

WEST FORK STILLWATER PLANNING AND ZONING ORDINANCE

Stillwater County, Montana

Adopted 11/07/1979

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SECTION 1

TITLE, CREATION AND ADOPTION

1.1 This ordinance shall be known as the West Fork Stillwater Planning and Zoning ordinance and is adopted specifically for the West Fork Stillwater Planning and Zoning District. Said district having been created by resolution of the Board of County Commissioners, Stillwater County, Montana.

1.2 Pursuant to Section 76-2-101, M.C.A. there has been created a Planning and Zoning Commission for the West Fork Stillwater Planning and Zoning District which consists of the three County Commissioners, the County Surveyor and the County Assessor.

1.3 Pursuant to Section 76-2-104, M.C.A. there is here adopted a development pattern consisting of the West Fork Stillwater Planning and Zoning Ordinance.

1.3.1 The Stillwater County Planning and Zoning Commission shall have all the powers developed upon it by the state statutes of the State of Montana and by this ordinance.

SECTION 2

PURPOSE

2.1 The purpose for this ordinance is to:

The purpose of the following zoning regulations is not to prevent particular activities, but rather to regulate and promote the orderly development of the area. The development of this area shall consider the health, safety, and general welfare of the people of Stillwater County.

SECTION 3

DEFINITIONS

For the purpose of this ordinance, certain terms and words are defined as follows: Words used in the present tense shall also include the future; words or phrases used in the singular shall also include the plural, and words used in the plural shall also include the singular; the word "building" includes structure and "structure" includes building; the words "used" or "occupied" shall include within their meaning "intended, arranged, or designed to be used or occupied". The word "person" shall include corporation, partnership, or other legal entity. Where other definitions are necessary and are not defined herein, the Board of County Commissioners may define such terms.

3.1 Agriculture - Art or science of cultivating the ground, including harvest-of crop and rearing and management of livestock; tillage; irrigation; husbandry; farming; horticulture; and forestry; the science and art of the production of plants and animals useful to man.

3.2 Recreation -

- a. Commercial outfitting - a contractual agreement between a licensed guide and willing parties for the purpose of hunting, fishing, or other outdoor leisure pursuits.
- b. Public recreation - the pursuit of leisure activities which could include, but not limited to: hunting, fishing, photography, sight seeing, snow mobiling, cross country skiing, etc.
- c. Recreational home - a structure used only for leisure pursuits and not for permanent residence.

3.3 Oil and Gas Production - The act of exploration for or extracting oil or gas from the underlying geologic formations.

SECTION 4

ESTABLISHMENT OF DISTRICTS

4.1 The jurisdiction of the West Fork Stillwater Planning and Zoning District is shown on the official zoning map, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this ordinance.

For the purpose of this ordinance, the West Fork Stillwater Planning and Zoning District is divided and classified into:

1. Zone A
2. Zone B

4.2 Certificate - The official map, with the zones clearly outlined, shall be available in the office of the Clerk and Recorder and shall bear certificate with the signature of the Chairman of the Board of County Commissioners attested by the County Clerk and Recorder and the date of adoption of this ordinance.

If any changes to the map are made by amendment of this ordinance in accordance with Section 9.7 hereof, such changes shall be made to the Official Planning and Zoning Map and signed, dated, and certified upon the map and upon the material attached thereto.

Regardless of the existence of purported copies of the Official Planning and Zoning Maps which may from time to time be made published the Official Planning and Zoning Maps kept in the Office of the County Clerk and Recorder shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the zoning district.

4.3 Replacement of Official Planning and Zoning Maps - In the event that the Official Planning and Zoning maps become damaged, destroyed, lost, or difficult to interpret because of the nature of number of changes and additions thereto, the Board of County Commissioners may adopt and certify new Official Planning and Zoning Maps which shall supercede the prior Official Planning and Zoning Map. The new Official Planning and Zoning Map may correct drafting or other errors or omissions in the prior map, but no such corrections shall have the effect of amending the original Official Planning and Zoning Map or any subsequent amendment thereof.

The new Official Planning and Zoning Map shall be identified by signature of the Chairman of the Board of County Commissioners and attested by the County Clerk and Recorder. The certificate should read as follows:

"This is to certify that this Official Planning and Zoning Map supercedes and replaces the Official Planning and Zoning Map adopted _____ as part of the zoning ordinance for West Fork Stillwater Planning and Zoning District, Stillwater County, Montana."

Commission Chairman _____
Attested _____
Date _____

4.4 Interpretation of Boundaries - Where uncertainty exists as to the boundaries of districts as shown on the Official Planning and Zoning Map, the boundaries shall be interpreted as following the nearest logical line to that shown; where:

1. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
2. Boundaries indicated as following the center line of streams or rivers, or ditches shall be construed to follow such center lines;
3. Boundaries indicated as following section lines of quarter section lines of quarter-quarter section lines shall be construed as following such lines;
4. Where physical or cultural features existing on the ground are at variance with those shown on the Official Planning and Zoning Map or where other circumstances or controversy arise over district boundaries the Board of County Commissioners shall interpret the district boundary.

4.5 Interpretation of Uses - If questions arise concerning the appropriate classification of a particular use, or if the specific use is not listed, the Board of County Commissioners shall determine the appropriate classification for that use.

In interpreting use classification, the Board of County Commissioners shall determine:

1. That the use and its operation are compatible with the uses permitted in the district wherein the use is proposed to be located.
2. That the use is similar to one or more uses permitted in the district wherein it is proposed to be located.
3. That the use will not cause substantial injury to values of property in the neighborhood or district wherein it is proposed to be located.
4. That neither the intent of the ordinance nor the intent of the district will be abrogated by such classification.

SECTION 5

APPLICATION OF DISTRICT REGULATIONS

Except as herein provided in Section 7, with respect to conditional uses, non-conforming uses and non-conforming buildings, and variances, the regulations set by this ordinance shall be minimum regulations and all regulations as categorized shall apply uniformly to each class or kind of structure or land and particularly:

5.1 No building, structure, or land shall hereafter be used or occupied, and no building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless it is in conformity with all of the regulations herein specified for the district in which it is located.

SECTION 6

PERMITTED USES ZONE A

6.1 Permitted Uses

a. Agriculture - Art or science of cultivating the ground, including harvesting of crop and rearing and management of livestock; tillage; irrigation; husbandry; farming; horticulture; and forestry; the science and art of the production of plants and animals useful to man.

b. Recreation

1. Commercial outfitting - A contractual agreement between a licensed guide and willing parties for the purpose of hunting, fishing, or other outdoor leisure pursuits.

2. Public recreation - The pursuit of leisure activities which could include, but not limited to: hunting, fishing, photography, sight seeing, snowmobiling, cross country skiing, etc.

c. Oil and Gas Production - The act of exploration for or extracting oil or gas from the underlying geologic formations.

PERMITTED USED ZONE B

All uses permitted in Zone A plus:

Recreational home sites - a structure used only for leisure pursuits and not for permanent residence.

This ordinance does not regulate lands used for grazing, horticulture, agriculture, or for the growing of timber; providing that existing non-conforming use may be continued, although not in conformity with such zoning regulations, as outlined in Montana State Law 76-2-109 M.C.A. (1979).

SECTION 7

CONDITIONAL USE PERMITS AND VARIANCES

7.1 Intent - The intent of conditional use permits and variance permits is to provide for specific uses, other than those specifically permitted in each zone, which may be appropriate in the zone under certain safeguards and conditions.

7.2 Conditional Use Permits - Conditional use permits shall be issued only by the Planning and Zoning Commission and may be issued for any of the used or purposes for which such permits are required or permitted by the terms of this ordinance. Such permit may be granted only if it is found that the establishment, maintenance, or operation of the use or building applied for will not under the circumstances of the particular case, be detrimental to the health, safety, and general welfare of the people of Stillwater County.

7.3 Variances - Variances from the terms of this ordinance shall be granted only if it is found that because of special circumstances applicable to the property, including size, shape topography, location or surroundings, the strict application of this zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications.

7.4 Permits, Terms of Issuance - The Planning and Zoning Commission may make the granting of conditional use permits or variance permits subject to reasonable limitations or conditions as it may deem necessary. It may contain such conditions as are authorized by State Statute and this ordinance, including but not limited to:

- A. Requiring dedication or improvements of right-of ways.
- B. Requirements for landscaping or screening to protect adjoining property.
- C. Regulation of placement of uses on the property.
- D. Regulation of vehicular traffic.
- E. Regulation of time of certain activities.
- F. Regulation of the length of time which such use or variance may be permitted.
- G. Regulation of time schedule of proposed development.
- H. Regulation of odors, smoke, dust, airborne particles, vibration, glare, heat, and noise.

7.5 Security - The Planning and Zoning Commission may require guarantees in form of bonds, cash deposits and/or other evidences of compliance in order to secure compliance with conditions imposed.

7.6 Permits: Procedure for Issuance

- A. Permit applications will be available from Stillwater County Land Use Planning Office.
- B. Upon receiving the permit application for either a conditional use or variance the Planning and Zoning Commission shall within 30 days cause to be made an investigation of facts bearing on the application. The Planning and Zoning Commission may use Attachment A as a guideline when reviewing the application so as to assure that the action on each application is consistent with the intent of this ordinance.
- C. Upon completion of such investigation the Planning and Zoning Commission may hold a public hearing to gather needed facts from all interested parties. The Planning and Zoning Commission may continue such hearing, to take additional information. Thereafter, the Planning and Zoning Commission shall either approve or deny the application. A letter shall be sent to the applicant stating either the conditions for approval or the reasons for denial.
- D. If the Planning and Zoning Commission elects to hold a public hearing, the notice will be published once in a newspaper of general circulation within the county at least 15 days prior to the hearing date. In addition, the Planning and Zoning Commission shall send a certified letter to owners of record of property adjoining the proposed change.
- E. If an application for conditional use permit or variance is rejected on its merits by the Planning and Zoning Commission, no further application for a permit for the same use on the same property may be filed for a period of one (1) year from the effective date of such denial except as provided in subsection (F) below.
- F. A further application may be filed by such applicant for such use on such property within the one (1) year period with the permission of the granting authority. Such permission shall be granted if the applicant can show a substantial change of conditions from those existing at the time of such previous denial.

7.7 Conditions of Approval - Any approval under this section shall be subject to the terms of the conditions designated in connection therein.

SECTION 8

ADMINISTRATION

8.1 Employees and Officers - In accordance with Section 76-2-102, M.C.A. 1978, the West Fork Stillwater Planning and Zoning Commission is hereby authorized to appoint personnel as shall be deemed necessary to carry out the provisions of this regulation.

If an appointed employee finds that provisions of this ordinance are being violated with respect to zoning requirements, he or she shall notify in writing the Planning and Zoning Commission regarding the alleged violation. Upon receipt of the written notice, the Planning and Zoning Commission may take appropriate action to correct the alleged violation.

8.2 Permits - No buildings, structures or change in land use, that requires a permit shall be erected, moved, added to or changed without valid permits prescribed herein.

The application shall include all information required by the Planning and Zoning Commission and other such matters as may be necessary to determine conformance with, and provide for enforcement of this ordinance.

One copy of the application and plans shall be returned to the applicant after the Planning and Zoning Commission has marked the permit application as approved or disapproved and appropriate signatures by the Planning and Zoning Commission are attested to the document. The Planning and Zoning Commission shall retain the original copy.

8.3 Conformance - No permit of any type shall be issued unless in conformance with the regulations contained within this ordinance. Permits issued on the basis of plans and applications approved by the Planning and Zoning Commission authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Use, arrangement, or construction at variance with the authorized shall be deemed a violation of this ordinance.

Conditional use permits and variances issued by the Planning and Zoning Commission shall be deemed in conformance with the terms of this ordinance.

8.4 Expiration of Permits - Every permit issued by the Planning and Zoning Commission under the provisions of this ordinance shall expire by limitation and become null and void, if the building or work authorized by such permit has not commenced within 90 days from the date of such permits, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 120 days. Before such work can be recommenced, a new permit shall first be obtained provided no changes have been made or will be made in the original plans and specifications for the work; and provided further that such suspension or abandonment has not exceeded one year.

8.5 Duties of the Planning and Zoning Commission - It shall be the duty of the Planning and Zoning Commission to issue all permits and review all applications submitted to the Planning and Zoning Commission for conditional use permits and variances. Rezoning requests and amendments to the ordinance shall be reviewed by the Planning and Zoning Commission with recommendations as to their adoption being forwarded to the Board of County Commissioners for final decision.

8.6 Appeals - Any person aggrieved by any decision of the Planning and Zoning Commission or Board of County Commissioners may within 30 days after such decision or order, appeal to District Court.

8.7 Amendments - This ordinance may be amended whenever the public necessity and convenience and the general welfare require such amendment and according to the procedure prescribed by law, and this ordinance.

An amendment may be initiated by:

- a. The petition of one or more land owners of property located within the West Fork Stillwater Planning and Zoning District affected by the proposed amendment.
- b. Resolution of intention of the Board of County Commissioners or;
- c. Resolution of intention by the Planning and Zoning Commission.

Prior to final action of any amendment to this ordinance, the Board of County Commissioners shall request a report thereon from the Land Use Planning Office. Upon receipt of said report, a public hearing will be held to gather public information. The Board of County Commissioners will act on said amendment within 30 days after the public hearing.

SECTION 9

VIOLATION OF ORDINANCE

9.1 Compliance regarding violations - Whenever a violation of this ordinance occurs or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Planning and Zoning Commission. The Planning and Zoning Commission shall then properly record the complaint and immediately investigate and take action thereon as provided by this ordinance.

9.2 Injunctions - If the Planning and Zoning Commission decide a violation has occurred, the Board of County Commissioners, on the recommendation of the Planning and Zoning Commission, shall order the County Attorney to bring an action in the name of the County of Stillwater in the District Court to enjoin violations of this ordinance.

SECTION 10

INVALIDATION

If any section, subsection, subdivision, sentence, clause, paragraph or phrase of this regulation or any attachments hereto is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of these regulations to render the same operative and reasonable effective for carrying out the main purpose intention of the regulations.

SECTION 11

ADOPTION

This entire ordinance was adopted on November 7, 1979
by the Stillwater County Planning and Zoning Commission for the sole purpose of
administering the West Fork Stillwater Planning and Zoning District.

William F. Brinkel
William F. Brinkel, Chairman

Ted Wahl
Ted Wahl

Earl R. Adams
Earl Adams

Jean Drain
Jean Drain

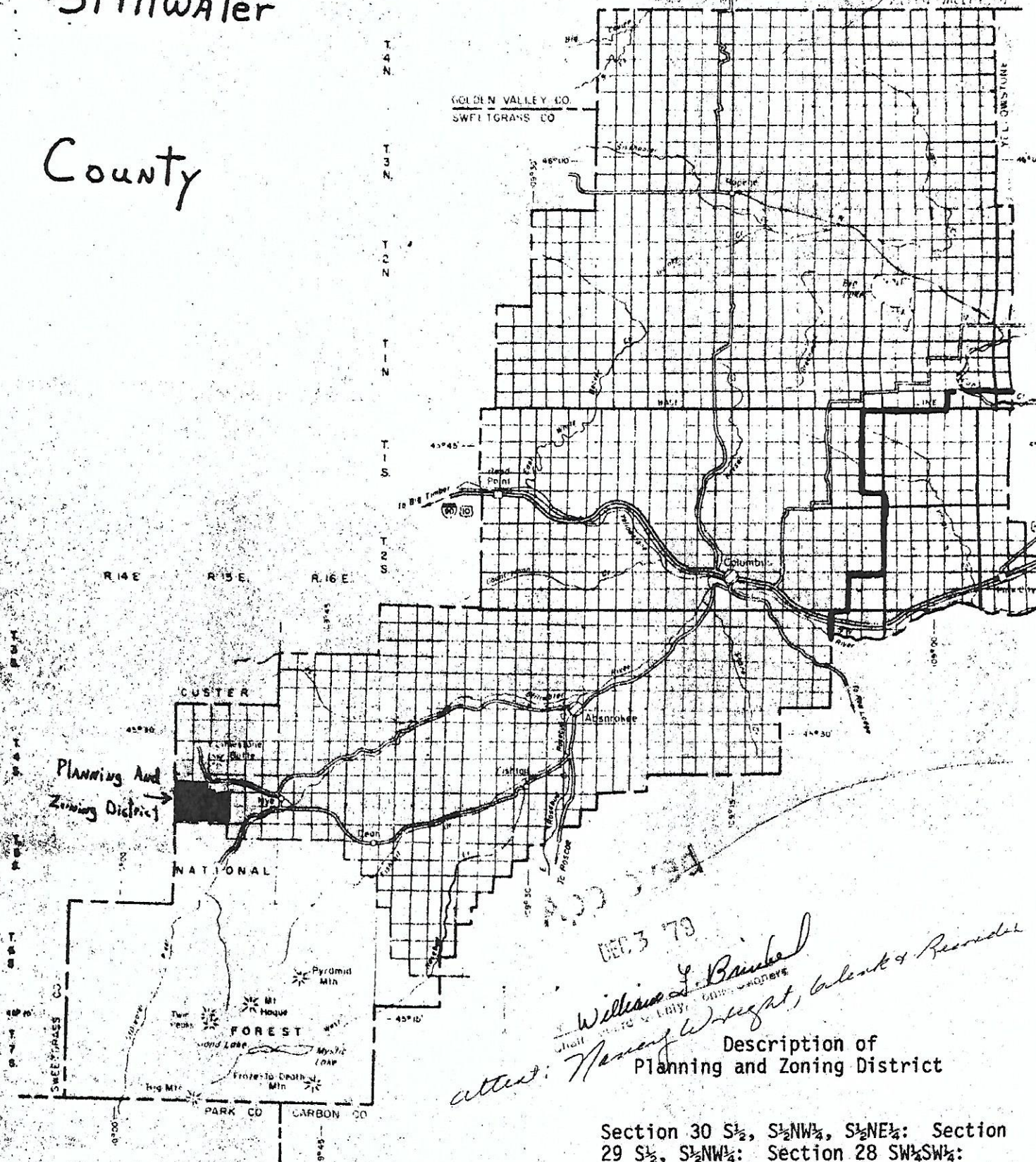
Ron Watters
Ron Watters

ATTACHMENT "A" GUIDELINES

1. The health, safety, and welfare of Stillwater County residents, visitors, occupants or users of the development will not be adversely affected.
2. Air, water and ground pollution will meet state and federal criteria.
3. No flood hazard that would endanger life or property will result; and no excessive storm run-off causing flooding or ponding will result.
4. Soil and Geologic conditions are suitable for the proposed use or occupancy.
5. Sewer disposal will meet Stillwater County and State Health Department criteria.
6. Adequate water quantity and quality will be secured for the proposed use.
7. Road access to the site is adequate or adequate road access will be provided by the applicant.
8. Adequate parking or vehicular traffic patterns will be developed to handle proposed use.
9. Plans will be developed to reduce adverse impact on agricultural operations.
10. Plans will be developed to reduce adverse impact on Fish and Wildlife.
11. Vegetation will not be unreasonably disrupted or destroyed.
12. Community impact on schools, medical facilities, law enforcement, fire protection or any other social impact will be analyzed in regards to the proposed development.
13. Other.

Stillwater

County



DEC 3 '79

William J. Brinkel
 attested: *Nancy Wright, Clerk & Recorder*
 Description of
 Planning and Zoning District

Section 30 $S\frac{1}{2}$, $S\frac{1}{2}NW\frac{1}{4}$, $S\frac{1}{2}NE\frac{1}{4}$: Section 29 $S\frac{1}{2}$, $S\frac{1}{2}NW\frac{1}{4}$: Section 28 $SW\frac{1}{4}SW\frac{1}{4}$:
 Section 31: Section 32: Section 33
 $S\frac{1}{2}$, $S\frac{1}{2}NE\frac{1}{4}$, $S\frac{1}{2}NW\frac{1}{4}$, $NW\frac{1}{4}NW\frac{1}{4}$ of T. 4 S, R. 15 E
 PMM and Section 6 $N\frac{1}{2}$, $N\frac{1}{2}SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$:
 Section 5 $N\frac{1}{2}$, $N\frac{1}{2}SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$: Section 4
 $N\frac{1}{2}$, $N\frac{1}{2}SW\frac{1}{4}$, $N\frac{1}{2}SE\frac{1}{4}$ of T. 5 S, R. 15 E, PMM
 comprising a total of 4,144.37 acres.

ZONE

A

30

MARY
DONOHUE

29

28

Stillwater
Corp.

31

Thurston D. Frost
% Carter Clay
AND
Mary Donohoe
see
ZONE B

32

33

T45
RISE

T55
RISE

B.L.M.
VACANT

MARY
DONOHUE

6

Paul
Donohoe

5

4

Key-O Inc.

Torian
Donohoe

XXX - Boundary Line of Planning and Zoning District, 4144.37 acres
/// - Boundary Line of Freeholders within The Planning and Zoning District

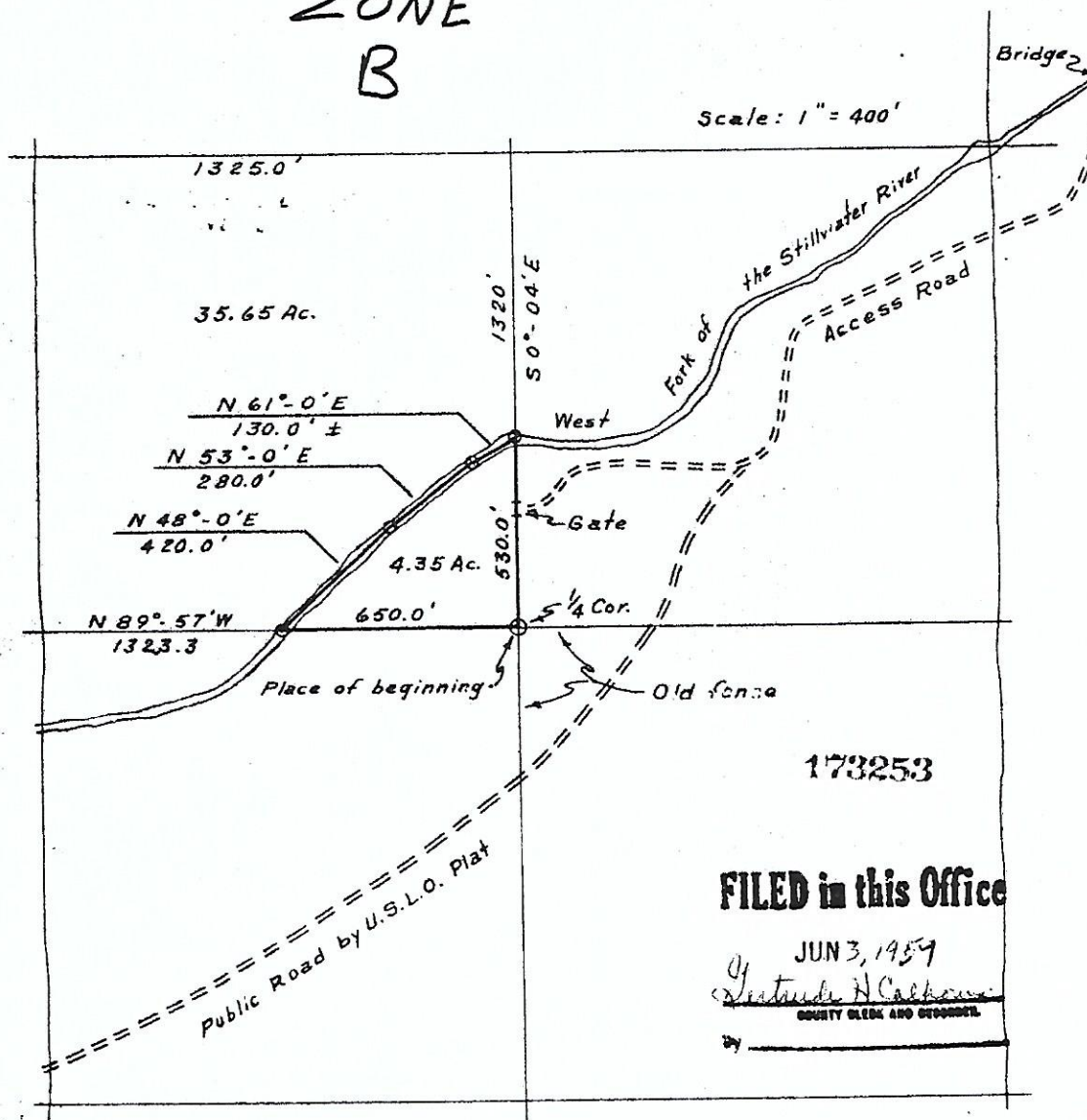
William F. Brinkley

attest: Wm. F. Brinkley

PLAT

A TRACT OF LAND IN S.E. $\frac{1}{4}$ of N.E. $\frac{1}{4}$, SEC. 32, T 4 S - R 15 E. LYING SOUTH & EAST OF WEST FORK OF THE STILLWATER RIVER

ZONE
B



FILED in this Office

JUN 3, 1959

Walter H. Cochran
COUNTY CLERK AND EXCHANGER

Approved

APPROVED

DEC 3 '79

JUN 3 1959

STATE OF MONTANA

County of Stillwater

ss.

William L. Baugh
Chairman, Board of Land Commissioners
Albert H. Hargis
H.G. McClain

I, H.G. McClain, Registered Land Surveyor, of Columbus, Montana, Certificate of Registration No. 325 E.S., do hereby certify that on the 23rd day of May, A. D. 1959, I surveyed the tract of land containing 4.35 acres, described on the accompanying plat, and that said plat correctly shows the position of said tract on the ground, together with the courses and distances of the boundary thereof.

Dated this 2nd day of June, A. D. 1959.

H.G. McClain
LAND SURVEYOR

Zoning District _____ Application # _____
Date Received _____
Approved _____
Denied _____

STILLWATER COUNTY PLANNING AND ZONING COMMISSION

P E R M I T A P P L I C A T I O N

☐ Conditional Use

☐ Variance

1. A. Name of Applicant _____

Address _____ City or Town _____

State _____ Zip Code _____ Telephone # _____

B. Name, address and title of applicant's authorized agent for permit application coordination: (Attorney, manager, etc.)

_____ Telephone # _____

C. Names and address of surrounding property owners and those whose lands adjoin the proposed use.

2. A. Legal description of proposed activity:

_____ $\frac{1}{4}$ _____ $\frac{1}{4}$ Section _____ Township _____ Range _____

B. Describe proposed activity:

C. Describe entire scope of proposed activity (types of structure(s), construction techniques, equipment to be used, and other pertinent information). Attach information if more space is required.

3. Date construction or use is proposed to commence _____

Date construction or use is expected to be completed _____

4. The applicant certifies that the statements appearing herein are to the best of their knowledge true and correct, and that the agents of the Planning and Zoning Commission have permission to enter on the premises for the sole purpose of site inspection and compliance check of the above described project.

Signature _____

Date _____

P E R M I T

Issued by
STILLWATER COUNTY PLANNING AND ZONING COMMISSION

Application# _____

Applicant's Name _____

Address _____

Purpose of Permit _____

Conditions _____

Chairman, Planning and Zoning Commission _____

Date _____

Cut along dotted line and return to Planning and Zoning Commission

Application# _____

Zoning District _____

I hereby agree to proceed with the project in accordance with the conditions outlined in the permit and will contact the Planning and Zoning Commission upon completion of the project. If the Planning and Zoning Commission has not received this agreement within 60 days from the date of issuance, this permit becomes null and void.

Signed _____ Date _____

Zoning District _____
Violation # _____

O F F I C I A L C O M P L A I N T

Alleged Violation

Name _____

Address _____

Location (including legal description) of alleged violation _____

Nature of Complaint _____

Complainant:

Name _____

Address _____

Phone _____

Signature _____ Date _____