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Dist #1

MINUTES OF MEETING OF PLANNING & ZONING

COMMISSION HELD ON April 18, 1958

A meeting of the above named Commission was held on April 18, 1958, in the offices of the County Commissioners of Missoula County, at which time Messrs. A. B. Jungers, R. G. Ostergren, J. J. Howe, H. W. Stoutenberg, and Vernon R. Peterson were present.

The meeting was called to order by Mr. Jungers, the Chairman, who announced that all members of the Planning and Zoning Commission were present and that Mr. Peterson, the Secretary, would accordingly record the minutes of the meeting, which it was announced was had as its business the consideration of the zoning of the Target Range Area in Missoula County.

The area recited in the petition which had been presented to the Zoning Commission was determined to encompass land both North and South of the Bitterroot River in Missoula County. Mr. Peterson, the Secretary, indicated that Notices which had been posted in conspicuous places in the area were in conformity with the description shown in the petition. It appeared, however, to the Commission that those interested persons South of the Bitterroot River in Sections 1 & 2, Township 12 North, Range 20 West, who had signed the Petition did not at this time care to be included in such planning and zoning development. Said Petitioners were present at the meeting and asked that their area be withdrawn and that the area North of the Bitterroot River in said Sections be included in the development area. There were no protests to this request from any of the residents residing in the area North of the River nor from any Petitioners present.

After a discussion, and having heard from all interested residents and landowners of the area concerned who were present at the meeting, the following resolution was proposed by H. W. Stoutenberg, seconded by Vernon Peterson and unanimously adopted:

That the description of the area for a proposed Planning and Zoning District be amended from that shown on the Petition and published in the posted notices by deleting therefrom the following:

"Sections 1 and all of Section 2, North of U.S. Highway 93, and all of Section 3, North of the County Road, commonly known as the Big Flat Road, all in Township 12 North, Range 20 West."

After further discussion the following resolution was proposed by R. G. Ostergren, seconded by J. J. Howe, and adopted on unanimous vote of all the members present:

"Be it Resolved that WHEREAS a Petition was filed to the Board of Commissioners of Missoula County, Montana, for the creation of a Planning and Zoning District within the boundaries described therein, and as amended, and as hereinafter described,

AND WHEREAS, the Petition was signed by more than sixty per cent (60%) of the freeholders within such area, and

WHEREAS, the County Commissioners thereupon appointed a Zoning Commission in accordance with the Provisions of Chapter 41, Title 16, R.C.M. 1947, as amended,

AND, WHEREAS, the Zoning Commission thereafter by order, directed that Notice of a Public Hearing be given as required by law relating to the area set forth in said Petition, and that such Notice was thereafter given, duly posted and a public hearing held on April 18, 1958, in conformance therewith,

NOW, THEREFORE, it is ordered and this does hereby order that there is created Missoula Planning & Zoning District No. 7, which district includes all of the lands within the boundaries described as follows, to-wit:

Sections 25, 26, and all of that area in Sections 35 and 36 North of the Bitterroot River; and the East Half of the Southeast Quarter (E $\frac{1}{2}$  SE $\frac{1}{4}$ ) of Section 27 and the East Half of the East Half (E $\frac{1}{2}$ E $\frac{1}{2}$ ) of Section 34, all in Township 13 North, Range 20 West, all in Missoula County.

It is further ordered, and this does order, that the following shall govern the use of lands within Missoula County Planning and Zoning District No. 7:

Section 1 - The said area as hereinabove described is restricted to residential, commercial, agricultural and horticultural purposes only, and it shall be unlawful to use any lands within the boundaries of Missoula County Zoning and Planning District No. 7 for:

- Hide Plants
- Saw Mills or Planing Mills
- Rendering Plants

Wrecking Yards  
 Slaughter Houses  
 Junk Yards  
 Taverns, bars or beer parlors  
 Dumps for refuse, garbage, sewage,  
 rubbish, junk  
 Cemeteries  
 Or unsightly, obnoxious and offensive  
 heavy industry of any type, nature  
 or kind.

Section 2 - In conformity with the provisions of Section 16-4103, Revised Codes of Montana, 1947, as amended, the Board of County Commissioners shall have the power to authorize such variance in these regulations that will not be contrary to public interest where, owing to special conditions, the lateral enforcement of the Planning and Zoning Commission would result in unnecessary hardship.

Section 3 - Reference is hereby made to the descriptive matter relating to the area herein zoned, which matter is on file in the office of the Secretary of this Zoning Commission.

It is further ordered that in conformance with Section 16-4101 that the claim for services rendered by Garlington, Lohn and Robinson in connection with the creation and establishment of Planning and Zoning District No. 7 shall be and hereby ordered to be paid from the assessment of a levy of not to exceed one mill on the taxable evaluation of the real property within the district which has been designated as Missoula County Planning and Zoning District No. 7.

Thereupon a motion was made by R. G. Ostergren that the foregoing resolution be adopted. The motion was duly seconded by James Howe and put to vote. The Chairman announced that the motion was carried.

151781

*W. J. [Signature]*  
 Chairman, Zoning Commission  
*Vernon R. Peterson*  
 Secretary, Zoning Commission

I received and filed this instrument for record on the 8 day of May 19 58 at 8:25 o'clock A.M., permanent files of Missoula County, State of Montana  
 Witness my hand:  
 [Signature] DA [Signature], County Recorder  
 By [Signature] Deputy  
 Fee \$ [Signature] Paid

See Commissioners' Journal Z-234 for Amending Resolution May 12, 1958. (Variance)

File opening Journal "A"

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MINUTES OF MEETING OF PLANNING &  
ZONING COMMISSION HELD ON NOVEMBER 18, 1960

A meeting of the above-named Commission was held on November 18, 1960, in the offices of the County Commissioners of Missoula County at which time Messrs. William Lucier, J. J. Howe and H. W. Stoutenburg were present.

The meeting was called to order at 10:30 A. M. on said date by Mr. Lucier, the Commission Chairman, who noted there was a majority of the Commission present. The Chairman also announced that Mr. Howe, the Commission Secretary, would record the minutes of the meeting, and stated the business of the meeting was the consideration of a petition for modification of the Commission Order of April 18, 1958 relating to Missoula County Planning and Zoning District No. 7.

The Chairman explained that a petition seeking modification had been signed by 60% of the freeholders of the area affected and that due and proper notices relative to the hearing had been posted pursuant to law and in addition had been published on November 3, 10, and 17, 1960, in the Daily Missoulian. He then called on R. H. Robinson, attorney for the petitioners, who explained the need for the requested changes in the previous zoning order and the requested change in the area which the freeholders sought to zone. It was explained that at public meetings held in the area affected the overwhelming majority sought to restrict commercial development, especially the use of trailers, trailer courts and motels.

After a discussion, and having heard from all interested residents and landowners of the area concerned who were present, with no protests to the requested changes, the following resolution was moved by H. W. Stoutenburg for adoption, seconded by J. J. Howe and unanimously adopted:

"Be it resolved that the Missoula County Planning and Zoning Commission does hereby order that its Zoning and Planning Order of April 18, 1958, relating to Planning and Zoning District No. 7 be amended, altered and changed, as follows:

- 1) By excluding from said District No. 7 all land owned or titled in the name of the United States of America or any of its agencies, and also excluding from said District No. 7 the property encompassed within Planning and Zoning District No. 3, created April 15, 1957 and further described as United States Subdivision No. 1 located in the South Half (S $\frac{1}{2}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Twenty-Five (25), Township Thirteen (13) North, Range Twenty (20) West, consisting of eighty (80) acres more or less and located in Missoula County, Montana

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- 2) By deleting from Section 1 thereof the word "Commercial" and thereby making it unlawful to institute, establish, or carry on any commercial activities within the boundaries of said district.
- 3/ By adding to Section 1 thereof the words "Trailer Courts" and "Motels" as unlawful uses within the boundaries of said district,
- 4) (By making it unlawful to place more than one trailer house upon a plot of ground area of 12,000 square feet or less.)

"It is further ordered that in conformance with Section 16-4101, R.C.M., 1947, as amended, that the claim for services rendered by Garlington, Lohn & Robinson in connection herewith shall be and is hereby ordered to be paid from the assessment of a levy not to exceed one mill of the taxable evaluation of real property within the boundaries of the affected area."

Wm. L. ...  
 Chairman, Planning and Zoning Commission

J.P. ...  
 Secretary, Planning and Zoning Commission



ATTEST:  
Marta ...  
 Clerk

1720000

I received and filed this instrument for record on the 19th day of Dec 1960 at 9:20 o'clock A.M., permanent files of Missoula County, State of Montana  
 Witness my hand:  
 MARTIN S. PRINER, County Recorder  
 By Kerene Crowe Deputy  
 Fee \$ None Paid File - Zoning Journal "A"