

11/20/78

Resolution No. 178

WHEREAS, this Board did on November 21, 1977 receive a petition requesting the zoning of an area as described as follows:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ and that portion lying North of the Bitterroot Irrigation Canal in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1, Township 6 North, Range 20 West, P.M.M., Ravalli County, Montana.

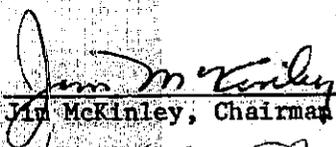
WHEREAS, the petition was signed by One Hundred percent (100%) of the freeholders within such area, and thereafter public hearing was held, as required by law, by the Ravalli County Planning and Zoning Commission on February 9, 1978 and thereafter the Commission met again on March 9, 1978, at which time the petition was granted.

WHEREAS, Resolution No. 009 containing the provisions for regulations controlling the zoning of area petitioned for was passed and adopted by the Ravalli County Planning and Zoning Commission under date March 9, 1978.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Ravalli County, Montana, do hereby approve and accept the recommendations of the County Planning and Zoning Commission and hereby the resolutions granting said petition for creation of Ravalli County Planning and Zoning District No. 14.

PASSED AND ADOPTED this 20th day of March, 1978.

BOARD OF COUNTY COMMISSIONERS
Ravalli County, Montana


Jim McKinley, Chairman


Hugh G. Cumming, Member


F. T. Williams, Member

BE IT RESOLVED, that whereas a petition was filed with the Board of County Commissioners of Ravalli County, Montana, for the creation of a Planning and Zoning District in an area within the boundaries described in said petition and shown on map submitted therewith, and,

WHEREAS, the petition was filed by one hundred percent of the freeholders within such area, and,

WHEREAS, the County Commissioners thereupon appointed a Planning and Zoning Commission in accordance with the provisions of Chapter 41, Title 16, R.C.M. 1947, as amended, and,

WHEREAS, the Planning and Zoning Commission thereafter, by order, directed that notice of a public hearing be given as required by law, and such notice was thereafter given and a public hearing held.

NOW THEREFORE, it is ordered and this does order that there is hereby created Ravalli County Planning and Zoning District No. 14, said district is more particularly described as follows:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ and that portion lying North of the Bitterroot Irrigation Canal in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1, Township 6 North, Range 20 West, P.M.M., Ravalli County, Montana.

IT IS FURTHER ORDERED, and this does order, that the following shall govern the use of lands and structures within the Planning and Zoning District No. 14:

A. INTENT

This district recognizes the existence of rural areas that will come under pressure for residential development. This zone provides for a transitional low density residential district between urbanized areas and agricultural uses, as well as provides a zone that may be used to meet residential needs while limiting density to recognize environmental concerns. Planned unit developments and planned variations are encouraged to preserve agricultural land and to enhance environmental amenities found in rural areas.

B. SPACE AND BULK REQUIREMENTS

Maximum residential densityOne (1) dwelling per 1 acres
Minimum yard - front.....Twenty-five (25) feet
 - side.....Fifteen (15) feet
 - rear.....Twenty-five (25) feet
Maximum building height.....Thirty (30) feet

C. PERMITTED USES

1. Single-family dwelling
2. ~~No~~ mobile homes
3. Accessory buildings and uses

D. Building Requirements and Restrictions

1. Land within the zoning district may be used for industrial and commercial purposes providing said use does not constitute an actionable nuisance and complies with all applicable federal, state and local standards regarding degradation of the air and water.
2. All dwelling structures and improvements thereto shall be constructed so as to comply with FHA standards existing at the time of construction.
3. All structures incidental to use of the land for agricultural purposes shall be maintained in reasonably good condition and repair; no shacks or delapidated structures shall be permitted.
4. All garbage and trash cans shall be stored so as to be screened from view and shall have tight covers.

E. Severability

If any provision herein or its application to any person or circumstances is held invalid, the remainder of the provisions herein or the application of the provision to other persons or circumstances is not affected.

Enforcement: Any use or feature in violation of these regulations is hereby found and declared to be unlawful and may be enforced as set out in subparagraphs I and II below.

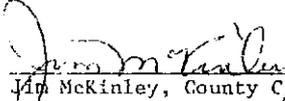
- I. The Ravalli County Commissioners hereby assume responsibility for the enforcement of only those regulations set out in this subparagraph I. Such enforcement shall be discretionary with the Ravalli County Commissioners and shall be civil in nature. The cost of such enforcement shall be paid by Ravalli County. The regulations for which Ravalli County assumes responsibility for enforcement are as follows:

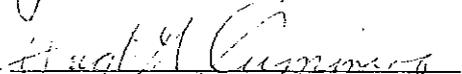
- B. Space and Bulk Requirements
- C. Permitted Uses

- II. Any interested person may bring any appropriate legal action for the enforcement of any of the regulations which apply to this Planning and Zoning District. The cost of such enforcement shall be borne by the person bringing the legal proceeding. Neither Ravalli County nor the Planning and Zoning District shall be responsible for any of the costs associated with any such enforcement proceeding undertaken pursuant to this subparagraph II.

PASSED AND ADOPTED this 9th day of March, 1978.

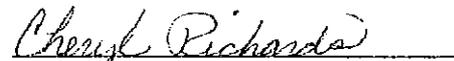
PLANNING AND ZONING COMMISSION


Jim McKinley, County Commissioner


Hugh G. Cumming, County Commissioner


F.T. Williams, County Commissioner


R. David Schurian, County Surveyor


Cheryl Richards, County Assessor

#6392

STATE OF MONTANA }
COUNTY OF RAVALLI }

SS

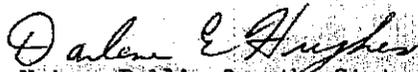
This is to certify that I, Jim McKinley, did post copies of Notice of Public Hearing on petition for creation of Planning and Zoning District in an area within the SW $\frac{1}{4}$ of Section 1, T6N, R20W, in the following places:

1. On a tree about 100 yards across the Bitterroot Irrigation Ditch Bridge.
2. On a gate post near the center of the property.
3. On a tree near the west boundary of the property.



Jim McKinley, Chairman
Ravalli County Commissioners

Subscribed and sworn before me this 16th day of January, 1978.


Notary Public for the State of Montana
Residing at Hamilton, Montana
My Commission Expires: April 1, 1980



PL392

Notice of Public Hearing on Adoption of
Planning and Zoning District and Adoption of Development
Pattern Thereof

Notice is hereby given that a petition has been filed for the creation of a Planning and Zoning District in the area within the following boundaries to-wit:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ and that portion lying North of the Bitterroot Irrigation Canal in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1, Township 6 North, Range 20 West, P.M.M., Ravalli County, Montana.

TOGETHER WITH all easements and rights of way existing of record.

TOGETHER WITH a proportionate share of all water, water rights, ditches, dams, flumes and easements of a larger tract of which this is a part.

SUBJECT TO existing easements and rights of way for roads and ditches.

Map of area is on file with said petition.

That pursuant to such petition, the Board of County Commissioners created and appointed a Planning and Zoning Commission. That the Planning and Zoning Commission will, on the 9th day of February, 1978, at the hour of 10:00 a.m. at the office of the County Commissioners in the Courthouse in Hamilton, Montana, hold a public hearing at which the Commission will consider:

1. The creation of a Planning and Zoning District within the boundaries aforesaid.
2. The adoption of a development pattern for said district and the building and use restriction to be made applicable thereto.

The Commission will consider the types of activity that may be conducted therein and the existing non-conforming uses which may be continued.

All person affected by the proposed Planning and Zoning District will be given an opportunity to be heard; to contest or support the adoption of such development district by the Planning and Zoning Commission and the adoption of a development plan therefor.

BY ORDER OF THE PLANNING AND ZONING COMMISSION, dated the 16th day of January, 1978.

Publish January 19, 1978

#6392

WHEREAS, a petition was duly filed with the Board of County Commissioners of Ravalli County, petitioning for the creation of a Planning and Zoning District in the area within the following boundaries to-wit:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ and that portion lying North of the Bitterroot Irrigation Canal in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1, Township 6 North, Range 20 West, P.M.M., Ravalli County, Montana.

TOGETHER WITH all easements and rights of way existing of record.

TOGETHER WITH a proportionate share of all water, water rights, ditches, dams, flumes and easements of a larger tract of which this is a part.

SUBJECT TO existing easements and rights of way for roads and ditches.

Map of area is on file with said petition.

WHEREAS, it appears that 100% percent of the freeholders affected hereby have signed said petition which is in due form.

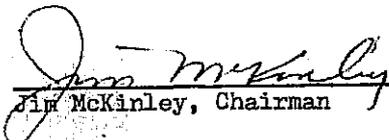
NOW, THEREFORE, it is ordered that a Planning and Zoning District, embracing the lands within the boundaries as aforesaid, is created.

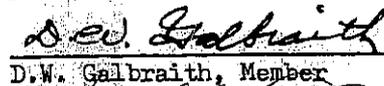
IT IS FURTHER ORDERED that a Planning and Zoning Commission be created and the persons appointed thereon are: The County Commissioners of Ravalli County, being Jim McKinley, D.W. Galbraith, and Hugh G. Cumming; the County Assessor of Ravalli County, being Cheryl A. Richards; the County Surveyor of Ravalli County, being R. David Schurian.

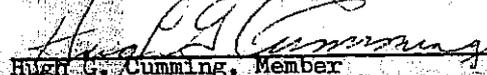
IT IS FURTHER ORDERED that the Planning and Zoning Commission proceed in accordance with the provision of Title 16, Chapter 41, R.C.M. 1947, as revised.

Dated this 5th day of January, 1978.

BOARD OF COUNTY COMMISSIONERS
RAVALLI COUNTY, MONTANA


Jim McKinley, Chairman


D.W. Galbraith, Member


Hugh G. Cumming, Member

#6392

PETITION FOR ZONING DISTRICT

We, the undersigned, being the owners and freeholders of one hundred percent (100%) of the real property described and set forth in Exhibit "A" attached hereto, respectfully petition the Board of County Commissioners of Ravalli County, Montana, pursuant to the provisions of Title 16, Chapter 41 of the Revised Codes of Montana, 1947, to order and create a Planning and Zoning District for the area encompassed by and described in Exhibit "A" attached hereto, for the purpose of furthering the health, safety and general welfare of the people of Ravalli County.

Your Petitioners respectfully request that the Planning and Zoning Commission for said Planning and Zoning District make and adopt a development pattern for the physical and economic development of said district which will make the following provisions for the use of property within said district:

- A. EXISTING USES - Land within the proposed district is currently used primarily for agricultural and residential purposes, and such existing uses may be continued subsequent to the adoption of any development pattern for the district.
- B. LOT SIZES - All lots created for sale, conveyance, lease, or rent shall be a minimum of one (1) acre in size; provided, however all requirements of state and local regulations, and all requirements of the Montana Subdivision and Platting Act have been met.
- C. PERMITTED USES -
 1. Land within the zoning district may be used for residential purposes.
 2. Land within the zoning district may be used for agricultural purposes including but not limited to the following:
 - a. Raising of crops.
 - b. Raising of livestock.
 - c. Raising and harvesting of timber.
 3. Land within the zoning district may be used for industrial and commercial purposes providing said use does not constitute an actionable nuisance and complies with all applicable federal, state and local standards regarding degradation of the air and water.
- ~~D. BUILDING REQUIREMENTS AND RESTRICTIONS -~~
 1. All dwelling structures and improvements thereto shall be constructed so as to comply with FHA standards existing at the time of construction.
 2. All structures incidental to use of the land for agricultural purposes shall be maintained in reasonably good condition and repair; no shacks or delapidated structures shall be permitted.
 - ~~3.~~ All structures shall be a minimum of 15 feet from the boundary line of the parcel on which they are constructed.
 4. No single or doublewide mobile homes shall be permitted on the property at any time.

46392

E. GENERAL PROVISIONS -

1. All garbage and trash cans shall be stored so as to be screened from view and shall have tight covers.
2. Trash and junk cars shall not be accumulated or stored on the premises unless in enclosed buildings.
3. Owners of any tract hereby zoned shall comply with all state laws and regulations and county regulations as to sanitary restrictions.

F. SEVERABILITY - If any provision herein or its application to any person or circumstances is held invalid, the remainder of the provisions herein or the application of the provision to other persons or circumstances is not affected.

RESPECTFULLY SUBMITTED this 21st day of Nov. 1977.

[Signature]

Hector Rasmussen

Mable S. [Signature]

Judy Rasmussen

[Signature]

[Signature]

[Signature]

[Signature]

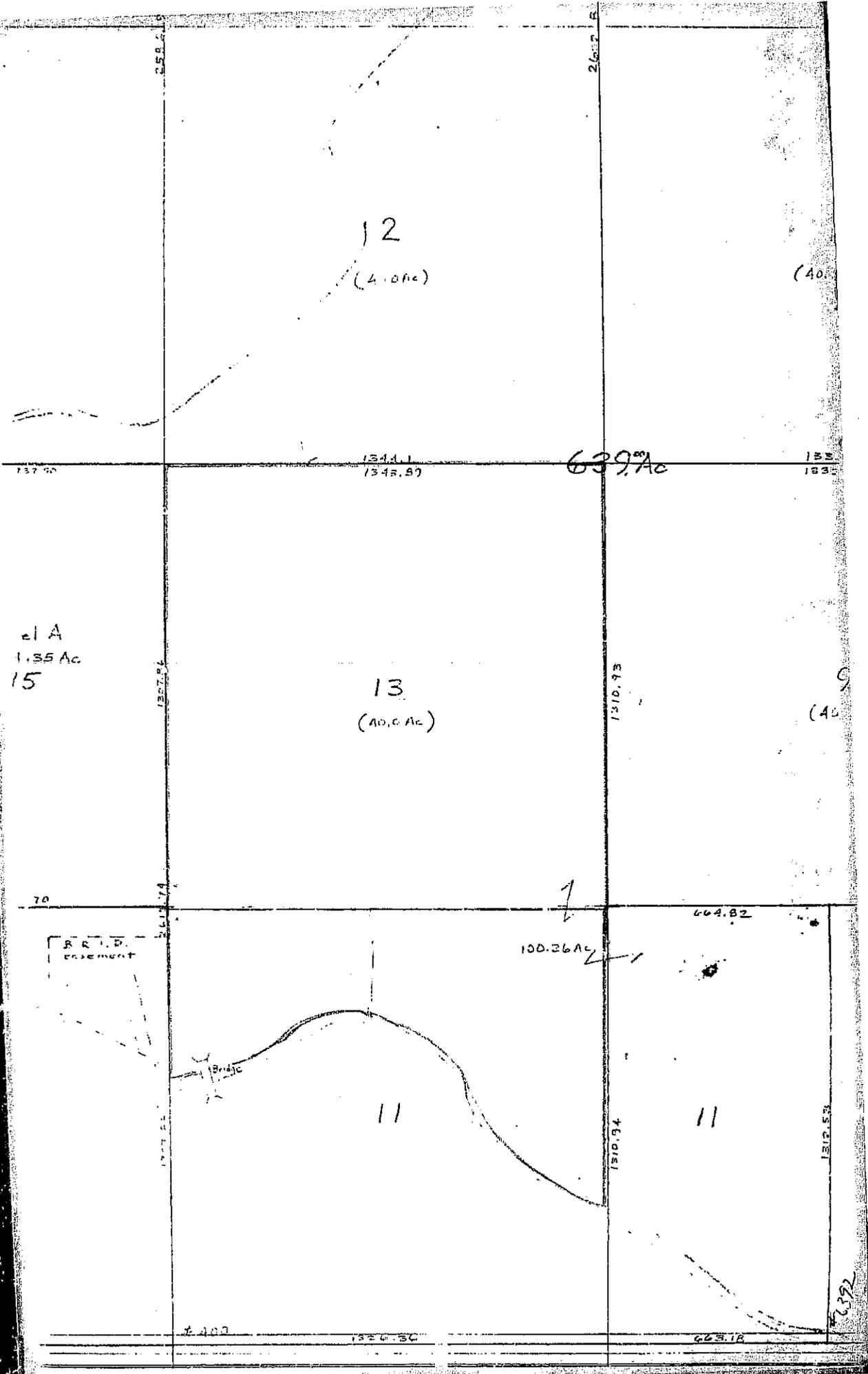
EXHIBIT "A"

NE $\frac{1}{4}$ SW $\frac{1}{4}$ and that portion lying North of the Bitterroot Irrigation Canal in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1, Township 6 North, Range 20 West, P.M.M., Ravalli County, Montana.

TOGETHER WITH all easements and rights of way existing of record.

TOGETHER WITH a proportionate share of all water, water rights, ditches, dams, flumes and easements of a larger tract of which this is a part.

SUBJECT TO existing easements and rights of way for roads and ditches.



12
(4.0 Ac)

(40)

el A
1.35 Ac
15

13
(40.0 Ac)

9
(40)

RR R.O.
Easement

100.26 Ac

11

11

6392

639.00 Ac

1344.1
1342.87

133
133

1210.93

604.82

1310.94

1312.53

7.400

1320.30

623.12

6392

I certify that I received and filed this
instrument on this 22nd
day of March, 1978, at 8:47
o'clock P.M.

Debra E. Hughes
EVERY RECORD

By Me 2
Deputy