

CONTINUATION MINUTES OF MEETING
OF PLANNING AND ZONING COMMISSION
HELD ON AUGUST 30, 1971

A meeting of the above-named Commission was held on August 30, 1971, in the Office of the County Commissioners, Missoula County, at which time Messrs. H. W. Stoutenburg, Richard Ostergren, Fred R. Barclay and Elmer M. Frame were present. Mr. A. W. Fetscher was absent and excused.

The meeting was called to order by Mr. Stoutenburg, the acting Chairman, who announced that it was the business of the meeting to consider zoning petitions relating to the area southwest of Buckhouse Bridge situated in Section 2 of Township 12 North, Range 20 West in Missoula County.

The Chairman stated that the area involved had been included in a petition which had been presented to the Zoning Commission on which a hearing had been held on June 30, 1971. He stated that while such hearing had been recessed for further investigation by the Commission, the landowners comprising more than sixty per cent of the freeholders within the area had presented a second petition, but only as an addendum to the first petition. As a result of the second petition, Notices had been published and posted by the Clerk and Recorder's Office as required by law establishing a second hearing for August 30, 1971. The Chairman related that in the second petition the petitioners in the area involved sought only to make minor alterations to their first petition, which petition asked for a re-enactment of the order establishing the original Zoning District No. 18, which district was originally established on October 26, 1959, for a period of ten years. Since the expiration of the ten years, the Chairman stated that the freeholders in the area involved had desired to re-establish the zoning district.

The Acting Chairman called upon the petitioners, represented by R. H. Robinson of Garlington, Lohn & Robinson, who spoke regarding the type of zoning that has been requested and the necessity for the same. The Commission heard from all interested residents and landowners of the area concerned and present at the meeting, with no one protesting the proposed zoning. Thereafter, the following resolution was proposed by Richard Ostergren, seconded by H. W. Stoutenburg and unanimously adopted:

"BE IT RESOLVED, that whereas a petition was filed with the Board of County Commissioners of Missoula County, Montana, for the creation of a planning and zoning district within the boundaries described therein, and

WHEREAS, the petition was signed by more than sixty per cent of the freeholders within such area, and

WHEREAS, the County Commissioners thereupon appointed a Zoning Commission in accordance with the provisions of Chapter 154 of the Laws of 1953, and

WHEREAS, the Zoning Commission thereafter by order directed that Notice of Public Hearing, first on June 30, 1971, and subsequently on August 30, 1971, be given as required by law, and that such Notices for such meetings were thereafter given and public hearings held on such respective dates,

NOW, THEREFORE, IT IS ORDERED AND THIS DOES ORDER, that there

is hereby created Missoula County Planning and Zoning District No. 18, which said district includes all of the lands within the boundaries described as follows, to-wit:

The Northwest Quarter of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter and the Northeast Quarter of the Southwest Quarter, all in Section 2, Township 12 North, Range 20 West in Missoula County, Montana.

IT IS FURTHER ORDERED AND THIS DOES ORDER, that the following shall govern the use of lands and structures within Missoula County Planning and Zoning District No. 18:

Section 1: No building, structure or premises shall be used and no building or structure shall be erected structurally, altered or maintained except as otherwise provided in this ordinance, and, except as herein specifically provided, it shall be unlawful to use any of the lands within the boundaries of Missoula Planning and Zoning District No. 18, or any structures or buildings located thereon for any commercial business or industrial use [excepting for commercial use only that portion of the Northeast Quarter of the Southwest Quarter of Section 2, Township 12 North, Range 20 West in Missoula County, Montana which lies within 435 feet of the existing right-of-way line of Highway 93 (as shown on the map attached hereto)], and that the said area hereinabove described in said District No. 18 is restricted to residential agricultural and horticultural purposes only and that it shall be unlawful for the establishment of the following:

- Trailer Courts
- Hide Plants
- Sawmills
- Rendering Plants
- Wrecking Yards
- ✓ Slaughter Houses
- Junk Yards
- Dumps for refuse, garbage, sewage, rubble or junk
- Cemeteries
- Taverns, bars, night clubs or dance halls
- Unsightly, obnoxious and offensive heavy industry of any type, nature or kind
- No pigs or goats to be raised

Section 2: The uses which are specifically permitted are as follows:

1. One-family dwellings
- ✓ 2. Two-family dwellings
3. Churches
4. Libraries
5. Schools
6. Parks and Playgrounds
7. Accessory buildings incidental to the above use, provided that such accessory buildings do not involve the conduct of any business, industry or commercial enterprise.
8. The above buildings shall conform to modern or present-day architecture.

9. All dwellings, churches, schools, public buildings and accessory buildings shall be constructed of new or sound materials.
10. No building or enlargement of any structure shall be located on any lot nearer to the front lot line than 30 feet thereof and there shall always be a side clearance of at least 10 feet to the side property lines.
11. No noxious or offensive activities shall be carried on upon any lot or part thereof nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.
12. No structure of a temporary character, trailer, basement, tent, shack, garage, or other out buildings shall be used on any lot or residence except for a period of 18 months from the date construction of a permanent residence has begun.
13. No dwelling, including garage, shall be erected, placed or altered on any building site unless its actual cost, excluding land, shall equal or exceed \$20,000.00
14. These provisions are to run with the land for an indefinite period and shall be binding on all parties and all persons claiming thereunder.
15. The provisions herein cited may be altered or modified by the petition of sixty per cent of the free land owners to the Planning and Zoning Commission or to the constituted planning and zoning authority of Missoula County, Montana.
16. Any buildings presently located in the boundaries of Missoula Planning and Zoning District No. 18 may be maintained, and any lawful use presently being made of the lands in said district may be continued whether the same be in conformity with the provisions of the regulations or otherwise; provided, however, that if any non-conforming use is discontinued for a period of two years, any future use thereafter shall be in conformity of the provisions of this zoning ordinance.

Section 3: In conformity with the provisions of Section 16-4103, Accumulative Supplement of the Revised Codes of Montana, 1947, the Board of County Commissioners shall have the power to authorize such variance from these regulations that will not be contrary to public interest where, owing to special conditions, the literal enforcement of the Planning and Zoning Commission would result in unnecessary hardship.

Section 4: Reference is hereby made to the descriptive material contained in the Petition filed in connection with Missoula County Planning and Zoning District No. 18 to the map of said district which 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 & Robinson in connection with the creation and establishment of Planning and Zoning District No. 18 shall be and hereby ordered to be paid from the assessment of a levy of not to exceed one mill on

10-17

the taxable evaluation of the real property within the district which has been designated as Missoula County Planning and Zoning District No. 18."

Signed and adopted this 22 day of September, 1971.

A. W. Fetscher

A. W. Fetscher
Chairman, Zoning Commission

Fred R. Barclay
Fred R. Barclay
Secretary, Zoning Commission

307809 //

I received and filed this Instrument for record on the 22nd day of Sept 19 71 at 2:00 o'clock P.M., and it is recorded in vol. 33 of micro Records of the County of Missoula, State of Montana, on page 191.

Witness my hand:
Vermae R. Crouse, County Recorder
By Dorothy L. Neal Deputy
Fee \$ none Paid
Return to Zoning Journal "A"
Address Missoula Dist #18