

Betty J. Lund CLERK AND RECORDER BY Linda D. Beisel

DEPUTY No Fee

INDEXED

RESOLUTION NO. 715

RESOLUTION TO CREATE A ZONING DISTRICT LOWER LOST HORSE AREA

WHEREAS, a petition dated July 14, 1994, was filed with the Clerk and Recorder requesting a voluntary zoning district for the Lower Lost Horse Area; and

WHEREAS, the Clerk and Recorder confirmed that the petition was signed by 80% of the owners of real property in the Lower lost Horse Area Zoning District; and

WHEREAS, following proper legal notice, a public hearing was held on August 15, 1994 to take comment on the proposed district and regulations; and

WHEREAS, the BOARD OF COUNTY COMMISSIONERS passed a resolution on August 22, 1994 with the intent to create a zoning district, and following proper legal notice of said resolution, received no objections from any owners of real property in the Lower Lost Horse Area Zoning District;

NOW THEREFORE BE IT RESOLVED that the BOARD OF COUNTY COMMISSIONERS hereby creates Zoning District No. 35, said district is more particularly described in Exhibit "A-1, & A-2" attached hereto and with reference made a part hereof.

IT IS FURTHER RESOLVED and this does order, that the following Exhibit "B" attached hereto and with reference made a part hereof, shall govern the use of lands and structures within the Zoning District No. 35, also referred to as the Lower Lost Horse Area Zoning District.

Passed and approved this 28th day of September 1994.

BOARD OF COUNTY COMMISSIONERS

Steven D. Powell, Chairman

Betty T. Lund Attest: Clerk and Recorder

Allen C. Horsfall, Jr., Member

Jerry L. Allen, Member



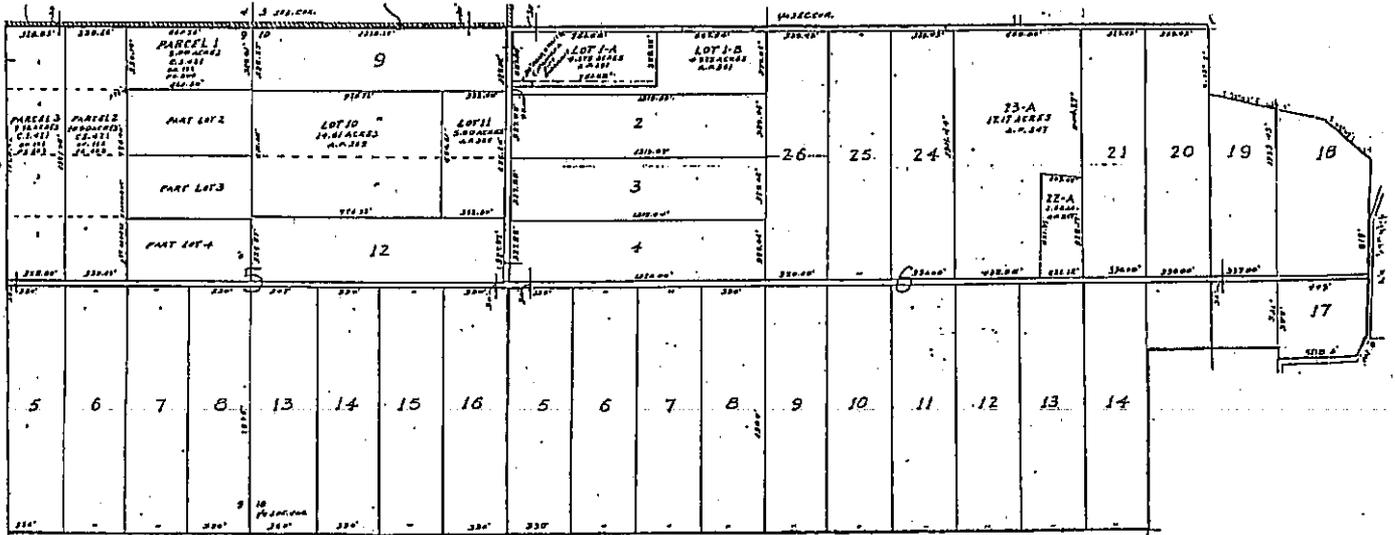
Exhibit "A-1"

**Exhibit 1.**  
**Perimeter Description of District**

Beginning at the Southeast corner of Lot 16, Block 5, Charlos Heights Orchards, Ravalli County, Montana, according to the recorded plat thereof; thence West along the South boundary of Lots 16, 15, 14, 13, 8, 7, 6 and 5, Block 5, to the Southwest corner of said Lot 5, Block 5; thence North along the West boundary of Lots 5 and Lots 4, 3, 2 and 1, Block 5, to the Northwest corner of Lot 1, Block 5; thence East along the North boundary line of Lots 1 and 9, Block 5, thence continuing East along the North boundary line of Lot 1, Block 6 and Lots 26, 25, 24, 23A of ASP 247, and Lots 21, 20, Block 6, to the Northeast corner of Lot 20, Block 6, Charlos Heights Orchards; thence South 382.5 feet along the East boundary of Lot 20, Block 6; thence S.77°05' E. 682.5 feet; thence S.48°42' E., 318 feet to the West right of way line of U.S. Highway 93; thence South along said right of way, to the Northeast corner of Lot 17, Block 6, thence along the East, Southeast and South boundary line of Lot 17, Block 6, to the Southwest corner of said Lot 17, Block 6, Charlos Heights Orchards; thence North 55 feet, more or less, to a point 330 feet South of the Northeast corner of Lot 16, Block 6; thence West to a point 330 feet south of the Northwest corner of Lot 15, Block 6; thence South along the East boundary of Lot 14, Block 6, to the Southeast corner of said Lot 14, Block 6; thence West along the South boundary line of Lots 14, 13, 12, 11, 10, 9, 8, 7, 6 and 5, Block 6, Charlos Heights Orchards, to the point of beginning.

Exhibit "A-2"

Exhibit 2.  
Map of District



***Lower Lost Horse  
Voluntary Zoning District  
Ravalli County, Montana***

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- Sec. 1. **Table of Contents.**
- Sec. 1. Table of contents
- Sec. 2. Generally
- Sec. 3. Authority
- Sec. 4. Definitions
- Sec. 5. District boundaries
- Sec. 6. Purpose and intent of district
- Sec. 7. Permitted uses within district
- Sec. 8. Accessory uses and structures
- Sec. 9. Dimensional standards
- Sec. 10. Performance standards for permitted uses
- Sec. 11. Regulations to apply uniformly throughout district
- Sec. 12. Enforcement
- Sec. 13. Variances
- Sec. 14. Amendments
- Sec. 15. Nonconformities
- Sec. 16. Responsibility for interpretation
- Sec. 17. Abrogation
- Sec. 18. Severability
- Sec. 19. Effective date

**Sec. 2. Generally.**

This resolution establishes the Lower Lost Horse Voluntary Zoning District and describes the uses that may occur within said district and establishes certain standards and requirements.

**Sec. 3. Authority.**

This district is enacted pursuant to and consistent with the requirements and authority of Sections 76-2-101 and 76-2-205, M.C.A.

**Sec. 4. Definitions.**

For the purpose of this resolution, the following words are defined and shall have the meaning ascribed to them:

*Accessory Building* means a structure that is clearly incidental and subordinate to and customarily found with a principal use.

*Adult Foster Family Care Home* means a private residence owned by one or more persons 18 years of age or older which offer light personal care or custodial care to disabled adults who are not related to the owner by blood or marriage or which offer light personal care or custodial care to aged persons.

*Agriculture* means the use of land for agricultural purposes, including forestry, farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, aquaculture and animal and poultry husbandry. Accessory uses include those facilities necessary for producing, packing, treating, storing, or retailing agricultural products produced on the premises.

*Chemical Dependency Treatment Facility* means a facility that provides treatment, rehabilitation, and prevention of chemical dependency.

*Commercial Feed Lot* means any place and/or building or portions thereof, that is used or is intended to be used for keeping livestock animals where each of the following conditions are met:

1. livestock animals are maintained in close quarters;
2. more than 50 percent of the feed is not produced on the site; and
3. the majority of livestock animals are purchased from other sources for final shipment to market.

*Community Home for Persons with Severe Disabilities* means a family-oriented residence that is designed to provide residential services for two to eight persons with severe disabilities and that does not provide skilled or intermediate nursing care. This definition does not preclude the provision of skilled or intermediate nursing care by third-person providers.

*Dwelling Unit* means a single unit providing complete, independent, and permanent living facilities for one housekeeping unit, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

*Family Day-Care Home* means a private residence in which day care is provided to three to six children from separate families on a regular basis. (Also see: *Group Day-Care Home*)

*Group Day-Care Home* means a private residence in which day care is provided to 7 to 12 children on a regular basis. (Also see: *Family Day-Care Home*)

*Home Occupation* means any occupation, profession, enterprise, or similar activity, except those that would meet the definition of heavy industry, that is conducted on the premises of a single-family residence as an accessory use.

*Industry, Heavy* means a use that is engaged in the following or similar uses: processing or manufacture of materials or products predominantly from extracted or raw materials; storage of or manufacturing processes using flammable or explosive materials; or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

*Kennel, Private* means a place where dogs are kept and not classified as a commercial kennel.

*Lot of Record* means a lot which has been recorded in the office of the Clerk and Recorder of Ravalli County, Montana, as of the effective date of this resolution.

*Mobile Home* means a dwelling unit that is: (1) constructed off-site; (2) equipped with the necessary utility service connections; (3) made so as to be readily movable as a unit or units on its (their) own running gear; (4) designed to be used without a permanent foundation.

*Modular Home* means a dwelling unit that is substantially constructed off-site and transported to the building site for assembly on a permanent foundation. The term does not include a mobile home.

*Nonconforming Lot* means any lot of record that does not conform with the lot standards established for the district in which it is located.

*Nonconforming Use* means any use that does not conform with the use standards established for the district in which it is located.

*Nonconforming Sign* means any sign that does not conform with the use standards established for the district in which it is located.

*Principal Use* means the main use of land or structure.

*Residence, Accessory* means a dwelling unit that is either attached to a single-family residence or detached, and is clearly subordinate to the primary residence and located on the same lot as the single-family residence.

*Residence, Single-family* means a structure containing one (1) dwelling unit, and not attached to any other dwelling unit by any means.

*Residence, Two-family* (duplex) means a structure containing two (2) separate dwelling units.

*Sign* means any device which is used to announce, direct attention to, identify, advertise, or otherwise communicate information or make anything known. The term shall exclude architectural features or art not intended to communicate information.

*Stable, Private* means a place where horses are kept for private use and not classified as a commercial stable.

*Variance* means a grant of relief from the strict application of these regulations that would permit development in a manner otherwise prohibited.

*Youth Foster Home* means a youth care facility licensed by the state in which one to six children or youth other than the foster parents' own children, stepchildren, or wards are given food shelter, security and safety, guidance, direction, and if necessary, treatment. (Also see: *Youth Group Home*)

*Youth Group Home* means a youth care facility licensed by the state in which 7 to 12 children or youth are given food shelter, security and safety, guidance, direction, and if necessary, treatment. (Also see: *Youth Foster Home*)

**Sec. 5. District Boundaries.**

The boundaries of the district are described in Exhibit 1 and graphically depicted in Exhibit 2. Where the legal description in Exhibit 1 deviates from the map in Exhibit 2, Exhibit 1 shall control.

**Sec. 6. Purpose and Intent of District.**

The district is intended to provide for and assure rural and semi-rural development of land and the continued use and establishment of suitable agricultural activities.

It is intended to limit the density of residences within the district, to establish a minimum size for all lots created after the effective date of this resolution, to protect the quality and quantity of water above and below ground level, and to foster a clean, uncrowded, and quiet rural environment.

It is not intended to require removal or alteration of existing structures or land uses that are existing at the effective date of this resolution, except as provided for in Section 15.

**Sec. 7. Permitted Uses Within District.**

(a) *Permitted Uses.* The following uses shall be permitted throughout the district provided that the remainder of the standards can be satisfied:

- (1) Single-Family Residence, including modular homes
- (2) Accessory Residence
- (3) Mobile Home

- (4) Two-Family Residence (Duplex)
- (5) Type I Home Occupation
- (6) Type II Home Occupation
- (7) Agriculture
- (8) Commercial Feed Lot
- (9) Private Kennel
- (10) Private Stable
- (11) Adult Foster Family Care Home
- (12) Community Home for Persons with Severe Disabilities
- (13) Family Day-Care Home
- (14) Group Day-Care Home
- (15) Chemical Dependency Treatment Facility
- (16) Youth Foster Home
- (17) Youth Group Home

(b) *Prohibited Uses.* Those uses not listed above, and which cannot be interpreted to be substantially similar to any listed use, as provided for above, shall be prohibited.

**Sec. 8. Accessory Uses and Structures.**

(a) *Accessory Structures.* Accessory structures are permitted for principal uses, provided they are only used by the owners or tenants of the premises.

(b) *Signs.* Signs are permitted for commercial operations, provided they do not exceed eight (8) square feet in area and they are located on the premise.

**Sec. 9. Dimensional Standards.**

The following dimensional standards shall apply to all permitted and accessory structures within the district:

- (1) Minimum Lot Area: 9 acres, or existing lots
- (2) Minimum Front Yard: none
- (3) Minimum Side Yard: none
- (4) Minimum Rear Yard: none
- (5) Minimum Residential Floor Area: none
- (6) Maximum Building Height: none

**Sec. 10. Performance Standards for Permitted Uses.**

(a) *Residential.* No more than one (1) principal residence may occupy any single lot.

(b) *Accessory Residence.* An accessory residence shall meet the following standards:

(1) *Number Allowed.* One accessory residence per tract of land in single ownership.

(c) *Type I Home Occupation.* A Type I Home Occupation shall meet the following standards:

(1) *Lot Size Requirements.* There are no minimum lot size requirements.

(2) *Location of Home Occupation.* The home occupation shall occur entirely within the dwelling unit. Accessory buildings may not be used in any manner for the operation of a home occupation.

(3) *Limitations on Size.* No more than twenty-five (25) percent of the floor area of the dwelling unit shall be devoted to the home occupation.

(4) *Nonresidential Employees.* No more than one (1) nonresident employee.

- (5) *Validity of Use.* The individual primarily responsible for the home occupation must permanently reside in the dwelling unit.
  - (6) *Retail Sales.* The indoor display or retail sales of those products manufactured or otherwise made on the premises are permitted. All other on-site sales are prohibited.
  - (7) *Client Traffic.* No traffic shall be generated in greater volumes than would normally be expected in the district in which the use takes place.
  - (8) *Exterior Character of Dwelling Unit.* The exterior character of the dwelling unit shall not be substantially altered to accommodate the home occupation.
  - (9) *Storage of Materials.* Exterior storage of materials or equipment is prohibited.
  - (10) *Signs.* Signs are permitted in accordance with Section 8.
  - (11) *Noise, Vibration, Glare, Fumes, and Odors.* No home occupation shall generate any noise, vibration, glare, fumes, or odors that can be detected with normal senses on adjoining properties.
  - (12) *Electrical Interference.* No home occupation shall create visual or audible interference in any radio or television receiver off the premises, or cause fluctuations in line voltage off the premises.
- (c) *Type II Home Occupation.* A Type II Home Occupation shall meet the following standards:
- (1) *Lot Size Requirements.* There are no minimum lot size requirements.
  - (2) *Location of Home Occupation.* The home occupation shall occur entirely within the accessory building(s) and the dwelling unit.
  - (3) *Limitations on Size.* The accessory building or buildings, may not exceed a cumulative total of 1,500 square feet.
  - (4) *Nonresidential Employees.* No more than three (3) nonresident employees.
  - (5) *Validity of Use.* The individual primarily responsible for the home occupation must permanently reside in the dwelling unit.
  - (6) *Retail Sales.* The indoor display or retail sales of those products manufactured or otherwise made on the premises are permitted. All other on-site sales are prohibited.
  - (7) *Client Traffic.* No traffic shall be generated in greater volumes than would normally be expected in the district in which the use takes place.
  - (8) *Exterior Character of Dwelling Unit.* The exterior character of the dwelling unit shall not be substantially altered to accommodate the home occupation.
  - (9) *Storage of Materials.* Exterior storage of materials or equipment is prohibited.
  - (10) *Signs.* Signs are permitted in accordance Section 8.
  - (11) *Noise, Vibration, Glare, Fumes, and Odors.* No home occupation shall generate any noise, vibration, glare, fumes, or odors that can be detected with normal senses on adjoining properties.
  - (12) *Electrical Interference.* No home occupation shall create visual or audible interference in any radio or television receiver off the premises, or cause fluctuations in line voltage off the premises.

**Sec. 11. Regulations to Apply Uniformly Throughout District.**

All provisions shall apply uniformly to each structure and use and to all land and water within the boundaries of this district.

**Sec 12. Enforcement.**

- (a) *County Enforcement.* The County shall enforce the provisions of this district.
- (b) *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.

**Sec. 13. Variances.**

(a) *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.

- (b) *Limitations on Issuing a Variance.* The following actions shall not be allowed by a variance:
- (1) establishment of a use otherwise prohibited;
  - (2) expansion of a nonconforming use; or
  - (3) modification to lot or other requirements so as to increase the permitted density or intensity of use.

**Sec. 14. Amendments.**

(a) *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.

(b) *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.

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

**Sec. 15. Nonconformities.**

(a) *Generally.* Within the district(s) established or within districts established by future amendments, there may exist lots, structures, uses, signs, and other uses which were lawful before the adoption of this resolution, or amendment, but which would be prohibited, regulated, or restricted under the provisions of this resolution or amendment. This part prescribes how these nonconformities may be continued or made to comply with this resolution.

- (b) *Purpose and Intent.* It is the intent of this resolution to:
- (1) permit, but not encourage, nonconformities to continue until such time as they are removed, discontinued, changed, or enlarged; and
  - (2) ensure that nonconformities that are removed, discontinued, changed, extended or enlarged shall be made to conform to all provisions of this resolution.

(c) *Nonconforming Lots.* Nonconforming lots of record may be used for any use permitted in the district, provided all other density control requirements are met.

(d) *Nonconforming Uses.* A nonconforming use of land may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No such nonconforming use shall be enlarged, increased or expanded to occupy a greater area of land than was occupied at the effective date of adoption or amendment.
- (2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment.
- (3) If any such nonconforming use is discontinued for more than six (6) months except as provided for in this section, any subsequent use of such land shall conform. Continuance of the use after such period is specifically prohibited.
- (4) If any such nonconforming use is discontinued because the structure in which it takes place is damaged or destroyed, the structure may be rebuilt and the use may resume, subject to the following conditions:

- (a) construction or repair of the structure shall begin within 12 months of the event causing the damage or destruction and shall continue in good faith to completion;
- (b) the use resumes immediately following the completion of the structure;
- (c) the area of the structure devoted to the nonconforming use shall not exceed its original area;
- (d) the structure shall be constructed at its original location; and
- (e) the new structure complies with all state and local regulations that apply.

(e) *Nonconforming Signs.* All nonconforming signs with a replacement cost of less than one hundred dollars (\$100.00), and all signs prohibited shall be removed or altered to be conforming within ninety (90) days of the effective date of this resolution.

(f) *Unsafe Conditions.* Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part.

**Sec. 16. Responsibility for Interpretation.**

(a) *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.

(b) *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.

**Sec. 17. 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.

**Sec. 18. 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.

**Sec. 19. Effective Date.**

This resolution shall become effective upon adoption.



LOWER LOST HORSE VOLUNTARY ZONING DISTRICT

CHARLOS HTS ORCH--BLK 5

Lts 5-8 ✓ Paul G Viehweg  
Lt 13 Paul G Viehweg  
Pt Lt 1, 2, 3+4+Lo ✓ Ivan N & Delores Dale Davis  
Pt Lts 10 & 11 Ivan N & Delores Dale Davis  
Pt Lts 10 & 11 ✓ Danny G & Rosalie Harms ✓  
Lt 12 Betty Rowe Wilson  
Lt 14 ✓ John J & Dolores A Meuchel ✓  
Pt Lts 1-4 ✓ Bernard R & Lorain F Jury ✓  
Pt Lts 1-4 Glenn C & Tamela J Meyer  
Lts 15 & 16 Tony Lankhaar

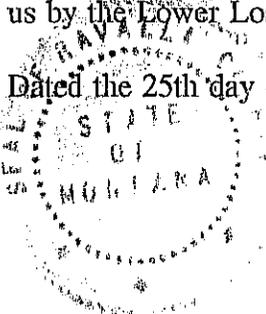
CHARLOS HTS ORCH --BLK 6

Lts 5-7 Tony Lankhaar  
Pt Lt 26 Betty Jo Bernard ✓  
Lts 2 - 4 Fred J & Gayle L Stout  
Lt 8 Clarence E & Lois F King  
Lt 9 ✓ Duane E & Carolyn L Quaintance ✓  
Lt 21 ✓ Kenneth R & Lillian Lindquist ✓  
Lts 23 - 25 ✓ William E & Patricia A Bourne ✓  
Pt Lt 22 William E & Patricia A Bourne  
Pt Lt 26 ✓ Robert J & Rita M Nilles  
Lt 1A Gregory A & Michelle D Martin  
Lt 1B ✓ William R & Sonja D Bosworth ✓  
Pt Lt 18 ✓ Jayne M Abbey & Leonard C Lindquist ✓  
Pt Lts 15 & 16 Leonard C & Jennie L Lindquist ✓  
Lts 10 -14 ✓ Leonard & Jennie Lindquist ✓  
Lt 17 Leonard C & Jennie L Lindquist  
Lt 22A ✓ Alvin J. JR. + Jennie L. Bailey ✓  
Pt. Lt 19+20 ✓ Daniel R. + Jeanine A Nelson ✓

I, Betty T. Lund, Ravalli County Clerk & Recorder, do hereby certify that the above listing of freeholders, numbering 35, that are shown on our records for the legal description given to us by the Lower Lost Horse Voluntary Zoning District people.

Dated the 25th day of May, 1994

*Betty T. Lund*  
RAVALLI CO CLERK & RECORDER



-----Lower Lost Horse-----  
-----Voluntary Zoning District-----

Sec. 1 Table of Contents  
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Sec. 2 Generally  
Sec. 3 Authority  
Sec. 4 Definitions  
Sec. 5 District boundaries  
Sec. 6 Purpose and intent of district  
Sec. 7 Permitted uses within district  
Sec. 8 Accessory uses and structures  
Sec. 9 Dimensional standards  
Sec. 10 Performance standards for permitted uses  
Sec. 11 Regulations to apply uniformly throughout district  
Sec. 12 Enforcement  
Sec. 13 Variances  
Sec. 14 Amendments  
Sec. 15 Nonconformities  
Sec. 16 Responsibility for interpretation  
Sec. 17 Abrogation  
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Sec. 2 Generally

This resolution establishes the Lower  
or Lost Horse Voluntary Zoning District and describes the  
uses that may occur within said district and establishes  
certain standards and requirements.

Sec. 3 Authority

This district is enacted pursuant to and consistent  
with the requirements and authority of Section  
75-2-205, M. C. A.

Sec. 4 Definitions.

For the purpose of this resolution, the following words  
are defined and shall have the meaning ascribed to them:

Accessory Building means a structure that is clearly  
incidental and subordinate to and customarily found with a  
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Accessory Use means any use that is clearly incidental and subordinate to and customarily found with a principal use.

Adult Foster Family Care Home means a private residence owned by one or more persons 18 years of age or older which offer light personal care or custodial care to disabled adults who are not related by blood or marriage or which offer light personal care or custodial care to aged persons.

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1. livestock animals are maintained in close quarters
  2. more than 50% of feed is not produced on the site;
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3. the majority of livestock animals are purchased from other sources for final shipment to market.

Community Home for Persons with Severe Disabilities means a family-oriented residence that is designed to provide residential services for two to eight persons with severe disabilities and that does not provide skilled or intermediate nursing care. This definition does not preclude the provision of skilled or intermediate nursing care by third-person providers.

Family Day-Care Home means a private residence in which day care is provided to three to six children from separate families on a regular basis.

Group Day-Care Home means a private residence in which day care is provided to 7 to 12 children on a regular basis.

Home Occupation means an occupation, profession, enterprise, or similar activity that is conducted on the premises of a single-family residence.

Kennel, Private means a place where dogs are kept and

not classified as a commercial kennel.

Lot of Record means a lot which has been recorded in the office of the Clerk and Recorder of Ravalli County, Mt. As of the effective date of this resolution.

Mobile Home means a dwelling unit that is:(1)constructed off-site;(2)equipped with the necessary utility service connections;(3)made so as to be readily movable as a unit or units on its(their) own running gear;(4)designed to be used without a permanent foundation.

Modular Home means a dwelling unit that is substantially constructed off-site and transported to the building site for assembly on a permanent foundation.

Nonconforming Lot means any lot of record that does not conform with the lot standards established for the district in which it is located.

Nonconforming Use means any use that does not conform with the use standards established for the district in which it is located.

Residence, Accessory means a dwelling unit that is either attached to a single family residence or detached, clearly subordinate to the primary residence, and located on the same lot as the single-family residence.

Residence, Single-family means a structure containing one(1)dwelling unit, and not attached to any other dwelling unit by any means.

Residence, Two-family (duplex) means a structure containing two(2) separate dwelling units.

Sign means any device which is used to announce or direct attention to, identify, advertise or otherwise communicate information or make anything known. The term shall exclude architectural features or art not intended to communicate information.

Stable, Private means where horses are kept for private use and not classified as a commercial stable.

Variance means a grant of relief from the strict application of these regulations that would permit development in a manner otherwise prohibited.

Youth Foster Home means a youth care facility licensed by the state in which one to six children or youth other than the foster parents' own children, or wards are given

food, shelter, security and safety, guidance, direction, and if necessary, treatment.

Youth Group Home means a youth care facility licensed by the state in which 7 to 12 children or youth are given food, shelter, security and safety, guidance, direction, and if necessary, treatment.

Sec. 5. District Boundaries

The boundaries of the district are described in Exhibit 1 and graphically depicted in Exhibit 2. Where the legal description in Exhibit 1 deviates from the map in Exhibit 2, Exhibit 1 shall control.

Sec. 6. Purpose and Intent of District.

The district is intended to provide and assure rural and semi-rural development of land and establishment of suitable agriculture activities.

It is intended to limit the density of residences within the district, to establish a minimum size for all lots created after the creation of this district, to protect the quality and quantity of water above and below ground level, and to foster a clean, uncrowded and quiet rural environment.

It is not intended to require removal or alteration of structures existing at the time this district is created, not to eliminate any land use existing then, except as provided for in Sec. 15.

Sec. 7. Permitted Uses Within District.

(a) Permitted Uses. The following uses shall be permitted throughout the district provided that the remainder of the standards can be satisfied.

(1) All existing uses are permitted, even if they are in violation of the terms of the zone. The zoning regulations can only apply to future activities.

(2) Single-Family residence, including modular homes

(3) Mobile Home

(4) Type I Home Occupation

(5) Type II Home Occupation

(6) Agriculture

(7) Commercial Feed Lot

(8) Private Kennel

(9) Accessory Residence

(10) Duplex Residence

(11) Private Stable

(12) Adult Foster Family Care Home

(13) Community Home for Persons with Severe Disabilities

(14) Family Day-Care Home

(15) Group Day-Care Home

(16) Chemical Dependency Treatment Facility

(17) Youth Foster Home

(18) Youth Group Home

(b) Prohibited Uses--Those not listed above and which cannot be interpreted to be substantially similar to any listed use, as provided for above, shall be prohibited.

Sec. 8. Accessory Uses and Structures--

(a) Accessory structures. Accessory structures are permitted for principal uses, provided they are only used by the owners or tenants of the premises.

(b) Signs. Signs are permitted for commercial operations, provided they do not exceed eight(8) square feet in area and they are located on the premise.

Sec. 9. Dimensional Standards.

The following dimensional standards shall apply to all permitted and accessory structures within the district.

- (1) Minimum Lot Area--9 acres, or existing lots
- (2) No maximum building height.

Sec. 10. Performance Standards for Permitted Uses.

(a) Residential. Residential uses are permitted provided that no more than one(1) such principal structure occupies any single lot.

(b) Accessory Residence. An accessory residence shall meet the following standards:

(1) Number Allowed. One accessory residence per tract of land in single ownership

(c) Type I Home Occupation shall meet the following standards:

(1) Lot size requirements. There are no minimum lot size requirements.

(2) Location of Home Occupation. The home occupation shall occur entirely within the dwelling unit. Accessory buildings may not be used in any manner for the operations of a home occupation.

(3) Limitations on Size. No more than twenty-five (25) % of the floor area of the dwelling unit shall be devoted to the home occupation.

(4) Nonresidential Employees. No more than one (1) nonresident employee.

(5) Validity of Use. The individual primarily responsible for the home occupation must permanently reside in the dwelling unit.

(6) Retail Sales. The indoor display or retail sales of those products manufactured or otherwise made on the premises are permitted. All other on-site sales are prohibited.

(7) Client Traffic. No traffic shall be generated in greater volumes than would normally be expected in the district in which it takes place.

(8) Exterior Character of Dwelling Unit. The exterior character of the dwelling unit shall not be substantially altered to accommodate the home occupation.

(9) Storage of Materials. Exterior storage of hazardous materials is prohibited.

(10) Signs. Signs are permitted in accordance with Section 8.

(11) Noise, Vibration, Glare, Fumes, and Odors. No home occupation shall generate any noise, vibration, glare, fumes, or odors that can be detected with normal senses on adjoining properties.

(12) Electrical Interference. No home occupation shall create visual or audible interference in any radio or television receiver off the premises, or cause fluctuations in line voltage off the premises.

(c) Type II Home Occupation. A Type II Home Occupation shall meet the following standards:

(1) Lot Size Requirements. The minimum lot size on which a dwelling unit and an accessory use may be located is five (5) acres.

(2) Location of Home Occupation. The home occupation shall occur entirely within an accessory building.

(3) Limitations on Size. The accessory structure may not

exceed 1500 feet.

(4)Nonresidential Employees. No more than three (3) nonresident employees.

(5)Validity of Use. The individual primarily responsible for the home occupation must permanently reside in the dwelling unit.

(6)Retail Sales. The indoor display or retail sales of those products manufactured or otherwise made on the premises are permitted. All other on-site sales are prohibited.

(7)Client Traffic. No traffic shall be generated in greater volumes than would normally be expected in the district in which the use takes place.

(8)Exterior Character of Dwelling Unit. The exterior character of the dwelling unit shall not be substantially altered to accommodate the home occupation.

(9)Storage of Materials. Exterior storage of hazardous materials is prohibited.

(10)Signs. Signs are permitted in accordance Section 8.

(11)Noise, Vibration, Glare, Fumes, and Odors. No home occupation shall generate any noise, vibration, glare, fumes, or odors that can be detected with normal senses on adjoining properties.

(12)Electrical Interference. No home occupation shall create visual or audible interference in any radio or television receiver off the premises or cause fluctuations in line voltage off the premises.

Sec. 11. Regulations to Apply Uniformly Throughout District.

All provisions shall apply uniformly to each structure and use and to all land and water within the boundaries of this district.

Sec. 12. Enforcement.

(a)County Enforcement. The County shall enforce the provisions of this district.

(b)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.

Sec. 13. Variance.

(a)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.

(b) Limitations on Issuing a Variance. The following actions shall not be allowed by a variance:

- (1) establishment of a use otherwise prohibited;
- (2) expansion of a nonconforming use; or
- (3) modification to lot or other requirements so as to increase the permitted density or intensity of use.

Sec. 14. Amendments.

(a) 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.

(b) 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, but may not relax standards created by this voluntary zoning district.

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

Sec. 15 Nonconformities

(a) Generally. Within the district(s) established or within districts established by future amendments, there may exist lots, structures, uses, signs and other uses which were lawful before the adoption of this resolution, or amendment, but which would be prohibited, regulated or restricted under the provisions of this resolution or amendment. This part prescribes how these nonconformities may be continued or made to comply with this resolution.

(b) Purpose and Intent. It is the intent of this resolution to:

- (1) permit, but not encourage, nonconformities to continue until such time as they are removed, discontinued, changed, or enlarged; and
- (2) ensure that nonconformities that are removed, discontinued, changed, extended or enlarged shall be made to conform to all provisions of this code.

(c) Nonconforming Lots. Nonconforming lots of record may be used for any use permitted in the district, provided all other density control requirements are met.

(d) Nonconforming Uses. A nonconforming use of land may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No such nonconforming use shall be enlarged, increased or expanded to occupy a greater area of land than

was occupied at the effective date of adoption or amendment.

(2) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment.

(3) If any such nonconforming use is discontinued for more than six (6) months, any subsequent use of such land shall conform. Continuance of the use after such period is specifically prohibited.

(c) Nonconforming Structures. A nonconforming structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

(1) No such structure may be enlarged or altered in a way to increase its nonconformity.

(2) Should such a structure be substantially destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this resolution.

(3) Should such a structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(4) Should such a structure be damaged by fire or other means but not substantially destroyed, and is not substantially repaired or reconstructed, or used as before the time of damage within twelve (12) months of the date of such damage, it shall not be reconstructed except in conformity with this code.

(f) Nonconforming Signs. All nonconforming signs with a replacement cost of less than one hundred dollars (\$100.00), and all signs prohibited shall be removed or altered to be conforming within ninety (90) days of the effective date of this resolution.

(e) Unsafe Conditions. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part.

Sec. 16. Responsibility for Interpretation.

(a) 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.

(b) 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.

Sec. 17. 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 this county.

Sec. 18. 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.

Sec. 19. Effective Date.

This resolution shall become effective upon adoption.

*Exhibit 1*

DESCRIPTION

Beginning at the Southeast corner of Lot 16, Block 5, Charlos Heights Orchards, Ravalli County, Montana, according to the recorded plat thereof; thence West along the South boundary of Lots 16, 15, 14, 13, 8, 7, 6 and 5, Block 5, to the Southwest corner of said Lot 5, Block 5; thence North along the West boundary of Lots 5 and Lots 4, 3, 2 and 1, Block 5, to the Northwest corner of Lot 1, Block 5; thence East along the North boundary line of Lots 1 and 9, Block 5, thence continuing East along the North boundary line of Lot 1, Block 6 and Lots 26, 25, 24, 23A of ASP 247, and Lots 21, 20, Block 6, to the Northeast corner of Lot 20, Block 6, Charlos Heights Orchards; thence South 382.5 feet along the East boundary of Lot 20, Block 6; thence S.77°05' E. 682.5 feet; thence S.48°42' E., 318 feet to the West right of way line of U.S. Highway 93; thence South along said right of way, to the Northeast corner of Lot 17, Block 6, thence along the East, Southeast and South boundary line of Lot 17, Block 6, to the Southwest corner of said Lot 17, Block 6, Charlos Heights Orchards; thence North 55 feet, more or less, to a point 330 feet South of the Northeast corner of Lot 16, Block 6; thence West to a point 330 feet south of the Northwest corner of Lot 15, Block 6; thence South along the East boundary of Lot 14, Block 6, to the Southeast corner of said Lot 14, Block 6; thence West along the South boundary line of Lots 14, 13, 12, 11, 10, 9, 8, 7, 6 and 5, Block 6, Charlos Heights Orchards, to the point of beginning.

Exhibit 1

STATE OF MONTANA  
RECORDED

JULY 1, 1993

COUNTY OF RAVALLI  
3:02PM BOOK 204 DEEDS

369828

1 OF 2 PAGES  
PAGE 171

CLERK AND RECORDER BY *Coleen Reynolds*

UNRECORDED

DEPUTY \$12.00

*City & Land*

WARRANTY DEED

aka Russell J. Porter

aka Russell John Porter

aka Alta Mae Porter, <sup>SR</sup>

aka Alta May Porter,

aka Aita M. Porter

For Value Received, RUSSELL PORTER and ALTA PORTER/ the Grantors, of 1731 Highway 93 South, Hamilton, Montana 59840, do hereby grant, bargain, sell and convey unto RUSSELL J. PORTER and ALTA MAY PORTER, Trustees, the Grantees, of 1731 Highway 93 South, Hamilton, Montana 59840, the following-described premises, in Ravalli County, Montana, to-wit:

TRACT C OF CERTIFICATE OF SURVEY NO. 176, RAVALLI COUNTY, MONTANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

A tract of land situated in Lot 8, Block 1, "Wards Cove" described as beginning on a point 90.2 feet south of the Northwest corner of said Lot 8; thence east 443.5 feet; thence south 491.1 feet; thence West 443.5 feet; thence north 491.1 feet to the point of beginning, containing 5.00 acres, more or less.

SUBJECT to a county road along the west line.

AND

The North 90.2 feet of Lot 8, Block 1, Wards Cove, Ravalli County, Montana, according to the recorded plat on file in the office of the County Clerk and Recorder's Office. EXCEPTING therefrom, right of way for U. S. Highway 93, and right of way for railroad.

DEED REFERENCE: Book 127, Page 449

AND

A parcel of land, being a portion of Lots 18 and 19, Block 6, Charles Heights Orchards, Ravalli County, Montana, according to the recorded plat thereof, described as follows, to-wit:

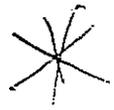
Commencing at a point 30 feet South of the Section corner common to Sections 2, 3, 10, and 11, Township 4 North, Range 21 West, P.M.M.; thence West parallel with Section line 335 feet; thence S.00°03'E. 379.5 feet; thence S.77°05'E., 682.5 feet; thence S.48°42'E., 318 feet; thence N.17°37'E., 212 feet; thence N.15°54'W., 288.5 feet; thence N.01°37'E., 264 feet; thence West parallel with Section line 562 feet to the place of beginning.

Deed Ref.: Book 132 Deeds, Page 802.

No warranty is made concerning any right, or interest in any minerals, mineral rights, or related matters, including but not limited to oil, gas, coal, and other hydrocarbons.

SUBJECT TO: Easements, restrictions, and rights of way of record, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all encumbrances, except those noted above, if any, and that they will warrant and defend the same from all lawful claims whatsoever.



Ret: Milodragovich, Dale; Dye, PO Box 4947, MISSOULA MT. 59806-4947

FILED

OCTOBER 5, 1994 10:51 AM

PERM FILE

7987

BOOK 191 PAGE 254

339391

STATE OF MONTANA

INDEXED

Exhibit 1

County of Ravalli ss.  
 Filed for record this 11th day of October 1990 at 3:35 o'clock P.M., and  
 Recorded in Book 191 of Deeds on Page 254 of the Records of County of Ravalli  
 State of Montana, Betty T. Truncy Clerk and Recorder By Betty Truncy

No. 82 - WARRANTY DEED TO JOINT TENANTS, WITH RIGHT OF SURVIVORSHIP. 8-15-90

This Indenture, Made the 20th day of October  
 A. D. one thousand nine hundred and eighty-seven BETWEEN  
HARRY JUNE and SYLVIA A. JUNE, husband and wife,

of 66 Lost Horse Road, Hamilton, Montana 59840 PARTIES of the FIRST PART  
 and DANIEL K. NELSON and NEANINE A. NELSON, husband and wife,

of P. O. Box 251, Aguanga, California 92302

of          the PARTIES of the SECOND PART;  
 WITNESSETH, that the said PARTIES of the FIRST PART, for and in consideration of  
 the sum of TEN and NO/100 Dollars (\$ 10.00)  
 lawful money of the United States of America to them in hand paid by said PARTIES of the SEC-  
 OND PART, the receipt whereof is hereby acknowledged, do          by these presents grant, bargain,  
 sell, convey, warrant and confirm unto the said PARTIES of the SECOND PART, AS JOINT  
 TENANTS AND TO THE SURVIVOR OF SAID NAMED JOINT TENANTS,  
 (and not as tenants in common) and to heirs and assigns of such survivor forever, the hereinafter  
 described real estate situated in the city or town of           
 County of Ravalli and State of Montana, to-wit:

LOTS 19 AND 20, BLOCK 6, CHARLOS HEIGHTS ORCHARDS, RAVALLI COUNTY, MONTANA,  
ACCORDING TO THE RECORDED PLAT THEREOF.  
EXCEPTING AND RESERVING THEREFROM a portion of Lot 19 as recorded in Book 49.  
Deeds, page 243, and in Book 54 Deeds, page 611.

described on 193-128

TOGETHER, with all and singular the hereinbefore described premises, all tenements, hereditaments, and appurtenances thereto belonging  
 or in anywise appertaining, and the reversion and reversions, remainder and remainders, rent, issues, and profits thereof; and also all the estate,  
 right, title, interest, right of dower and right of homestead, possession, claim and demand whatsoever, as well in law as in equity, of the said  
 PARTIES of the FIRST PART, of, in or to the said premises, and every part and parcel thereof, with the appurtenances thereto belonging,  
 TO HAVE AND TO HOLD, all and singular the above mentioned and described premises unto the said PARTIES of the SECOND PART,  
 as joint tenants with right of survivorship (and not as tenants in common) and to the heirs and assigns of the survivor of said named joint  
 tenants forever.  
 And the said PARTIES of the FIRST PART, and their heirs, do hereby covenant that they will forever WARRANT  
 and DEFEND all right, title and interest in and to the said premises and the quiet and peaceable possession thereof, unto the said  
 PARTIES of the SECOND PART, as joint tenants with right of survivorship (and not as tenants in common) and to the heirs and assigns of  
 the survivor of said named joint tenants, against all acts and deeds of the said PARTIES of the FIRST PART, and all and every person and  
 persons whomsoever lawfully claiming or to claim the same.

IN WITNESS WHEREOF, the said PARTIES of the FIRST PART have hereunto set their hands and seals the day and year first hereinbefore written.

Signed, Sealed and Delivered in the presence of

Harry June (SEAL)  
Sylvia A. June (SEAL)

STATE OF MONTANA, ss.

County of Ravalli  
 On this 20th day of October in the year nineteen hundred and  
eighty-seven before me          a Notary Public

for the State of Montana, personally appeared HARRY JUNE and SYLVIA A. JUNE, husband and

          
 known to me         

(or proved to me on oath of         )  
 to be the persons whose names are subscribed to the within instrument and acknowledged to me  
 that          executed the same.

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

          
 Notary Public for the State of Montana,  
 Residing at Hamilton, Montana  
 My Commission expires 8-27, 1990

Return to Parties

STATE OF MONTANA }  
BOOK 192 PAGE 128

DEPARTED  
INDEXED 341451  
2 pages

County of Ravalli  
Filed for record this 4<sup>th</sup> day of January 1991 at 3:58 clock P.M. and  
Recorded in Book 192 of Deeds on Page 128 of the Records of County of Ravalli  
State of Montana. Betty T. Lund Clerk and Recorder By Denise Ryan  
No. 14 - QUIT CLAIM DEED. FEL \$0.25 STATE PUBLISHING CO., Helena, MONT.

Exhibit 1

KATHLEEN: ...  
108 Lost Horse Ct Hamilton MT 59100

THIS INDENTURE, Made the 4<sup>th</sup> day of January in the year of our  
Lord one thousand nine hundred and ninety one between  
Jayne M. Abbey  
the party of the first part  
and Leonard C. Lundquist & Jayne M. Abbey

the party of the SECOND PART,  
WITNESSETH: That the said party of the FIRST PART for and in consideration of  
the sum of Ten and 00/100 Dollars, (\$10.00)  
to in hand paid by the said  
party of the SECOND PART, receipt of which is hereby acknowledged; do hereby convey,  
remise, release and forever quitclaim unto the said party of the second part, and to their  
heirs, and assigns, all right, title and interest in and to the following described real estate, situated in the  
County of Ravalli  
and State of Montana, to-wit:

See Attached Exhibit "A"

together with all the tenements, hereditaments, and appurtenances thereto belonging, and the reversion  
and reversions, remainder and remainders, rents, issues and profits thereof; and also all the estate, right,  
title, interest, property, possession, claim and demand whatsoever  
as well in law as in equity, of the said party of the first part, of, in or to the said premises and  
every part and parcel thereof  
TO HAVE AND TO HOLD, all and singular the said premises, with the appurtenances

unto the said party of the second part, their heirs and assigns forever.  
IN WITNESS WHEREOF, the said party of the first part has hereunto set her  
hand and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of  
Jayne M. Abbey (SEAL)  
(SEAL)

STATE OF MONTANA }  
County of Ravalli }  
On this 4 day of January nineteen hundred and ninety one  
before me Betty T. Lund a Notary Public for the  
State of Montana, personally appeared Jayne M. Abbey  
known to me

(I proved to me on oath of her whose name is subscribed to the within instrument, and acknowledged,  
to me that she executed the same.  
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal  
the day and year in this certificate first above written.  
Betty T. Lund  
Notary Public for the State of Montana.  
My Commission expires 7:30 PM 1991  
Reading at Hamilton

Exhibit 1

192-128

2

EXHIBIT "A"

PARCEL 1:

Lot 18, Block 6, Charlos Heights Orchards, Ravalli County, Montana, according to the recorded plat thereof.

*\** EXCEPTING and RESERVING therefrom the following described tracts:

*W.D. June To Don & Jayne Abbey 206-83-2*

The South 300 feet of Lot 18, Block 6, Charlos Heights Orchards, Ravalli County, Montana, according to the recorded plat thereof, as recorded in Book 122 Deeds, page 969.

Commencing at a point 30 feet South of the section corner common to Sections 2, 3, 10 and 11, Township 4 North, Range 21 West, P.M.M., Ravalli County, Montana, thence running West parallel with the section line 335 feet, thence S00°03' East, 379.5 feet, thence S77°05' East, 682.5 feet, thence S48°42' East, 318 feet, thence N17°37' East, 212 feet, thence N15°54' West, 288.5 feet, thence N1°37' East, 264 feet, thence West running parallel with the section line, 562 feet to the place of beginning as recorded in Book 49 Deeds, page 243.

Beginning at the Northwest corner of Lot 19, Block 6, Charlos Heights Orchards No. 1, thence South 382.5 feet, thence S76°30' East, 629 feet, thence S49°0' East, 318 feet, thence N18°10' East, 212.7 feet, thence N16°5' West, 288 feet, thence N2° East, 262.6 feet, thence S89°30' West, 899.5 feet to the place of beginning, as recorded in Book 54 Deeds, page 611.

SUBJECT to reservations of record and easements and rights of way of record and evident on the premises.

TOGETHER with all water, water rights, dams, ditches, flumes and easements appurtenant thereto and usually had and enjoyed therewith.

PARCEL 2:

*\* JAYNE & Leonard*

The South 300 feet of Lot Eighteen (18), Block Six (6), Charlos Heights Orchards, located within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section Eleven (11), Township Four (4) North, Range Twenty-one (21) West, M.P.M., Ravalli County, Montana, containing 3.605 acres, more or less. All according to the plat and survey thereof recorded with deed recorded in Volume 122 Deeds, page 969, records of Ravalli County, Montana.

TOGETHER with proportionate share of all water, water rights, dams ditches, flumes and easements.



LOWER LOST HORSE VOLUNTARY ZONING DISTRICT

CHARLOS HTS ORCH-BLK 5

Lts 5-8	Paul G Viehweg
Lt 13	Paul G Viehweg
Pt Lt 1	Ivan N & Delores Dale Davis
Pt Lts 10 & 11	Ivan N & Delores Dale Davis
Pt Lts 10 & 11	Danny G & Rosalie Harms
Lt 12	Betty Rowe Wilson
Lt 14	John J & Dolores A Meuchel
Pt Lts 1-4	Bernard R & Lorain F Jury
Pt Lts 1-4	Glenn C & Tamela J Meyer
Lts 15 & 16	Tony Lankhaar

CHARLOS HTS ORCH -BLK 6

Lts 5 - 7	Tony Lankhaar
Pt Lt 26	Betty Jo Bernard
Lts 2 - 4	Fred J & Gayle L Stout
Lt 8	Clarence E & Lois F King
Lt 9	Duane E & Carolyn L Quaintance
Lt 21	Kenneth R & Lillian Lindquist
Lts 23 - 25	William E & Patricia A Bourne
Pt Lt 22	William E & Patricia A Bourne
Pt Lt 26	Robert J & Rita M Nilles
Lt 1A	Gregory A & Michelle D Martin
Lt 1B	William R & Sonja D Bosworth
Pt Lt 18	Jayne M Abbey & Leonard C Lindquist
Pt Lts 15 & 16	Leonard C & Jennie L Lindquist
Lts 10 -14	Leonard & Jennie Lindquist
Lt 17	Leonard C & Jennie L Lindquist

I, Betty T. Lund, Ravalli County Clerk & Recorder, do hereby certify that the above listing of freeholders, numbering 35, that are shown on our records for the legal description given to us by the Lower Lost Horse Voluntary Zoning District people.

Dated the 25th day of May, 1994

\_\_\_\_\_  
RAVALLI CO CLERK & RECORDER

## DESCRIPTION

Beginning at the Southeast corner of Lot 16, Block 5, Charlos Heights Orchards, Ravalli County, Montana, according to the recorded plat thereof; thence West along the South boundary of Lots 16, 15, 14, 13, 8, 7, 6 and 5, Block 5, to the Southwest corner of said Lot 5, Block 5; thence North along the West boundary of Lots 5 and Lots 4, 3, 2 and 1, Block 5, to the Northwest corner of Lot 1, Block 5; thence East along the North boundary line of Lots 1 and 9, Block 5, thence continuing East along the North boundary line of Lot 1, Block 6 and Lots 26, 25, 24, 23A of ASP 247, and Lots 21, 20, Block 6, to the Northeast corner of Lot 20, Block 6, Charlos Heights Orchards; thence South 382.5 feet along the East boundary of Lot 20, Block 6; thence S.77°05' E. 682.5 feet; thence S.48°42' E., 318 feet to the West right of way line of U.S. Highway 93; thence South along said right of way, to the Northeast corner of Lot 17, Block 6, thence along the East, Southeast and South boundary line of Lot 17, Block 6, to the Southwest corner of said Lot 17, Block 6, Charlos Heights Orchards; thence North 55 feet, more or less, to a point 330 feet South of the Northeast corner of Lot 16, Block 6; thence West to a point 330 feet south of the Northwest corner of Lot 15, Block 6; thence South along the East boundary of Lot 14, Block 6, to the Southeast corner of said Lot 14, Block 6; thence West along the South boundary line of Lots 14, 13, 12, 11, 10, 9, 8, 7, 6 and 5, Block 6, Charlos Heights Orchards, to the point of beginning.

Real Estate Master File Inquiry

11:17 AM 5/20/94  
PARCEL- 1217200 01 SCH DST- 9-5 COMM CODE-  
\*\* GENERAL PUBLIC \*\* \* ACTIVE \*  
NAME- DAVIS IVAN N & DELORES DALE  
NAME2-  
ADDR- 342 LOST HORSE ROAD  
ADDR2  
CITY- HAMILTON STATE- MT ZIP- 59840 LOT BLOCK  
PROPERTY DESCRIPTION SEC TWNSP RANGE  
CHAR HTS ORCH E1-2 1 5  
CS #421 PARCEL 1  
ALSO PT ROAD CLOSED 173-868  
5.23 AC

LAND CODE- 3 \* AGRICULTURE \*  
IMPS CODE- 1 \*\*\* GENERAL \*\*\* 0 TAX NUMBER- 3572  
OWNER TYPE- 4 MAIL CODE- F CMD4 KEY, RETURN TO MENU  
DELETE CODE- GEO-CODE #- 12730910104

*Juan H. Davis*

*DeLores Dale Davis*

Real Estate Master File Inquiry

11:18 AM 5/20/94  
PARCEL- 1217400 01 SCH DST- 9-5 COMM CODE-  
\*\* GENERAL PUBLIC \*\* \* ACTIVE \*  
NAME- DAVIS IVAN N & DELORES  
NAME2-  
ADDR- 342 LOST HORSE ROAD  
ADDR2  
CITY- HAMILTON STATE- MT ZIP- 59840 LOT BLOCK  
PROPERTY DESCRIPTION SEC TWNSP RANGE  
CHAR HTS ORCH PT 11 & PT 10 5  
AMEND SUB PLAT #355  
14.61 AC

LAND CODE- 3 \* AGRICULTURE \*  
IMPS CODE- 1 \*\*\* GENERAL \*\*\* 0 TAX NUMBER- 3571  
OWNER TYPE- 4 MAIL CODE- C CMD4 KEY, RETURN TO MENU  
DELETE CODE- GEO-CODE #- 12731010102

*Juan H. Davis*

*DeLores Dale Davis*

Real Estate Master File Inquiry

11:37 AM 6/21/94

PARCEL- 1217300 01 SCH DST- 9-5 COMM CODE-

\*\* GENERAL PUBLIC \*\* \* ACTIVE \*

NAME- DAVIS IVAN N & DELORES  
NAME2-  
ADDR- 342 LOST HORSE ROAD  
ADDR2  
CITY- HAMILTON

STATE- MT ZIP- 59840

LOT BLOCK  
SEC TWNSP RANGE

PROPERTY DESCRIPTION

CHAR HTS ORCH  
CHAR HTS ORCH  
CHAR HTS ORCH  
PT ROAD CLOSED 173-868  
41.04 AC

9 & E1-2 2 5  
E1-2 LOTS 3 & 4 5  
16 & E1-2 8 2

*not in Lower Lost Horse  
young*

LAND CODE- 3 \* AGRICULTURE \*  
IMPS CODE- 1 \*\*\* GENERAL \*\*\* 0  
OWNER TYPE- 4 MAIL CODE- C  
DELETE CODE- GEO-CODE #- 12731010103

TAX NUMBER- 3585  
CMD4 KEY, RETURN TO MENU

*Ivan N. Davis*

*Delores Davis*

STATE OF MONTANA )  
COUNTY OF RAVALLI ) ss

ON THIS 14<sup>th</sup> DAY OF July, 1994, BEFORE ME THE UNDER  
SIGNED NOTARY PUBLIC FOR THE STATE OF MONTANA, PERSONALLY APPEARED  
Delores Davis & Delores D Davis, KNOWN TO ME TO BE THE PERSON  
WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED TO  
ME 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.

*Betty T. Jural*

NOTARY PUBLIC FOR THE STATE OF MONTANA  
RESIDING AT HAMILTON, MONTANA  
MY COMMISSION EXPIRES 2/19/98



Real Estate Master File Inquiry

11:13 AM 5/20/94  
PARCEL- 1217700 01 SCH DST- 9-5 COMM CODE-  
\*\* GENERAL PUBLIC \*\* \* ACTIVE \*  
NAME- NILLES ROBERT J & RITA M  
NAME2-  
ADDR- 214 LOST HORSE ROAD  
ADDR2  
CITY- HAMILTON STATE- MT ZIP- 59840 LOT BLOCK  
PROPERTY DESCRIPTION SEC TWNSP RANGE  
CHAR HTS ORCH S1-2 26 6  
5 AC

LAND CODE- 4 \*\* SUBURBAN \*\*  
IMPS CODE- 1 \*\*\* GENERAL \*\*\* 0 TAX NUMBER- 11240  
OWNER TYPE- 4 MAIL CODE- C CMD4 KEY, RETURN TO MENU  
DELETE CODE- GEO-CODE #- 12731010106

Robert J Nilles

Rita M Nilles

Real Estate Master File Inquiry

1:33 PM

5/24/94

PARCEL- 1234700 02

SCH DST- 9-5

COMM CODE-

\*\* GENERAL PUBLIC \*\*

\* ACTIVE \*

NAME- BERNARD BETTY JO

NAME2-

ADDR- 610 CAMAS CREEK LOOP

ADDR2

CITY- HAMILTON

STATE- MT ZIP- 59840

LOT BLOCK

PROPERTY DESCRIPTION

SEC TWNSP RANGE

CHAR HTS ORCH 5.00 AC

N1-2 26 6

ALSO PT OF ROAD ADJ PT ABOVE LOTS

CLOSED 173-868

LAND CODE- 3 \* AGRICULTURE \*

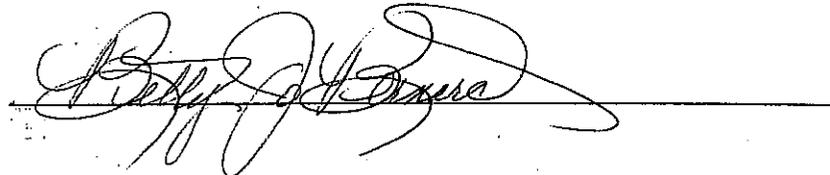
IMPS CODE- 1 \*\*\* GENERAL \*\*\* 0

OWNER TYPE- 4 MAIL CODE- C

TAX NUMBER- 1109  
CMD4 KEY, RETURN TO MENU

DELETE CODE- GEO-CODE #- 12731010107

YOU MAY PRINT THE RECORD AT THIS TIME , O K ?.



A handwritten signature in cursive script, appearing to read "Betty Jo Bernard", is written over a horizontal line.

Real Estate Master File Inquiry

12:14 PM

6/24/94

PARCEL- 1214400 01

SCH DST- 9-5

COMM CODE-

\*\* GENERAL PUBLIC \*\*

\* ACTIVE \*

NAME- BAILEY ALVIN J JR & JENNIE L

NAME2-

ADDR- 3323 HIGHWAY 93 SO

ADDR2

CITY- HAMILTON

STATE- MT ZIP- 59840

LOT BLOCK

PROPERTY DESCRIPTION

SEC TWNSP RANGE

CHAR HTS ORCH

LOT 22A 6

AMEND SUB PLAT #247

2.66 AC

LAND CODE- 4

\*\* SUBURBAN \*\*

IMPS CODE- 1

\*\*\* GENERAL \*\*\*

0

TAX NUMBER- 1653

OWNER TYPE- 4

MAIL CODE- C

CMD4 KEY, RETURN TO MENU

DELETE CODE-

GEO-CODE #- 12731010109

*Alvin J Bailey Jr*

*Jennie L Bailey*

Real Estate Master File Inquiry

11:11 AM 5/20/94

PARCEL- 1214300 01

SCH DST- 9-5 COMM CODE-

\*\* GENERAL PUBLIC \*\* \* ACTIVE \*

NAME- BOURNE WILLIAM E & PATRICIA A

NAME2-

ADDR- 194 LOST HORSE ROAD

ADDR2

CITY- HAMILTON

STATE- MT ZIP- 59840

LOT BLOCK

PROPERTY DESCRIPTION

SEC TWNSP RANGE

CHAR HTS ORCH

23 TO 25 & PT

22 6

36.99 AC

LAND CODE- 3 \* AGRICULTURE \*

IMPS CODE- 2 \* LOW INCOME \* 0

OWNER TYPE- 4 MAIL CODE- F

DELETE CODE- GEO-CODE #- 12731010108

TAX NUMBER- 1652  
CMD4 KEY, RETURN TO MENU

William E Bourne

Patricia A Bourne

Real Estate Master File Inquiry  
10:42 AM 5/20/94

PARCEL- 1214100 01

SCH DST- 9-5

COMM CODE-

\*\* GENERAL PUBLIC \*\*

\* ACTIVE \*

NAME- BOSWORTH WILLIAM R & SONJA D

NAME2-

ADDR- P O BOX 155

ADDR2

CITY- DARBY

STATE- MT

ZIP- 59829

LOT BLOCK

SEC TWNSP RANGE

1B 6

PROPERTY DESCRIPTION

CHAR HTS ORCH

AMEND SUB PLAT #351

4.98 AC

LAND CODE- 4

\*\* SUBURBAN \*\*

IMPS CODE- 1

\*\*\* GENERAL \*\*\* 0

OWNER TYPE- 4

MAIL CODE- F

TAX NUMBER- 1628

CMD4 KEY, RETURN TO MENU

DELETE CODE-

GEO-CODE #- 12731010114

*William R Bosworth*

*Sonja D. Bosworth*

Real Estate Master File Inquiry  
10:51 AM 5/20/94  
PARCEL- 1225300 01 SCH DST- 9-5 COMM CODE-  
\*\* GENERAL PUBLIC \*\* \* ACTIVE \*  
NAME- LINDQUIST LEONARD & JENNIE  
NAME2-  
ADDR- 175 LOST HORSE ROAD  
ADDR2  
CITY- HAMILTON STATE- MT ZIP- 59840 LOT BLOCK  
PROPERTY DESCRIPTION SEC TWNSP RANGE  
CHAR HTS ORCH 10 TO 14 6  
50 AC

LAND CODE- 3 \* AGRICULTURE \*  
IMPS CODE- 1 \*\*\* GENERAL \*\*\* 0 TAX NUMBER- 8871  
OWNER TYPE- 4 MAIL CODE- F CMD4 KEY, RETURN TO MENU  
DELETE CODE GEO-CODE #- 12731030102

Leonard Lindquist

Jennie Lindquist

Real Estate Master File Inquiry  
10:53 AM 5/20/94  
PARCEL- 1123700 01 SCH DST- 9-3 COMM CODE-  
\*\* GENERAL PUBLIC \*\* \* ACTIVE \*  
NAME- LINDQUIST LEONARD C & JENNIE L  
NAME2-  
ADDR- 175 LOST HORSE ROAD  
ADDR2  
CITY- HAMILTON STATE- MT ZIP- 59840 LOT BLOCK  
PROPERTY DESCRIPTION SEC TWNSP RANGE  
CHAR HTS ORCH 17 6  
LESS HWY R-W  
1.366 AC

LAND CODE- 3 \* AGRICULTURE \*  
IMPS CODE- 1 \*\*\* GENERAL \*\*\* 0 TAX NUMBER- 8872  
OWNER TYPE- 4 MAIL CODE- C CMD4 KEY, RETURN TO MENU  
DELETE CODE GEO-CODE #- 12731120104

Leonard C. Lindquist

Jennie L. Lindquist

Real Estate Master File Inquiry  
10:54 AM 5/20/94

PARCEL- 1225400 01 SCH DST- 9-5 COMM CODE-  
\*\* GENERAL PUBLIC \*\* \* ACTIVE \*  
NAME- LINDQUIST LEONARD C & JENNIE L  
NAME2-  
ADDR- 175 LOST HORSE ROAD  
ADDR2  
CITY- HAMILTON STATE- MT ZIP- 59840 LOT BLOCK

PROPERTY DESCRIPTION SEC TWNSP RANGE  
CHAR HTS ORCH N 330' 15 & 16 6  
LESS HWY R-W  
4.42 AC

LAND CODE- 3 \* AGRICULTURE \*  
IMPS CODE- 1 \*\*\* GENERAL \*\*\* 0 TAX NUMBER- 8874  
OWNER TYPE- 4 MAIL CODE- C CMD4 KEY, RETURN TO MENU  
DELETE CODE- GEO-CODE #- 12731030101

Leonard C. Lindquist

Jennie L Lindquist

Real Estate Master File Inquiry

11:09 AM 5/20/94  
PARCEL- 1225200 01 SCH DST- 9-5 COMM CODE-  
\*\* GENERAL PUBLIC \*\* \* ACTIVE \*  
NAME- LINDQUIST KENNETH R & LILLIAN  
NAME2-  
ADDR- 150 LOST HORSE ROAD  
ADDR2  
CITY- HAMILTON STATE- MT ZIP- 59840 LOT BLOCK  
PROPERTY DESCRIPTION SEC TWNSP RANGE  
CHAR HTS ORCH 21 6  
10.00 AC

LAND CODE- 4 \*\* SUBURBAN \*\*  
IMPS CODE- 1 \*\*\* GENERAL \*\*\* 0 TAX NUMBER- 8870  
OWNER TYPE- 4 MAIL CODE- C CMD4 KEY, RETURN TO MENU  
DELETE CODE- GEO-CODE #- 12731010110

Kenneth R. Lindquist

Lillian Lindquist

Real Estate Master File Inquiry  
12:07 PM 5/20/94

PARCEL- 1225500 01

SCH DST- '9-3

COMM CODE-

\*\* GENERAL PUBLIC \*\*

\* ACTIVE \*

NAME- ABBEY JAYNE M & LEONARD C LINDQUIST

NAME2-

ADDR- 108 LOST HORSE ROAD

ADDR2

CITY- HAMILTON

STATE- MT ZIP- 59840

LOT BLOCK

PROPERTY DESCRIPTION

SEC TWNSP RANGE

CHAR HTS ORCH

S 300' 18 6

LESS HIGHWAY

3.28 AC

LAND CODE- 4 \*\* SUBURBAN \*\*

IMPS CODE- 1 \*\*\* GENERAL \*\*\* 0

OWNER TYPE- 4 MAIL CODE- R

DELETE CODE- GEO-CODE #- 12731120105

TAX NUMBER- 15

CMD4 KEY, RETURN TO MENU

Jayne M. Abbey

Leonard C. Lindquist

Real Estate Master File Inquiry  
11:49 AM 6/24/94

PARCEL- 1150400 01 SCH DST- 9-3 COMM CODE-  
\*\* GENERAL PUBLIC \*\* \* ACTIVE \*

NAME- ~~JUNE HARRY & SYLVIA A~~  
NAME2- & ABBEY J M & L C LINDQUIST NPI  
ADDR- 108 LOST HORSE ROAD  
ADDR2  
CITY- HAMILTON

STATE- MT ZIP- 59840

LOT BLOCK  
SEC TWNSP RANGE

PROPERTY DESCRIPTION  
CHAR HTS ORCH LESS DEEDS 103-552  
& 122-969  
LESS HIGHWAY  
4.53 AC

18 6

LAND CODE- 3 \* AGRICULTURE \*  
IMPS CODE- 1 \*\*\* GENERAL \*\*\* 0  
OWNER TYPE- 4 MAIL CODE- C  
DELETE CODE- GEO-CODE #- 12731120106

TAX NUMBER- 7753  
CMD4 KEY, RETURN TO MENU

J. M. Abbey

L. C. Lindquist

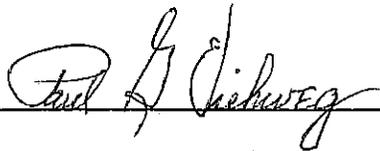
Real Estate Master File Inquiry  
11:23 AM 5/20/94

PARCEL- 1237600 01 SCH DST- 9-5 COMM CODE-  
\*\* GENERAL PUBLIC \*\* \* ACTIVE \*  
NAME- VIEHWEG PAUL G  
NAME2-  
ADDR- 337 LOST HORSE ROAD  
ADDR2  
CITY- HAMILTON STATE- MT ZIP- 59840 LOT BLOCK  
PROPERTY DESCRIPTION SEC TWNSP RANGE  
CHAR HTS ORCH 5 TO 8 5  
40.00 AC

Real Estate Master File Inquiry  
1:31 PM 5/24/94

PARCEL- 1237600 02 SCH DST- 9-5 COMM CODE-  
LAND GENERAL AGRICULTURE \*\* ACTIVE \*  
NAME- VIEHWEG PAUL G \*\*\* GENERAL \*\*\* 0 TAX NUMBER- 16079  
NAME2- OWNER TYPE- 4 MAIL CODE- F CMD4 KEY, RETURN TO MENU  
ADDR- 337 LOST HORSE ROAD GEO-CODE #- 12730930101  
ADDR2  
CITY- HAMILTON STATE- MT ZIP- 59840 LOT BLOCK  
PROPERTY DESCRIPTION SEC TWNSP RANGE  
CHAR HTS ORCH 13 5  
10.00 AC

LAND CODE- 3 \* AGRICULTURE \*  
IMPS CODE- 1 \*\*\* GENERAL \*\*\* 0 TAX NUMBER- 16079  
OWNER TYPE- 4 MAIL CODE- F CMD4 KEY, RETURN TO MENU  
DELETE CODE- GEO-CODE #- 12731030107  
YOU MAY PRINT THE RECORD AT THIS TIME , O K ?.

  
\_\_\_\_\_

Real Estate Master File Inquiry

11:38 AM

6/21/94

PARCEL- 1235200 01

SCH DST- 9-5

COMM CODE-

\*\* GENERAL PUBLIC \*\*

\* ACTIVE \*

NAME- NELSON DANIEL R & JEANINE A

NAME2-

ADDR- 132 LOST HORSE ROAD

ADDR2

CITY- HAMILTON

STATE- MT ZIP- 59840

LOT BLOCK

PROPERTY DESCRIPTION

SEC TWNSP RANGE

CHARLOS HEIGHTS ORCH LESS DEED 103-552

19 6

CHARLOS HEIGHTS ORCH

20 6

LESS HWY R-W

14.90 AC

LAND CODE- 4

\*\* SUBURBAN \*\*

IMPS CODE- 1

\*\*\* GENERAL \*\*\* 0

OWNER TYPE- 4

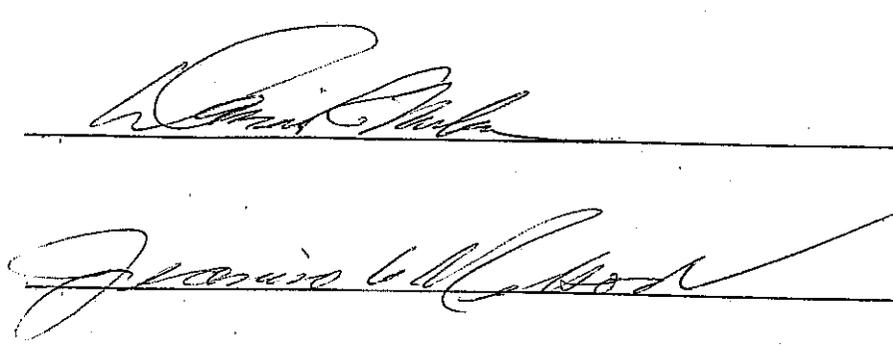
MAIL CODE- F

TAX NUMBER- 11428

DELETE CODE-

GEO-CODE #- 12731010111

CMD4 KEY, RETURN TO MENU



The image shows two handwritten signatures in cursive script. The first signature is positioned above a horizontal line, and the second signature is positioned below another horizontal line. Both signatures appear to be the names of the individuals listed in the document header.

Real Estate Master File Inquiry  
10:50 AM 5/20/94

PARCEL- 1232500 01 SCH DST- 9-5 COMM CODE-  
\*\* GENERAL PUBLIC \*\* \* ACTIVE \*  
NAME- QUAINANCE DUANE E & CAROLYN L  
NAME2-  
ADDR- 213 LOST HORSE ROAD  
ADDR2  
CITY- HAMILTON STATE- MT ZIP- 59840 LOT BLOCK  
PROPERTY DESCRIPTION SEC TWNSP RANGE  
CHAR HTS ORCH 9 6  
10 AC

LAND CODE- 3 \* AGRICULTURE \*  
IMPS CODE- 1 \*\*\* GENERAL \*\*\* 0 TAX NUMBER- 12535  
OWNER TYPE- 4 MAIL CODE- F CMD4 KEY, RETURN TO MENU  
DELETE CODE- GEO-CODE #- 12731030103

Duane E Quaintance

Carolyn L Quaintance



*Handwritten signature*  
*6-27-94*

Real Estate Master File Inquiry  
11:29 AM 5/20/94

PARCEL- 1227300 01 SCH DST- 9-5 COMM CODE-  
\*\* GENERAL PUBLIC \*\* \* ACTIVE \*  
NAME- MEUCHEL JOHN J & DOLORIS A  
NAME2-  
ADDR- 301 LOST HORSE ROAD  
ADDR2  
CITY- HAMILTON STATE- MT ZIP- 59840 LOT BLOCK  
PROPERTY DESCRIPTION SEC TWNSP RANGE  
CHAR HTS ORCH 14 5  
9.5 AC

LAND CODE- 3 \* AGRICULTURE \*  
IMPS CODE- 1 \*\*\* GENERAL \*\*\* 0 TAX NUMBER- 10135  
OWNER TYPE- 4 MAIL CODE- F CMD4 KEY, RETURN TO MENU  
DELETE CODE- GEO-CODE #- 12731030106

*John J. Meuchel*  
*Doloris A. Meuchel*

Real Estate Master File Inquiry

11:31 AM 5/20/94

PARCEL- 1235800 01 SCH DST- 9-5 COMM CODE-

\*\* GENERAL PUBLIC \*\* \* ACTIVE \*

NAME- JURY BERNARD R & LORAIN F

NAME2-

ADDR- P O BOX 550

ADDR2

CITY- CASHION

STATE- AZ ZIP- 85329

LOT BLOCK

PROPERTY DESCRIPTION

SEC TWNSP RANGE

CHAR HTS ORCH W1-2W1-2 OF LOTS 1 TO 4 5

CS #421 PARCEL 3

PT ROAD CLOSED 173-868

10.55 AC

LAND CODE- 4 \*\* SUBURBAN \*\*

IMPS CODE- 1 \*\*\* GENERAL \*\*\* 0

OWNER TYPE- 4 MAIL CODE- C

DELETE CODE- GEO-CODE #- 12730910101

TAX NUMBER- 7757  
CMD4 KEY, RETURN TO MENU

Bernard R. Jury

Lorain F. Jury

State of Montana )  
County of Ravalli )

On this 14TH day of July 1994,  
before me the undersigned notary public for the State of Montana, appeared Ivan N. Davis, Robert J. Nilles, Rita M. Nilles, Betty Jo Bernard, Alvin J. Bailey Jr., Jennie L. Bailey, William E. Bourne, Patricia A Bourne, William R. Bosworth, Sonja D. Bosworth, Leonard Lindquist aka Leonard C. Lindquist aka L.C. Lindquist, Jennie Lindquist aka Jennie L. Lindquist, Kenneth R. Lindquist, Lillian Lindquist, Jayne M. Abbey, aka J.M. Abbey,, Paul G. Viehweg, Daniel R. Nelson, Jeanine A. Nelson, Duane E. Quaintance, Carolyn L. Quaintance, Danny G. Harms, Rosalie Harms, John J Meuchel and Delores R. Meuchel, Bernard R. Jury, and Lorain F. Jury, and proved to me on the oath of Delores Davis *Delores Davis* to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

In witness whereof, I have hereunto set my hand and affixed my notarial seal the day and year first above written.

*Betty T. Lunn*

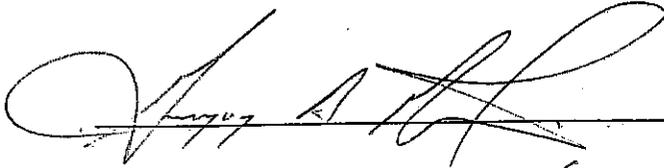
Notary Public for the State of Montana  
Residing at Hamilton, Montana  
My commission expires 7/19/1994

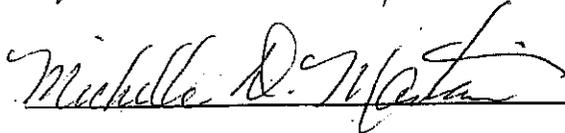


Real Estate Master File Inquiry  
10:43 AM 5/20/94

PARCEL- 1214200 01 SCH DST- 9-5 COMM CODE-  
\*\* GENERAL PUBLIC \*\* \* ACTIVE \*  
NAME- BOSWORTH WILLIAM R & SONJA D  
NAME2- % MARTIN GREGORY A & MICHELLE D  
ADDR- 1948 SADDLE HILL  
ADDR2  
CITY- HAMILTON STATE- MT ZIP- 59840 LOT BLOCK  
PROPERTY DESCRIPTION SEC TWNSP RANGE  
CHAR HTS ORCH 1A 6  
AMEND SUB PLAT #351  
4.98 AC

LAND CODE- 4 \*\* SUBURBAN \*\* TAX NUMBER- 1629  
IMPS CODE- 1 \*\*\* GENERAL \*\*\* 0 CMD4 KEY, RETURN TO MENU  
OWNER TYPE- 4 MAIL CODE- C  
DELETE CODE- GEO-CODE #- 12731010104

  
\_\_\_\_\_

  
\_\_\_\_\_

Real Estate Master File Inquiry

10:47 AM

5/20/94

PARCEL- 1224700 01

SCH DST- 9-5

COMM CODE-

\*\* GENERAL PUBLIC \*\*

\* ACTIVE \*

NAME- LANKHAAR TONY

NAME2-

ADDR- P O BOX 495

ADDR2

CITY- STEVENSVILLE

STATE- MT

ZIP- 59870

LOT BLOCK

PROPERTY DESCRIPTION

SEC TWNSP RANGE

CHAR HTS ORCH

15 & 16 5

CHAR HTS ORCH

5 TO 7 6

49.40 AC

LAND CODE- 3

\* AGRICULTURE \*

IMPS CODE- 1

\*\*\* GENERAL \*\*\* 0

OWNER TYPE- 4

MAIL CODE- C

TAX NUMBER- 8473

DELETE CODE-

GEO-CODE #- 12731030105

CMD4 KEY, RETURN TO MENU

*Tony Lankhaar July 16, 1994*

PUBLIC HEARING

SUBJECT: Zoning Lower Root Horse

DATE: 8-15-94

For a matter of record and to help identify those who spoke at the meeting please PRINT your name in a legible manner. Thank you!

- 1) Paul G. Viehweg
- 2) Leonard Lindquist 3633502
- 3) Carolyn Quaintance
- 4) Danay Harms
- 5) Pat Baume
- 6) Tony Lanhaar
- 7) Jim Sch.
- 8) \_\_\_\_\_
- 9) \_\_\_\_\_
- 10) \_\_\_\_\_
- 11) \_\_\_\_\_
- 12) \_\_\_\_\_
- 13) \_\_\_\_\_
- 14) \_\_\_\_\_
- 15) \_\_\_\_\_
- 16) \_\_\_\_\_
- 17) \_\_\_\_\_
- 18) \_\_\_\_\_
- 19) \_\_\_\_\_
- 20) \_\_\_\_\_

PUBLIC HEARING - LOWER LOST HORSE  
ZONING DISTRICT

AUGUST 15, 1994

BOARD MEMBERS PRESENT:

Commissioner Steve Powell  
Commissioner Jerry Allen  
Commissioner Allen C. Horsfall, Jr.

GUESTS PRESENT:

County Planner, Tim Schwecke  
Paul G. Viehweg  
leonard Lindquist  
Carolyn Quantance  
Danny Harms  
oat Bourne  
Tony Lankhaas

Commissioner Steve Powell called the meeting to order, advising those present how the voluntary zoning process takes place. Commissioner Powell noted that the petition was signed by 80% of those property owners affected by the proposed district, which represented 28 out of 35 residents.

Commissioner Powell asked for Proponents of the zoning.

Leonard Lindquist:

Leonard indicated that no one was clearly opposed to the proposed zoning. Clarence King who lives in the area did not want to join the district but he was not opposed to the district itself.

Leonard indicated the residents presenting this district were below the trees, below the Upper Lost Horse Zoning District. They had followed the format from the Planning Office which they felt was much simpler and was not as restrictive as the neighboring Upper Lost Horse District. Leonard indicated they wanted to keep the lot size at 9 acres or as platted, and they wanted to allow certain things like feed lots, and stables that are many times specifically excluded in other zoning districts.

Paul G. Viehweg:

Paul reiterated Leonard's views, and added that he did not want covenants, but was in favor of district zoning.

Tony Lankhaas:

Felt the same as Leonard and Paul.

Commissioner Powell then called for opponents to the proposed zoning district. There were no opponents present.

County Planner, Tim Schwecke advised the Board he saw no problem with the language in the proposal.

Commissioner Powell expressed a concern relative to the permitted activities in the area. He asked if there were any non conforming uses now present in the proposed district, such as junk vehicle yards, commercial or industrial plants.

The common consensus from those present was non of these things were there, rather the area was mainly ranching.

Commissioner Powell questioned the lot size of nine acres. Leonard indicated they would grandfather any lots that were currently under nine acres in, but would hold all new lots to a minimum of nine acres.

Commissioner Powell asked for a distinction of the Type 1 or Type 2 home Occupation lot size. On page six of the proposed zone there is a five acre lot size, and Commissioner Powell wanted to confirm that any lot size that was in existence now could have that type of home occupation on it, i.e., even if it was a three acre lot.

Both Leonard and Paul indicated there were some lots that were three acres that had home occupations on them and they wanted to keep it the way it was.

Commissioner Powell suggested to Tim that the language be changed to Type 1 to reflect there are not minimum lot size requirements, therefore not being restricted to five acres in size.

Commissioner Powell advised those present that the Board would review the proposal after Tim made any necessary corrections then the Resolution of Intent would be passed, the notice run in the Bitterroot Star and the waiting period of any objections to be voiced. If they did not receive 40 % of the residents objecting to the zone a Resolution to adopt the Voluntary Zoning District would be adopted.

The meeting was adjourned.

**NOTICE OF INTENT  
TO CREATE A ZONING  
DISTRICT**

On August 22, 1994, the BOARD OF COUNTY COMMISSIONERS, Ravalli County, passed a resolution of intent to create a zoning district in the Lower Lost Horse Area as described below.

The district is intended to provide for and assure rural and semi-rural development of land and the continued use and establishment of suitable agricultural activities. It is intended to limit the density of residences within the district, to establish a minimum size for all lots created after the creation of this district, to protect the quality and quantity of water above and below ground level, and to foster a clean, uncrowded and quiet rural environment. It is not intended to require removal or alteration of structures existing at this time.

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, August 24, 1994 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 the Lower Lost Horse Zoning District:

All of Block 5 and a portion of Block 6, Charles Heights Orchards, more particularly described as follows:

Beginning at the Southeast corner of Lot 16, Block 5, Charles Heights Orchards, Ravalli County, Montana, according to the recorded plat thereof; thence West along the South boundary of Lots 16, 15, 14, 13, 8, 7, 6 and 5, Block 5, to the Southwest corner of said Lot 5, Block 5; thence North along the West boundary of Lots 5 and Lots 4, 3, 2 and 1, Block 5; to the Northwest corner of Lot 1, Block 5; thence East along the North boundary line of Lots 1 and 9, Block 5, thence continuing East along the North boundary line of Lot 1, Block 6, and Lots 26, 25, 24, 23A, of ASP 247 and Lots 21, 20, Block 6, to the Northeast corner of Lot 20, Block 6, Charles Heights Orchards; thence South 382.5 feet along the East boundary of Lot 20, Block 6; thence S. 77 degrees 05', E. 682.5 feet; thence S. 48 degrees 42' E., 318 feet to the West right of way line of U.S. Highway 93; thence South along said right of way, to the Northeast corner of Lot 17, Block 6, thence along the East, Southeast and South boundary line of Lot 17, Block 6, to the Southwest corner of said Lot 17, Block 6, Charles Heights Orchards; thence North 55 feet, more or less, to a point 330 feet South of the Northeast corner of Lot 16, Block 6; thence West to a point 330 feet South of the Northwest corner of Lot 15, Block 6; thence South along the East boundary of Lot 14, Block 6, to the Southeast corner of said Lot 14, Block 6; thence West along the South boundary line of Lots 14, 13, 12, 11, 10, 9, 8, 7, 6 and 5, Block 6, Charles Heights Orchards, to the point of beginning.

/s/ Steven D. Powell,  
Chairman, Ravalli County  
Commissioners.  
BS 8/24 & 8/31/94.

AFFIDAVIT OF PUBLICATION

STATE OF MONTANA ) ss  
County of Ravalli )

Shirley 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 subpoenaed notice, a  
copy of which is hereto attached,  
was published in the regular and  
entire issue of said paper for

two successive weeks,  
commencing on the 24 day of

Aug 1994  
and published on the following dates  
thereafter: 31 Aug 1994

Signed Shirley A Ferris

Subscribed and sworn to before me

this 2nd day of September, 1994  
Dawne E. Schmautz

DAWNE E. SCHMAUTZ  
NOTARY PUBLIC for the State of Montana  
Residing at Stevensville, Montana  
My Commission Expires November 3, 1995

NOTICE OF INTENT  
TO CREATE A ZONING  
DISTRICT

On August 22, 1994, the  
BOARD OF COUNTY COM-  
MISSIONERS, Ravalli  
County, passed a resolution  
of intent to create a zoning  
district in the Lower Lost  
Horse Area as described below.

The district is intended  
to provide for and assure ru-  
ral and semi-rural develop-  
ment of land and the contin-  
ued use and establishment  
of suitable agricultural activi-  
ties. It is intended to limit the  
density of residences within  
the district, to establish a  
minimum size for all lots cre-  
ated after the creation of this  
district, to protect the quality  
and quantity of water above  
and below ground level, and  
to foster a clean, uncrowded  
and quiet rural environment.  
It is not intended to require  
removal or alteration of  
structures existing at this  
time.

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, August 24, 1994 the  
BOARD OF COUNTY COM-  
MISSIONERS will receive  
written protests to the crea-  
tion 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 the  
Lower Lost Horse Zoning Dis-  
trict:

All of Block 5 and a por-  
tion of Block 6, Charlos  
Heights Orchards, more par-  
ticularly described as fol-  
lows:

Beginning at the South-  
east corner of Lot 16, Block  
5, Charlos Heights Orchards,  
Ravalli County, Montana,  
according to the recorded  
plat thereof; thence West  
along the South boundary of  
Lots 16, 15, 14, 13, 8, 7, 6  
and 5, Block 5, to the South-  
west corner of said Lot 5,  
Block 5; thence North along  
the West boundary of Lots 5  
and Lots 4, 3, 2 and 1, Block  
5; to the Northwest corner of  
Lot 1, Block 5; thence East  
along the North boundary line  
of Lots 1 and 9, Block 5,  
thence continuing East along  
the North boundary line of  
Lot 1, Block 6, and Lots 26,  
25, 24, 23A, of ASP 247 and  
Lots 21, 20, Block 6, to the  
Northeast corner of Lot 20,  
Block 6, Charlos Heights Or-  
chards; thence South 382.5  
feet along the East boundary  
of Lot 20, Block 6; thence S.  
77 degrees 05', E. 682.5  
feet; thence S. 48 degrees  
42' E., 318 feet to the West  
right of way line of U.S.  
Highway 93; thence South  
along said right of way, to the  
Northeast corner of Lot 17,  
Block 6, thence along the  
East, Southeast and South  
boundary line of Lot 17,  
Block 6, to the Southwest  
corner of said Lot 17, Block  
6, Charlos Heights Orchards;  
thence North 55 feet, more or  
less, to a point 330 feet  
South of the Northeast  
corner of Lot 16, Block 6;  
thence West to a point 330  
feet South of the Northwest  
corner of Lot 15, Block 6;  
thence South along the East  
boundary of Lot 14, Block 6,  
to the Southeast corner of  
said Lot 14, Block 6; thence  
West along the South  
boundary line of Lots 14, 13,  
12, 11, 10, 9, 8, 7, 6 and 5,  
Block 6, Charlos Heights Or-  
chards, to the point of be-  
ginning.

/s/ Steven D. Powell,  
Chairman, Ravalli County  
Commissioners.  
BS 8/24 & 8/31/94.

**PUBLIC MEETING**

The Board of County Commissioners will hold a public meeting in their office in the Courthouse at 2:00 p.m., August 15, 1994, to take comment on a petition to create the Lower Lost Horse Zoning District as described below. Copies of the proposed regulations for the District are available at the Commissioners' Office. All of Block 5 and a portion of Block 6, Charlos Heights Orchards, more particularly described as follows:

Beginning at the Southeast corner of Lot 16, Block 5, Charlos Heights Orchards, Ravalli County, Montana, according to the recorded plat thereof; thence West along the South boundary of Lots 16, 15, 14, 13, 8, 7, 6 and 5, Block 5, to the Southwest corner of said Lot 5, Block 5; thence North along the West boundary of Lots 4, 3, 2 and 1, Block 5; to the Northwest corner of Lot 1, Block 5; thence East along the North boundary line of Lots 1 and 9, Block 5, thence continuing East along the North boundary line of Lot 1, Block 6, and Lots 26, 25, 24, 23A, of ASP 247 and Lots 21, 20, Block 6, to the Northeast corner of Lot 20, Block 6, Charlos Heights Orchards; thence South 382.5 feet along the East boundary of Lot 20, Block 6; thence South 77 degrees 05' E. 682.5 feet; thence South 42' E., 318 feet to the West right of way line of U.S. Highway 93; thence South along said right of way, to the Northeast corner of Lot 17, Block 6, thence along the East, Southeast and South boundary line of Lot 17, Block 6, to the Southwest corner of said Lot 17, Block 6, Charlos Heights Orchards; thence North 55 feet, more or less, to a point 330 feet South of the Northeast corner of Lot 16, Block 6; thence West to a point 330 feet South of the Northwest corner of Lot 15, Block 6; thence South along the East boundary line of Lots 14, 13, 12, 11, 10, 9, 8, 7, 6 and 5, Block 6, Charlos Heights Orchards, to the point of be-

Alternatives

RECEIVED

AUG 02 1994

Ravalli Co. Commissioners  
Ravalli Co. Courthouse  
Box 5001  
Hamilton, Mt. 59840

Ravalli County Commission

*[Signature]*

Dear Sirs:

Because we are unable to attend the hearing concerning Lower Lost Horse Zoning, we are taking this means to inform you that we are definitely in favor of the proposal.

We believe zoning is necessary to preserve the agricultural character of the area and to protect the quality and quantity of the water supply.

Sincerely,

*Delores Davis*  
*Ivan H. Davis*

Ivan & Delores Davis  
342 Lost Horse Rd.  
Hamilton, Mt. 59840