

18 pages

Resolution No. 179

WHEREAS, this Board did on October 28, 1977 receive a petition requesting the zoning of an area as described in Exhibit "A" attached hereto and by this reference made a part hereof.

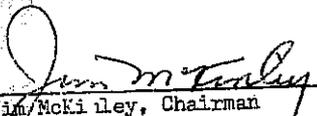
WHEREAS, the petition was signed by one hundred percent (100%) of the freeholders within such area, and thereafter public hearing was held, as required by law, by the Ravalli County Planning and Zoning Commission on December 8, 1977 and thereafter the Commission met again on February 9, 1978 and again on March 9, 1978, at which time the petition was granted.

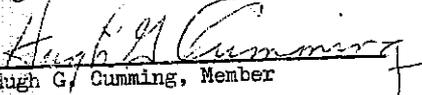
WHEREAS, Resolution 010 containing the provisions for regulations controlling the zoning of area petitioned for was passed and adopted by the Ravalli County Planning and Zoning Commission under date March 9, 1978.

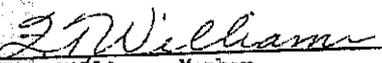
NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Ravalli County, Montana, do hereby approve and accept the recommendations of the County Planning and Zoning Commission and hereby the resolutions granting said petition for creation of Ravalli County Planning and Zoning District No. 15.

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

BOARD OF COUNTY COMMISSIONERS  
Ravalli County, Montana

  
Jim McKiiley, Chairman

  
Hugh G. Cumming, Member

  
F.T. Williams, Member

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EXHIBIT "A"

PARCEL "C"

A tract of land located in and being portions of Sections 14, 15, 21, 22, 23, 24, 26, and 28, Township 10 North, Range 19 West, P.M.M., Ravalli County, Montana, more particularly described as follows:

Section 14:

SW 1/4 SW 1/4, also a tract of land described as:

Beginning at the Southeast corner of SE 1/4 SW 1/4 of Section 14; thence running North 530.7 feet to a point on East line thereof; thence, N.73°39'W., 481.8 feet; thence N.35°23'W., 801.7 feet to a point on North line of said SE 1/4 SW 1/4; thence running West 393.4 feet to Northwest corner; thence South 1320 feet to southwest corner; thence East 1320 feet to point of beginning.

Section 15:

All of the NW 1/4NW1/4, all of the S 1/2 NW 1/4, all of the SW 1/4 NE 1/4 and all of the SE 1/4.

Section 21:

All of the N 1/2 SW 1/4 and the SE 1/4 SW 1/4 except that land as recorded as Tracts 60, 61, 62, 63, 64, and 65 of Certificate of Survey No. 1316; also except right-of-way for the Main Canal of the Bitterroot Irrigation District.

Also; all of the S 1/2 SE 1/4 except that land as recorded on Certificate of Survey No. 687 and that land as surveyed by Ainsworth and Associates, Project No. 73-1662, March 1973; also except right-of-way for the Main Canal of the Bitterroot Irrigation District.

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Section 22:

All of the E 1/2, all of the SE 1/4 NW 1/4, all of the E 1/2 SW 1/4, and all of the SW 1/4 SW 1/4;

Excepting therefrom those portions thereof conveyed by Deed recorded in Book 49 Deeds, page 407, being 3 tracts, each 70 feet wide, being 30 feet on the upper or Easterly side and 40 feet wide on the lower or Westerly side of the center line of the main canal of the Bitterroot Irrigation District.

Section 23:

All of the S 1/2, all of the NW 1/4 and all of the S 1/2 NE 1/4.

Section 24:

NW 1/4 SW 1/4, SW 1/4 NW 1/4, and a part of NE 1/4 SW 1/4 described as:

Beginning at Northwest corner of NE 1/4 SW 1/4; thence S. 51°20'E., 1020 feet; thence S. 59°10'E., 207.4 feet to easterly side of Three Mile Creek; thence, S. 7°27'W., along easterly side of Three Mile Creek 585 feet to South line of NE 1/4 SW 1/4; thence West 899 feet to southwest corner of NE 1/4 SW 1/4, Section 24; thence North 1320 feet, more or less to point of beginning.

ALSO that part of SW 1/4 SW 1/4 described as:

Beginning at Northeast corner of SW 1/4 SW 1/4; thence, S. 27°47'W., 578 feet; thence, S. 37°37'W., 420 feet; thence, S. 58°42'W., 434 feet; thence, S. 57°52'W., 470 feet to South line of Section 24; thence West 45 feet to southwest corner of Section 24; thence to Northwest corner of SW 1/4 SW 1/4; thence East to place of beginning.

RESERVING right to use of 40 foot roadway along Easterly side of last described tract and also through that part of NE 1/4 SW 1/4 Section 24 as described herein.

Section 26:

That part of NW 1/4 NE 1/4 Section 26, described as:

Beginning at Northeast corner thereof; thence South along East line 990 feet; thence, S. 53°08'W., 550 feet to a point on the South line thereof; thence West 880 feet to Southwest corner of said NW 1/4 NE 1/4; thence North to Northwest corner thereof; thence East to place of beginning.

ALSO, N 1/2 S 1/2 NW 1/2, N 1/2 NW 1/4, and that part of NE 1/4 NE 1/4 described as:

Beginning at Northeast corner of Section 26; thence S. 53°08'W., 1650 feet to West line of NE 1/4 NE 1/4; thence North 990 feet to Northwest corner of NE 1/4 NE 1/4; thence East 1320 feet to place of beginning.

ALSO that part of SW 1/4 NE 1/4 Section 26, described as:

Beginning at Northwest corner of SW 1/4 NE 1/4; thence East 980 feet; thence S 53°08'W., 1100 feet; thence North 660 feet to place of beginning.

Section 28:

All of the NE 1/4 NE 1/4 except that land as recorded in Certificate of Survey No. 687 and also except the right-of-way for the Main Canal of the Bitterroot Irrigation District.

ALSO a tract of land in Sections 14, 23 and 24, all in Township 10 North, Range *6393* 19 West, P.M.M., described as:

Beginning at the Southeast corner of NW 1/4 NW 1/4 Section 24; thence North 688.9 feet; thence N. 73°39' West approximately 4136 feet to a point on West line and 789.3 feet South of Northwest corner of SW 1/4 SE 1/4 of above named Section 14; thence, South approximately 1850.7 feet to Southwest corner of NW 1/4 NE 1/4 Section 23; thence East 3960 feet, more or less to point of beginning.

All lands are subject to all easements or rights-of-way as existing, or as recorded.

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RESOLUTION NO. 010

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. 15, said district is more particularly described in Exhibit "A" attached hereto and by this reference made a part hereof.

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. 15:

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 density.....One (1) dwelling per one (1) acre.  
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. Accessory buildings and uses

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D. BUILDING REQUIREMENTS AND RESTRICTIONS:

1. All structures incidental to use of the land for agricultural purposes shall be maintained in reasonable good condition and repair: no shacks or delapidated structures shall be permitted.
2. 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.

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 A and B below.

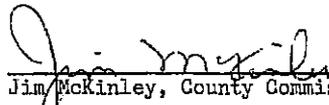
- I. The Ravalli County Commissioners hereby assume responsibility for the enforcement of only those regulations set out in this subparagraph I. Such enforcement shall be discretionary with the Ravalli County Commissioners and shall be civil in nature. The cost of such enforcement shall be paid by Ravalli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

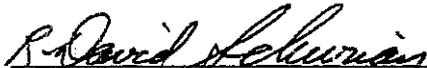
PASSED AND ADOPTED this 9th day of March, 1978.

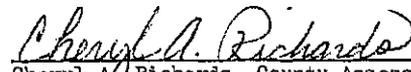
PLANNING AND ZONING COMMISSION

  
Jim McKinley, County Commissioner

  
Hugh G. Cumming, County Commissioner

  
F.T. Williams, County Commissioner

  
R. David Schurian, County Surveyor

  
Cheryl A. Richards, County Assessor

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EXHIBIT "A"

PARCEL "C"

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Section 15:

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Section 21:

All of the N 1/2 SW 1/4 and the SE 1/4 SW 1/4 except that land as recorded as Tracts 60,61, 62, 63, 64, and 65 of Certificate of Survey No. 1316; also except right-of-way for the Main Canal of the Bitterroot Irrigation District.

Also; all of the S 1/2 SE 1/4 except that land as recorded on Certificate of Survey No. 687 and that land as surveyed by Ainsworth and Associates, Project No. 73-1682, March 1973; also except right-of-way for the Main Canal of the Bitterroot Irrigation District.

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Section 22:

All of the E 1/2, all of the SE 1/4 NW 1/4, all of the E 1/2 SW 1/4, and all of the SW 1/4 SW 1/4;

Excepting therefrom those portions thereof conveyed by Deed recorded in Book 49 Deeds, page 407, being 3 tracts, each 70 feet wide, being 30 feet on the upper or Easterly side and 40 feet wide on the lower or Westerly side of the center line of the main canal of the Bitterroot Irrigation District.

Section 23:

All of the S 1/2, all of the NW 1/4 and all of the S 1/2 NE 1/4.

Section 24:

NW 1/4 SW 1/4, SW 1/4 NW 1/4, and a part of NE 1/4 SW 1/4 described as:

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RESERVING right to use of 40 foot roadway along Easterly side of last described tract and also through that part of NE 1/4 SW 1/4 Section 24 as described herein.

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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 for Wilbur J. and Ila M. Hensler property in the following places:

1. On gate post at end of Dry Gulch Road.
2. On fence post on south side at the end of Dry Gulch Road.
3. On fence post on north side at the end of Dry Gulch Road.

Robert C. Jack  
(Witness)

Jim McKinley  
Jim McKinley, Chairman  
RAVALLI COUNTY COMMISSIONERS

Subscribed and sworn to before me this 28th day of November, 1977.

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

SEAL

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NOTICE OF PUBLIC HEARING ON  
ADOPTION OF PLANNING AND ZONING DISTRICT  
AND ADOPTION OF DEVELOPMENT PATTERN THEREFOR

NOTICE IS HEREBY GIVEN that a petition has been filed for the creation of a Planning and Zoning District in and being portions of Sections 14, 15, 21, 22, 23, 24, 26, and 28, Township 10 North, Range 19 West, P.M.M., Ravalli County, Montana.

That pursuant to such petition, the Board of County Commissioners created a Planning and Zoning District embracing the lands within the boundaries as aforesaid and appointed a Planning and Zoning Commission.

That the Planning and Zoning Commission will, on the 8th day of December, 1977 at the hour of 10:00, at the office of the County Commissioners in the Courthouse in Hamilton, Montana hold a public hearing at which the Commission will consider:

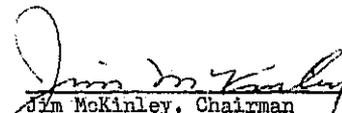
1. The creation of a Planning and Zoning District within the boundaries aforesaid.

2. The adoption of a development pattern for said district and the building and use restrictions 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 persons 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 the development plan therefore.

BY ORDER OF THE PLANNING AND ZONING COMMISSION, dated this 22nd day of November, 1977

  
Jim McKinley, Chairman  
PLANNING AND ZONING COMMISSION

Published November 23, 1977

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RESOLUTION NO. 159

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:

See Exhibit "A" attached hereto and by this reference made a part hereof.

WHEREAS, it appears that one hundred percent of the freeholders affected thereby have signed said petition which is in due form.

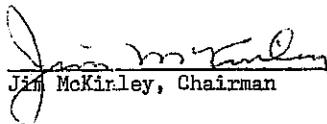
NOW, THEREFORE, it is ordered that a Planning and Zoning District, embracing the lands within the boundaries as aforesaid, is created.

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.

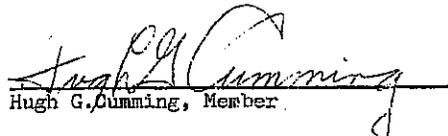
It is further ordered that the Planning and Zoning Commission proceed in accordance with the provisions of Title 16, Chapter 41, R.C.M., 1947, as revised.

Dated this 22nd day of November, 1977.

BOARD OF COUNTY COMMISSIONERS  
Ravalli County, Montana

  
Jim McKinley, Chairman

\_\_\_\_\_  
D.W. Galbraith, Member

  
Hugh G. Cumming, Member

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EXHIBIT "A"

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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, that where an adequate supply of potable water exists, provisions for disposal of waste and sewage are adequate to meet all requirements of state and local regulations, and all requirements of the Montana Subdivision and Platting Act have been met, lots of smaller size may be created.
- 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

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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 structures incidental to use of the land for agricultural purposes shall be maintained in reasonable good condition and repair: no shacks or delapidated structures shall be permitted.
2. All structures shall be a minimum of 15 feet from the boundary line of the parcel on which they are constructed.

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 28 day of Oct, 1977.

Wilbur J. Hensler  
WILBUR J. HENSLER

ILA M. Hensler  
ILA M. HENSLER

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EXHIBIT "A"

PARCEL "C"

A tract of land located in and being portions of Sections 14, 15, 21, 22, 23, 24, 26, and 28, Township 10 North, Range 19 West, P.M.M., Ravalli County, Montana, more particularly described as follows:

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Beginning at the Southeast corner of SE 1/4 SW 1/4 of Section 14; thence running North 530.7 feet to a point on East line thereof; thence, N.73°39'W., 481.8 feet; thence N.35°23'W., 801.7 feet to a point on North line of said SE 1/4 SW 1/4; thence running West 393.4 feet to Northwest corner; thence South 1320 feet to southwest corner; thence East 1320 feet to point of beginning.

Section 15:

All of the NW 1/4NW1/4, all of the S 1/2 NW 1/4, all of the SW 1/4 NE 1/4 and all of the SE 1/4.

Section 21:

All of the N 1/2 SW 1/4 and the SE 1/4 SW 1/4 except that land as recorded as Tracts 60,61, 62, 63, 64, and 65 of Certificate of Survey No. 1316; also except right-of-way for the Main Canal of the Bitterroot Irrigation District.

Also; all of the S 1/2 SE 1/4 except that land as recorded on Certificate of Survey No. 687 and that land as surveyed by Ainsworth and Associates, Project No. 73-1682, March 1973; also except right-of-way for the Main Canal of the Bitterroot Irrigation District.

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Section 22:

All of the E 1/2, all of the SE 1/4 NW 1/4, all of the E 1/2 SW 1/4, and all of the SW 1/4 SW 1/4;

Excepting therefrom those portions thereof conveyed by Deed recorded in Book 49 Deeds, page 407, being 3 tracts, each 70 feet wide, being 30 feet on the upper or Easterly side and 40 feet wide on the lower or Westerly side of the center line of the main canal of the Bitterroot Irrigation District.

Section 23:

All of the S 1/2, all of the NW 1/4 and all of the S 1/2 NE 1/4.

Section 24:

NW 1/4 SW 1/4, SW 1/4 NW 1/4, and a part of NE 1/4 SW 1/4 described as:

Beginning at Northwest corner of NE 1/4 SW 1/4; thence S.  $51^{\circ}20'E.$ , 1020 feet; thence S.  $59^{\circ}10'E.$ , 207.4 feet to easterly side of Three Mile Creek; thence, S.  $7^{\circ}27'W.$ , along easterly side of Three Mile Creek 585 feet to South line of NE 1/4 SW 1/4; thence West 899 feet to southwest corner of NE 1/4 SW 1/4, Section 24; thence North 1320 feet, more or less to point of beginning.

ALSO that part of SW 1/4 SW 1/4 described as:

Beginning at Northeast corner of SW 1/4 SW 1/4; thence, S.  $27^{\circ}47'W.$ , 578 feet; thence, S.  $37^{\circ}37'W.$ , 420 feet; thence, S.  $58^{\circ}42'W.$ , 434 feet; thence, S.  $57^{\circ}52'W.$ , 470 feet to South line of Section 24; thence West 45 feet to southwest corner of Section 24; thence to Northwest corner of SW 1/4 SW 1/4; thence East to place of beginning.

RESERVING right to use of 40 foot roadway along Easterly side of last described tract and also through that part of NE 1/4 SW 1/4 Section 24 as described herein.

Section 26:

That part of NW 1/4 NE 1/4 Section 26, described as:

Beginning at Northeast corner thereof; thence South along East line 990 feet; thence, S.  $53^{\circ}08'W.$ , 550 feet to a point on the South line thereof; thence West 880 feet to Southwest corner of said NW 1/4 NE 1/4; thence North to Northwest corner thereof; thence East to place of beginning.

ALSO, N 1/2 S 1/2 NW 1/2, N 1/2 NW 1/4, and that part of NE 1/4 NE 1/4 described as:

Beginning at Northeast corner of Section 26; thence S.  $53^{\circ}08'W.$ , 1650 feet to West line of NE 1/4 NE 1/4; thence North 990 feet to Northwest corner of NE 1/4 NE 1/4; thence East 1320 feet to place of beginning.

ALSO that part of SW 1/4 NE 1/4 Section 26, described as:

Beginning at Northwest corner of SW 1/4 NE 1/4; thence East 980 feet; thence S.  $53^{\circ}08'W.$ , 1100 feet; thence North 660 feet to place of beginning.

Section 28:

All of the NE 1/4 NE 1/4 except that land as recorded in Certificate of Survey No. 687 and also except the right-of-way for the Main Canal of the Bitterroot Irrigation District.

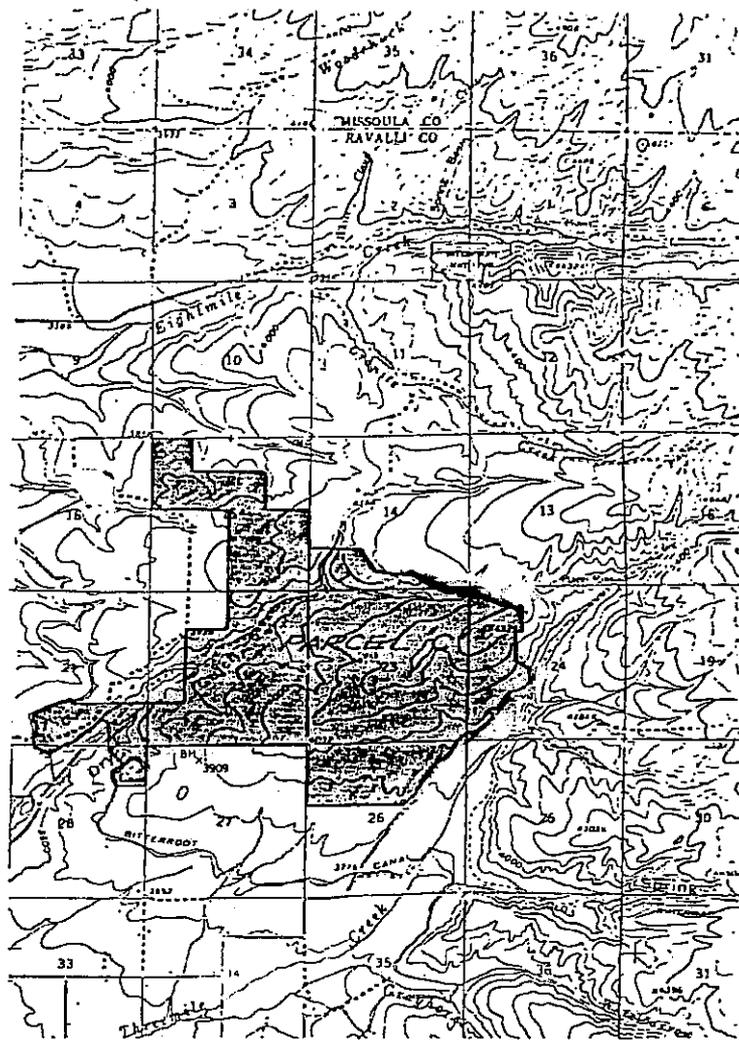
ALSO a tract of land in Sections 14, 23 and 24, all in Township 10 North, Range 19 West, P.M.M., described as:

Beginning at the Southeast corner of NW 1/4 NW 1/4 Section 24; thence North 688.9 feet; thence N.  $73^{\circ}39'$  West approximately 4136 feet to a point on West line and 789.3 feet South of Northwest corner of SW 1/4 SE 1/4 of above named Section 14; thence, South approximately 1850.7 feet to Southwest corner of NW 1/4 NE 1/4 Section 23; thence East 3960 feet, more or less to point of beginning.

All lands are subject to all easements or rights-of-way as existing, or as recorded.

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EXHIBIT "A"



- Sec. 23 - OK
- " 22 - OK
- " 21 - OK
- " 20 - OK
- " 18 - OK
- " 14 - OK
- " 15 - OK

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I certify that I received and filed this  
instrument on this 8<sup>th</sup>  
day of March, 1928, at 9:48  
o'clock A. M.  
John E. Hoyle  
Clerk  
Mo. J.