RESOLUTION NUMBER 2005- 041

A RESOLUTION TO AMEND SETBACK REQUIREMENTS FOR THE "EAST BUTLER CREEK FOOTHILLS RURAL ZONING DISTRICT, MODIFIED" IN SECTION 6.05 OF THE MISSOULA COUNTY ZONING RESOLUTION.

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 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 regulations; and,

WHEREAS, the Board of County Commissioners did adopt Section 6.05 the "East Butler Creek Foothills Rural Zoning District" through the passage of County Resolution No. 95-012 and a subsequent amendment the "East Butler Creek Foothills Rural Zoning District, Modified" through the passage of Resolution No. 2001-073; and,

WHEREAS, the Board of Missoula County Commissioners adopted Resolution No. 2005-025 on February 24, 2005, stating their intention to amend the "East Butler Creek Foothills Rural Zoning District, Modified" with respect to setbacks in the West Pointe subdivision; and,

WHEREAS, a protest period was held for thirty (30) days after the first publication of the Resolution of Intent on March 6, 2005; and,

WHEREAS, no protest petitions were filed by persons who own real property within the area proposed for zoning regulation amendment.

NOW, THEREFORE, BE IT RESOLVED, that Section 6.05 of the Missoula County Zoning Resolution, the "East Butler Creek Foothills Rural Zoning District, Modified," is amended as shown in detail below and in Attachment A included as part of this resolution:

Area C: Attached Housing: West Pointe Subdivision

Minimum required yard	
.....front	Fifteen feet (15') from line shown on the plat depicting the edge of private road easement or Twenty feet (20') from back of sidewalk, whichever is greater.
.....rear	Twenty feet (20') for detached dwelling units, except that detached dwelling units in West Pointe, Phase 1 (Lots 1-43c) may have a rear yard setback of Fifteen feet (15').
	Fifteen feet (15') for attached dwelling units.

PASSED AND ADOPTED THIS 5th **DAY OF** April, **2005**

ATTEST:

Vickie M Zeier

Vickie Zeier, Clerk and Recorder

APPROVED AS TO FORM AND CONTENT:

Michael Sehestedt

Michael Sehestedt, Deputy County Attorney

BOARD OF COUNTY COMMISSIONERS
MISSOULA COUNTY

Jean Curtiss

Jean Curtiss, Chair

Bill Carey

Bill Carey, Commissioner

Barbara Evans

Barbara Evans, Commissioner

SECTION 6.05
EAST BUTLER CREEK FOOTHILLS RURAL ZONING DISTRICT, MODIFIED
ZONING DISTRICT STANDARDS

INTENT

This district recognizes the need for an alternative to traditional large lot rural zoning. Traditional zoning that promoted the creation of large acreage lots for ranchettes has diminished the rural character and natural setting it was intended to preserve. Specifically, it is noted that large acreage tracts promote the following situations:

- Intensive grazing on tracts too small to be properly managed. This leads to over grazing, soil erosion, stream sedimentation, contamination of surface and ground water and weed infestation.
- Fencing of individual tracts which diminishes the feeling of openness characteristic of rural areas and restricts wildlife movement.
- Displaces viable agricultural operations with a series of highly visible suburban style homes.
- Free roaming dogs deplete the wildlife resource and severely limit the usable winter range. These same free roaming dogs prey upon and harass domestic livestock further threatening the viability of agricultural operations.
- Cause more intensive and less well managed use of irrigation water to the detriment of the other users and contributing to the de-watering of our rivers and streams.
- Create multiple access points onto rural roads adding to congestion and increased road maintenance costs as well as over-burdening other infrastructure such as bridges.
- Create a demand for increased bussing on the part of rural school districts.
- In the situation of wildland fires, emergency resources are diverted to structure protection rather than overall fire suppression.

This district further recognizes the need for close major transportation routes, schools and infrastructure.

Stabling of horses is recognized as an important part of the rural lifestyle. This district allows for the pasturing, stabling and riding of horses in a separate facility designed specifically for this purpose.

Diversity in housing types and price range is recognized as an important community goal. This district allows for the placement of attached housing within the site.

AREA A: CLUSTERED RURAL RESIDENTIAL AREA

A. Space and Bulk Requirements

• Maximum Residential Density	One Dwelling Unit Per Ten (10) Acres
• Minimum Lot Width	One Hundred and Eighty (180) Feet
• Maximum Lot Width	Two Hundred Feet (200) Feet
• Maximum Lot Size	Thirty-One Thousand Square Feet (31,000 sq. ft.)
• Minimum Required Yard	There are no minimum setbacks for yard area. Buildings may be up to the property line.
• Lot Location	No area other than a residential lot as shown on the final plat for Circle H Ranch shall be used for any residential structure or any residential accessory use of any kind.

- Maximum Building Height — Thirty-Five (35) Feet. The building height shall be measured from the top of the lowest finished floor of a daylight basement to the eave for homes with a daylight basement. For homes without daylight basements, the height shall be measured from the top of the first floor above grade to the eve.

B. General Standards

- See Supplementary Regulations - Chapter III (Resolution 76-113 As Amended)

C. Permitted Uses

1. Single Family Dwelling
2. Accessory Building and Uses
   - Prohibited Uses: RV storage, stables or horse shelters
3. Recreational Uses Accessory To A Residential Cluster

D. Conditional Uses

1. Home Occupation

AREA B: EQUESTRIAN AREA LOT 1

A. Space and Bulk Requirements

- Minimum Lot Size — Eighty (80) acres
- Minimum Required Yard — Fifty (50) feet for all buildings
- Maximum Building Height — Forty (40) Feet

B. General Standards

- See Supplemental Regulations – Chapter III (Resolution 76-113 As Amended)

C. Permitted Uses

1. Professional Horse Boarding
2. Professional Horse Training
3. Riding Arena
4. Concessions Accessory to the Riding Arena
5. Single Family Residence Accessory To The Riding Arena
6. Temporary Sales Office for Circle H Ranch
7. Accessory Buildings and Uses
8. Ranch Headquarters Building

AREA C: ATTACHED HOUSING LOT 2

A. Space and Bulk Requirements

- Maximum Residential Density — Not to exceed 240 dwelling units
- Minimum Lot Area for Detached Single Family Dwellings — Three Thousand Four Hundred (3,400) Square Feet
- Minimum Lot Area for Attached Single Family Dwellings — None
- Minimum Lot Width — Twenty-Eight (28) Feet

• Minimum Required Yard Setback	Front	Fifteen (15) Feet from the line shown on the plat depicting the edge of private road easement or Twenty (20) Feet from back of sidewalk, whichever is greater.
	Side	Five (5) Feet. For townhouses/attached single family dwellings, there shall be no required side yard between units, only between structures.
	Rear	Twenty (20) Feet for detached dwelling units, except that detached dwelling units in West Pointe, Phase 1 (Lots 1-43c) may have a rear yard setback of Fifteen (15) Feet.
		Fifteen (15) Feet for attached dwelling units.
• Perimeter Setback		One Hundred (100) Feet from the boundary of Area B for all structures.
• Maximum Building Height		Thirty-six (36) Feet

B. General Standards

- Lots adjacent to a walkway easement shall prohibit fences nine (9) feet from either side of the center line of the easement. Fences within the walkway easement shall be no taller than thirty (30) inches tall and constructed of decorative wood, stone or other materials as approved by the zoning officer, with a maximum opacity of sixty percent (60%).

- Grading plans for each lot shall be reviewed and approved by the County or the appropriate jurisdiction, prior to zoning compliance permit issuance.

- See Supplementary Regulations – Chapter III. (Resolution 76-113 As Amended), with the following exception: In Section 3.06(N) only numbers 1, 3, 4, 5, 6(a-c and e) and 7 shall apply.

C. Permitted Uses

1. Detached Single Family Dwelling
2. Townhouse or Attached Single Family Dwelling
3. Accessory Buildings and Uses

D. Conditional Uses

1. Home Occupation
2. Child Day Care Home

E. Special Exceptions

1. Child Day Care Center