

Betty J. Lund

CLERK AND RECORDER BY

Wendy C. May

DEPUTY NO FEE

INDEXED

RESOLUTION NO. 644

IMPAIRED

RESOLUTION TO CREATE A ZONING DISTRICT

WHEREAS, a petition was received from 89% of the owners of the real property in the Lower Sunset Bench area, requesting that the BOARD OF COUNTY COMMISSIONERS of Ravalli County create a zoning district with certain regulations; and

WHEREAS, a public hearing was held on December 10, 1992 to take comment on the proposed district and regulations; and

WHEREAS, A "Notice of Intent to Create a Zoning District" was published in the Ravalli Republic on January 6, 1993 and January 13, 1993; and

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS, Ravalli County, Montana, waited 30 days after the first publication of the "Intent to Create a Zoning District"; and

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS, received letters from 16 (or 20.25%) freeholders in the proposed district in opposition to the proposed zoning district; and

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS of Ravalli County has determined that the creation of said district is in the best interest of the citizens within the proposed district and Ravalli County;

NOW THEREFORE BE IT RESOLVED that the BOARD OF COUNTY COMMISSIONERS of Ravalli County establish a zoning district and regulations for that district as described herein, in accordance with provisions of Section 76-2-205, M.C.A.

AREA ZONED. The area to be zoned consists of:

Section 14, T8N, R20W, P.M., M. excluding the SW 1/4 of the SW 1/4 and the NE 1/4 of the NE 1/4 and that portion of the SE 1/4 south of Willowby Road and excluding Lots 8, 9, 10 and 12, Block 4, Home Acres Orchards #3 and Block 5, Home Acres Orchards #3.

Also, Tracts A-2, C-1, D-1-A, D-2-A, GG-1, Lot 13, Lot 14, Lot 15-A, Lot 16-B, Block 1, Home Acres Orchards #3.

Also, Lots 5, 6, 7 and Parcel B of Block 4, Home Acres Orchards #3.

PURPOSE OF THE LOWER SUNSET BENCH DISTRICT

The rural agricultural-residential district is hereby established to assure and provide rural and semi-rural development of land parcels, primarily for agricultural and low-density residential use. The purpose of this district is to conserve and protect open land use and foster orderly growth.

This petition is intended to protect water quality by prohibiting all activities which create toxic waste or industrial contaminants, restricts uses that degrade the scenic values and protects agriculture by assuring that agricultural operations can be continued without restriction.

PRIOR EXISTING RIGHTS

1. Nonconforming uses occurring on a lot of record existing prior to the effective date of this petition may continue. If a prior-existing land use is destroyed by any method it may be restored. Prior-existing land uses may be sold or otherwise transferred to other owners. Existing land uses which are prohibited under the terms of this petition may not be expanded or extended to adjacent land parcels.

Any covenants or deed restrictions in force at the time of the effective date of this petition which are more restrictive than this petition will take precedence on affected land parcels.

2. Nonconforming lots of record may be used for permitted uses regardless of ownership.

DIMENSIONAL STANDARDS

No lot may be created that is less than five (5) acres.

PERMITTED USES

1. Agricultural purposes.
2. Single Family Residence
3. Modular homes on permanent foundation
4. An owner may occupy a mobile home or other non-permanent residence for a period of one (1) year while constructing a permanent residence. Extensions of the one-year period must be applied for under the variance conditions contained herein.
5. Home occupations. The number of employees involved shall not exceed 3, including family members.
6. Commercial business employing not more than 3 persons at the home site.

PERMITTED ACCESSORY USE

1. Erection and use of structures incidental to permitted uses such as barn, storage sheds, stables, workshops, private garages, guest cottages, and the like provided they not be used by other than the owner or tenant of the primary residence, or their guests and employees.
2. Business professional signs not large than four (4) square feet may be permanently painted or attached to dwellings and/or accessory buildings or be freestanding at the place of business.

PROHIBITED USES

1. Uses not permitted, are excluded.
2. NUISANCE: Any use, activity or structure that interferes with the use or enjoyment of any property, which may endanger health or safety or unreasonably disturb the residents of the district or is offensive to the senses, or any condition defined or described in sections 27-30-101 M.C.A. (1991) and 45-8-111 M.C.A. 1991.

DEFINITION

For the purposes of this petition, certain words and terms contained herein are defined as follows:

Accessory Building: A building constructed for use as a part of the landowners operation.

Agriculture: The activity of ground cultivation, including raising and harvesting of crops, rearing and management of livestock, tillage, husbandry, farming, horticulture and the like. Feed lot operations, commercial pig farms, commercial peacock farms and commercial chicken farms are not included herein. Also included is the necessary fencing, irrigation equipment, machinery, tool, and product storage.

Commercial: The operation of a business for the exchange of goods and services.

Covenants: An agreement, in writing, of two or more parties by which any of the parties pledges to the other that something is done or shall be done.

Deed Restrictions: Those covenants that are made a part of and included in the land deed and are permanently affixed to the deed.

Home Occupation: An activity conducted for profit within the family residence or dwelling.

Mobile Home: Defined as stated in MCA-61-4-309 and as further defined here. A factory-assembled structure equipped with the necessary service connections and made readily transportable on its own running gear. To be used as a dwelling without a permanent foundation.

Modular Home: A structure built at one site and delivered to another site and placed on a permanent foundation. A mobile home may not be construed as a modular home.

Nuisance: Any activity so defined in state law or common law.

ENFORCEMENT

1. **County Enforcement.** The County shall enforce the provisions of this district.
2. **Landowner Enforcement.** Any interested person may bring legal action for the enforcement of any provision of this district. The cost of such enforcement shall be borne by the person(s) bringing the legal proceedings.
3. **Effect of Nonenforcement.** Failure to immediately enforce any of these provisions shall not in any event be construed or held to be a waiver thereof or consent to any further or succeeding breach or violation.

VARIANCES

1. **Generally.** The Board of County Commissioners may grant a variance from the strict application of any provision of this Code, provided that such variance is granted in conformance with the County's Subdivision Regulations.
2. **Limitations on Issuing a Variance.** The following actions shall not be allowed by a variance:
 - a. Establishment of a use otherwise prohibited;
 - b. Expansion of a nonconforming use; or
 - c. Modification to lot or other requirements so as to increase the permitted density or intensity of use.

AMENDMENTS

1. Landowner Initiated. When not in conflict with the Ravalli County Comprehensive Plan, the County may amend the district boundary or any provision that applies to this district when sixty (60) percent of the landowners within said district submit a signed petition to the Board of County Commissioners.

2. County Initiated. The County may amend the regulations and standards, or any other provision of this district when done in the context of a comprehensive plan revision.

3. Limitations on Amendments. Under no circumstance may an amendment to a district boundary cause the district to be less than forty (40) acres.

RESPONSIBILITY FOR INTERPRETATION

1. Responsibility for Interpretations. In the event that any question arises concerning any provision or the application of any provision, the Planning Director shall be responsible for such interpretation and shall look to the Comprehensive Plan for guidance.

2. Limitations on Interpretations. This responsibility for interpretation shall be limited to standards, regulations, and requirements of this Code, but shall not be construed to include interpretation of any technical codes adopted by reference in this Code, nor be construed as overriding the responsibilities given to any commission, board or official named in other sections or articles of this Code.

ABROGATION

This resolution is not intended to repeal, abrogate, or interfere with any existing easements, covenants, or deed restrictions duly recorded in the public records of the County.

SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase is for any reason held by any court of competent jurisdiction to be unconstitutional or otherwise invalid, the validity of the remaining portions shall continue in full force and effect.

EFFECTIVE DATE

This resolution shall become effective thirty (30) days after adoption.

PASSED AND APPROVED THIS 4TH DAY OF MARCH 1993:

BOARD OF COUNTY COMMISSIONERS

Steven D. Powell
Steven D. Powell, Chairman

Allen C. Horsfall, Jr.
Allen C. Horsfall, Jr., Member

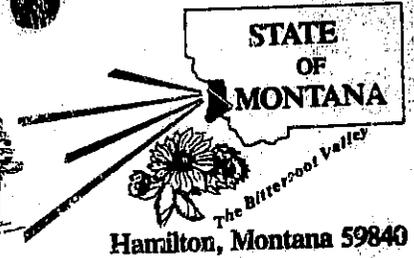
Jerry L. Allen, Member

ATTEST:

Betty T. Lund
Clerk and Recorder



COUNTY OF RAVALLI



November 9, 1992

TO: RAVALLI COUNTY COMMISSIONERS
 FROM: RAVALLI COUNTY CLERK & RECORDER *Betty T. Lund*
 RE: LOWER SUNSET BENCH VOLUNTARY ZONING PETITION

Attached please find the Lower South Sunset Bench Special Zoning District that was presented to me for signature approval. We find that there are 74 correct freeholder signatures out of a possible 83, which calculates to be 89%.

As per 76-2-101 MCA you are authorized and empowered to order and create a planning and zoning district after the appropriate public hearings.

If you have any questions, please feel free to contact me. Thank you.

Treasurer of Ravalli County
Hamilton, Montana

Received of Vincent Pierce Date 11-9, 1992 004540

1580-3410-10 Two hundred fifty spring fees 250.00 Dollars

Amount	Dollars
250	00
TOTAL	250.00

MB Treasurer By _____ Deputy

August 20, 1992

PETITION FOR
LOWER SOUTH SUNSET BENCH
SPECIAL ZONING DISTRICT

We, the petitioners (being more than 60 percent of the owners and freeholders of real property in the described area and set forth in Exhibit "A" attached hereto and incorporated herein by reference) do respectfully request the Board of County Commissioners of Ravalli County, Montana, pursuant to the provisions of MCA-76-2-101 and MCA-76-2-201, order and create a Rural Agricultural-Residential Zoning District for the purpose of furthering the health, safety, and general welfare of the people in said district, protect existing land uses, and establish regulations for controlling and/or restricting future uses which might adversely effect the quality of surface and subsurface resources.

PURPOSE OF THE RURAL AGRICULTURAL-RESIDENTIAL DISTRICT

The rural agricultural-residential district is hereby established to assure and provide rural and semi-rural development of land parcels, primarily for agricultural and low-density residential use. The purpose of this district is to conserve and protect open land use and foster orderly growth.

This petition is intended to protect water quality by prohibiting all activities which create toxic waste or industrial contaminants, restricts uses that degrade the scenic values and protects agriculture by assuring that agricultural operations can be continued without restriction.

Petition for Lower South Sunset Bench Special Zoning District

3.

3. An owner may occupy a mobile home or other non-permanent residence for a period of one (1) year while constructing a permanent residence. Extensions of the one-year period must be applied for under the variance conditions contained herein.
4. Home occupation (as defined herein) is permitted. The number of employees involved shall not exceed 3, including family members.
5. An owner may operate a commercial business (as defined herein) employing not more than 3 persons at the home site.
6. An owner may operate or use the land for any purpose not specifically excluded in this regulation which does not create a nuisance as determined by 60 percent of the residents within the zone.

PERMITTED ACCESSORY USE

1. Erection and use of structures incidental to permitted uses such as barn, storage sheds, stables, workshops, private garages, guest cottages, and the like provided they not be used by other than the owner or tenant of the primary residence, or their guests or employees.
2. Business professional signs not large than four (4) square feet may be permanently painted or attached to dwellings and/or accessory buildings or be freestanding at the place of business.

Petition for Lower South Sunset Bench Special Zoning District

5.

12. R.V. park or trailer court with overnight parking facilities.
13. Apartment house or condominium.
14. Advertising billboards over four (4) square feet.
15. **NUISANCE:** Any use, activity or structure that interferes with the use or enjoyment of any property, which may endanger health or safety or unreasonably disturb the residents of the district or is offensive to the senses, or any condition defined or described in sections 27-30-101 M.C.A. (1991) and 45-8-111 M.C.A. 1991.

PROPERTY DEVELOPMENT STANDARDS

These standards apply to all development not existing on the effective date of this petition:

1. A residence may not be constructed on less than five (5) acres.

DEFINITIONS

For the purposes of this petition, certain words and terms contained herein are defined as follows:

Accessory Building: A building constructed for use as a part of the landowners operation.

Agriculture: The activity of ground cultivation, including raising and harvesting of crops, rearing and management of livestock, tillage, husbandry, farming, horticulture and the like. Feed lot operations, commercial pig farms, commercial

Petition for Lower South Sunset Bench Special Zoning District

7.

Nuisance: Any activity that in the view of 60 percent of the residents is noxious or offensive and which may endanger health or safety or unreasonably disturb the residents of the zone or adversely impact them.

Petition: This petition constitutes a request by the landowners within the designated boundaries of Exhibit A to be recognized by the Board of County Commissioners, Ravalli County, as a Rural-Agricultural-Residential Zoning District. If approved, the content of this document also become regulatory.

Salvage Yard: A location where items are housed, stored, disassembled, packed or otherwise processed.

HOMEOWNERS ASSOCIATION

This petition provides for the establishment of a Homeowners Association open to all the owners of land within the external boundary of the zone (Exhibit A).

BY-LAWS

Article I -- Name: The name of the organization shall be Lower South Sunset Bench Homeowners Association.

Article II -- Purpose: The association will be the initial contact for addressing any landowner conflicts or variations from the terms of this petition.

Petition for Lower South Sunset Bench Special Zoning District

10.

2. The Executive Committee will set a date not less than fifteen (15) days nor more than thirty (30) days in the future for a hearing with the applicant and affected parties.

3. The applicant will notify all adjacent landowners at least fifteen (15) days in advance of the hearing, that a variance is requested, the terms of the request, and the date and time of the hearing.

The Executive Committee will conduct the hearing and notify the applicant of its findings within five (5) days.

4. The Executive Committee may approve, disapprove, conditionally approve, or refer the request to the general body of the Homeowners Association.

5. If the Executive Committee refers the issue to the general body, the variance request will be mailed to the members at the expense of the applicant. The decision on the variance will be based on the majority view of the responses received.

6. The applicant may appeal the homeowners decision to the Ravalli County Board of County Commissioners. The Executive Committee will represent the Homeowners Association view to the County Commissioners.

7. Each party has the right to make further appeal to the courts in the events the decision is unsatisfactory for either party.

8. Once a final decision is obtained, the applicant is responsible for filing the variance decision with the Ravalli County Clerk and Recorder.

CHANGES IN THIS PETITION

This petition may be altered, amended, voided, or terminated by a 60 percent vote of the freeholders of real property within the described area as set forth in Exhibit "A" of this document and as approved by the Ravalli County Commissioners.

BOUNDARY LOWER SUNSET BENCH SPECIAL ZONING DISTRICT
(This special zone includes a portion of Section 13, 14, 15
T8N, R20W, PMN: Ravalli County, Montana)

This voluntary zone will start on the south boundary west 1/16 of Ravalli County Section 14, T8N, R20W, and proceed north to the southwest 1/16 of section 14. Then proceed west to the S1/16 of Section 14. Then proceed north to the west 1/4 of Section 14. Then proceed NW on the west boundary of Lot "E" located in the NE 1/4 of Section 15 (see Certificate of Survey #1657-Bell Meadows Addition) to the NW corner of Lot "E". Then proceed north along the west boundary of Lot "D" to the NW corner of Lot "D". Then proceed SE along the north boundary of Lot "D" to the NE corner of Lot "D". Then proceed SE ⁸⁰~~200~~ feet along the north boundary of Lot "E" to the NE corner of Lot "E". Then proceed north along the west section line of Section 14 to the NW 1/4 corner. Then proceed east to the E1/16 corner of Section 14. Then proceed south to the NE1/16 corner of Section 14. Then proceed east to the north 1/16 corner of Section 14. Then proceed east 352.45 feet along the north boundary of Tract A2 (Ref. Section 13: Home Acres Orchards No. 3 Block 1) to the NW corner of Lot C1. Then proceed SE along the north boundary of Lot C1 to the NW corner of Lot D1. Then proceed southeast along the north boundary of Lot D1 to the northeast corner of Lot D1. Then proceed south along the east boundary of Lot D1 to the NE corner of Lot D2. Then proceed south along the east boundary of Lot D2 to the NE corner of Parcel B (Ref. Home Acres Orchards No. 3

Block 4). Then proceed south along the east boundary of Parcel 8, Lot 5, Lot 6, & Lot 7 to the SE corner of Lot 7. Then proceed west along the south boundary of Lot 7 to the SW corner of Lot 7. Then proceed north along the west boundary of Lot # 7, 6, & 5 to the NW corner of Lot 5 (Above items found in Block 4-Home Acres Orchard #3). Then proceed southwest along the south boundary of Lots 13 & 14 to the SW corner of Lot 13 (Ref. Block 1-Home Acres Orchard #3). Then proceed 44.4 feet SW to the NW corner of Lot 12 (Ref. Block 4-Home Acres Orchard #3). Then proceed south along the West boundary of Lot #12 to the Southwest corner of Lot #12. Then proceed west 667.5 feet & southwest 365.3 feet to the junction of the south boundary of Section 14. Then proceed west to the starting point, west 1/16 of Section 14.

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A PORTION OF SECTION 13, 14, 15 T8N, R20W, PMM
RAVALLI COUNTY MONTANA

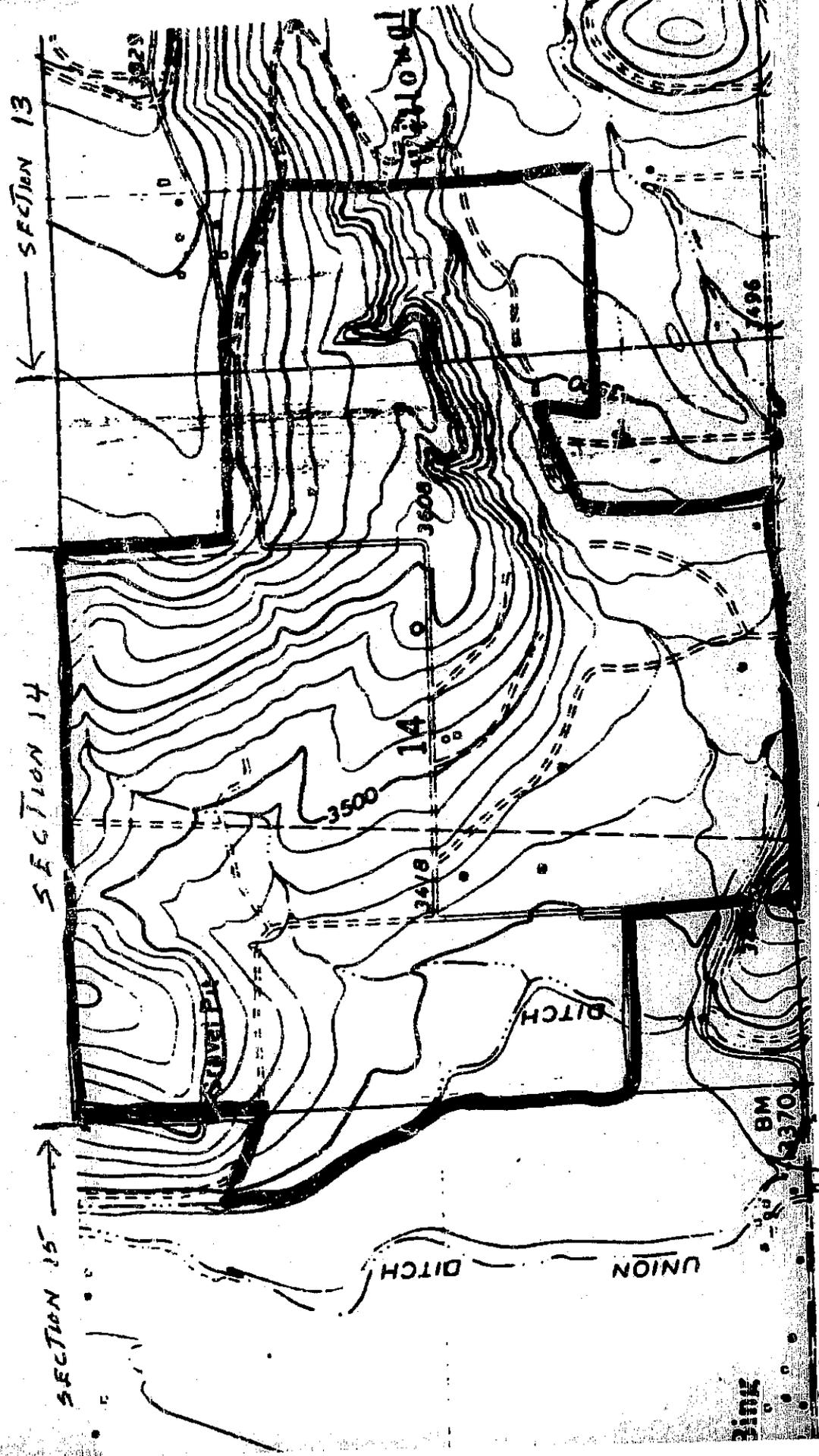
BOUNDARY LOWER SUNSET BENCH SPECIAL ZONING DISTRICT

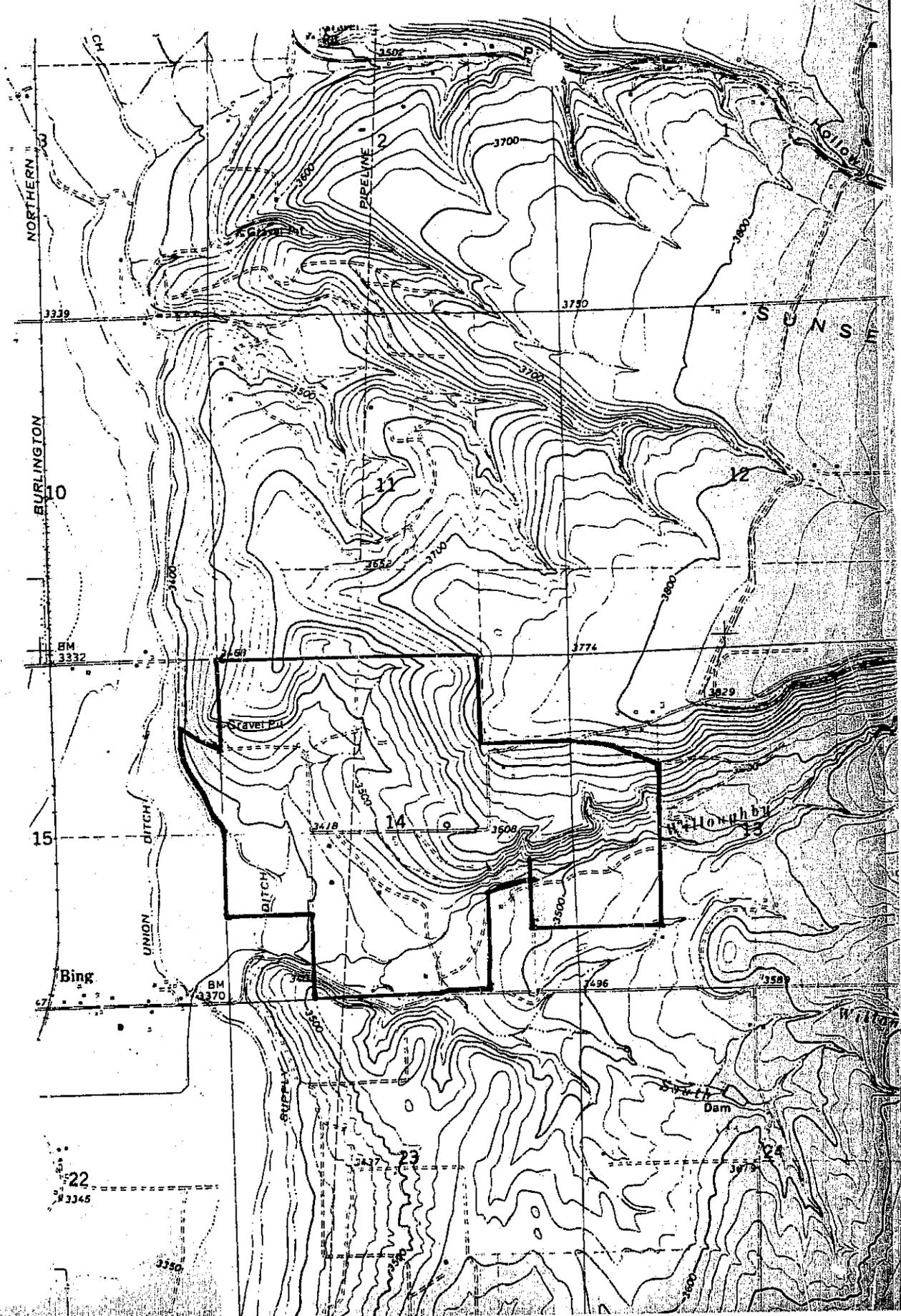
This voluntary zone will start at the West 1/16 of Ravalli County Section 14 and proceed west to the S1/16 of Section 14 and then proceed N to the West 1/4 of Section 14 and then proceed NW on the West boundary of Lot E located in the NE 1/4 of Section 15 (see Certificate of Survey #1657) to the NW corner of Lot E and then proceed N along the West boundary of Lot D (Cert. of Survey #1657) to the NW corner of Lot D and then proceed SE along the North boundary of Lot D to the NE corner of Lot D and proceed SE 63.50' along the North boundary of Lot E to the NE corner of Lot E and proceed north along the West section line of Section 14 to the NW 1/4 corner and then proceed east to the E1/16 corner of Section 14. Then proceed south to the NE1/16 corner of Section 14 and proceed east 552.46' along the North boundary of Tract A2 (Ref. Home Acres Orchards No. 3 Block 1) to the NW corner of Lot C1 and then proceed SE along the North boundary of Lot D1 to the NE corner of Lot D1 and then proceed south along the East boundary of Lot D1 to the NE corner of Lot D2 and proceed south along the East Boundary of Lot D2 to the NE corner of Parcel B (Ref. Home Acres Orchards No. 3 Block 4) and then proceed south along the East boundary of Parcel B, Lot 5, Lot 6, & Lot 7 to the SE corner of Lot 7. Then proceed west along the South boundary of Lot 7 to the SW corner of Lot 7. Then proceed north along the West boundary of Lot # 7, 6, & 5 to the NW corner of Lot 5. Then proceed southwest along the South boundary of Lots 13 & 14 to the SW corner of Lot 13. Then proceed 44.4' SW to the NW corner of Lot 12. Then proceed south along the West boundary of Lot #12 to the Southwest corner of Lot #12. Then proceed west 662.5' & southwest 365.3' to the junction of the South boundary of Section 14. Then proceed west to the starting point west 1/16 of Section 14.

LOWER SUNSET BENCH SPECIAL ZONING DISTRICT
A PORTION OF SECTION 13, 14, 15, T8N, R20W
RAVALLI COUNTY MONTANA

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I, Bryon W. Boyce, hereby petition the Board of County Commissioners of Ravalli County, Montana, to approve the establishment of a voluntary zone, herein referred to as the Lower South Sunset Bench Zone.

I further request the adoption of the Lower South Sunset Bench Zone Regulations dated the 20th day of August, 1992.

I have interest in the property described as follows:

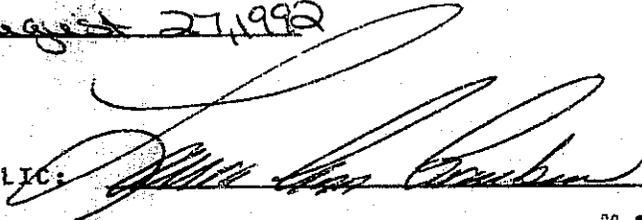
Township 8, Range 20, Section 14, In NWNW Index 8, CS #4592 Tracts 1-A & 1-B.

Bryon W. Boyce

Bryon W. Boyce 27 Aug 92
(sign exactly as shown at left)

DATE: August 27, 1992

NOTARY PUBLIC:



My Commission Expires Oct. 31 1994

We, Kermit C. & Genevieve Indreland, hereby petition the Board of County Commissioners of Ravalli County, Montana, to approve the establishment of a voluntary zone, herein referred to as the Lower South Sunset Bench Zone.

We further request the adoption of the Lower South Sunset Bench Zone Regulations dated the 20th day of August, 1992.

We have interest in the property described as follows:

Township 8, Range 20, Section 14, In E1-2SW Index 24, Pine Lakes Tract 14, and UNDIV 1-17 INT in Pine Lake.

Kermit C. Indreland

Kermit C. Indreland
(sign exactly as shown at left)

Genevieve Indreland

Genevieve Indreland
(sign exactly as shown at left)

DATE: 8-20-92

NOTARY PUBLIC:

Merna P. Martella

Merna P. Martella
Notary Public for the State of Montana
Residing at Stevensville, Montana
My Commission Expires 10-4-93

We, Fred D. & Linda E. Marquez, hereby petition the Board of County Commissioners of Ravalli County, Montana, to approve the establishment of a voluntary zone, herein referred to as the Lower South Sunset Bench Zone.

We further request the adoption of the Lower South Sunset Bench Zone Regulations dated the 20th day of August, 1992.

We have interest in the property described as follows:

Township 8, Range 20, Section 14, In SENW Index 2, CS #3481 Parcel D.

Fred D. Marquez

Fred D. Marquez
(sign exactly as shown at left)

Linda E. Marquez

Linda E. Marquez
(sign exactly as shown at left)

DATE: Sept 2, 1992

NOTARY PUBLIC:

Susan R. Wilson - notaries
LINDA E. MARQUEZ'S SIGNATURE

Sept. 2, 1992



We, Vincent M. & Elaine J. Pierce, hereby petition the Board of County Commissioners of Ravalli County, Montana, to approve the establishment of a voluntary zone, herein referred to as the Lower South Sunset Bench Zone.

We further request the adoption of the Lower South Sunset Bench Zone Regulations dated the 20th day of August, 1992.

We have interest in the property described as follows:

Township 8, Range 20, Section 14, In SENW Index 40, CS #3481 Parcel C.

Vincent M. Pierce

Vincent M. Pierce
(sign exactly as shown at left)

Elaine J. Pierce

Elaine J. Pierce
(sign exactly as shown at left)

DATE:

8/21/92

NOTARY PUBLIC:

Donna C. Muzi
Notary Public for the State of Montana
Resides in Stevensville Mt.
my Commission Expires March 28, 1993

We, David Brown & Leea Pittenger, hereby petition the Board of County Commissioners of Ravalli County, Montana, to approve the establishment of a voluntary zone, herein referred to as the Lower South Sunset Bench Zone.

We further request the adoption of the Lower South Sunset Bench Zone Regulations dated the 20th day of August, 1992.

We have interest in the property described as follows:

Township 8, Range 20, Section 14, In SENW Index 39, CS #3481 Parcel B.
Township 8, Range 20, Section 14, In SENW Index 38, CS #3481 Parcel A.

David Brown

David Brown
(sign exactly as shown at left)

Leea Pittenger

Leea Pittenger
(sign exactly as shown at left)

DATE:

9/2/92

NOTARY PUBLIC:

Mary Ann Barrington

MARY ANN BARRINGTON
NOTARY PUBLIC for the State of Montana
Residing at Stevensville, Montana
My Commission Expires December 2, 1992

We, Rodolfo & Patricia Hernandez, hereby petition the Board of County Commissioners of Ravalli County, Montana, to approve the establishment of a voluntary zone, herein referred to as the Lower South Sunset Bench Zone.

We further request the adoption of the Lower South Sunset Bench Zone Regulations dated the 20th day of August, 1992.

We have interest in the property described as follows:

Township 8, Range 20, Section 14, In SENW Index 32, CS #4045, Parcel 4-B.
Township 8, Range 20, Section 14, In SENW Index 41, CS #4045, Parcel 4-A.

Rodolfo Hernandez

Rodolfo Hernandez
(sign exactly as shown at left)

Patricia Hernandez

Patricia Hernandez
(sign exactly as shown at left)

DATE: 9/15/92

NOTARY PUBLIC: Martha Burgett

NOTARY PUBLIC For The State Of Montana
Residing At Stevensville, Montana
My Commission Expires Nov. 13, 1993

I, Bonnie Geiger, hereby petition the Board of County Commissioners of Ravalli County, Montana, to approve the establishment of a voluntary zone, herein referred to as the Lower South Sunset Bench Zone.

I further request the adoption of the Lower South Sunset Bench Zone Regulations dated the 20th day of August, 1992.

I have interest in the property described as follows:

- Township 8, Range 20, Section 14, In SENW Index 32, CS #4045, Parcel 4-B.
- Township 8, Range 20, Section 14, In SENW Index 41, CS #4045, Parcel 4-A.

Bonnie Geiger

Bonnie Geiger
(sign exactly as shown at left)

DATE: Sept. 4, 1992

NOTARY PUBLIC: Sharon Holland



OFFICIAL SEAL
SHARON HOLLAND
NOTARY PUBLIC-MONTANA
RAVALLI COUNTY
My Comm. Expires Dec. 2, 1994

We, Joe Barry & Virginia Lou Mullins, hereby petition the Board of County Commissioners of Ravalli County, Montana, to approve the establishment of a voluntary zone, herein referred to as the Lower South Sunset Bench Zone.

We further request the adoption of the Lower South Sunset Bench Zone Regulations dated the 20th day of August, 1992.

We have interest in the property described as follows:

Township 8, Range 20, Section 14, In NWNW Index 35, CS #3275, Tract 2.

Joe Barry Mullins

Joe Barry Mullins
(sign exactly as shown at left)

Virginia Lou Mullins

Virginia Lou Mullins
(sign exactly as shown at left)

DATE: 9-9-92

NOTARY PUBLIC: *T. Wang A. Barnes* 9-9-92
My Commission Expires Feb. 12, 1994.

I, Ida Mae Smith, hereby petition the Board of County Commissioners of Ravalli County, Montana, to approve the establishment of a voluntary zone, herein referred to as the Lower South Sunset Bench Zone.

I further request the adoption of the Lower South Sunset Bench Zone Regulations dated the 20th day of August, 1992.

I have interest in the property described as follows:

Township 8, Range 20, Section 14, In E1-2SW Index 26, Pine Lakes Tract 17, Undiv 1-17 INT in Pine Lake.

Ida Mae Smith

Ida Mae Smith
(sign exactly as shown at left)

DATE: August 20, 1992

NOTARY PUBLIC: Mary Ann Barrington

MARY ANN BARRINGTON
NOTARY PUBLIC for the State of Montana
Residing at Stevensville, Montana
My Commission Expires December 2, 1992

I, Daniel Sullivan, hereby petition the Board of County Commissioners of Ravalli County, Montana, to approve the establishment of a voluntary zone, herein referred to as the Lower South Sunset Bench Zone.

I further request the adoption of the Lower South Sunset Bench Zone Regulations dated the 20th day of August, 1992.

I have interest in the property described as follows:

Township 8, Range 20, Section 14, In NESW Index 23, Pine Lakes Tract 13, and UNDIV 1-17 Interest in Pine Lake.

Daniel Sullivan

Daniel Sullivan
(sign exactly as shown at left)

DATE: 8/31/92

NOTARY PUBLIC: *Judy A. Moran*

Notarial Seal
Judy A. Moran, Notary Public
Upper Oxford Township, Chester County
My Commission Expires May 1, 1993

Member, Pennsylvania Association of Notaries

I, Lorraine C. Kretschmer, hereby petition the Board of County Commissioners of Ravalli County, Montana, to approve the establishment of a voluntary zone, herein referred to as the Lower South Sunset Bench Zone.

I further request the adoption of the Lower South Sunset Bench Zone Regulations dated the 20th day of August, 1992.

I have interest in the property described as follows:

Township 8, Range 20, Section 14, In NESW Index 21, Pine Lakes Tract 16, and UNDIV 1-17 INT in Pine Lake.

Lorraine C. Kretschmer

Lorraine C. Kretschmer
(sign exactly as shown at left)

DATE: 8/26/92

NOTARY PUBLIC: Walter Moore

NOTARY PUBLIC FOR: COUNTY OF RAVALLI
STATE OF MONTANA
RESIDING AT VICTOR
COMMISSION EXPIRES 5/3/95

I, Carol Lynn Teator, hereby petition the Board of County Commissioners of Ravalli County, Montana, to approve the establishment of a voluntary zone, herein referred to as the Lower South Sunset Bench Zone.

I further request the adoption of the Lower South Sunset Bench Zone Regulations dated the 20th day of August, 1992.

I have interest in the property described as follows:

Township 8, Range 20, Section 14, In NESW Index 21, Pine Lakes Tract 16, and UNDIV 1-17 INT in Pine Lake.

Carol Lynn Teator

Carol Lynn Teator
(sign exactly as shown at left)

DATE:

8/18/92

NOTARY PUBLIC:

Nellie Moore

NOTARY PUBLIC FOR:

COUNTY OF RAVALLI
STATE OF MONTANA

RESIDING AT VICTOR

COMMISSION EXPIRES

8/3/95

I, Lorelei Rudolph, hereby petition the Board of County Commissioners of Ravalli County, Montana, to approve the establishment of a voluntary zone, herein referred to as the Lower South Sunset Bench Zone.

I further request the adoption of the Lower South Sunset Bench Zone Regulations dated the 20th day of August, 1992.

I have interest in the property described as follows:

Township 8, Range 20, Section 14, In NESW Index 21, Pine Lakes Tract 16, and UNDIV 1-17 INT in Pine Lake.

Lorelei Rudolph

Lorelei Rudolph
(sign exactly as shown at left)

DATE: 8/26/92

NOTARY PUBLIC: Valerie Moore

NOTARY PUBLIC FOR: COUNTY OF RAVALLI
STATE OF MONTANA
RESIDING AT VICTOR
COMMISSION EXPIRES 5/3/95

I, Myrtle F. Bosch, hereby petition the Board of County Commissioners of Ravalli County, Montana, to approve the establishment of a voluntary zone, herein referred to as the Lower South Sunset Bench Zone.

I further request the adoption of the Lower South Sunset Bench Zone Regulations dated the 20th day of August, 1992.

I have interest in the property described as follows:

Block 8, Lot 14, Range 20, In NESW Index 16, Pine Lakes Tract 11, Undiv 1-17 INT In Pine Lake.

Myrtle F. Bosch

Myrtle F. Bosch
(sign exactly as shown at left)

DATE: October 2, 1992

NOTARY PUBLIC:

Betty A. Ullett

My commission expires 11/24/92
Residing at Havre, Montana

SEPT. 3 1992

To....Maryanna Kurtz
PO. Box 307 Havre Mt.59501

Subject...Lower South Sunset Bench Special Zoning District.
For Stevensville Montana in Ravalli County.

Ms. Kurtz:

As the new owners of the five acres which you sold to my wife, Margot A Johnson And myself George Johnson, Would like to become signatory to the " Special Zoning district".

The County will only accept The signatures of property owners whos name was on the list when it was issued.

We are asking you to please sign and noterize this statment on our behalf.

Sincerely

George Johnson Margot A. Johnson
George C. Johnson Margot A. Johnson

Maryanna W. Kurtz... *Maryanna W. Kurtz*...

Claudia J. Vialo

Residing at Havre, MT.

My commission expires 6-2-95

PROPERTY DESCRIPTION

SEC	TWNSP	RANGE
14	8	20

INDEX 17

We, Eugene & Donna Turjan, hereby petition the Board of County Commissioners of Ravalli County, Montana, to approve the establishment of a voluntary zone, herein referred to as the Lower South Sunset Bench Zone.

We further request the adoption of the Lower South Sunset Bench Zone Regulations dated the 20th day of August, 1992.

We have interest in the property described as follows:

Section E1, Bell Meadows Addition, Amend SUB PLAT #389.

Eugene Turjan

Eugene Turjan
(sign exactly as shown at left)

Donna Turjan

Donna Turjan
(sign exactly as shown at left)

DATE: 8/19/92

NOTARY PUBLIC: Merna P. Martello

Merna P. Martello
Notary Public for the State of Montana
Residing at Stevensville, Montana
My Commission Expires 10-4-93

We, Richard E. & Audrey U. & James R. Nelson, hereby petition the Board of County Commissioners of Ravalli County, Montana, to approve the establishment of a voluntary zone, herein referred to as the Lower South Sunset Bench Zone.

We further request the adoption of the Lower South Sunset Bench Zone Regulations dated the 20th day of August, 1992.

We have interest in the property described as follows:

Section (Lot) D, Bell Meadows Addition.

Richard E. Nelson

Richard E. Nelson
(sign exactly as shown at left)

Audrey U. Nelson

Audrey U. Nelson
(sign exactly as shown at left)

James R. Nelson

James R. Nelson
(sign exactly as shown at left)

DATE: 8-19-92

NOTARY PUBLIC:

Donna C. Surjan
Notary Public for the State of Montana
Residing at Stevensville Mt.
My Commission Expires 3-28-93

We, Ronald C. & Alice M. Owens, hereby petition the Board of County Commissioners of Ravalli County, Montana, to approve the establishment of a voluntary zone, herein referred to as the Lower South Sunset Bench Zone.

We further request the adoption of the Lower South Inset Bench Zone Regulations dated the 20th day of August, 1992.

We have interest in the property described as follows:

Section (Lot) A, Black Elk Acres Addition.

Ronald C. Owens

Ronald C. Owens
(sign exactly as shown at left)

Alice M. Owens

Alice M. Owens
(sign exactly as shown at left)

DATE: 8 18 92

NOTARY PUBLIC: Rome C. Smith

Notary Public for the State of Montana
Residing at Stevensville, Mt.
My Commission Expires 3-28-93

I, John K. Curry, hereby petition the Board of County Commissioners of Ravalli County, Montana, to approve the establishment of a voluntary zone, herein referred to as the Lower South Sunset Bench Zone.

I further request the adoption of the Lower South Sunset Bench Zone Regulations dated the 20th day of August, 1992.

I have interest in the property described as follows:

Black Elk Acres Addition, Lot B.

John K. Curry


(sign exactly as shown at left)

DATE: 9-30-92

NOTARY PUBLIC: Melissa Hemmelspach
2-28-95

We, Tom A. Kresan & Pam Allen, hereby petition the Board of County Commissioners of Ravalli County, Montana, to approve the establishment of a voluntary zone, herein referred to as the Lower South Sunset Bench Zone.

We further request the adoption of the Lower South Sunset Bench Zone Regulations dated the 20th day of August, 1992.

We have interest in the property described as follows:

Black Elk Acres Addition Lot C.

Tom A. Kresan

Tom A. Kresan
(sign exactly as shown at left)

Pam Allen

Pam Allen
(sign exactly as shown at left)

DATE: 9-14-92

NOTARY PUBLIC:

Donna Cadogan

My Notary Commission expires
March 28, 1993 Weiside
in Stevensville mt 59870

We, Theodore Eugene & Louise Elaine Kresan, hereby petition the Board of County Commissioners of Ravalli County, Montana, to approve the establishment of a voluntary zone, herein referred to as the Lower South Sunset Bench Zone.

We further request the adoption of the Lower South Sunset Bench Zone Regulations dated the 20th day of August, 1992.

We have interest in the property described as follows:

Black Elk Acres Addition Lot D.

Theodore Eugene Kresan

Theodore Eugene Kresan
(sign exactly as shown at left)

Louise Elaine Kresan

Louise Elaine Kresan
(sign exactly as shown at left)

DATE: 9-3-92

NOTARY PUBLIC:

Donna E. Dujin

My notary Commission expires
March 28, 1993 We reside
in Stevensville Mt 59870

I, William S. Pilling, II, hereby petition the Board of County Commissioners of Ravalli County, Montana, to approve the establishment of a voluntary zone, herein referred to as the Lower South Sunset Bench Zone.

I further request the adoption of the Lower South Sunset Bench Zone Regulations dated the 20th day of August, 1992.

I have interest in the property described as follows:

Section 4, Township 1, Home Acres Orchard #3, REPLAT Tract C-1, Amend PLAT 66..

Wm. S. Pilling II

Wm S Pilling II
(sign exactly as shown at left)

DATE: 8.28.92

NOTARY PUBLIC:

Ellen J. Dondero
ELLEN J. DONDERO
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Nov. 24, 1993

We, Paul H. & Ronda W. Haynes, hereby petition the Board of County Commissioners of Ravalli County, Montana, to approve the establishment of a voluntary zone, herein referred to as the Lower South Sunset Bench Zone.

We further request the adoption of the Lower South Sunset Bench Zone Regulations dated the 20th day of August, 1992.

We have interest in the property described as follows:

Block 1, Lot PT 4, Home Acres ORCH #3 REPLAT, Parcel D-1A, Amend PLAT #478.

Paul H. Haynes

(sign exactly as shown at left)

Ronda W. Haynes

Ronda W Haynes
(sign exactly as shown at left)

DATE: Oct. 1, 1992

NOTARY PUBLIC: Donna C. Suij

I reside in Stevensville Mt.
my notary Commission expires
March 28, 1993

We, Robert D. & Judith A. Hoy, hereby petition the Board of County Commissioners of Ravalli County, Montana, to approve the establishment of a voluntary zone, herein referred to as the Lower South Sunset Bench Zone.

We further request the adoption of the Lower South Sunset Bench Zone Regulations dated the 20th day of August, 1992.

We have interest in the property described as follows:

- Block 4, Lot PT 5, Home Acres ORCH #3 REPLAT.
- Block 1, Lot PT 4, Home Acres ORCH #3 REPLAT, Amend SUB PLAT #478, Parcel D-2A.
- Block 1, Lot PT 4, Home Acres ORCH #3 REPLAT.
- Block 1, Lots PT 15 & 15, Home Acres ORCH #3 REPLAT, Amend SUB PLAT #504, Tract GG-1.
- Block 1, Lot PT 15, 16, & 5, Vacated Road PF 7328.
- Block 1, Lot 16B, Home Acres ORCH, Amend PLAT #379.
- Block 4, Lot 6, Home Acres ORCH #3.
- Block 4, Lot 7, Home Acres ORCH #3.
- Block 4, Lot 5, Home Acres ORCH #3 Les Approx N 400' of E 100' Vacated Road PF 7328.
- Block 1, Lot PT 4, Home Acres ORCH 3 REPLAT, Amend PLAT #379, Tract A-2.

Robert D. Hoy

Robert D. Hoy
(sign exactly as shown at left)

Judith A. Hoy

Judith A. Hoy
(sign exactly as shown at left)

DATE: 8/25/92

NOTARY PUBLIC:

Mary Ann Barrington

MARY ANN BARRINGTON
NOTARY PUBLIC for the State of Montana
Residing at Stevensville, Montana
My Commission Expires December 2, 1992

I, Helen H. Pilling, hereby petition the Board of County Commissioners of Ravalli County, Montana, to approve the establishment of a voluntary zone, herein referred to as the Lower South Sunset Bench Zone.

I further request the adoption of the Lower South Sunset Bench Zone Regulations dated the 20th day of August, 1992.

I have interest in the property described as follows:

Section 15, Township 1, Home Acres Orchard, Amend SUB PLAT #504, Lot 15A.

Helen H. Pilling

Helen H. Pilling
(sign exactly as shown at left)

DATE: 8-28-92

NOTARY PUBLIC:

Ellen J. Dondero
ELLEN J. DONDERO
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Nov. 24, 1993

We, Gary T. & Shelly J. Elliott, hereby petition the Board of County Commissioners of Ravalli County, Montana, to approve the establishment of a voluntary zone, herein referred to as the Lower South Sunset Bench Zone.

We further request the adoption of the Lower South Sunset Bench Zone Regulations dated the 20th day of August, 1992.

We have interest in the property described as follows:

Black Elk Acres Addition #2 Lot 2.

Gary T. Elliott

Gary T. Elliott
(sign exactly as shown at left)

Shelly J. Elliott

Shelly J. Elliott
(sign exactly as shown at left)

DATE: September 11, 1992

NOTARY PUBLIC: Margaret R. Mason

NOTARY PUBLIC for the State of Montana
Residing at Hamilton, Montana
My Commission Expires May 30, 1993

We, Glenn H. & Dorothy D. Kinsley, hereby petition the Board of County Commissioners of Ravalli County, Montana, to approve the establishment of a voluntary zone, herein referred to as the Lower South Sunset Bench Zone.

We further request the adoption of the Lower South Sunset Bench Zone Regulations dated the 20th day of August, 1992.

We have interest in the property described as follows:

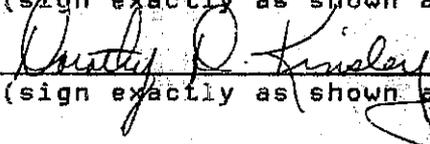
Township 1, Section PT 5, Home Acres ORCH #3.
Township 4, Section PT 13, Home Acres ORCH #3, Pine Lakes Tract 3 130-44, UNDIV 1-17 INT in Pine Lake.

Glenn H. Kinsley



(sign exactly as shown at left)

Dorothy D. Kinsley



(sign exactly as shown at left)

DATE: Sept. 13, 1992

NOTARY PUBLIC:

Donna C. Surin

My notary expires March 28, 1993

Reside at Stevensville Mt.

We, Norman W. & Alice E. Foster, hereby petition the Board of County Commissioners of Ravalli County, Montana, to approve the establishment of a voluntary zone, herein referred to as the Lower South Sunset Bench Zone.

We further request the adoption of the Lower South Sunset Bench Zone Regulations dated the 20th day of August, 1992.

We have interest in the property described as follows:

Township 1, Section PT 5, Home Acres ORCH #3, Pine Lakes Tract 12A, CS # 2039, UNDIV 1-68 INT.
Township 1, Section PT 5, Home Acres ORCH #3, PT Pine Lakes Tract 9, CS #2040, Tract 9A, UNDIV 1-34 INT in Pine Lake.

Norman W. Foster

Norman W. Foster
(sign exactly as shown at left)

Alice E. Foster

Alice E. Foster
(sign exactly as shown at left)

DATE: 15 Sept 92

NOTARY PUBLIC:

J. Ann Whitlock

NOTARY PUBLIC for the State of Montana
Residing at Hamilton, Montana
My Commission Expires 6/30/94

I, Marjory A. Bergh, hereby petition the Board of County Commissioners of Ravalli County, Montana, to approve the establishment of a voluntary zone, herein referred to as the Lower South Sunset Bench Zone.

I further request the adoption of the Lower South Sunset Bench Zone Regulations dated the 20th day of August, 1992.

I have interest in the property described as follows:

- Township 1, Section PT 5, Home Acres ORCH #3, Pine Lakes Tract 12A, CS # 2039, UNDIV 1-68 INT.
- Township 1, Section PT 5, Home Acres ORCH #3, PT Pine Lakes Tract 9, CS #2040, Tract 9A, UNDIV 1-34 INT in Pine Lake.
- Township 1, Section PT 5, Home Acres Orch #3, Pine Lakes Tract #12B, CS #2039, UNDIV 1-34 INT in Pine Lake.

Marjory A. Bergh

Marjory A. Bergh
(sign exactly as shown at left)

DATE: _____

NOTARY PUBLIC: _____

STATE OF MONTANA)
County of Ravalli)

On this 24th day of August, 1992, before me, before me, a Notary

Public for the State of Montana, personally appeared MARJORY A. BERGH, known to me to be the person whose name is subscribed to the within instrument and acknowledged to be that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

William C. Beath
Notary Public for the State of Montana
Residing at Home 1101, MT
My Commission expires Dec 7, 94

I, James C. Kingsbury, hereby petition the Board of County Commissioners of Ravalli County, Montana, to approve the establishment of a voluntary zone, herein referred to as the Lower South Sunset Bench Zone.

I further request the adoption of the Lower South Sunset Bench Zone Regulations dated the 20th day of August, 1992.

I have interest in the property described as follows:

Township 1, Section PT 5, Home Acres ORCH #3, Pine Lakes Tract 9B-1, Amend SUB PLAT #296, UNDIV 1-68 INT in Pine Lake.

James C. Kingsbury

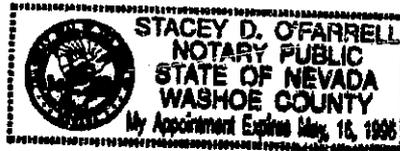
James C. Kingsbury
(sign exactly as shown at left)

DATE:

9/9/92

NOTARY PUBLIC:

Stacey D. Farrell



We, Duane & Lora Block, hereby petition the Board of County Commissioners of Ravalli County, Montana, to approve the establishment of a voluntary zone. herein referred to as the Lower South Sunset Bench Zone.

We further request the adoption of the Lower South Sunset Bench Zone Regulations dated the 20th day of August, 1992.

We have interest in the property described as follows:

Township 1, Section PT 5, Home Acres ORCH #3, Pine Lakes Tract #7, UNDIV 1-17 INT in Pine Lake.

Duane Block

Duane Block
(sign exactly as shown at left)

Lora Block

(sign exactly as shown at left)

DATE: 9-1-92

SUBSCRIBED AND AFFIRMED, OR SWORN TO BEFORE ME IN THE COUNTY OF Jefferson STATE OF COLORADO THE 1st DAY OF September 1992
Lara J. Storm
NOTARY PUBLIC STATE OF COLORADO
My Commission expires 7-25-95

NOTARY PUBLIC: _____

Duane Block appeared before me on 9-1-92 and it is his and only his signature that I have notarized this date.
L. Storm

see attached death Certificate

**STATE OF COLORADO
CERTIFICATE OF DEATH**
(PHYSICIAN OR CORONER)

PF 760

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705

5739

STATE FILE NUMBER

DECEASED-NAME FIRST: Lora MIDDLE: Fay LAST: Block			SEX Female	DATE OF DEATH (MONTH, DAY, YEAR) February 16, 1982		
RACE (White, Black, American Indian, etc.) White	ORIGIN OR DESCENT (English, Mexican, English, etc.) American	AGE - LAST BIRTHDAY (Years) 49	UNDER 1 YEAR (MOS, DAYS, SEC.)	UNDER 1 DAY (HRS, MINS)	DATE OF BIRTH (MONTH, DAY, YEAR) Oct. 26, 1932	COUNTY OF DEATH Denver
CITY, TOWN OR LOCATION OF DEATH Denver		HOSPITAL OR OTHER INSTITUTION - Name (if not in other, give street and R.N. No.) Presbyterian Medical Center			IF HOSP. OR INST. where DOA, or long-term institution (Specify) Inpatient	
STATE OF BIRTH (if not in U.S.A., name country) Minnesota	CITIZEN OF WHAT COUNTRY U.S.A.	MARRIED, NEVER MARRIED, WIDOWED, DIVORCED (Specify) Married	SURVIVING SPOUSE (if wife, give maiden name) Duane F. Block		WAS DECORATED EVER IN U.S. ARMED FORCES? (Yes or No) No	
SOCIAL SECURITY NUMBER 470-32-6529		USUAL OCCUPATION (Give kind of work done during most of working life or if retired) Receptionist		KIND OF BUSINESS OR INDUSTRY J.C. Penny's Company		
RESIDENCE-STATE Colorado	COUNTY Jefferson	CITY, TOWN OR LOCATION Lakewood, 80226	ZIP 80226	STREET AND NUMBER 7301 W. Ellsworth	INSIDE CITY LIGHTS? (Yes or No) Yes	
FATHER-NAME (FIRST, MIDDLE, LAST) Alfred Newell Phillips		MOTHER-NAME (FIRST, MIDDLE, LAST MAIDEN) Virginia Rutherford				
INFORMANT-NAME Duane F. Block		Relation to Deceased Husband	MAILING ADDRESS (STREET OR R.F.D. NO., CITY OR TOWN, STATE) 7301 West Ellsworth Lakewood, Colo. 80226			
DISPOSITION (Burial, Cremation, Removal, etc.) Burial		DATE (Month, Day, Year) 2-19-82	CEMETERY OR CREMATORY - NAME AND LOCATION Ft. Logan National Cemetery Denver, Colorado			
FUNERAL DIRECTOR (Name, Address, City, State, Zip) Runyan Stevenson Mort. Lakewood, Colorado 80226		NAME AND ADDRESS OF FUNERAL HOME (Street, City, State, Zip) 5425 West Alameda Avenue Lakewood, Colorado 80226				
PHYSICIAN TO THE BEST OF MY KNOWLEDGE, DEATH OCCURRED AT AND DUE TO THE CAUSES STATED TO THE BEST OF MY KNOWLEDGE, DEATH OCCURRED AT 70138th AVE N		CORONER - ON THE BASIS OF EXAMINATION AND/OR INVESTIGATION, IN MY OPINION DEATH OCCURRED AT ON THE DATE AND PLACE AND DUE TO THE CAUSES STATED.				
DATE SIGNED (Month, Day, Year) 2/16/82		DATE SIGNED (Month, Day, Year)		PRONOUNCED DEAD (Date, Day, Year, Hour)		
NAME AND ADDRESS OF CERTIFIER (Physician or Coroner) (Type or Print) Kyle M. Fink, M.D., 2045 Franklin St., Denver, Colorado						
REGISTRAR (Name, Address, City, State, Zip) Essie J. Cook Deputy				DATE RECEIVED BY REGISTRAR (Month, Day, Year) Feb 18-1982		
PART I IMMEDIATE CAUSE (ENTER ONLY ONE CAUSE PER LINE FOR (a), (b), and (c).) BREAST CANCER					Interval between onset and death 2 1/2 yrs	
CONDITIONS IF ANY WHICH GAVE RISE TO IMMEDIATE CAUSE (STATING THE UNDERLYING CAUSE LAST) (a) DUE TO, OR AS A CONSEQUENCE OF					Interval between onset and death	
(b) DUE TO, OR AS A CONSEQUENCE OF					Interval between onset and death	
(c) DUE TO, OR AS A CONSEQUENCE OF					Interval between onset and death	
PART II OTHER SIGNIFICANT CONDITIONS - Conditions contributing to death but not related to cause given in PART I (c)				AUTOPSY (Yes or No) NO	WAS CASE REFERRED TO CORONER (Yes or No) NO	
ACCIDENT, SUICIDE, HOMICIDE, UNDETERMINED, PENDING INVESTIGATION.		DATE AND HOUR OF INJURY (Mo., Day, Yr., Hr.)		DESCRIBE HOW INJURY OCCURRED		
INJURY AT WORK (Yes or No)		PLACE OF INJURY - At home, farm, street, factory, office building, etc.	LOCATION	STREET OR R.F.D. NO., CITY OR TOWN, STATE		

STATE OF COLORADO, CITY AND COUNTY OF DENVER, SS.

I hereby certify that this document is a true and correct copy of the certificate now on file and in my custody. Issued in said State, this 13th day of FEBRUARY, A. D. 1982.

Not valid without the raised seal of the Dept. of Health & Hospitals, City and County of Denver, Colorado

John Kurovski M.D.
John Kurovski, M.D., Registrar
Essie J. Cook
Deputy Registrar, Vital Statistics

PENALTY BY LAW if any person alters, uses, attempts to use, or furnishes to another for deceptive use any vital statistics certificate.

JMD

We, Janine M. Benyus & Laura M. Merrill, hereby petition the Board of County Commissioners of Ravalli County, Montana, to approve the establishment of a voluntary zone, herein referred to as the Lower South Sunset Bench Zone.

We further request the adoption of the Lower South Sunset Bench Zone Regulations dated the 20th day of August, 1992.

We have interest in the property described as follows:

Township 4, Section PT 13, Home Acres ORCH #3, Pine Lakes Tract 4.
Township 4, Section PT 13, Home Acres ORCH #3, UNDIV 1-17 INT in Pine Lake.

Janine M. Benyus

8/20/92

Janine M. Benyus

(sign exactly as shown at left)

Laura M. Merrill

Laura M. Merrill

(sign exactly as shown at left)

DATE:

8/24/92

NOTARY PUBLIC: _____

PF 7760

52 of 99

State of Montana)
County of Ravalli) §

On this the 20th day of August, 1992 before me

Margaret L. Griffin

the undersigned Notary Public, personally appeared

Janine M. Benyus

personally known to me

Proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument, and acknowledged that she executed it.

WITNESS my hand and official seal.

(Seal)

Margaret L. Griffin
Notary Public for the State of Montana
Residing at Ravalli County, MT.
My Commission Expires: 12/3/92

Attention Notary: Although the information requested below is optional, it could prevent fraudulent attachment of this certificate to another document.

Title or Type of Document Petition for zoning

Number of Pages One Date of Document Signature date 8/20/92

Signer(s) Other Than Named Above Laura M. Merrill

PF 7760

53 of 99

State of Montana)
County of Ravalli)

On this the 24th day of August, 1992 before me

Shirley E. Dowling

the undersigned Notary Public, personally appeared

Laura M. Merrill

Laura M. Merrill

personally known to me

Proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) as subscribed to the within instrument, and acknowledged that she executed it.

WITNESS my hand and official seal.

Shirley E. Dowling
Notary Public for the State of Montana
Residing at Ravalli County, MT.
My Commission Expires: June 14, 1993

(Seal)

Attention Notary: Although the information requested below is optional, it could prevent fraudulent attachment of this certificate to another document.

Title or Type of Document Petition for zoning

Number of Pages One

Date of Document Signature date 8/24/92

Signer(s) Other Than Named Above Janine M. Benyus

We, Gale M. & Joan M. Sherrodd, hereby petition the Board of County Commissioners of Ravalli County, Montana, to approve the establishment of a voluntary zone, herein referred to as the Lower South Sunset Bench Zone.

We further request the adoption of the Lower South Sunset Bench Zone Regulations dated the 20th day of August, 1992.

We have interest in the property described as follows:

Township 8, Range 20, Section 14, In N1-2SESW Index 27, PT Pine Lakes Tract 18, Undiv 1-17 INT in Pine Lake, CS #66.

Gale M. Sherrodd

Gale M. Sherrodd
(sign exactly as shown at left)

Joan M. Sherrodd

Joan M. Sherrodd
(sign exactly as shown at left)

DATE: August 26, 1992

STATE OF CALIFORNIA }
COUNTY OF San Diego } ss.

On August 26, 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared Gale M. Sherrodd and Joan M. Sherrodd

personally known to me (or proved to me on the basis of satisfactory evidence), to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal:

Signature Diane Johnson



(This area for official notarial seal)

We, Glen P. & Nicky C. Walker, hereby petition the Board of County Commissioners of Ravalli County, Montana, to approve the establishment of a voluntary zone, herein referred to as the Lower South Sunset Bench Zone.

We further request the adoption of the Lower South Sunset Bench Zone Regulations dated the 20th day of August, 1992.

We have interest in the property described as follows:

Township 8, Range 20 Section 14, SWNE Index 34, CS #3275, Tract 6.

Glen P. Walker

Glen P. Walker
(sign exactly as shown at left)

Nicky C. Walker

Nicky C. Walker
(sign exactly as shown at left)

DATE:

9/9/92

NOTARY PUBLIC:

Nell Chandler



194-590
194-491

STATE OF CALIFORNIA

COUNTY OF Sacramento

On this 9th day of Sept in the year of 1992, before me, the undersigned, a Notary Public in and for said State, personally appeared Glen P. Walker & Nicky C. Walker, personally known to me (or proved on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Nell Chandler
Notary public in and for said State.

I, Barbara K. Curry, hereby petition the Board of County Commissioners of Ravalli County, Montana, to approve the establishment of a voluntary zone, herein referred to as the Lower South Sunset Bench Zone.

I further request the adoption of the Lower South Sunset Bench Zone Regulations dated the 20th day of August, 1992.

I have interest in the property described as follows:

Black Elk Acres Addition, Lot B.

Barbara K. Curry

Barbara K. Curry
(sign exactly as shown at left)

DATE: 10/5/92

NOTARY PUBLIC: *Jane S. Sander*
11-24-93

PP 7760
S/1/10/72 57 of 99
LOWER SUNSET BENCH ZONING

Section 14

Index 5 : Cottage Grove Dairy Inc
Index 7 Josephine Payne
Index 2 34 Fred D & Linda E Marquez
Index 4 56 Harold D & Kathleen E Caldwell
Index 36 57 Melvin E Parker Tr

Index 40 59 Vincent M Pierce & Elaine J Pierce
Index 8 10 Byron W Eoyce
Index 39 11, 12 Lees Pittenger & David Brown
Index 38 Lees Pittenger & David Brown
Index 41 13, 14, 15 Rodolfo & Patricia Hernandez & Bonnie Geiger
Index 32 Rodolfo & Patricia Hernandez & Bonnie Geiger
Index 33 16 Ronald English Smith Jr
Index 34 Glenn P & Nicky C Walker
Index 35 17, 18 Joe Barry & Virginia Lou Mullins
Index 42 19, 20 John M Jr & Jean Fausett Atthowe
Index 30 21, 22 John M Jr & Jean Fausett Atthowe
Index 31 23, 24 Loyal M & Janet C Dopp
Index 27 25, 26 Gale M & Joan M Sherrodd
Index 25 27 Roselyn H Larson
Index 26 28 Ida Mae Smith
Index 24 29, 30 Kermit C & Genevieve Indreland
Index 23 31 Daniel Sullivan
Index 21 32, 33, 34 Lorraine C Kretschmer, Carol Lynn Teator, Lorelei Rudolph
Index 16 35 Myrtle F Bosch
Index 17 36 Maryana W Kurtz
Index 20 37 38 Eugene Capelle & Shirley May Amsberry Tr

Bell Meadows Addition

Lt E1 29, 40 Eugene & Donna Turjan

Lt D 41, 42, 43 Richard E, Audrey U & James R Nelson

Black Elk Acres Addition

Lot A 44, 45 Ronald C & Alice M Owens
Lot B 46, 47 John K & Barbara A Curry
Lot C 48, 49 Tom A Kresan & Pam Allen
Lot D 50, 51 Theodore Eugene & Louise Elaine Kresan

Home Acres Orch #3 Block 1

Pt 4 (C-1 AP 66) 52 Wm S Pilling II
Pt 4 (D1A AP478) 53 Paul H & Ronda W Hayner
Pt 4 (D2A AP478) 54 Robert D & Judith A Hoy

Home Acres Orch Block 1

Lt 13 57 J G Gordon Yocum & The Provident National Bank of Philadelphia Penn. Tr
Lt 14 J G Gordon Yocum & The Provident National Bank of Philadelphia Penn. Tr

Lt 15A (AP 504) 58 Helen H Pilling

Pt Lt 15 & 16

(GG1 AP 504) Robert D & Judith A Hoy

Lt 16 B (AP 379) Robert D & Judith A Hoy

Black Elk Acres Addition #2

Lot 1 59, 60 William A & Mary T McCluskey
Lot 2 61, 62 Gary T & Shelly J Elliot

PF 7760
 LOWER SUNSET BENCH ZONING cont

58 of 79

Home Acres Orch #3 Block 4
 Lt 5 Robert D & Judith A Hoy
 Lt 6 Robert D & Judith A Hoy
 Lt 7 Robert D & Judith A Hoy

Home Acres Orch #3 Block 4----All Part of Lot 13
 Pine Lakes (pt Tr 5) Roselyn H Larson
 Pine Lakes (easterly pt) 63,64 Bernie A & Elizabeth F Swift
 Pine Lakes (Tr 4) 65,66 Janine M Benyus & Laura M Merrill
 Pine Lakes (pt Lt 3) 67,68 Glenn H & Dorothy D Kinsley

Home Acres Orch #3 Block 1----All Part of Lot 5
 Pine Lakes (Tr 6) 69,70 Peter Alma & Tina Marie Mc Pherson
 In E Pt (Also Lt 13 Bk 4) Bernie A & Elizabeth F Swift
 Pine Lakes (Pt Tr 3) Glenn H & Dorothy D Kinsley
 Pine Lakes (Tr 9A) 71,72 Norman W & Alice E Foster (1/2)
 Pine Lakes (Tr 7) 73 Marjory A Bergh (1/2)
 Pine Lakes (pt Tr 5) 74 Duane & Lora Block
 Pine Lakes (pt Tr 8) Roselyn H Larson
 Pine Lakes (Tr 12A) Eugene Capalle & Shirley May Amsberry Tr
 Norman W & Alice E Foster (1/2)
 Marjory A Bergh (1/2)
 Pt 5 (Par 9B2)
 (AP 296) 75,76 Fredric S Papele & Christine M Rothlauf
 Pt 5 (CS 2039) Par 128 Marjory A Bergh
 Pt 5 (CS 2559 12A) 77,78 Mae A Savola* & Vernon L Comley Jr*
 Pt 5 (CS 2040 9 B-1 AP 296) 79 James C Kingsbury

I, Betty T. Lund, Ravalli County Clerk and Recorder do hereby certify
 that the above listed names were the freeholders of the land in the
 Lower Sunset Bench Zoning District as shown on the Ravalli County
 Records as of June 1, 1992.



Betty T. Lund
 Betty T. Lund
 Ravalli County

55 okay of 79 = 69.62%

February 18, 1993

TO: RAVALLI COUNTY COMMISSIONERS

FROM: RAVALLI COUNTY CLERK AND RECORDER *Betty T. Lund*

RE: OBJECTIONS TO LOWER SUNSET BENCH VOLUNTEER ZONING PETITION

Attached please find a listing of the persons who object to the Lower Sunset Bench Zone who are in the district. We have received numerous signatures for persons not in the zoned district. We find 16 valid signatures or 20.25 % who object.

Persons objecting to the Lower Sunset Bench Zoning whom reside within
that zoning district

- | | |
|---|---|
| 1. Provident Natinal Bank | Lt 13 & 14 Home Acres Orch Block 1 |
| 2. Eugene C Amsberry | Index 20 Sec 14--8N--20W & Pine Lakes (Pt Tr 8) |
| 3. Cotnags Grove Dairy
Chris H McPherson
Kenneth & Elaine McPherson | Index 5 Sec 14--8N--20W |
| 4. Vince Pierce | Index 40 Sec 14--8N--20W |
| 5. Elaine Pierce | |
| 6. Bernie Swift | Home Acres Orch #3--Pine Lakes In E Pt |
| 7. Elizabeth Swift | |
| 8. Harold D Caldwell | Index 36 Sec 14-8N--20W |
| 9. Kathleen E Caldwell | |
| 10. Lorraine C Kretschmer | Index 21 Sec 14--8N--20W |
| 11. Carol Lynn Teator | |
| 12. Lorelei Redolph | |
| 13. Peter Alma McPherson | Home Acres Orch #3 Blk 1---Pine Lakes (Tr 6) |
| 14. Tine Mc Pherson | |
| 15. V L Cumley Jr *** | Home Acres Orch #3 PT 5 (CS 2049 9 B-1 AP 269) |
| 16. Mae A Savold *** | |

*** These persons listed are the only ones whom did not sign the original petition in favor of the zoning district

RECEIVED

FEB - 3 1993

Stavall County Commissioners

Dear County Commissioners:

Please consider tabling the Lower Sunset - Willoughby Zoning District until ^{you} can investigate the possibility of a complete and comprehensive County Zoning District Plan. If you can not do this, please consider having the McPherson's Cottage Grove Dairy, Inc. property removed from the Lower Sunset - Willoughby Zoning District proposal.

The undersigned feel the property boundaries in the original petition were misrepresented.

- Melvin Whitzey - 3764 E. Side Hwy Stevensville
- Vicki Good - 380 Indian Prairie Loop, Victor Mt.
- Dennis Robinson - 2777 Middle Bench Rd Victor Mt
- Herb B Cook - 505 Hohenstein Ln Stevensville Mt
- Dow Nigh - 505 6th Ave Victor.
- Robert Ludlow - 458 Willoughby Stevensville, Mt
DBA - Ludlow LTD 5980
- * U. L. Cumby Jr - 639 S. Sunset St Birch Stevensville
- * Mae A. Sauld - 639 S. Sunset Bench Rd Stevensville

RECEIVED
 FEB - 5 1993
 Ravalli County Commissioners

Dear County Commissioners:

Please consider tabling the Lower Sunset - Willoughby Zoning

District until ~~we~~^{you} can investigate the possibility of a complete and comprehensive County Zoning District Plan. If you can not do this, please consider having the McPherson's Cottage Grove Dairy, Inc. property removed from the Lower Sunset - Willoughby Zoning District proposal.

The undersigned feel the property boundaries in the original petition were misrepresented.

~~We the undersigned~~

Shirley Rasmussen 868 Willoughby Rd. 777-3062
 Larry and Betty Mues 641 Willoughby Rd 777-5152
 Dan C Rasmussen 868 Willoughby Rd. 777-3062
 Melvin Severson 965 Willoughby Rd, 777-2666
 Edna C Rasmussen 946 Willoughby Rd 777-3050

RECEIVED

FEB - 4 1993

Dear County Commissioners ^{Rayall County Commissioners}

Please consider tabling the Lower Sunset - Willoughby Zoning District until ^{you} can investigate the possibility of a complete and comprehensive County Zoning District Plan. If you can not do this, please consider having the McPherson's Cottage Grove Dairy, Inc. property removed from the Lower Sunset - Willoughby Zoning District proposal.

The undersigned feel the property boundaries in the original petition were misrepresented.

Lee M. Holmer
Kathleen J. Holmer
659 Willoughby Rd.

RECEIVED

FEB - 4 1993

Dear County Commissioners:

Please consider tabling the Lower Sunset - Willoughby ^{Havalli County Center Zoning} District until ^{you} ~~we~~ can investigate the possibility of a complete and comprehensive County Zoning District Plan. If you can not do this, please consider having the McPherson's Cottage Grove Dairy, Inc. property removed from the Lower Sunset - Willoughby Zoning District proposal.

The undersigned feel the property boundaries in the original petition were misrepresented.

- Georgiam Adynton - 3035 East Side Hwy. Stevensville Mt
- Robert A. Hutchins 203 Victor Crossing E Stevensville Mt
- Laurie A. Sucherlin 203 Victor Crossing East, Stevensville, Md
- James D. Pfane 599 Groff Ln. STEVENSVILLE MT.
- Joe Bates 4585 Gates Ln - Stevensville Mt
- Patricia O. Han 599 Groff Ln, Stevensville Mt
- Bill Strange 422 Willoughby Rd Stevensville Mt
- Stephanie Merrin 265 Bell Crossing Rd. E. Stevensville Mt
- Laurie Jolley 99 Victor Crossing Victory Mt.
- William Ray Lane 424 Wild Horse Ln Stevensville, Md.

RECEIVED

FEB - 4 1993

Dear County Commissioners:

Ravalli County Commissioners

Please consider tabling the Lower Sunset - Willoughby Zoning

District until ^{you} ~~we~~ can investigate the possibility of a complete and comprehensive County Zoning District Plan. If you can not

do this, please consider having the McPherson's Cottage Grove

Dairy, Inc. property removed from the Lower Sunset - Willoughby

Zoning District proposal.

The undersigned feel the property boundaries in the original petition were misrepresented.

Franklin Muchmore
Fay Carson
Jack Barber
Bob Adams
Thomas Cuckato
Yvonne Muchmore

1541 So. Burnt Fork Rd. Stevensville, MT
 500 Riverside Ave Stevensville, MT
 261 Pine Hollow Stevensville
 P.O. Box 482 VICTA 59875
 745 BLUEBERRY HILL VICTA, 59875
 1541 So. Burnt Fork stevi 59870

RECEIVED

FEB - 4 1993

Dear County Commissioners:

Ravalli County Commissioners

Please consider tabling the Lower Sunset - Willoughby Zoning

District until ^{you} can investigate the possibility of a complete

and comprehensive County Zoning District Plan. If you can not

do this, please consider having the McPherson's Cottage Grove

Dairy, Inc. property removed from the Lower Sunset - Willoughby

Zoning District proposal.

The undersigned feel the property boundaries in the original
petition were misrepresented.

George W Sullivan 54 Beaver Ln. Stevensville

Jeffrey F. Joss

Albina B Joss

Jane B Joss

3428 East Side Hwy. Stevensville

Thomas Beer

444 Winters Lane Stevensville

J Powell

Doree A Ramsey

432 Winters Lane Stevensville

Marci Goodman

437 Winters Ln. Stevensville

PF 7760

67 of 99
Jan. 30, 1993

RECEIVED

Dear Sirs;

FEB - 4 1993

Ravalli County Commissioners

I am ~~very much~~ opposed
to the zoning change that
has been proposed on the
lower sunset or lower
Willoughby Rd. I am a property
owner on willoughby.

me + my family have lived in
the Stevensville area since 1948.
three of our children have settled
there. I am very upset that a few
people move in because they love
our valley and right off they
try to change it the way we don't
want it. It is a case of the
tail wagging the dog not the dog
wagging the tail. Ray H. Gillmore
Property owner

Ravalli County Courthouse
Ravalli County Commissioners
Hamilton, Mt. 59840

Attention: Jerry Allen

Dear Mr. Allen,

It has been brought to our attention from the people of the Lower Sunset Bench Zoning area that the zoning was passed by a majority vote and by petition.

We reside in this area and feel that there was misrepresentation of the people of this community. We feel that the issue should be put on the table until further discussion can be attained.

We were not notified of this hearing by letter, phone or otherwise. A notice in the rural paper is not sufficient notification because many people do not read the paper nor do they read legal notices if they do.

Also, my mother-in-law signed the petition as sole owner of the property in which we reside and in fact we are owner and co-owner of the property at 543 S. Sunset Bench Rd. Stevensville, Mt.

Please consider this letter as a request to stop the zoning until further evaluation can be done.

Sincerely,

Kathy L. Smith
Gail P. Smith

cc: Steven Powell
Allen Horsfall Jr.

Jan 69 at 98
 Ann

Jan 19, 1993

Att. Hawaii County Commission

Steve Powell
 Allen Herzfeld
 Jerry Allen

Dear Sirs:

I am disturbed by those individuals who come in and buy an acre of ground; then set themselves up as dictators over all the damage they can see in any direction, trying to control its use etc. If they want to do so let them buy the land, pay taxes on it and try to make a return on their investment. If they don't want to do that the road they came in on (and use as a one way) is a two way street.

The lower unimproved zoning district must not be allowed. It cuts established farms & trade into pieces. Also the option to expand and include more of the area at their own discretion is not acceptable.

Thanking you for your attention.

Sincerely

Leon R. Raymond
 2044 Eastside Hwy
 Corvallis, Mt. 59827

PF 7760

70 . F 99

RECEIVED

FEB - 5 1993

Ravalli County Commissioners

January 5, 1993

TO WHOM IT MAY CONCERN:

Due to the location of our property and after talking to Commissioner Horsfall we would like to protest the Lower Sunset Zoning district from completion until more expert analysis has been done. Our property is not listed in the legal descriptions but the boundaries are unclear on the inadequate map furnished with the Zoning Plan. We understand that with the "Procedure for the Preparation and Presentation for Filing Voluntary Zoning Petition in Ravalli County" document that one of the terms for approval must be the surveying by the county surveyor for verification of boundaries. If this procedure has or had been done it would show us a clear picture of the intent of the planning petitioners either to zone our piece of property or to not zone our piece of property. In other words it is our opinion that the map provided does not coincide with the legal descriptions but Mr. Horsfall left us with the understanding that it could be included even without being in the legal description.

We did not receive any notification and if the advertisement of legal notices in one of our local papers is the only route of notification it is certainly inadequate.

It is our belief that the county commissioners did not follow the steps in the document mentioned above and that the Lower Sunset Zoning District should proceed no farther until adequate legal procedures have been followed.

Thank you,

Tracy Bugli Jay Bugli

Tracy and Jay Bugli
2967 Mc Intyre Lane
Stevensville, Mt. 59870
Phone: 777 2563

PF 7760

FEB 5, 1993

RAVALLI COUNTY COMMISSIONERS
RAVALLI COUNTY COURT HOUSE
HAMILTON, MT.

RECEIVED
FEB - 5 1993
Ravalli County Commissioners

GORDON AND JUL MAUS
781 RABBIT RUN
STEVENSVILLE, MT.
59870

DEAR COMMISSIONERS:

WE OBJECT TO THE INCLUSION OF PROPERTY WHOSE OWNERS HAVE OBJECTED TO LOCAL VOLUNTARY ZONING REGULATIONS. WE STRONGLY OBJECT TO ZONING THAT LIMITS OR DISCOURAGES THE AGRICULTURAL USE OF LAND, INCOURAGING DEVELOPMENT THAT CONTINUES TO THREATEN THE ALREADY OVER-BURDENED WATER AND AIR QUALITY OF OUR VALLEY. PROTECTING WATER AVAILABILITY AND AIR QUALITY SHOULD BE OUR COMMISSIONERS NUMBER ONE PRIORITY WITH A COMPREHENSIVE ZONING PLAN.

THANK YOU FOR YOUR CONCERN,

JUL JULY MAUS

Gordon Maus

RESIDENTS OF THE SOUTH VALLEY AREA

RECEIVED

FEB - 3 1993

Ravalli County Commission

868 Willoughby
Steenerville, Md. 59870

2-3-93

Dear Ravalli County Commissioners:

Please place this letter of protest in the Sunset zoning file. What has happened to a constitutional right to private property. Zoning is no longer in the interest of all, but has become the selfish desire of a few.

I strongly object to a few people deciding the boundaries and sucking other people's land into an area with restrictions placed upon others that is not acceptable to all. If they want restrictions placed on their land then do it. But don't put them on mine without my consent.

It is your job to enforce the Constitution, not rewrite it. You leave my land out of my kind of zoning - whether it be in the sunset area or the whole Ravalli county.

Sincerely,
Don & Shirley Damman

FEB - 5 1993

Ravalli County Commissioners

THERE ARE ALREADY 26 SPECIAL ZONING DISTRICTS WITH 3 MORE

WHERE WILL IT ALL END

IF RAVALLI COUNTY HAD A COMPREHENSIVE PLAN, THERE WOULD BE NO NEED FOR ALL THESE "SPECIAL" ZONING DISTRICTS WHICH MAY OR MAY NOT BE CONSTITUTIONAL.

- *WHO IS RESPONSIBLE TO ENFORCE ALL THESE REGULATIONS?
- *WHO IS RESPONSIBLE IF THE ZONING DISTRICT IS DISCRIMINATORY, AND DAMAGES ARE AWARDED?
- *WHAT ABOUT THE FUTURE? A ZONING DISTRICT COULD POTENTIALLY BE CREATED TO PROMOTE GAMBLING OR A HOST OF OTHER ITEMS.
- *AGAIN, WHO IS LIABLE IF THESE DISTRICTS ARE FOUND TO BE ILLEGAL OR DISCRIMINATORY?
- *ARE THERE BUILDING PERMITS CURRENTLY BEING GIVEN FOR A LOT LESS THAN FIVE ACRES?
- *CAN OUT-OF-STATE PARTIES WHO OWN PROPERTY DICTATE ZONING FOR LONG-STANDING VALLEY RESIDENTS?
- *ARE WE GOVERNED BY SPECIAL INTEREST GROUPS OR BY ELECTED OFFICIALS?

WE STRONGLY URGE THE COMMISSIONERS TO PUT A MORATORIUM ON SPECIAL ZONING DISTRICTS UNTIL MANY OF THESE QUESTIONS CAN BE ANSWERED. WE STRONGLY OBJECT TO THE INCLUSION OF OUR FARM OF 35-YEARS BEING INCLUDED IN THIS CURRENT ZONING DISTRICT BEFORE YOU LOWER SUNSET BENCH AND IF IT REMAINS INCLUDED, OUR ONLY RECOURSE WILL BE TO SEEK RELIEF FROM THE COURTS.

WE UNDERSTAND THAT NEIGHBORS HAVE A RIGHT TO PROTECT THEIR PROPERTY, BUT WHAT IF IN THE FUTURE THESE DISTRICTS SEEK TO EXCLUDE PEOPLE BECAUSE OF RACE, RELIGION, INCOME OR LIFE STYLE.

A TERRIBLE PRECEDENT IS BEING SET AT THIS TIME. THE COMMISSIONERS MUST END THIS RASH OF ZONING DISTRICTS.

[Handwritten signature]

HANS & LORI McPHERSON
475 WILLOUGHBY ROAD
STEVENSVILLE, MT 59870

E. C. Amberry
5745 Lapiro Lane
Colton, CA 95726

RECEIVED

JAN 28 1993

Ravalli County Commissioners
[Signature]

Ravalli County Board of
Commissioners.

Dear Sirs: Some time ago I wrote to
Board expressing my concerns regarding
the proposed creation of a special zoning
district, i.e. Lower South Sunset Bench.
I am still opposed to this move and have letters
and phone calls from others opposed to such a
formation.

I think that most people affected by this move
are now covered, as am I, in a Home
Owners Association; namely Home Acres
Orchard No. 3.

The above mentioned Association (Ref
Book 127 Page 42) five pages, is better written,
thoroughly covers the subject and should be
all we need. Why add more paper work.

Note the helter-skelter selection of inclusions of
parcels and exclusions of others. Obviously
they - the writers - have tried to include
absentee owners, those they are sure of, and
exclude the larger parcels and ranches they
know are against it.

Hoping you will turn down this unnecessary
and unpopular action, I am Yours Truly

Eugene L. Amberry

Re. ~~Tract~~ ^{to be} ~~lower~~ SO. Sunset Bench Subdivision

(pg 1)

Board of County Commissioners

Jenny Aalen

Steven O. Powell

Allen C. Horsfall Jr.

RECEIVED

FEB - 5 1993

Ravalli County Commissioners

Dear Sirs -

I am a property owner in Stevensville - in the "proposed Lower So. Sunset Bench Subdivision". My husband & I own & reside in Pinehakes tract &. Both of us have gone to school here in Stevensville & lived in a rural setting all our lives. We enjoy living in a rural setting. - We are vehemently - opposed to this proposed plan.

There has been some real one-sidedness & misinformation being passed around. Neighbors have informed us that when they were presented with the petition they were told that my in-laws - Kenneth & Elaine McHerson were going to be putting in pig farms & a trailer court - all actual. My in-laws raise raspberries & sweet corn & employ - people for harvesting - This proposed plan would stop this - as all their grandchildren (& others) help work for their grandparents in the summer picking corn & berries & then go & sell it! I have chickens & sell eggs sometimes & this would be prohibited!
(see page 2)

(page 2)

my husband & I both work - and want our children to have opportunities to work & earn money - we are working hard to have our home - & know the cost to have a "frame" home - & also feel that people should not be penalized, or limited if they can only afford a trailer house. I knew that the people proposing this zoning - are concerned about property values depreciating - but they've caused more neighborhood problems than good - we were told someone would come by & get our petition - they never did - (they knew we were opposed) - we never were informed of a meeting that was held in December about this - supposedly it was in a newspaper? All property owners should have been informed.

We are in the process of adding on to our home & had to have it appraised. An appraiser came from Missoula & made a derogatory comment regarding neighbors & their livestock. "This is the country - we like it the way it is - and we purposely sought out this area - when we purchased our home in '88 - we also own additional property a 1/2 mile nearby!"

pg 3

-so we got another appraiser - from the valley -

I also know what it's like to deal with property owners that don't even LIVE Here. In our other property we owned, we were trying to get permission from adjoining neighbors to put a natural gas line through - & one owner who lived in Cal. was concerned "it would destroy the property!" - The field is sagebrush! My point is - if neighbors that live here have been given misinformation about what is going on here - what about out of town property owners?

You are elected officials by us - I expect you to check into this more deeply - & see what is going on -

my 6 acres I own - I should be able to take care of it the best way I can -

not by out-of-state, retired people telling me the size & type of home I can have - & etc.

tina mclherson
2858 Caribou Lane
Stevensville, mt.
777-5727

P.S. By being a good example & taking good care of your own home is often "pressure enough" to keep your home well taken care of.

I've not seen much neighborly friendliness over this whole issue.

Provident National Bank
17th & Chestnut Streets
P.O. Box 7648
Philadelphia, PA 19101

PF 7760

78 65 99
J. James Connolly, Jr.
Assistant Vice President
Trust Real Estate Department
215 585-6072



February 5, 1993

RE: **Robert Hare Davis #0657897**
Lots #13-14 Home Acre Orchards
Stevensville, Montana

Ms. Betty Lund
Ravalli County Clerk & Recorder's Office
205 Bedford Street
Hamilton, Montana 59840

Dear Ms. Lund:

Provident National Bank is one of the Trustees that own the above property and we have just learned of a planned change in the zoning in Home Acre Orchards.

We have no idea whether this modification will effect the value either directly or indirectly and we feel we must object to any change in zoning until further information is provided.

Sincerely,

A handwritten signature in cursive script, appearing to read 'J. James Connolly, Jr.'.

J. James Connolly, Jr.
Assistant Vice President

JJC/abs

cc: J. S. Gordon Yocum

A PNC BANK

Provident National Bank
17th & Chestnut Streets
P.O. Box 7648
Philadelphia, PA 19101

PF 7760

J. James Connolly, Jr.
Assistant Vice President
Trust Real Estate Department
215 585-6072

79 of 99

PROVIDENT NATIONAL BANK

February 5, 1993

**RE: Robert Hare Davis #0657897
Lots #13-14 Home Acre Orchards
Stevensville, Montana**

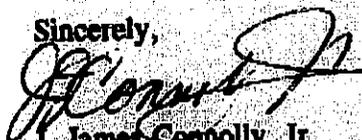
Ms. Betty Lund
Ravalli County Clerk & Recorder's Office
205 Bedford Street
Hamilton, Montana 59840

Dear Ms. Lund:

Provident National Bank is one of the Trustees that own the above property and we have just learned of a planned change in the zoning in Home Acre Orchards.

We have no idea whether this modification will effect the value either directly or indirectly and we feel we must object to any change in zoning until further information is provided.

Sincerely,



J. James Connolly, Jr.
Assistant Vice President

JJC/abs

cc: J. S. Gordon Yocum

Cottage Grove Dairy

RECEIVED

FEB - 4 1993

Ravalli County Commissioners

"providing you milk gives us udder joy"

Dear County Commissioners,

We would like to go on record in opposition to the proposed Lower Sunset Zoning. We don't feel that a few new move in neighbors have the right to turn neighbors against neighbors telling them how or what they can do with their own property. In our own mind we feel that zoning is prejudice to others and that it also accelerate development of family farms & pastureland. We also feel that if you allow this type of zoning to exist that they, those in favor of zoning will just start to pick out neighbor hood property to try to expand their zoning regulation upon.

Chris H. McPherson
(406) 777-3741

381 Willoughby Road Stevensville, Montana 59870
403 Winters Ln

PF 7760

81 04 97

Cottage Grove Dairy

RECEIVED

FEB 4 1993

Revalli County Commissioners

"providing you milk gives us udder joy"

If you can't stop this zoning please remove the property not voluntarily placed in it namely that of Cottage Grove Dairy - Kenneth McPherson. We would greatly appreciate your veto to the proposed zoning.

Thank you
Kenneth McPherson
Chris McR

Chris H. McPherson
(406) 777-3741

381 Willoughby Road Stevensville, Montana 59670
403 Wintasha

RECEIVED

FEB - 4 1993

Ravalli County Commissioners

Stevensville, Montana

Jan 31, 1993

Ravalli County Commissioners
 Alan Horsfall - Jerry Allen - Steve Powell

Dear Sirs

Please be advised that I - Kenneth
 McPherson and the Cottage Grove Dairy are
 not voluntary to the including of our Land
 in the Lower Sunset Bench zoning District.

Please remove our Property from the
 zoning District.

I have been in the Valley farming
 since 1952 and have had this farm since
 1958.

I have had to work off the farm for
 20 years full time and 20 years part time
 to pay taxes and farm payments.

It is not right that some one who
 does not even live here has the right
 to say what I can do with my Life
 Savings -

If you put in this zoning District
 you are saying Good Bye to Family Farming

Kenneth McPherson

RECEIVED

FEB - 4 1993

Ravall County Commissioners

Stevensville, Montana

Jan 30, 1993

Ravall County Commissioners,
 Alan Horsfall - Jerry Allen - Steve Powell

Dear Sirs -

I am against the zoning of Lower
 Sunset & Willoughby area.

We do not want our property included
 in the zoning area that has been proposed.

We would like to see the County have
 a General zoning District for the County

The County needs a comprehensive
 plan that will work and is liveable
 for everyone -

It hardly seems fair that some
 one who has lived in the Valley for less
 than 5 years - and people that don't even
 live here -

Can come and tell a farmer that
 has deeded and owned the same property
 for over 25 years -

What he can do with his land.

If the Laws are not fair

If we had known about this zoning
 and that there was going to be a

RECEIVED

FEB - 4 1993

Ravalli County Commissioners

meeting -

Do you think there would have been 6 people to the meeting?

There should be some other way to advertise the meetings.

Don't there a Grandfather clause that would take our property out of their zoning boundaries? A farmer needs protected by some kind of law.

Claine M Pherson

PF 7760 85 of 99
Datsopoulos, MacDonald & Lind, P.C.

Attorneys at Law

RECEIVED

MAY 11 1992

Ravalli County Commissioners
[Signature]

May 7, 1992

Central Square Building
201 West Main Street
Missoula, Montana 59802
(406) 728-0810
FAX: (406) 543-0134

Milton Datsopoulos
Ronald B. MacDonald
Dennis E. Lind
Christopher B. Swardley
Edward A. Murphy
William K. VanCanagan
Rebecca L. Summerhille
Darla J. Keck
Richard M. Baskett
Kevin R. Callaghan

Vince & Elaine Pierce
586 S. Sunset Bench Road
Stevensville MT 59870

Re: Proposed Zoning Code
Lower South Sunset Bench Area

Dear Owners:

Please be advised that I represent Ken and Elaine McPherson. Recently, the McPhersons have discussed with me your correspondence of April 22, 1992 concerning the proposed zoning code for the Lower South Sunset Bench area. In the map designating the proposed zoned area a portion of the McPherson property was included while immediately adjacent property owned by the McPhersons was excluded.

Please consider this correspondence as a formal request to exclude all of the McPherson property from the proposed voluntary zone. While the McPhersons have no specific intention with respect to further development of their property, they feel very strongly that they would like to preserve all of their options for the use of their property. Accordingly, please remove the McPherson property from your proposed zoning area. In the event the McPherson property is included they will vigorously contest the proposed zone.

Thank you for your consideration. Please contact me should you have any questions.

Very truly yours,

DATSOPOULOS, MacDONALD & LIND, P.C.

[Signature]
Dennis E. Lind

DEL/clc

cc: Ken & Elaine McPherson
Ravalli County Attorneys Office
Ravalli County Commissioners
Bill Pilling
Leea Pittenger
David Brown

PF 7700
RECEIVED

FEB - 4 1993

Ravalli County Commissioners
[Signature]

Ravalli County Commissioners
Hamilton, Montana

86 of 89
Bernie A. and Elizabeth F. Swift
236 Rose Lane
Hamilton, Mt. 59849
Feb. 2, 1993
RECEIVED
FEB - 4 1993
Ravalli County Commissioners

REF. Petition For Lower Sunset Beach Special Zoning District

Gentlemen:

Since our names appear as one of the property owners within this proposed new Zoning District, we feel compelled to voice our objection of being included within its boundaries. We also object to the methods used to form this proposed District.

Well over a year ago we received a call telling us of plans for one of the people in this area to Zone themselves. We voiced our objection of being included, at that time, but our request was ignored. A few months later we received a map (that included our property) and a list of land-use restrictions planned for the area. This time we wrote a formal request to have our property removed, which seems logical because the properties on two sides of us had been removed. That was the last we heard from these people. We were never told of any meetings (which we now understand they had) nor of any of their final plans to proceed with the zoning. Then last weekend we received a number of calls from concerned property owners in the area who are included in this District, and told that the Zoning request has been filed in the Ravalli County Courthouse and will be approved or disapproved by you on Feb. 5th, 1993. These people do not want to be included. In fact, they too have been unaware of Zoning plans. Some knew nothing of it -- others received incomplete information and now want their names removed. Yes, we do understand your voluntary zoning policy that allows for 50% land-owner approval to set up Special Districts. But we cannot believe that there is not also something within this policy that requires that all property owners within be kept informed on such plans? Many were not. Surely in this free country of ours, which is built upon individual rights, to include owning private property, we have not lost our right to KNOW how other's actions will affect and control our property? If this true, then we are no longer free and may God help us!

In the best interest and in fairness to all, we hope that you will reject this Petition to Zone, or at least allow for an extension of time so that ALL PROPERTY OWNERS INVOLVED know and understand how they will be affected. They should be notified personally in writing, because, as you know, many property owners within and outside the valley, do not subscribe to our local papers.

Yours is a very serious decision to make and I hope you do not make it lightly. Please do not forget that it is our individual rights that set our great Nation apart from all others in this world.

Thank you for considering our request not to accept this Petition.

Bernie A. Swift
Elizabeth F. Swift

PK 7760

RECEIVED

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JAN 27 1993

Ravalli County Commissioners

H.D. Caldwell
2064 Greenfield Dr.
Cajon, Ca. 92019

RAVALLI COUNTY COMMISSIONERS
205 BEDFORD
HAMILTON, MT 59840

PROPOSED LOWER SOUTH SUNSET BENCH SPECIAL ZONING DISTRICT

County Commissioners:

Allow me to introduce ourselves. We own property located at 505 South Sunset Bench which was included in the proposed zoning district presented to the board during the last thirty days. We are opposed to the proposed zoning and feel our objections must be voiced.

The intent of this zoning is to control growth in our valley. Everyone is concerned about growth and this issue is certainly not a valley problem but, a nation wide concern. The level of this proposed zoning goes too far. It has exceeded the requirement to slow growth and will create a massive problem to the established farms and ranches in the zone and surrounding area. When folks who have farmed and ranched for years begin to be controlled by comparatively new land owners, then its time to take action. New land owners should not propose any ordinance which could deprive the area farmers and ranchers of the right to operate and their way of life. The limits imposed upon the zones farmers is unrealistic and in our opinion creates a situation that will force individuals off their land. This in itself would act as a catalyst for increased growth.

Our concerns are deep and we worry about the impact to the area residents whom toil long and hard to make a living on family farms and ranches. WE NEED to use extreme caution when proposing zoning districts to insure each and every property owners rights are respected and guaranteed.

We would appreciate an opportunity to come before you to voice these concerns. We propose to the Board that this zone hearing be rescheduled for discussions during the months of June-July 1993 to allow all seasonal residents an opportunity to voice their concerns.

We appreciate your time and attention on this matter and encourage you to be CAUTIOUS on this matter.

Respectfully:

[Handwritten Signature]
Harold D. Caldwell

[Handwritten Signature]
Kathleen E. Caldwell

1-23-93

1-23-93

PF 7760

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RECEIVED

JAN 20 1993

Ravalli County Commissioners

J. M. [Signature]

Lorelei Rudolph
1440 Snowshoe Lane
Victor, Montana 59875

January 26, 1993

Ravalli County Commissioners
Ravalli County Courthouse
Hamilton, Montana 59840

Dear Sirs;

I, Lorelei Rudolph, am writing on behalf of myself, Lorraine C. Kretschmer and Carol Teator, property owners in the South Sunset Bench zoning area. Due to our negligence in reading the legal description of boundaries and checking a survey map, we were unaware that Cottage Grove Dairy, Inc. properties were included in the zoning area. After a phone conversation on Sunday, January 24, 1993, between the three above mentioned parties, I was given authority to write this letter and withdraw our support of the South Sunset Bench zoning area unless Cottage Grove Dairy, Inc. properties are removed from the zoning area. We do not feel the productive agricultural properties of Cottage Grove Dairy, Inc. should be included in the South Sunset Bench zoning area.

Respectfully yours,

Lorelei Rudolph
Lorelei Rudolph

RECEIVED

FEB - 5 1993

Dear County Commissioners Hawaii County Commissioners

I don't agree with the way the zoning has been organized. The people that are for the zoning are saying a lot of things to get people to sign their petition. When we (the McPhersons) have talked to people in the neighborhood, they have told us a lot of inconsistent things. Some of our neighbors have been told our farm was not included in the zoning and others who were originally contacted, the indecisives, were never contacted again for their decision or input.

I can't believe that you, the commissioners, didn't question this zoning when only 6 people showed up for the hearing when it involved so many people in the area. How can so few people control so many? Why is our land included when we were never involved to start with?

Both through the farm corporation and at my residence we sell commercial products & services. I'll oppose anyone interfering with the manner I support by family.

Agreed, mobile homes may not be

NOTICE OF INTENT TO CREATE A ZONING DISTRICT

On December 23rd, 1992, the BOARD OF COUNTY COMMISSIONERS, Ravalli County, passed a resolution of intent to create a zoning district in the Lower South Sunset Bench Subdivision area.

The rural agricultural-residential district is being proposed to assure and provide rural and semi-rural development of land parcels, primarily for agricultural and low-density residential use. The purpose of this district is to conserve and protect open land use and foster orderly growth. The petition is intended to protect water quality by prohibiting all activities which create toxic waste or industrial contaminants, restricts uses that degrade the scenic values and protects agriculture by assuring that agricultural operations can be continued without restriction.

Copies of the proposed regulations are on file at the office of the Clerk and Recorder at the Ravalli County Courthouse.

For thirty (30) days after the first publication of this notice, 2/5/93, the BOARD OF COUNTY COMMISSIONERS will receive written protests to the creation of this zoning district or to the zoning regulations, from persons in the district whose names appear on the last completed assessment roll of the County.

LEGAL DESCRIPTION OF LOWER SUNSET BENCH ZONING AREA:

Section 14, T8N, R20W, P.M., M. excluding the SW 1/4 of the SW 1/4 and the NE 1/4 of the NE 1/4 and that portion of the SE 1/4 south of Willowby Road and excluding Lots 8, 9, 10 and 12, Block 4, Home Acres Orchards #3 and Block 5, Home Acres Orchards #3.

Also, Tracts A-2, C-1, D-1-A, GG-1, Lot 13, Lot 14, Lot 15-A, Lot 16B, Block 1, Home Acres Orchards #3.

Also, Lots 5, 6 and 7 and Parcel B of Block 4, Home Acres Orchards #3.

BOARD OF COUNTY COMMISSIONERS

Jerry L. Allen
Jerry L. Allen, Chairman

Steven D. Powell
Steven D. Powell, Member

Allen C. Horsfall Jr.
Allen C. Horsfall Jr., Member

Please publish 1/6/93 and 1/12/93

PF 7760

AFFIDAVIT OF PUBLICATION

STATE OF MONTANA) ss
County of Ravalli)

Shirley A. Ferris being
duly sworn, deposes and says that

she is the Bookkeeper of the
BITTERROOT STAR, a weekly
newspaper of general circulation,
published in Stevensville,
Ravalli County, Montana, and
that the subjoined notice, a
copy of which is hereto attached,
was published in the regular and
entire issue of said paper for

2 successive weeks,
commencing on the 6 day of

January 1993
and published on the following dates
thereafter:

JANUARY 13, 1993

Signed Shirley A. Ferris

Subscribed and sworn to before me
this 2nd day of February 1993
Richard J. Webb 10/4/93

NOTICE OF INTENT
TO CREATE A ZONING
DISTRICT

On December 23rd,
1992, the BOARD OF
COUNTY COMMISSIONERS,
Ravalli County, passed a
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a zoning district in the Lower
South Sunset Bench Subdi-
vision area.

The rural agricultural-
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vide rural and semi-rural de-
velopment of land parcels,
primarily for agricultural and
low-density residential use.
The purpose of this district is
to conserve and protect
open land use and foster
orderly growth. The petition
is intended to protect water
quality by prohibiting all ac-
tivities which create toxic
waste or industrial contami-
nants, restricts uses that
degrade the scenic values
and protect agriculture by
ensuring that agricultural op-
erations can be continued
without restriction.

Copies of the proposed
regulations are on file at the
office of the Clerk and
Recorder at the Ravalli
County Courthouse.

For thirty (30) days after
the first publication of this
notice, 2/8/93, the BOARD
OF COUNTY COMMISSION-
ERS will receive written
protests to the creation of
this zoning district whose
names appear on the 1992
completed assessment roll
of the County.

LEGAL DESCRIPTION
OF LOWER SUNSET BENCH
ZONING AREA:

Section 14, T8N, R20W,
P.M. N. excluding the SW
1/4 of the SW 1/4 and the NE
1/4 of the NE 1/4 and that
portion of the SE 1/4 south of
Wiloughby Road and exclud-
ing Lots 8, 9, 10 and 12,
Block 4, Home Acres Or-
chards #3 and Block 6, Home
Acres Orchards #3.

Also, Tracts A-2, C-1, D-
1-A, GG-1, Lot 13, Lot 14,
Lot 15-A, Lot 15-B, Block 1,
Home Acres Orchards #3.

Also, Lots 6, 6 and 7 and
Parcel B of Block 4, Home
Acres Orchards #3.

BOARD OF COUNTY
COMMISSIONERS

By Jerry L. Allen
Steven D. Powell
Allen C. Monfali Jr.

ff 7760

MINUTESLOWER SUNSET BENCH VOLUNTARY ZONING PETITION

Those from the public in attendance at this meeting were:

Vincent Pierce
Lela Pittinger
Elaine Pierce
Donna Turjan
Eugene Turjan
George Masnick

December 10, 1993 - 1:30 p.m.

Chairman Jerry Allen called the meeting to order and read the Notice of Public Hearing which was published in the Ravalli Republic on November 25 and December 2.

Chairman Allen asked for opponents to the petition:

None

Chairman Allen asked for proponents:

Vincent Pierce - Stated that the intent of the zoning district was to be threefold (1) protect property values (2) protect water quality and (3) protect water quantity. It was not the intent of the petition to interfere with agriculture

Chairman Allen asked Tim Schwecke if he had any comments on the petition. Tim commented as follows:

Page 2 - Prior Existing Rights - Tim discussed the legalities of "variance". Tim explained what a proper variance is under State law. Some rewording is needed here to comply with the law.

Page 2 - Permitted Uses - Tim felt there was some confusion with this section in that agricultural is described under definitions so there is some redundancy here. Delete all but first sentence under No. 1.

Prohibited Uses - The basic statement should read - If it is not permitted it is prohibited. - Eliminate the list of prohibited uses - striking 1-15.

Page 7 - Provide for the establishment of a homeowner's association - Tim stated that he will check on the legality of this with the County Attorney. Is it legal to have a homeowner's association without 100% agreement to the zoning district. Should this be under a separate legal document? One option would be to have the Commissioner's appoint an advisory committee to advise them. They would have no real regulatory power, simply to

advise as to the intent of the group, the regulations and the language therein.

Tim Schwewe wished to clarify the variance procedure starting on Page 9 - he suggested it reflect that the Homeowner's Assoc. (Advisory Board), state limitations on granting variances. A variance cannot be allowed to allow a prohibited use, to expand a nonconforming use, etc. Everyone needs to be clear as to what a variance can and cannot be used.

Tim Schwewe will work with the group to clean up some of the language.

Commissioner Allen Horsfall read a letter from Betty Lund stating that there appeared to be 74 correct freeholders signing the petition, out of a possible 83, which calculates to be 89% in favor of the petition. Commissioner Allen Horsfall read a letter from Eugene and Shirley Amberry, who live in the zone, opposed to the petition. Bernie Swift also submitted a letter of opposition. It was believed that he has since sold his property in this proposed zone. George Masnick also stated that he had reason to believe that McPherson's also oppose the zone. The file contains no letter to this regard.

Commissioner Allen Horsfall pointed out MCA 75-2-209, 76-1-113 and 76-2-412 which George Corn included in his letter stating the petitioners should be aware of these State laws as they set forth what you cannot zone out.

Commissioner Steve Powell pointed out that there was no definition of "Prior Existing Uses". He was sure the intent was to transfer the same existing nonconforming uses to a new owner, but felt it should be clarified.

PRIOR EXISTING RIGHTS

All land uses occurring on a recorded ownership prior to the effective date of this petition are continued.

Any covenants or deed restrictions in force at the time of the effective date of this petition which are more restrictive than this petition will take precedence on affected land parcels.

If a prior-existing land use is destroyed by any method it may be restored.

Prior-existing land uses may be sold or otherwise transferred to other owners.

Existing land uses which are prohibited under the terms of this petition may not be expanded or extended to adjacent land parcels without following procedures for a variance request contained herein.

PERMITTED USES

1. Any land parcel may be used for agricultural purposes. Agriculture includes ground cultivation, rearing of livestock, tillage, husbandry, horticulture, orchards, nurseries, greenhouses, and tree farms. Excluded, however, are commercial pig farms and peacock farms. Also included is the necessary fencing, irrigation equipment, machinery, tool and product storage.

2. Any land parcel of 5 acres or more that meets county sanitation requirements may be used as a single family dwelling. Dwellings not in existence on the effective date of this petition must be constructed on site or be modular homes on permanent foundation.

PROHIBITED USES

The following uses are prohibited:

1. Operation of a commercial landfill, garbage dump or garbage transfer station either by a private or governmental entity.
2. Operation of a commercial gravel pit.
3. Operation of a junk yard, salvage yard.
4. Toxic waste storage or dump.
5. Feed lot.
6. Commercial dog kennel.
7. Waste incinerator.
8. Chickens raised for commercial sale of meat or eggs.
9. Commercial pig farm.
10. Commercial peacock farm.
11. Mobile homes or house trailers as permanent residences.

peacock farms are not included herein.

Commercial: The operation of a business for the exchange of goods and services, including manufacturing, research, and the providing of services.

Covenants: An agreement, in writing, of two or more parties by which any of the parties pledges to the other that something is done or shall be done.

Deed restrictions: Those covenants that are made a part of and included in the land deed and are permanently affixed to the deed.

Home occupation: An activity conducted for profit within the family residence or dwelling.

Junk Yard: Land or buildings where waste, discarded or salvaged materials are brought to be stored, sold, exchanged, cleaned, packed, processed, disassembled or otherwise handled.

Mobile home: Defined as stated in MCA-61-4-309 and as further defined here. A factory-assembled structure equipped with the necessary service connections and made readily transportable on its own running gear. To be used as a dwelling without a permanent foundation.

Modular home: A structure built at one site and delivered to another site and placed on a permanent foundation.

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Petition for Lower South Sunset Bench Special Zoning District

Article III -- Membership: All Lower South Sunset Bench property owners are automatically members of the Association, based on signatory of property deed or security purchase agreement.

Article IV -- Meetings of the Membership: There shall be at least one meeting per year, at a time and place set by the members present at the first annual meeting, when these By-Laws are adopted.

Article V -- Officers and Executive Committee: The officers are to be nominated and elected during the annual or a special meeting of the membership. Together, they are the:

Executive Committee, which shall meet at least twice per year to plan and execute the affairs of the Association. The Executive Committee has the power to fill officer vacancies, with tenure to run until the next meeting of the membership, and may call a special meeting of the membership. They are:

President, who shall preside at all meetings of the membership and Executive Committee, have general charge of the affairs of the Association;

Vice President, who shall have such powers and duties as shall be assigned by the membership, and act as President during the absence of the elected President;

Petition for Lower South Sunset Bench Special Zoning District

9.

Recording and Business Secretary, who shall keep and maintain the minutes of the meetings.

Article VI -- By-Laws Amendment: They are adopted immediately, and may be amended upon a 60 percent vote of the membership present and voting, by a by proxy, for voting property owners who are unable to attend the meeting.

Article VII: When the Homeowners Association is unable to resolve a grievance, they will refer it to the Ravalli County Board of County Commissioners and the Ravalli County Attorney for resolution.

VARIANCE PROVISIONS

Any landowner may request a variance from the requirements of this petition for a reasonably justified situation. Variances will not be granted for purely economic or personal desire. Separate variances must be filed for each land parcel.

The procedures for obtaining a variance are:

1. A written application for variance must be submitted to the Lower South Sunset Bench Homeowners Association Executive Committee stating the purpose of the proposed variance, the reasons the regulation cannot be fully complied with, and the steps the applicant is willing to take to reduce the impacts of the variance on adjacent landowners.