

6433

DEPARTMENT OF ENVIRONMENTAL QUALITY
PERMITTING AND COMPLIANCE DIVISION

METCALF BUILDING
1520 6TH AVENUE

MARC RACICOT, GOVERNOR

STATE OF MONTANA

April 22, 1999

PO BOX 200901
HELENA, MONTANA 59620-0901

(406)444-3080
FAX (406)444-1374



MICHAEL RAY
RAY ENGINEERING
317 MINERAL AVENUE
PO BOX 738
LIBBY MT 59923

RE: Eagle Cove Subdivision
Lincoln County
E.Q. #99-1355

Dear Mr. Ray:

The plans and supplemental information relating to the water supply, sewage, solid waste disposal facilities, and storm drainage (if any) for the above-referenced division of land have been reviewed as required by ARM Title 17, Chapter 36 and have been found to be in compliance with those acts.

Two copies of the Certificate of Subdivision Plat Approval are enclosed. The original is to filed with the Plat at the office of the county clerk and recorder. The duplicate is for your personal records.

Development of the approved subdivision may require a General Discharge Permit for Storm Water Associated with Construction Activity. Please contact Fred Shewman at (406)444-5329 for more information. Failure to obtain this permit (if required) prior to development can result in significant penalties.

Your copy is to inform you of the conditions of the approval. Please note that you have specific responsibilities according to the plat approval statement, primarily with regard to informing any new owner as to inherent limitations which have been imposed.

If you wish to challenge the conditions of this Certificate of Subdivision Plat Approval, you may request a hearing before the Board of Environmental Review or the Department, pursuant to Section 76-4-126, MCA and the Montana Administrative Procedures Act.

If you have any questions, please contact this office.

Sincerely,

Mary Bethel
for Dennis P. McKenna

Supervisor
Subdivision Section
Water Protection Bureau

c: file
Lincoln County Sanitarian

STATE OF MONTANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
CERTIFICATE OF SUBDIVISION PLAT APPROVAL
(Section 76-4-101 through 76-4-131, MCA 1995)

TO: County Clerk and Recorder
Lincoln County
Libby, Montana

E. Q. #99-1355

THIS IS TO CERTIFY THAT the plans and supplemental information relating to the subdivision known as **Eagle Cove Subdivision**

A tract of land located in portions of Sections 7 and 18 Township 31 North Range 33 West and portions of Sections 12 and 13 Township 31 North Range 34 West, Principal Meridian Montana, Lincoln County, Montana,

consisting of 12 lots have been reviewed by personnel of the Permitting and Compliance Division, and,

THAT the documents and data required by ARM Chapter 17 Section 36 have been submitted and found to be in compliance therewith, and,

THAT the approval of the Plat is made with the understanding that the following conditions shall be met:

THAT the lot sizes as indicated on the Plat to be filed with the county clerk and recorder will not be further altered without approval, and,

THAT each lot shall be used for one single-family dwelling, and,

THAT each individual water system will consist of a well drilled to a minimum depth of 25 feet constructed in accordance with the criteria established in Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM and the most current standards of the Department of Environmental Quality, and,

THAT Lots 1, 2 and 3 shall have a well access easement, and,

THAT each individual sewage treatment system will consist of a septic tank and subsurface drainfield of such size and description as will comply with Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM, and,

THAT each subsurface drainfield shall have an absorption area of sufficient size to provide 140 square feet per bedroom for Lot 11, provide 160 square feet per bedroom for Lot 2, provide 220 square feet per bedroom for Lots 1, 3, 5, 7, 9 and 10, provide 250 square feet per bedroom for Lot 4, provide 280 square feet per bedroom for Lot 6, provide 300 square feet per bedroom for Lot 8, and provide 340 square feet per bedroom for Lot 12, and,

THAT the bottom of the drainfield shall be at least four feet above the water table, and,

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Eagle Cove Subdivision
Lincoln County
EQ #99-1355

THAT no sewage treatment system shall be constructed within 100 feet of the maximum highwater level of a 100 year flood of any stream, lake, watercourse, or irrigation ditch, nor within 100 feet of any domestic water supply source, and,

THAT water supply systems, sewage treatment systems and storm drainage systems will be located as shown on the approved plans, and,

THAT all sanitary facilities must be located as shown on the attached lot layout, and,

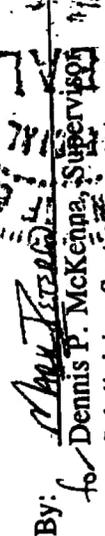
THAT the developer and/or owner of record shall provide each purchaser of property with a copy of the Plat, approved location of water supply and sewage treatment system as shown on the attached lot layout, and a copy of this document, and,

THAT instruments of transfer for this property shall contain reference to these conditions, and, THAT departure from any criteria set forth in the approved plans and specifications and Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM when erecting a structure and appurtenant facilities in said subdivision without Department approval, is grounds for injunction by the Department of Environmental Quality.

Pursuant to Section 76-4-122 (2)(a), MCA, a person must obtain the approval of both the State under Title 76, Chapter 4, MCA, and local board of health under section 50-2-116(1)(i), before filing a subdivision plat with the county clerk and recorder.

YOU ARE REQUESTED to record this certificate by attaching it to the Plat filed in your office as required by law.

DATED this 22nd day of April 1999.

By: 
Dennis P. McKenna, Supervisor
Subdivision Section
Permitting and Compliance Division
Department of Environmental Quality



MARK SIMONICH, CHIEF CLERK
DIRECTOR

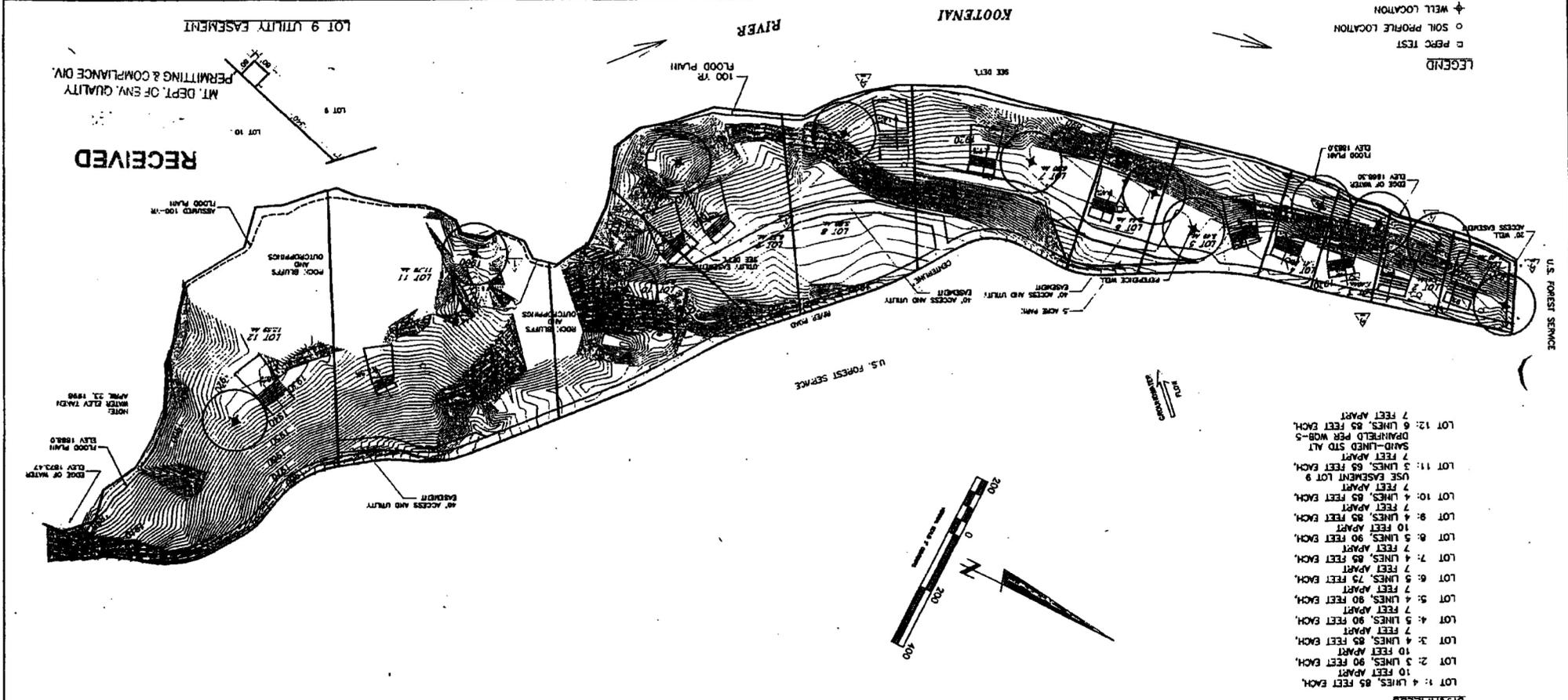
Owner's Name: James Kessler

97-B-7901		LOT LAYOUT	
PROJECT NO. 1	DATE 19AUG98	DESIGNED BY JIM RAY	SCALE AS SHOWN
JAMES KESSLER		LIBERTY, MONTANA	
RAY ENGINEERING, INC.		P.O. BOX 728 LIBERTY, MONTANA 59023 (406) 253-2894	

NO.	DATE	REVISION
1	05MAR99	REVISED DRAWING SIZE TO REFLECT CURRENT PERMITS; RELOCATED WELLS ON LOT 2 & 11 FOR PROPER DISTANCE SEPARATORS AND SLOPE REQUIREMENTS; RECALCULATED SLOPES; EXTENDED ROADWAY THRU LOT 9.
2	16APR99	RELOCATED SEPARATORS ON LOTS 1, 2, 3 & 8. PROVIDED A WELL ACCESS ROAD FOR LOTS 3 AND 4. RELOCATED WELL ON LOT 1.

APPROVED
 Montana Department of
 Environmental Quality
 Permitting and Compliance Division
 Date 4/2/99
 Reviewer [Signature]

- LEGEND**
- PERC TEST
 - SOIL PROFILE LOCATION
 - ⊕ WELL LOCATION
 - ▭ DRAIN FIELD
 - ▭ REPLACEMENT AREA
 - SURFACE SLOPE AND DIRECTION



- DRAINFIELDS**
- LOT 1: 4 LINES, 85 FEET EACH.
 - LOT 2: 3 LINES, 90 FEET EACH.
 - LOT 3: 4 LINES, 85 FEET EACH.
 - LOT 4: 5 LINES, 80 FEET EACH.
 - LOT 5: 4 LINES, 90 FEET EACH.
 - LOT 6: 5 LINES, 75 FEET EACH.
 - LOT 7: 7 FEET APART.
 - LOT 7: 4 LINES, 85 FEET EACH.
 - LOT 8: 5 LINES, 90 FEET EACH.
 - LOT 9: 10 FEET APART.
 - LOT 9: 4 LINES, 85 FEET EACH.
 - LOT 10: 7 FEET APART.
 - LOT 10: 7 FEET APART.
 - USE EASEMENT LOT 9.
 - LOT 11: 3 LINES, 65 FEET EACH.
 - LOT 11: 7 FEET APART.
 - LOT 11: SAID-LINED SIZED AT 10 FEET APART.
 - LOT 12: 6 LINES, 85 FEET EACH.
 - LOT 12: 7 FEET APART.

EAGLE COVE SUBDIVISION

RECEIVED

MT. DEPT. OF ENV. QUALITY
 PERMITTING & COMPLIANCE DIV.

LOT 9 UTILITY EASEMENT

U.S. FOREST SERVICE

U.S. FOREST SERVICE

Doc # 40716
P.F. 6483

1946
June 1999
9:30 AM
Coral Gables
Florida

3. No junk, including non-operable motor vehicles or parts thereof, trash debris, or other forms of solid wastes shall be allowed to accumulate on any lot or parcel, but shall be promptly disposed of. All rubbish, trash, garbage, and other putrescible forms of solid wastes shall be kept in sanitary containers with tight-fitting lids to the rear of the dwelling unit and away from public view.
4. No livestock or animal husbandry uses shall be permitted on any lot without the permission of the Home Owners Association. Domestic animals, such as a dog and/or a cat, may be permitted as long as lot owners provide necessary restraints to prevent those animals from becoming an annoyance or nuisance.

B. Residential Development

1. Each dwelling unit shall be constructed to conform to the natural aesthetics of the area. Minimal amounts of vegetation are to be removed for residential development. All structures and improvements must be kept and maintained in a good and sightly condition.
2. No dwelling unit shall be allowed to remain standing with an exterior in an unfinished or unpainted condition for more than one calendar year from the commencement date of the initial dwelling unit construction.
3. No basement, tent, shack, detached garage, mobile home, or other outbuilding shall be erected at any time to be used as a residence.
4. Camper or motor homes may be used as temporary residences provided that those campers or motor homes are occupied less than 30 days per calendar year and that no direct connection be made to any electrical, sewage or water utility.
5. Roofs of structures will be constructed of, or made to be, a fire resistant material and kept free of debris such as pine needles, leaves, moss, etc.
6. A thirty (30) foot perimeter will be kept around structures in which woods, brush, and other debris capable of rapidly transmitting fire are removed.
7. No portion of a tree or any other vegetation will extend to within twenty-five (25) feet of the outlet of a stovepipe or chimney.
8. A minimum setback distance for any development is to be maintained to a distance of at least thirty (30) feet from any property line to the wall of any building.
9. Lot owners will attempt to maintain a separation of sixty (60) feet between residential structures in forested areas.
10. Residential structures will have displayed a number indicating its address or location that can be read by emergency vehicles from at least one hundred (100) feet. (Numbers at least 4 inches high)
11. Existing topsoil will be stripped and stockpiled wherever soil is to be disturbed for roads, excavations, grading, etc.
12. Topsoil will be replaced on all disturbed areas. Upon completion of the grading, it will be fertilized and seeded with native or commercial grass.

13. Any off-site topsoil or gravel will be inspected for noxious weeds prior to delivery to the site and only that which is free will be utilized.

C. Utilities

1. All utilities shall be placed underground.
2. All individual sewage systems shall be designed, installed, and maintained at all times in compliance with rules, regulations and standards established by the Montana Department of Environmental Quality and the Lincoln County Board of Health.

III. Duration and Amendment

These Conditions, Covenants and Restrictions are to run with the land and shall be binding on all parties owning properties within the subdivision, and shall remain in effect for a period of 10 years, after which period shall be automatically extended for successive periods of 20 years, unless a written instrument, signed by 60% of the then current owners of lots has been recorded to amend this Declaration in part or in whole.

IV. Enforcement

Enforcement of this Declaration shall be by proceedings at law or inequity against any person violating or attempting to violate any of the aforesaid Conditions, Covenants and Restrictions, either to restrain violation or to recover damages.

V. Severability

Invalidation of any one provision of this Declaration by judgement or court order shall in no way affect any of the other provisions, which shall remain in full force and affect.

IN WITNESS THEREOF, the Declarant has executed this instrument the day and year first herein above written.

James K. Kessler
James K. Kessler

STATE OF MONTANA)
County of Lincoln) ss.

On this 31st day of October, 1998, before me, a notary public in and for said State, personally appeared known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

Mary Schenkbeiger
Notary Public for State of Montana



Eagle Cove

293-5640

LINCOLN COUNTY RECORDS

PAGE 01

ROAD CONSTRUCTION PHASE CHECK-LIST

This document must be signed and dated by the county district road foreman as each phase of road construction is completed. The completed document must accompany any filing submittal for a subdivision which requires surfaced roads, or any request for county acquisition of a newly constructed road. Acquisition of roads by Lincoln County requires county commission approval.

ROAD CONSTRUCTION PHASE APPROVED DATE

I. ROAD DESIGN

TYPE OF ROAD --

- PRIMARY
- SECONDARY
- PRIVATE MULTIPLE ACCESS

MBA 5-20-99

450' long + 490' long

RIGHT OF WAY WIDTH --

- PRIVATE (40' OR WIDER)
- PUBLIC (60' OR WIDER)

ROADWAY LAYOUT --

- CENTER OF RIGHT-OF-WAY ?
- GRADE ?
(ANY EXCEEDINGS OF 1% REQUIRES A VARIANCE FROM COUNTY COMMISSIONERS)
- CUL-DE-SAC RADIUS APPROPRIATE ?

DRAINAGE --

- CULVERT LOCATION APPROPRIATE?
- CULVERT SIZE ADEQUATE?
- DITCHES, ADEQUATE SIZE AND PLACEMENT?

II. ROAD BASE

ROADWAY BASE --

- SUB-BASE COMPOSITION
- FILL COMPOSITION
- FILL DEPTH *1 foot*
- FILL WIDTH *20 feet*

MBA 5-20-99

cleared 40'

III. ROAD SURFACE

ROADWAY SURFACE --

- COMPOSITION

MBA 5-20-99

RECORDED: 06/17/1999 9:35 BOOK: 257 RECORDS PAGE: 564

CLERK AND RECORDER BY: *James Alan* FEE: \$30.00

DELIVER TO: J.R.S. SURVEYING 317 MONTANA AVE. LIBBY, MONTANA 59901

DECLARATION OF CONDITIONS, COVENANTS AND RESTRICTIONS

This Declaration, made this 31st day of October 1998 by the undersigned, hereinafter referred to as Declarants,

Witness:

WHEREAS, Declarants are the owners of real property described hereinafter, and are desirous of subjecting said real property to Conditions, Covenants and Restrictions hereinafter set forth, each and all of which is and are for the benefit of said property and for each owner thereof. These Conditions, Covenants and Restrictions shall furthermore run with the land in each and every parcel and shall apply to and bind all successive owners of each and every parcel.

I. Property Subject to this Declaration

The land area within the confines of the Eagle Cove Subdivision, a subdivision in Lincoln County, shall be subjected to these Conditions, Covenants and Restrictions. Said land area of the subdivision is further described as being portions of Section 7 and 18, Township 31N, Range 33W; and Section 12 and 13 of Township 31N, Range 34W, 60.39 acres, more or less, that is filed with the Lincoln County Clerk and Recorder. No other property than that described specifically made subject hereto.

II. General Conditions, Covenants and Restrictions

The general property described above is subject to the hereinafter Conditions, Covenants and Restrictions to insure best use, appropriate development, and improvement of each building site; and further, to protect the owners of building sites against such improper use of surrounding building sites as will depreciate the value of their property; to preserve the scenic values and natural beauty of said property; and, in general, provide for the quality of improvements in said properties and thereby enhance the value of improvements made by the owners of said parcels by meeting the following Conditions, Covenants and Restrictions. These Conditions, Covenants and Restrictions shall be enforced by the Homeowners Association, which will include all owners of lots in the Eagle Cove Subdivision. The Association will be formed at the time the fourth lot is purchased from the developer. The formation of the Association will include writing up Association By-laws which must be filed with the Lincoln County Clerk and Recorder.

A. Land Use

1. All lots shall be used for residential purposes only. No multifamily dwellings will be allowed, only one family per lot.

Each lot may contain a maximum of three buildings, consisting of a main dwelling and up to two outbuildings.

Lots may not be re-divided.

2. No lot, or any buildings, or improvements erected thereon shall at any time be used for manufacturing, trade, or commercial enterprise of any description. No noxious or offensive activity will be permitted thereon which may become a nuisance or annoyance to surrounding properties.