW\frac{1}{4}$ of said Section 25; thence Easterly, a distance of 1320 feet, more or less, to a point in the center of an existing County road; thence Southerly and Southwesterly, along said County road, a distance of 3550 feet, more or less, to a sharp Westerly curve; thence Northwesterly, along said County road, a distance of 600 feet, more or less, to an intersection of two County roads; thence Southwesterly, Southerly and Southwesterly, along the existing County road, a distance of 1626.5 feet, more or less, to a point on the Southerly boundary of said Section 25; thence Westerly, along the Southerly boundary of said Section 25, a distance of 1101.43 feet, more or less, to the Southeast corner of said Section 26; thence N. 03 15' 00" E., a distance of 546.00 feet, more or less; thence N. 73 50' 26" W., a distance of 660.94 feet, more or less; thence N. 13 51' 31" E., a distance of 859.12 feet, more or less, to a point in the center of an existing County road; thence Northwesterly, along the center of said existing County road, a distance of 2200 feet, more or less, to a point on the North-South mid-section line of said Section 26; thence Southerly, along the said North-South mid-section line, a distance of 400 feet, more or less, to the Southeast corner of the $N\frac{1}{2} SW\frac{1}{4}$ of said Section 26; thence Westerly, a distance of 2640 feet, more or less, to the Southwest corner of the $N\frac{1}{2} SW\frac{1}{4}$ of said Section 26; thence Westerly, a distance of 5280 feet, more or less, to the Southwest corner of the $N\frac{1}{2} SW\frac{1}{4}$ of said Section 27; thence Northerly, a distance of 1320 feet, more or less, to the true point of beginning.

NOTICE OF PUBLIC HEARING
ON ZONING PETITION

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The Ravalli County Board of Commissioners will hold a public hearing on Thursday, the 3rd day of March, 1977, at 10:30 a.m. at the Commissioners' office in the Ravalli County Courthouse, concerning a Petition to zone a parcel of land in Sections 25, 26 and 27, all in Township 7 North, Range 21 West, P.M.M., Ravalli County, Montana, being more particularly described as follows:

Beginning at the West $\frac{1}{4}$ corner of said Section 27, said point being the true point of beginning; thence Northwesterly along the Westarly boundary of said Section 27, a distance of 1320 feet more or less to the Northwest corner of the $S\frac{1}{2} N\frac{1}{2}$ of said Section 27; thence Easterly, along the Northerly boundary of the $S\frac{1}{2} N\frac{1}{2}$ of said Section 27, a distance of 3960 feet, more or less, to the Southwest corner of the $NE\frac{1}{4} NE\frac{1}{4}$ of said Section 27; thence Northerly, a distance of 1320 feet, more or less to the Northwest corner of the $NE\frac{1}{4} NE\frac{1}{4}$ of said Section 27; thence Easterly, a distance of 1320 feet, more or less, to the Northeast corner of said Section 27; thence Easterly, a distance of 3960 feet, more or less to the Northeast corner of the $NW\frac{1}{4} NE\frac{1}{4}$ of said Section 26; thence Southerly, a distance of 1320 feet, more or less to the Southeast corner of the $NW\frac{1}{4} NE\frac{1}{4}$ of said Section 26; thence Easterly, a distance of 1320 feet, more or less to the Northeast corner of the $SE\frac{1}{4} NE\frac{1}{4}$ of said Section 26; thence Easterly, a distance of 330 feet, more or less to the Southwest corner of the $E\frac{1}{2} SW\frac{1}{4} NW\frac{1}{4} NW\frac{1}{4}$ of said Section 25; thence Northerly, a distance of 660 feet, more or less, to the Northwest corner of the $E\frac{1}{2} SW\frac{1}{4} NW\frac{1}{4} NW\frac{1}{4}$ of said Section 25; thence Easterly, a distance of 330 feet, more or less, to the SW corner of the $S\frac{1}{2} NE\frac{1}{4} NW\frac{1}{4} NW\frac{1}{4}$ of said Section 25; thence Northerly, a distance of 330 feet, more or less, to the Northwest corner of the $S\frac{1}{2} NE\frac{1}{4} NW\frac{1}{4} NW\frac{1}{4}$ of said Section 25; thence Easterly, a distance of 1320 feet, more or less, to a point in the center of an existing County road; thence Southerly and Southwesterly, along said County road, a distance of 3550 feet, more or less, to a sharp Westerly curve; thence Northwesterly, along said County road, a distance of 600 feet, more or less, to an intersection of two County roads; thence Southeasterly, Southerly and Southwesterly, along the existing County road, a distance of 1626.5 feet, more or less, to a point on the Southerly boundary of said Section 25; thence Westerly, along the Southerly boundary of said Section 25, a distance of 1101.43 feet, more or less, to the Southeast corner of said Section 26; thence S. 89 39' 47" W., along the Southerly boundary of said Section 26, a distance of 168.52 feet, more or less, to a point on the Southerly edge of a County road; thence the following 7 courses of the said Southerly edge of a County road; thence N. 68 15' 00" W., a distance of 142.73 feet, more or less; thence N. 75 13' 59" W., a distance of 186.36 feet, more or less; thence N. 83 47' 20" W., a distance of 118.68 feet, more or less; thence N. 68 29' 53" W., a distance of 152.78 feet, more or less; thence N. 67 57' 07" W., a distance of 249.69 feet, more or less; thence N. 55 42' 47" W., a distance of 266.27 feet, more or less; thence N. 67 56' 37" W., a distance of 125.16 feet, more or less, to the Westerly boundary of the $SE\frac{1}{4} SE\frac{1}{4}$ of said Section 26; thence N. 00 57' 40" W., along the Westerly boundary of the $SE\frac{1}{4} SE\frac{1}{4}$ of said Section 26, a distance of 476.81 feet, more or less; thence S. 73 50' 26" E., a distance of 742.30 feet, more or less; thence N. 13 51' 31" E., a distance of 859.12 feet, more or less, to a point in the center of an existing County road; thence Northwesterly, along the center of the said existing County road, a distance of 2200 feet, more or less, to a point on the North-South mid-section line of said Section 26; thence Southerly, along the said North-South mid-section line, a distance of 400 feet, more or less, to the Southeast corner of the $N\frac{1}{2} SW\frac{1}{4}$ of said Section 26; thence Westerly, a distance of 2640 feet, more or less, to the Southwest corner of the $N\frac{1}{2} SW\frac{1}{4}$ of said Section 26; thence Westerly, a distance of 5280 feet, more or less, to the Southwest corner of the $N\frac{1}{2} SW\frac{1}{4}$ of said Section 27; thence Northerly, a distance of 1320 feet, more or less, to the true point of beginning.

Ravalli County Commissioners

Ed Spannuth, Chairman

Publication Dates: Feb. 11, 18 and 25, 1977

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MINUTES OF MEETING OF PLANNING & ZONING COMMISSION
HELD AT 10:00 A.M., MARCH 3, 1977

Pursuant to Notice given as provided by law, the Ravalli County Planning and Zoning Commission met in the Commissioners office at 10:00 a.m. on March 3, 1977, to hear the petition of residents for zoning an area in the Sheafman Creek Area, described in Clerk and Recorder's Permanent File #6312.

Present were Commission members Ed Spannuth, Jim McKinley, D.W. Galbraith, David Schurian and Alice Wheeler.

The Zoning Petition was read and determined that more than 60% of the property owners signed the petition. Proposed zoning regulations were presented.

It was determined that written comments would be received by April 3, 1977.

The Planning and Zoning Commission then adjourned, with final action set for Thursday, April 7, 1977.

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LEGAL DESCRIPTION OF ZONING DISTRICT

Pr. used

EXHIBIT A

A tract of land located in and being a portion of Sections 24, 26, and 27, all in T7N R21W, PMM, Ravalli County, Montana and being more particularly described as follows;

Beginning at the West $\frac{1}{4}$ corner of said Section 27, said point being the true point of beginning; thence Northwesterly along the Westerly boundary of said Section 27, a distance of 1320 feet, more or less to the Northwest corner of the $S\frac{1}{2}$ $N\frac{1}{2}$ of said Section 27; thence Easterly, along the Northerly boundary of the $S\frac{1}{2}$ $N\frac{1}{2}$ of said Section 27, a distance of 3960 feet, more or less, to the Southwest corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 27; thence Northerly, a distance of 1320 feet, more or less to the Northwest corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 27; thence Easterly, a distance of 1320 feet, more or less to the Northeast corner of said Section 27; thence Easterly, a distance of 3960 feet, more or less to the Northeast corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 26; thence Southerly, a distance of 1320 feet, more or less to the Southeast corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 26; thence Easterly, a distance of 1320 feet, more or less to the Northeast corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 26; thence Easterly, a distance of 330 feet, more or less to the Southwest corner of the E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 25; thence Northerly, a distance of 660 feet, more or less, to the Northwest corner of the E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 25; thence Easterly, a distance of 330 feet, more or less, to the Southwest corner of the S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 25; thence Northerly, a distance of 330 feet, more or less, to the Northwest corner of the S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 25; thence Easterly, a distance of 660 feet, more or less, to a point in the center of an existing County road; thence Southerly and Southwesterly, along said County road, a distance of 3550 feet, more or less, to a sharp Westerly curve thence Northwesterly, along said County road, a distance of 600 feet, more or less, to an intersection of two County roads; thence Southeasterly, Southerly and Southwesterly, along the existing County road, a distance of 1626.5 feet, more or less, to a point on the Southerly boundary of said Section 25; thence Westerly, along the Southerly boundary of said Section 25, a distance of 1101.43 feet, more or less, to the Southeast corner of said Section 26; thence N. $03^{\circ} 15' 00''$ E., a distance of 546.00 feet, more or less; thence N. $73^{\circ} 30' 26''$ W., a distance of 660.94 feet, more or less; thence N. $13^{\circ} 51' 51''$ E., a distance of 859.12 feet, more or less, to a point in the center of an existing County road; thence Northwesterly, along the center of said existing County road, a distance of 2200 feet, more or less, to a point on the North-South mid-section line of said Section 26; thence Southerly, along the said North-South mid-section line, a distance of 400 feet, more or less, to the Southeast corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 26; thence Westerly, a distance of 2640 feet, more or less, to the Southwest corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 26; thence Westerly, a distance of 5280 feet, more or less, to the Southwest corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 27; thence Northerly, a distance of 1320 feet, more or less, to the true point of beginning.

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CONTINUATION MEETING
OF PLANNING AND ZONING COMMISSION
SHEAFMAN CREEK AREA ZONING

On April 7, 1977 at 10:00 a.m. the Planning and Zoning Commission met at the Commissioners Office in the Ravalli County Courthouse to further consider Zoning Regulations for Zoning District #4. District described in Petition and map which are of record in the Clerk and Recorder's Office, Permanent File #6312.

Motion was made and seconded and carried unanimously that the following regulations be adopted:

1. Present uses: Present agricultural and residential uses as of this petition may be continued, notwithstanding anything to the contrary contained hereinafter.
2. Future uses:
 - a. No land shall be sold, conveyed, leased or rented which is less than one (1) acre in size.
 - b. Stream channels shall not be altered, and the natural, scenic beauty, including trees and shrubs, shall be preserved in accordance with approved timber management practices.
 - c. No goats or swine shall be raised or maintained for commercial purposes on any tract.
 - d. Except for those activities necessary in the continuance of agricultural or home occupations, no property shall be used for any industrial activity.
 - e. No noxious or offensive activities shall be carried on, on any tract, nor shall anything be done thereon which may be or may become a nuisance to the neighborhood.
3. Building Requirements and Restrictions:
 - a. Single family dwelling only shall be permitted.
 - b. No dwelling house having less than one thousand (1,000) square feet of living space shall be permitted. For purposes of determining "living space", basements of bi-level or tri-level homes with full-sized windows and completed habitable interior shall be counted. Open porches, attached garages and basements with full exterior wall exposure shall not be counted toward space requirements.
 - c. No building whatsoever shall be located less than twenty-five (25) feet from the boundary line of any tract.
 - d. All structures shall be of at least eighty-five (85%) percent new construction, and no used building shall be moved from another location onto such land, in whole or in part. A trailer house, mobile home or camper unit may be occupied only at the site and during construction of a permanent residence, not to exceed eighteen (18) months.

- e. All buildings and improvements shall be of good, sound construction so as to comply with "construction standards" of PHA.
- f. Camper units and travel trailers may be stored on the property, but shall not be used as permanent living quarters after completion of the residence.
- g. A dwelling house shall not be occupied until its construction is ninety percent (90%) complete.
- h. Structures to house domestic animals shall compliment the general architecture of the surrounding dwellings; no shacks or dilapidated structures will be permitted.
- i. All property owners shall build and maintain such fencing as necessary to contain any agricultural animals prior to bringing such animals on the land.

4. General restrictions:

- a. All garbage and trash cans shall be stored so as to be screened from view and shall have tight covers to prevent escape of odors and entrance of pets and wild life.
- b. Trash and junk cars shall not be accumulated or stored on the premises unless in enclosed buildings.
- c. Owners and vendees of any tract hereby zoned shall comply with all state laws and regulations of the county pertaining to the State Board of Health and Environmental Sciences.

Invalidation of any one of these provisions by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

Jim McKinley
 Jim McKinley, County Commissioner

D.W. Galbraith
 D.W. Galbraith, County Commissioner

R. David Schurian
 Dave Schurian, County Surveyor

Cheryl Richards
 Cheryl Richards, County Assessor

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