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7 pages

RESOLUTION NO. 596

RESOLUTION TO CREATE A ZONING DISTRICT

WHEREAS, a petition was received from 65% of the owners of real property in the Eagle Watch 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 August 19, 1991 to take comment on the proposed district and regulations; and

WHEREAS, Resolution No. 591 (Resolution of Intent to Create a Zoning District" was published in the Ravalli Republic on September 6 and September 13, 1991, and The Missoulian September 6, 1991; and

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

WHEREAS, the BOARD OF COUNTY COMMISSIONERS received letters from six 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.

A. INTENT: RESIDENTIAL - TWO (2) OR MORE ACRES

This zoning district will provide for low density residential development of an open and rural character, in an area which is best suited for such purpose. The area is outside urbanized development, and is agricultural and partially agricultural in nature. The district will provide for environmental protection of those areas that are fragile and cannot support more intensive urbanized activities. This is due to physiographic, hydrologic, biologic and economic conditions. Single family housing unit development is encouraged to preserve agricultural land and to enhance environmental amenities found in rural areas.

B. SPACE REQUIREMENTS

Maximum Residential Density: One (1) single family dwelling

per two (2) acres. The premises shall not be subdivided into parcels of land comprising less than two (2) acres and no more than one residence shall be erected on the premises or any subdivided parcel of the same.

Required Setbacks: No building shall be placed on the premises so that any portion thereof shall be closer than thirty (30) feet to the property line or to any street upon which said premises abut.

C. BULK REQUIREMENTS

There shall not be erected on the premises any residence which shall have a ground floor space of less than nine hundred-sixty (960) square feet, exclusive of any portion thereof used for a garage or for an outside porch.

D. PERMITTED USES

1. **Mobile homes:** Mobile home placement and occupancy is restricted to a double-wide home on a permanent foundation. Occupancy of a single width mobile home for residency purposes is prohibited, except for a period not to exceed two (2) years during which a permanent residence meeting required building standards is under construction. The two-year construction period must begin on the commencement of construction of the permanent residence, and may not extend past completion of the residence.

2. **Light Industry and Local Business:** Light industry and local business are permitted. However, they shall remain similar to cottage industry, except that the small number of employees involved shall not be restricted to family members. No noxious, polluting or offensive activity shall be carried on upon the premises, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood or adjoining property owners. Strong chemical odors, extremely bright night lights, industrial pollutant disposal on the ground, loud sounds, and heavy vehicular traffic are examples of such nuisances.

3. **Animals/Livestock Density:** No hog shall be kept or maintained on the premises. No chicken yard shall be maintained on the premises for the purpose of commercial meat and egg production. Further, no more than three (3) dogs or cats over six months of age, are to be kept and/or maintained for board, propagation, training or treatment. Horses, cows, goats, sheep or similar animals may be kept or maintained; provided that their numbers are limited to one (1) per acre, and provided further, said animals are to be enclosed within a fences area.

4. **Junk Yard:** The operation of a junk yard shall not be permitted on any portion of the premises. The term "junk yard" means the use of more than one thousand (1000) square feet of area where junk, waste, discarded or salvaged materials are

bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking and structural steel material and equipment. A junk yard does not include such uses when conducted entirely within an enclosed building.

5. Sanitation: No building site shall be used or maintained so as to accumulate rubbish, trash or garbage. Trash, garbage, other waste, and equipment shall be kept and maintained in sanitary containers or sanitary condition.

E. BUILDING REQUIREMENTS AND RESTRICTIONS

In addition to the requirements for permanent foundations for double-wide mobile homes and modular structures covered under "Permitted Uses" all residence structures will meet minimum Federal Housing Administration (FHA) or Veterans Administration (VA) building codes as of the date of construction.

F. UTILITIES

All telephone, power and T.V. cable lines installed upon the premises for a period in excess of three months shall be placed underground.

G. EXISTING CONDITIONS AND USES:

All variances of compliance with these standards, restrictions and uses at the time of this petition may be continued. This shall not apply, however, when such variances are in violation of County, State or Federal laws and regulations.

H. SEVERABILITY

If any provision herein or its application to any person or circumstances is held invalid, the remainder of the provisions herein or the application of the provision to other persons or circumstances is not affected and the same shall remain in force and effect.

I. ENFORCEMENT

Any use or feature in violation of these regulations, except as covered under Section G. above, shall first be dealt with through group persuasion. Only as a last resort shall such violation be hereby found and declared to be unlawful. It may then be enforced as set out in subparagraphs (1) and (2) below.

(1) The Ravalli County Commissioners hereby assume responsibility for the enforcement of Section B, SPACE REQUIREMENTS, Maximum Residential Density, and those portions of the other above stated zoning regulations that are covered under the County Community Decay Ordinance, and by other laws.

(2) Any interested person, persons or group of property owners may bring any appropriate legal action for the enforcement of any of the regulations which apply to this Planning and Zoning District, and to collect damages and attorneys fees as directed by the court. The cost of such enforcement shall be borne by the person/s bringing the legal proceeding. Neither Ravalli County nor the Planning and Zoning District shall be responsible for any of the costs associated with any such enforcement proceeding undertaken pursuant to this subparagraph (2).

(3) The County Commissioners will appoint, each year, four Eagle Watch Subdivision property owners to serve as the Eagle Watch District Planning and Zoning Board. This Board will serve in a voluntary advisory capacity and as the Eagle Watch Subdivision liaison to the County Commissioners. It will refer to the Commissioners violations of regulations cited under Paragraph I, Enforcement, subparagraph (1) above.

The Board will also make recommendations and provide consultation to the Commissioners on matters concerning the public safety, health and welfare within Eagle Watch. It will also serve as a screening and advisory board for any future request by an owner for approval of a variance for any zoning regulation. Any such request must have the written approval of sixty per-cent (60%) of the Eagle Watch property owners, and all of the expenses incurred in obtaining the approval must be borne by the property owner making the request.

(4) Failure to enforce any of the restrictions, rights, reservations and limitations contained in these regulations shall not in any event be construed or held to be a waiver thereof or consent to any further or succeeding breach or violation thereof.

The Eagle Watch Subdivision zoning district is described as follows:

Beginning at the one quarter corner between Section 19 and 20; thence N89 44'03" E 2630.6 ft. to the center of Section 20; thence S00 01'32"E 2622.4 ft. to the one quarter corner between Sections 20 and 29; thence S00 28'15"W 2651.1 ft. to the center of section 29; thence N89 54'58" W 2628.2 ft. to the one quarter between Sections 29 and 30; thence N88 57'53"W 1735.5 ft. along the centerline of Section 30; thence S57 13'02"W 1639.0 ft.; thence S15 00"W 423.2 ft. to the 1/16 line; thence N89 08'55"W 688.1 ft. along the 1/16 line to the SE corner of Vernon Ranchette; thence N00 33'29"E 1792.0 ft. along the east line of said subdivision; thence N89 26'31"W 839.3 ft. along the north line of said subdivision to the east right of way line of Highway 269; thence N23 00'45" E 378.7 ft. to a point 70.0 ft. right of centerline at highway station 410+00.0; thence N66 59"W 10.0 ft. at a right angle to said highway; thence

N23 00'45"E 992.1 ft. to the south line of a parcel recorded in Bk. 129 Pg. 998; thence S86 45'44"E 1526.7 ft. along said south line; thence N02 54'48" E 761.8 ft. along the east line of said parcel to the north line of Section 30; (said point bears S89 39'37"E 41.6 ft. from the quarter corner between sections 19 and 30); thence S89 39'37"E 1003.6 ft. along said section line to the east line (projected) of a parcel known as Zeiler Parcel; then N00 00'15"W along said east line and east line of Vernon Ranchette #2 as retraced 1420.8 ft; thence N00 00'52"W on the same east line 1161.4 ft. to the centerline of section 19; thence N90 00'00"E (projected) 1579.8 ft. to the quarter corner between Sections 19 and 20, the point of beginning except a parcel recorded in Book of Deeds #130 Pg. 304, known as Parcel #26; and except a parcel recorded in Book of Deeds #130 Pg. 308, known as Parcel #41; the area included in the subdivision being 669.6 acres.

PASSED and APPROVED this 15th day of October, 1991.

BOARD OF COUNTY COMMISSIONERS
Ravalli County, Montana

Jerry L. Allen
Jerry L. Allen, Chairman

Steven D. Powell
Steven D. Powell, Member

Allen C. Horafel, Jr.
Allen C. Horafel, Jr., Member

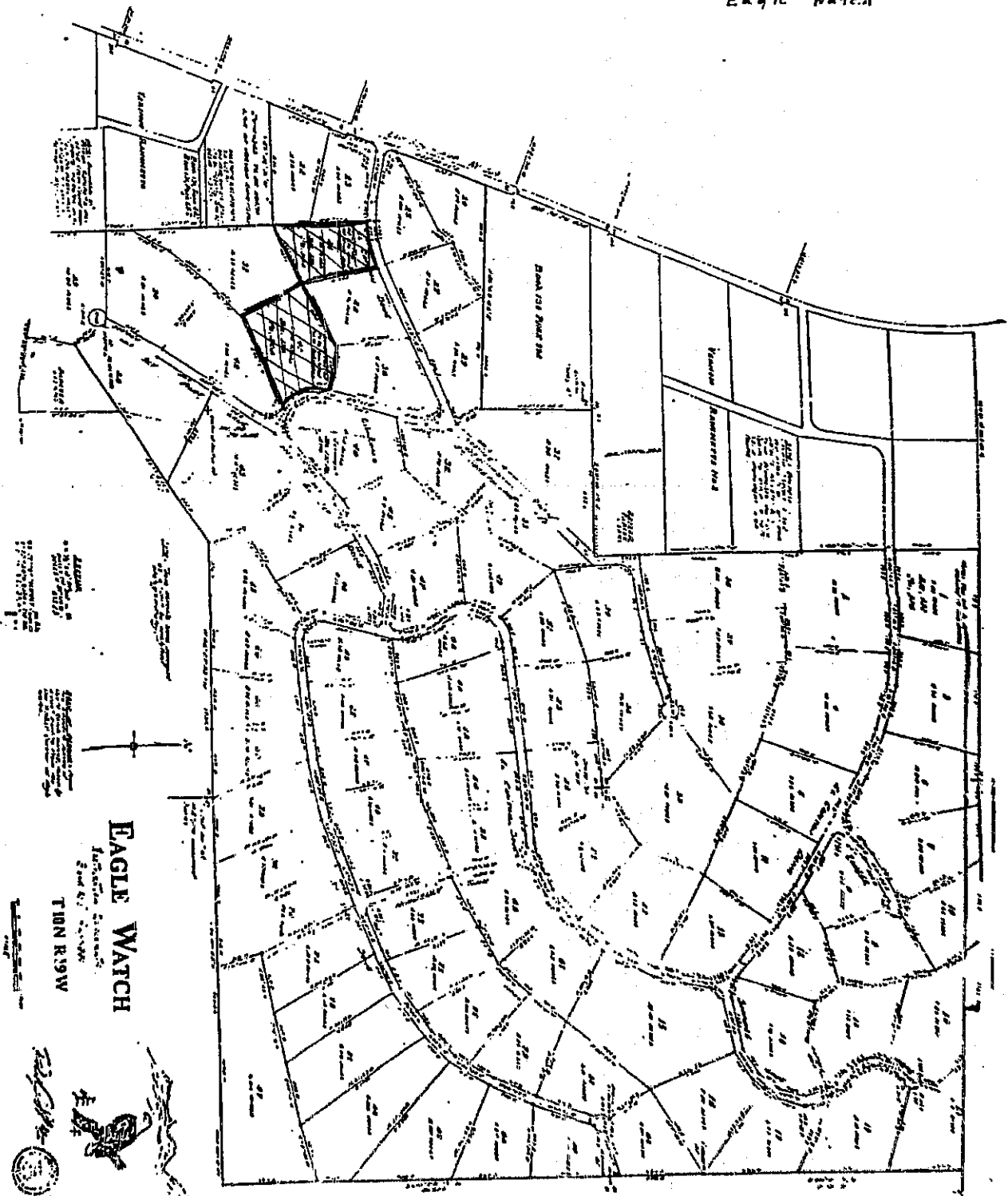
ATTEST:

Betty T. Lund
Betty T. Lund, Clerk & Recorder



I CERTIFY THAT I RECEIVED AND PAID
THE NOTARIAL FEE ON THIS
15th day of Oct, 1991
AT 10:00 o'clock P.
Betty T. Lund
Clerk & Recorder
no fee

Eagle Watch



EAGLE WATCH
 TIBN R. 19W

