

Patricia Taylor CLERK AND RECORDER BY: A. MacChristian FEE: \$0.00

RESOLUTION NO. 186

FINAL RESOLUTION OF ANNEXATION OF CONTIGUOUS LANDS

The Town Council of Stevensville, Montana, enters this Final Resolution of Annexation of Contiguous Lands.

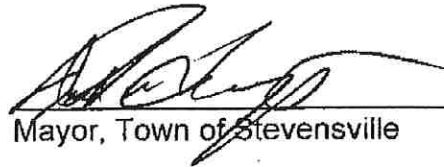
Whereas the Town Council has found that it is in the best interest of the town and its inhabitants to annex certain lands described as Tracts 1 & 3 of Certificate of Survey No. 495033, as described in a recorded plat filed in the official records of Ravalli County, Montana; and also it is in the best interest of the town and its inhabitants to include within the annexed property railroad lands within Certificate of Survey No. 495033 including but not limited Tract No. 5 upon consent given by the owner of railroad lands on March 18, 2002; and

Whereas notice has been given as required by statutes of the state of Montana and a public hearing was held on August 26, 2002, to consider written comment, objections at hearing and to consider the plan for services as required by statute and town ordinance; and

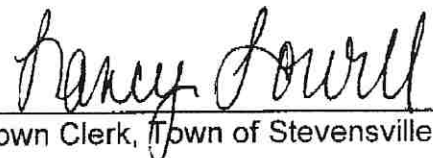
Whereas the town council finds the property to be annexed contains fewer than 300 recorded parcels and all written comment has been considered; therefore

IT IS HEREBY RESOLVED that all the lands described as Tracts 1 & 3 of Certificate of Survey No. 495033 together with railroad lands within COS no. 495033 are hereby declared annexed and part of the Town of Stevensville. A map of the boundaries of the lands annexed is attached.

Past and approved this 9 day of September, 2002.

  
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Mayor, Town of Stevensville

Attest:

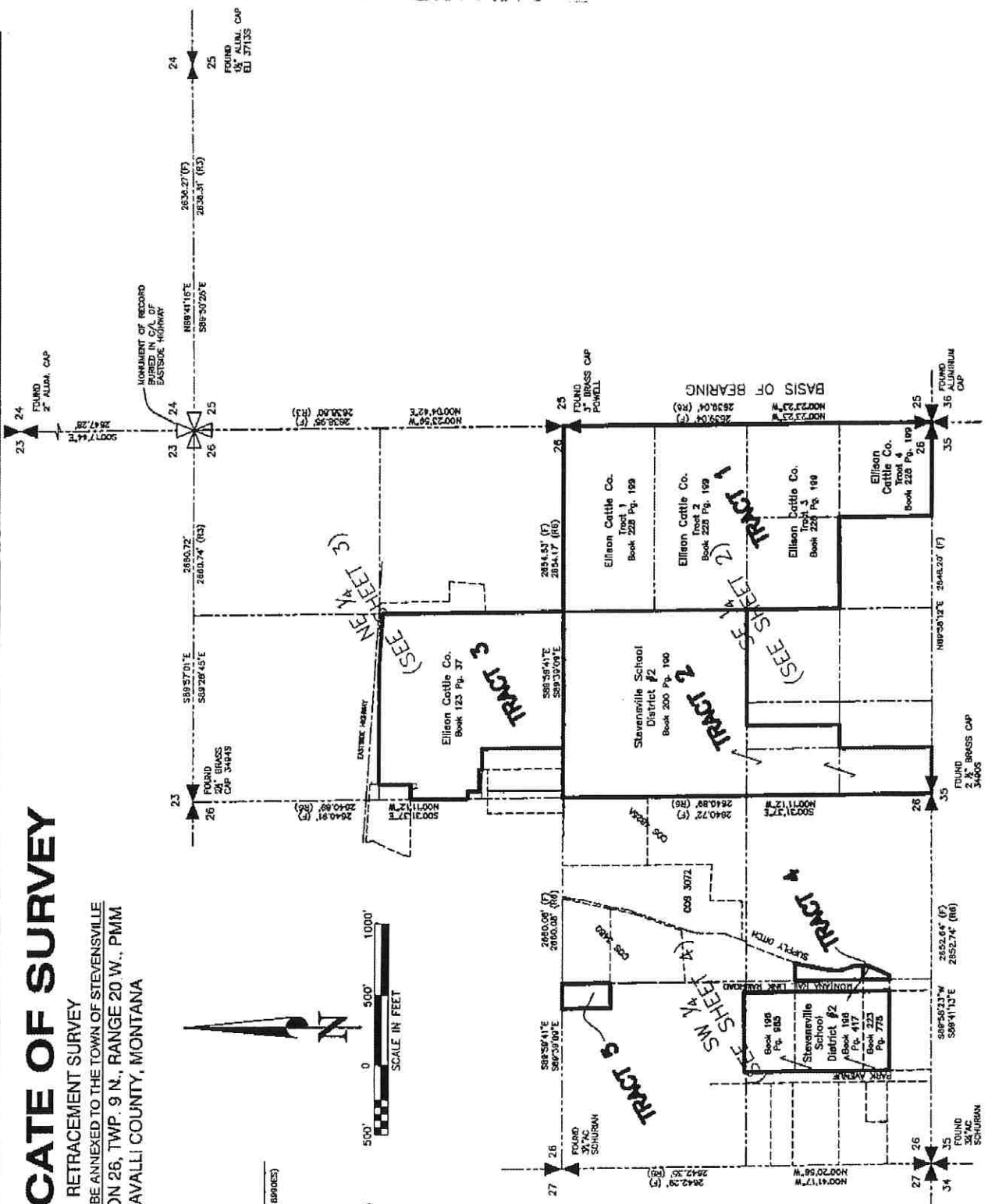
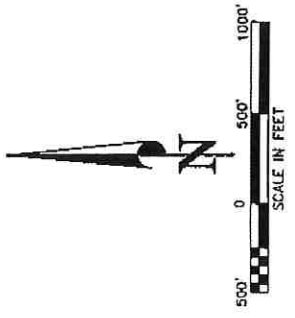
  
\_\_\_\_\_  
Town Clerk, Town of Stevensville

Ret: Town of Stevensville PO Box 30 Stevensville MT 59870

# CERTIFICATE OF SURVEY

RETRACEMENT SURVEY  
 PARCELS TO BE ANNEXED TO THE TOWN OF STEVENSVILLE  
 IN SECTION 26, TWP. 9 N., RANGE 20 W., PMM  
 RAVALLI COUNTY, MONTANA

- LEGEND**
- SET 3/4"x24" REBAR WITH 1/2" ALUM. CAP (LARSON, BURGESS)
  - FOUND 1/2" ALUM. CAP JIGS (SCHURAN)
  - FOUND YELLOW PLASTIC CAP (UN-READABLE)
  - R1 RECORD PER BOOK 136, PG. 607
  - R2 RECORD PER COS 4707
  - R3 RECORD PER COS 46193-TR (APPLEBURY, 37015)  
(ACCEPTED SUBDIVISION OF SECTION)
  - R4 RECORD PER COS 47140 (HANSON, 31835)
  - R5 RECORD PER COS 3440 (WILLIAM H. JOHNSON)
  - R6 RECORD PER COS 4625A
  - R7 RECORD PER COS 2645 (APPLEBURY, 37015)
  - R8 RECORD PER COS 4625A (HANSON, 31835)
- X— EXISTING FENCE



**PROFESSIONAL CONSULTANTS INCORPORATED**  
 ENGINEERING - PLANNING - SURVEYING  
 3145 RUSSELL ST., P.O. BOX 1730  
 MISSOULA, MONTANA 59801  
 (409)726-1800 FAX: (409)726-0270

PREPARED FOR: ELLISON CATTLE CO. & STEVENSVILLE SCHOOL DISTRICT  
 PCI PROJECT No. 6637-02 Z 81-24

1/4	SEC	TWP	RGE
26	9	N 20 W	

RAVALLI COUNTY  
 MONTANA

SHEET 1 OF 5  
 RAVALLI COUNTY, MONTANA  
 CERTIFICATE OF SURVEY NO.

FINDINGS REGARDING  
CREEKSIDE MEADOWS SUBDIVISION  
TOWN COUNCIL, TOWN OF STEVENSVILLE

- \_\_\_\_\_ Approved
-  Approved with conditions
- \_\_\_\_\_ Disapproved

A public hearing was held by the Town Council on February 24<sup>th</sup> 2003 to consider the preliminary plat and subdivision submitted by Ellison Development LLC. The public hearing was held and with further business to be conducted on this matter, the public hearing was continued to March 5 2003. On March 5 the public hearing continued for approximately 2 ½ hours. At this time the council questioned the developer regarding matters raised at the February 24 hearing and regarding concerns held by the council members.

The Town Council having received the recommendation of the Town Planning and Zoning Board, also having received comment from the Town employees and citizens, the council notes the following:

**Suggestions by Town Employees**

Bob McCormick, Town Building Inspector, presented the suggestions and comments made by the Department heads of the Town of Stevensville.

The Chief of Police, Lew Barnett, recommended that all streets be designed to maximize public safety. He also expressed concern regarding the jurisdictional consideration for law enforcement on Logan Road which is a county road that abuts the proposed subdivision. Chief Barnett also expressed concerns regarding safety in the proposed "common areas", especially in those cases in which "common area" was divided by proposed public streets, or abutted proposed public streets.

The Fire Chief, Bob Summers, presented comment that the cul de sac diameters in the revised plat map were only 70'. He had experimented with fire trucks and found that 70' was a "tight" space within which to turn around the town fire trucks. Fire Chief Summers had also noted that a fire hydrant, which had appeared on the original preliminary plat, was not included between lots 76 and 77. The hydrant should be included. Finally, Fire Chief Summers commented that the subdivision, as platted, shows no street connections directly to the town of Stevensville. The access and ingress to the

subdivision is from county roads only.

Ed Sutherlin, Supervisor of Roads and Streets, requested that the town council insure proper design for curbs and streets.

Utilities Director, George Thomas, emphasized there should be sufficient bonding, if needed, to complete the sewer and water systems. He also noted that appropriate easements need to be dedicated to the town for service of the water and sewer lines. He recommended that there should not be two manholes 25' from each another as indicated. The plat should be revised to reflect one manhole. George Thomas indicated that there are some needs relative to the size and capabilities of the water mains. He had concerns regarding water pressure and the potential need for a new main, due to the 90' rise in the subdivision. He expressed his opinion of the need for a new water well to meet the needs of the new subdivision. Finally, Mr Thomas indicated that the water lines should be looped within the cul de sacs. There should be complete drawings and engineering of the tie-in of the existing lines of the Town of Stevensville.

Building Inspector, Bob McCormick, commented additionally regarding the dividing line between R-1 and R-2 zoning boundaries and that lot size needed to be increased in one area of the proposed subdivision. Mr McCormick noted that the revised plat map addressed the concern regarding the size of the lots, by increasing the lot size. Mr McCormick also commented that questions regarding access from the subdivision into the town via Second Street or another route needs to be considered.

The developer, through its engineer Gilbert Larson, has agreed to change the manholes, reinsert the hydrant and to work with the town to insure adequate turnaround in the cul de sacs for fire and emergency vehicles.

### **Public Comment**

As a member of the public, Ben Longbottom, of the Town Planning Board, recommended that line dividing R-1 and R-2 zoning not traverse lots, but rather be contiguous to the boundaries of lots. Mr Longbottom also suggested 5 foot sidewalks, in places, where high pedestrian traffic was expected.

Additional comment from Stevensville citizens include the following:

- a. Allowance of lots that were only 8500 sq ft when the standard code minimum is 10,000 sq ft. Building Inspector McCormick explained so long as the lots within the subdivision averaged 10,000, some lots could be as small as 8,500 feet.

- b. Subdivision fees were questioned
- c. Several comments regarding the resolution of the Second Street issue and whether Second Street would be connected with the subdivision allowing through traffic.
- d. Citizens questioned issues regarding Swamp Creek, surface water drainage, and other environmental issues.
- e. Gilbert Larson, engineer and planner for the developer noted that design was being included to avoid drainage problems and drainage systems would be in place. He indicated some drainage would still move towards school property and Swamp Creek. Gilbert Larson indicated he was studying perforated storm drains to insure the flow would not increase by reason of the build-out of the subdivision. There was no detailed presentation as to how drainage will be engineered to drain the water from the area without the potential harm to homes, infrastructure and streams.
- f. Citizens questioned Phase 5 especially. There were concerns regarding sewer line connections. Gilbert Larson responded that 7 or 8 lots may have to pump sewage or alternatively, a specific gravity pump system would need to be designed. Gilbert Larson indicated a 8" sewer line would more than adequately to service homes in the subdivision. (In this regard, Gilbert Larson stated that there are approximately 215 lots).
- g. One citizen emphasized the need to address movement of children from the residential areas to the schools. There was concern that the subdivision should have dedicated easement and walkway to soccer fields and the schools.
- h. There was much discussion regarding park dedication. Comments included remarks regarding sufficient funds available to manage additional parks, that the park dedication could be met by statute by dedication of common area for the benefit of the home owners, to be maintained by the home owners and consideration of the options for a combination of park dedication, common area and payment of monies in lieu of parks. Legal Counsel expressed to the Town Council that in regard to the selected option, the Town Council must meet the requirements set forth in §76.3.621 of the Montana Code Annotated.
- i. Citizens asked regarding potential liability by reason of accidents on the streets of the subdivision and within the portions designated "common area".

- j. Citizen concern was expressed regarding additional traffic on the county roads denominated Middle Burnt Fork Road and Logan Road.
- k. Additional to the above noted public comment, Mr Arlo Ellison, of Ellison Cattle Co, expressed he was attempting to develop a subdivision that was in the best interest of the town. He discussed the need for a well and stated he had never agreed to pay the cost of a well. He requested that the Town Council consider the amount of infrastructure fees when assessing the well.

Additional public comment was received following council inquiry and discussion on March 5 regarding dedication of park lands, division of the R-1 and R-2 zones, desired improvements to county roads and regarding connection of the subdivision to 2<sup>nd</sup> Street.

### **Council Inquiry and Discussion**

The town council inquired and discussed the following major topics:

- a. Environmental issues surrounding Swamp Creek, drainage and the supply ditch
- b. Storm water drainage. The developer insured the town the project would not increase storm water and would not tax the storm water drainage system in other areas of the town.
- c. Build out in phases and concerns about the length of time to build out
- d. Location of water and sewer lines in drawings. In this regard the developer agreed to work with city personnel to insure appropriate avenues of lines and connections for future service and maintenance.
- e. Payment for water systems. The developer has agreed to provide a wellsite by a dedication of land, to provide the power to the site and to bear the cost of all mains and arteries to connect the water system to the town's system.
- f. Water to taps to service the common areas, dedicated to park and recreation for the homeowners' association, will be installed by the developer.
- g. Width of sidewalks and pedestrian access were discussed especially related to the schools.
- h. Modification of some planned manholes.
- i. Looping and placement of water lines.
- j. Sealing of the Supply Ditch to reduce leakage and drainage
- k. Approaches off Burnt Fork and Logan roads and access permits from the county
- l. Requirements of Section 16.130 of the Stevensville Development Code
- m. Potential for modifications of the county roads at developer expense
- n. Need to insure access to sidewalks by disabled persons
- o. Dedication of pedestrian walkways as well as streets
- p. The need to insure adequate and quality water supply without taxing the existing system. In this regard, the developer represented there is adequate water to service Phase I. There will be a need to develop a well with the commencement of Phase II.

q. The appropriate use of infrastructure fees under Resolution No. 138 and questions by the Town Clerk Nancy Lowell regarding use of funds designated as infrastructure monies paid by other citizens not within the proposed subdivision.

After discussion and upon motion, the town council passed the following:

1. The preliminary plat of the Creekside Meadows subdivision was approved, with conditions set forth below, by a vote of 3 to 1.

2. By a vote of 4 to 0, the lands within the Creekside Meadows subdivision are designated and zoned as follows:

a. All lands South of the East-West 1/16th line of the SE 1/4 of Section 26 are designated R-2, Residential Medium Density.

B. All lands North of the East-West 1/16th line of the SE 1/4 of Section 26 are designated R-1, Residential Low Density.

Any lots which are intersected by said aliquot line shall be designated R-1 and comply fully with R-1 restrictions.

#### APPROVAL OF PRELIMINARY PLAT WITH CONDITIONS

Findings. The Town Council has approved the preliminary plat for Creekside Meadows with the conditions set forth below. In reaching this decision and in setting the conditions the Town Council has considered the following:

- l. Public comment, as summarized above.
- m. The recommendation of the employees of the Town of Stevensville.
- n. Planning Board recommendations.
- o. The criteria set forth in § 76.3.608 of the Montana Code Annotated.
- p. The Growth Policy drafted by the town of Stevensville on August 12 2002.
- q. The requirements of the Development Code, resolutions of the Town of Stevensville and the statutes of the State of Montana.

The Town Council finds that the subdivision lands which were annexed into the Town of Stevensville, formerly were agricultural lands. The developer and owner request that the lands be removed from agricultural use. The Town Council believes the change of use will have no adverse effects on the Town of Stevensville.

The Town Council has considered the natural environment and as a condition of

approval is requiring that the natural drainage within the area be engineered to prevent adverse impact by such drainage on the subdivision or other areas of the Town. The lands dedicated to conservation easement must be separated/engineered to prevent drainage of waters or pooling of waters in a manner detrimental to residential use. In this regard, the developer will be required to cooperate in a timely manner with the city building inspector to comply fully with M.C.A. section 76-4-127.

It appears to the Town Council that the survey requirements of Montana Statutes have been met and the Town Council will require the final plat also meet the survey requirements of the State of Montana and other governing bodies. Upon compliance with the conditions set forth herein, the subdivision will meet the local subdivision regulations for the Town of Stevensville as set forth in the Development Code book.

The conditions set forth will provide for easements/dedications for the location and installation of required and planned utilities.

The conditions set forth will require legal and physical access to each parcel within the subdivision, with required notation of the access on the final plat and all instruments of transfer concerning the parcel.

The conditions set forth will require minimization of significant adverse impacts on the Town of Stevensville and compliance with the policy set forth in the Growth Policy.

The Town Council has spent a sufficient amount of time studying and has received the opinion of Legal Counsel regarding park dedication requirements of §76.3.621 of the Montana Code Annotated. Compliance with the park dedication requirement as set forth below is established as a condition of approval of the final plat. The developer is authorized to meet the requirements of M.C.A. section 76-3-621(6) by dedicating lands controlled and maintained by the homeowners' association. The final plat must show a dedication of 11% of the area to be subdivided into parcels to the homeowners' association for permanent use as park and recreational land with a mechanism for raising funds within the association for maintenance of the lands. Additionally, there must be long-term protection of the lands designated for conservation easement. The developer will not receive final plat approval until there be full compliance with section 76-3-621(6).

The Town Council has discussed and considered recommendation of its employees regarding water and utilities and the Town Council has placed conditions on approval of the final plat to insure water and sewer systems are adequate, congruent with the needs of the town and installed to insure no adverse impact, shortage of water or sewer systems in the Town of Stevensville. The town will work with the state Department of Environmental Quality in this regard.

Additional to the above, each council member has noted especially the following:



Tom Brown. Aye vote. Council person Brown has concluded that the owner and engineer have adequately explained how drainage, build-out and access will be constructed and that the subdivision complies with the law.

Jake Weitzel. Nay vote. Council person Weitzel is concerned there has not been sufficient attention to access and improvement of county roads. She opposes the use of infrastructure fees for the building of the water well, and she desires more detail regarding technical matters such as storm water drainage.

Julie Wallace. Aye vote. Council person Wallace believes the subdivision meets the needs of residents especially in the area of parks and recreation which will be provided at no cost to the town.

Paul Ludington. Aye vote. Council person Ludington was satisfied that the subdivision complies with law and provided the town the opportunity for controlled growth with town oversight.

Thus, having given consideration to approval of this subdivision and to the matters set forth above as well as those matters set forth in the growth policy, the statutes of Montana and the Development Code Book, the Town Council hereby approves the Creekside Meadows subdivision as set forth in the amended preliminary plats presented by the developer and owner, subject to the requirements of M.C.A. section 76-3-610 and 76-3-507, the following conditions which must be fully met prior to the recording of the final plat of the subdivision, and the provisions of Chapter 3 of Part 3 of Title 76.

### Conditions of Approval of Final Plat

The town council approves the preliminary plat of Creekside Meadows subject to full adherence to the following conditions. These conditions must be met fully prior to approval and recordation of the final plat:

- ✓ 1. The final plat must comply with all requirements of the Montana Code Annotated, and if there be any irrigation district assessment boundaries included, the plat must comply with the requirements of M.C.A. section 76-3-406.
- ✓ 2. Review of the final plat in accordance with M.C.A. section 76-3-611.
- ✓ 3. The submission and approval of a certificate of title abstract or owners' encumbrance report with review by the town counsel.

✓ 4. Recording of the restrictive covenants in a form substantially as submitted by the owner prior to public hearing on subdivision approval, which covenants shall be recorded with the final plat.

✓ 5. Certification by the Montana Secretary of State of formation of a Homeowners' Association consistent with the provisions of the restrictive covenants and presentation of adopted by-laws of the association consistent with the restrictive covenants. These are to be reviewed by town counsel and the building administrator for compliance and approval.

✓ 6. Installation of a sewer system at the owner's sole expense sufficient to meet the needs of the residents of the subdivision with proper connection to the city sewer system and approval of the system and installation by all town, state and other appropriate authorities. Compliance with MCA section 76-4-131 and inspection during installation is required.

✓ 7. Markings and indication on the final plat to show location, dimensions and dedication of pedestrian walkways, streets and sidewalks as well as easements. All needed easements for streets must be approved and recorded with the final plat.

✓ 8. Receipt of appropriate access permits, easements and agreements from Ravalli County to assure ingress/egress from and to county roads.

✓ 9. Any modifications of Swamp Creek must include prior approval and permits from all county, state and federal agencies.

✓ 10. All fees must be paid.

✓ 11. All county real property taxes must be current at time of recording the final plat.

✓ 12. The park dedication requirements of MCA Section 76-3-621 should be a dedication common areas to the Creekside Meadows Homeowners Association.

○ 13. A 5 (five) foot sidewalk along Aspen Trail.

○ 14. Prior to completion of construction of all phases, those roads not fully constructed and paved must be blocked and marked appropriately so there is no danger to the public traffic or pedestrians. Blocks and markings must be sightly and in character with the historic nature of the town of Stevensville.


✓ 15. All water systems, sewage systems and utilities within the subdivision must be approved and completed no later than March 5, 2013. In the event the subdivision is developed in phases, prior to commencement of any construction and approval of systems within the phase, all water, sewage and public utilities and improvements must be

reviewed and approved by the appropriate city authorities.

16. Compliance with all provisions of the City Development Code, especially section 16.130.

17. Any lots that are divided by the zoning designation must use the more restrictive zoning designation.

Passed and entered this 10<sup>th</sup> day of March, 2003.

  
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Pat Groninger, Mayor  
Town of Stevensville

Attest:

  
\_\_\_\_\_  
Nancy Lowell, Town Clerk  
Town of Stevensville