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RESOLUTION NUMBER 96-050

A RESOLUTION TO AMEND THE MISSOULA COUNTY ZONING RESOLUTION AND TO APPLY AN AMENDED ZONING DISTRICT CALLED THE SAWMILL MEADOWS RURAL ZONING DISTRICT ON PROPERTY LEGALLY DESCRIBED AS THE SOUTH 1/2, NE 1/4, AND THE N 1/2, SE 1/4 OF SECTION 34, T14N, R19W. P.M.M., MISSOULA COUNTY, MONTANA. PROPERTY IS LOCATED UP SAWMILL GULCH IN THE UPPER RATTLESNAKE VALLEY. THE CURRENT ZONING IS C-A1. THE PROPOSED ZONING IS SAWMILL MEADOWS RURAL ZONING DISTRICT. THE PROPOSAL IS FOR 5 DWELLING UNITS ON 5 LOTS ON 160 ACRES, WITH APPROXIMATELY 123 ACRES AS CONSERVATION EASEMENT AREA.

WHEREAS, 76-2-201 M.C.A. authorizes the Board of County Commissioners to adopt zoning regulations; and,

WHEREAS, the Board of County Commissioners did adopt zoning regulations for Missoula County through the passage of County Resolution 76-113, as amended; and,

WHEREAS, 76-2-202 M.C.A. provides for the establishment and revision of zoning districts; and,

WHEREAS, the purpose of this zone is to stabilize and protect the land uses and to protect and maintain a living environment for residents of rural Missoula County, and

WHEREAS, such a district creation has been reviewed by the Missoula Consolidated Planning Board as required by 76-2-204 M.C.A.; and,

WHEREAS, a public hearing was duly advertised and opened by the County Commissioners of Missoula County on MAY 1, 1996, in order to give the public an opportunity to be heard regarding such proposed zoning district revisions as required by 76-2-205 M.C.A.

SUB-STANDARD QUALITY WHEN FILMED


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NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Missoula County intends to adopt SAWMILL MEADOWS RURAL ZONING DISTRICT.

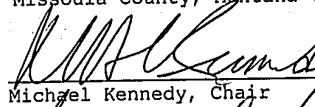
FURTHER, copies of the regulations for SAWMILL MEADOWS RURAL ZONING DISTRICT, as well as conditions of approval for the SAWMILL MEADOWS RURAL ZONING DISTRICT and SAWMILL MEADOWS SUMMARY PLAT are available for inspection at the Office of Planning and Grants. See Exhibit A.

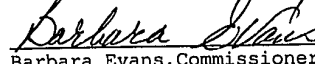
PASSED AND ADOPTED THIS 12TH DAY OF JUNE, 1996.

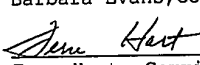
ATTEST

  
Vickie Zeller  
Clerk and Recorder

BOARD OF COUNTY COMMISSIONERS  
Missoula County, Montana 6-20-96

  
Michael Kennedy, Chair

  
Barbara Evans, Commissioner

  
Fern Hart, Commissioner

APPROVED AS TO FORM AND CONTENT:

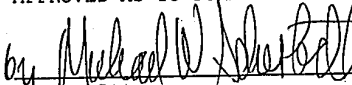
  
County Attorney

EXHIBIT A

SAWMILL MEADOWS RURAL ZONING DISTRICT:

THE BOARD OF COUNTY COMMISSIONERS RECOMMENDS THE SAWMILL MEADOWS RURAL ZONING DISTRICT BE APPROVED FOR FIVE LOTS, SUBJECT TO THE FOLLOWING CONDITIONS:

CONDITIONS

1. That development of the site shall be consistent with the rezoning site plan approved by the governing body.
2. That approval of the Sawmill Meadows Rural Zoning District rezoning allowing 5 lots be contingent on Health Department approval of 5 lots.

SAWMILL MEADOWS SUMMARY PLAT:

THE BOARD OF COUNTY COMMISSIONERS RECOMMENDS THE SAWMILL MEADOWS SUMMARY PLAT BE APPROVED FOR FIVE LOTS, SUBJECT TO THE FOLLOWING CONDITIONS:

1. Plans for grading, drainage, sewer, sidewalk, and streets shall be approved by the County Surveyor prior to final plat filing.
2. That the following statement shall appear on the face of the final plat and in all instruments of conveyance:

"Acceptance of a deed for a lot within this subdivision constitutes assent of the lot owner to waive the right to protest a future sewer or water or dust abatement RSID/SID, and may be used in lieu of their signatures on an RSID/SID petition."

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3. The Missoula Rural Fire District Chief shall review and approve plans for fire protection.
4. All new utilities shall be placed underground, and easements shall be a minimum of 20 feet in width unless a narrower width is approved by the appropriate utility and the governing body. In addition to showing the locations of all easements, the following statement shall also be shown on the face of the plat:

The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water, or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair, and removal of their lines and other facilities, in, over, under, and across each area designated on this plat as "Utility Easement" to have and to hold forever."

5. Access and approach permits shall be approved by the County Surveyor prior to filing the final plat.
6. That sanitary restrictions be lifted prior to final plat approval.
7. That the developer pay a fee of \$50.00 per lot for the purpose of maintaining the Missoula Rural Fire large diameter hose fund, to be paid prior to final plat approval.
8. That drainage plans of the finished subdivision, roads and driveways be supplied to the County Surveyor at the completion of construction, to be approved by the county Surveyor.
9. That the covenants comply with the Missoula County Subdivision Covenant Regulations, to be approved by the OPG prior to plat filing.
10. That all applicable Sawmill Meadows Rural Zoning District zoning conditions be met prior to plat filing.
11. The water supply for fire protection purposes for the existing and proposed structures shall be approved by the appropriate fire jurisdiction prior to plat filing.

12. That the homeowner's association be required to on a regular basis to mitigate airborne particulate from the private road and private driveways prior to paving of the private road and driveways, to be approved by the City County Health Department prior to plat filing.
13. That the applicant improve Sawmill Gulch Road, as proposed by the applicant, from a point beginning where the road leaves the recreational area parking access road to a point at the intersection of the private road and Sawmill Gulch Road. The applicant proposes to "raise the existing grade two feet to move the roadway away from the drainage course. This will also better facilitate snow removal and keep spring run off away from the road surface. At 500 feet maximum intervals, the road would be widened with turnouts (22 foot surface). These turnouts will be intervisible and placed in areas that reduce the amount of disturbance needed for construction. Culverts and erosion control mats will be used to control sedimentation. The existing private driveway has a 16 foot subgrade and a 14 foot top. The turnouts will be 22 feet wide on the existing driveway," to be approved by the County surveyor prior to plat approval and after construction.
14. Covenants must be filed which shall address the following and shall not be changed without approval from the governing body:
  - a. The owner and tenants be provided with a copy of the brochure titled *Living With Wildlife*.
  - b. If domestic animals are kept by property owners on property, they shall be confined within the property of their owner, shall not be permitted to become a nuisance or annoyance to neighbors, and sturdy cages or fences should be built to protect them from wildlife. These domestic animals have no defense against predators and can be an attractive food source to many wildlife species.
  - c. Horse or livestock feed shall also be stored in a secured area, not accessible to wildlife. Salt blocks and feeding platforms for deer or mineral blocks for horses shall not be allowed on any premises.
  - d. A minimum unobstructed width of not less than 20 feet and an unobstructed vertical clearance of 13 feet 6 inches for any driveway over 150 feet in length, to be approved by the appropriate fire jurisdiction.

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- e. Dead-end driveways in excess of 150 feet shall be provided with approved provisions for the turning around of fire apparatus.
- f. The appropriate fire jurisdiction approve plans to create a defensible space for fire protection around the existing and proposed housing units. Vegetation shall be removed and reduced around each building according to slope. Single ornamental trees or shrubs need not be removed as long as all vegetation near them is reduced according to the guideline. Ornamental trees and shrubs should not touch any buildings. When planting, the property owner shall select trees, shrubs, and vegetation that limit or retard fire spread as suggested in Section 5-1. Roof construction shall be in accordance with Section 5-1. Tree spacing shall be in accordance with Appendix V of the Missoula County Subdivision Regulations, to be approved by the appropriate fire jurisdiction prior to filing the final plat.
- g. That residential sprinkler systems be required for each new lot/house within the subdivision, to be approved by the Missoula Rural Fire Department.
15. That the applicant obtain a legal access easement from the applicable adjacent property owner(s) to provide a second (emergency) vehicular access from the Sawmill Meadows subdivision to Sawmill Gulch Road and that the following statement appear on the face of the plat, "Acceptance of a deed for a lot within this subdivision constitutes assent of the lot owner to waive the right to protest a future RSID/SID for the construction of a second access, and may be used in lieu of their signatures on an RSID/SID petition," to be approved by the County Attorney prior to approval of the final plat.
16. That the developer supply and erect a stop or yield sign on either the private road or Sawmill Gulch Road, to be approved by the County Surveyor prior to approval of final plat.
17. That the following statement appear on the face of the plat, "Acceptance of a deed for a lot within this subdivision constitutes assent of the lot owner to waive the right to protest a future RSID/SID for any improvements to Sawmill Gulch Road, and may be used in lieu of their signatures on an RSID/SID petition."

96 JUN 25 AM 11 35

9613816

I RECEIVED AND FILED THIS INSTRUMENT FOR RECORD ON THE 25 DAY OF Jun 96 AT 11:35 O'CLOCK A.M. AND IT IS RECORDED  
IN VOL. 477 OF ARCHIVE RECORDS OF THE COUNTY OF MISSOULA, STATE OF MONTANA, ON PAGE 430 FEE PAID  
RETURN TO ADDRESS Resolution file BY [Signature] JEROME M. BEIER, COUNTY RECORDER  
DEPUTY REC. RES

SUB-STANDARD QUALITY WHEN FILMED