

MINUTES OF MEETING OF PLANNING
AND ZONING COMMISSION HELD AT
10:30 A.M., SEPTEMBER 18, 1972

Pursuant to Notice given as provided by law, the Planning and Zoning Commission met with all members present in the Office of the County Commissioners at 10:30 A.M., on September 18, 1972, to hear the petition of landowners in Sections 10 and 11, T12N, R19W excluding Fort Missoula Timber Reserve area and the SW $\frac{1}{4}$ of Section 10, and including Lot 1, Section 9, requesting the zoning of their lands to restrict commercial or industrial use and to protect the development of the area. No protests were received to the zoning proposed, but one request for exclusion, other than stated in the petition, was submitted by Mary Nakamura. The items set forth as permitted or not permitted uses were discussed. Item 11 wording was questioned and it was suggested the last sentence could be improved by this revision:

"All sanitary facilities shall be constructed in accordance with State Department of Health and/or Missoula County Health Department regulations".

Jim Nelsen of the Health Department will be consulted on this.

The word "covenants" in Item 5 appeared to be a misnomer and should be deleted or reworded.

The reference to R-4 in Item 21 should not be used, and instead the wording should show the 2,000 square foot requirements for a two bedroom dwelling, or 1,500 for a one-bedroom dwelling. This concerns the area described as Lot 1, Section 9, owned by Allen Fetscher, Laurence Eck and Bruce Bugbee.

It was brought out that double wides were restricted for the reason that poor quality and appearing dwellings of this nature could eventually over-run the area and would not be in keeping with the surroundings. However, they stated they are not attempting to exclude travel trailers.

Elmer Frame will contact Mrs. Nakamura and explain to her that this zoning will benefit her in the long run by protecting her heirs and future owners against poor development practices.

Chairman Stoutenburg appointed a committee consisting of the Clerk, Elmer Frame and Commissioner Ostergren to go over the above suggested revisions and re-wording following Mr. Frames meeting with Mrs. Nakamura, and then bring back the results for consideration at another meeting.

Commissioner Ostenson then moved that the Commission adjourn at 11:15 and this was seconded by Commissioner Ostergren and carried unanimously, whereupon the Board reconvened as a Board of County Commissioners.

CONTINUATION MEETING HELD AT
10:30 A.M., November 17, 1972

The Planning and Zoning Commission met in the Office of the County Commissioners. Present were the three County Commissioners and member Fred R. Barclay, with member Elmer M. Frame absent. Also attending were John C. Moe, Darrel Hill, Norma and Richard Rossignol, Donald Tomlinson, and Richard Mallick. Chairman Stoutenburg opened the meeting. After discussion of the matters brought up at the previous meeting held September 18, 1972, motion was made by Fred Barclay "that the petition be approved with the deletions and additions discussed incorporated into the uses permitted as set forth in the petition". Motion was seconded by Commissioner Ostenson and carried unanimously.

WHEREUPON, the following resolution was passed and 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 in the Pattee Canyon vicinity, within the boundaries described in plat attached to said petition, and

WHEREAS, the petition was signed by more than sixty percent (60%) of the freeholders within such area, and

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

WHEREAS, the Zoning Commission thereafter, by order, directed that notice of public hearing be given as required by law, and such notice was thereafter given and a public hearing held,

NOW, THEREFORE, IT IS ORDERED AND THIS DOES ORDER that there is hereby created Missoula County Planning and Zoning District No. 32 which said district is located in:

All of the land included in Section 10 and Section 11, Township 12 North, Range 19 West excluding approximately 375 acres designated as Fort Missoula Timber Reserve, and excluding the SW $\frac{1}{4}$ of Section 10. Also including Lot 1, Section 9, Township 12 North, Range 19 West containing 36 acres, more or less.

IT IS FURTHER ORDERED, and this does order, that the following shall govern the use of lands and structures within the above Planning and Zoning District No. 32:

Section I

- 1. There shall be no parcels split, subdivided, sold, etc., under 2 acres.
- 2. Said area shall be confined to single and two family dwellings only.
- 3. No commercial or industrial use shall be permitted.
- 4. All residences must be completed within one year from start of construction. This shall be considered from the date of first excavation.
- 5. Garages, barns, and other outbuildings may be erected in accordance with uses as stated elsewhere in these regulations but must be in keeping with the main residence.
- 6. All construction must be of new materials and finished in a workmanship like manner.
- 7. No basements, tents or shacks shall be allowed as a permanent structure other than basements are allowed if the main residence is erected on said basement within the one year completion date.
- 8. No mobile homes shall be permitted including double-wides.
- 9. Trailers, mobile homes or basements may be lived in while the main residence is under construction but for not more than one year, at which time the trailer or mobile home must be moved off said property and the main residence erected and finished upon said basement.
- 10. No noxious or offensive activities shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.
- 11. All residences erected on the property shall have modern sanitary facilities including water flushing toilets and all bathrooms, toilets or other sanitary conveniences shall be located inside the building used as said residence. All sanitary facilities shall

be constructed in accordance with State Department of Health and/or Missoula County Health Department regulations.

12. The thinning and removal of trees shall be permitted with the exception that no clearcutting will be permitted. It shall be unlawful to operate or conduct any sawmills, planing mill or other establishment for the processing of timber or the manufacturing of wood products.
13. Trees may be removed for the purpose of erecting a home and yard space, garage, garden and other acceptable outbuildings. Thinning of trees to permit a better view from the main residence shall be permitted, also. Thinning of trees for the purpose of fire protection and to allow trees to mature shall also be permitted.
14. There shall be no type of refuse or discard dumping.
15. Wells for domestic use must be a minimum of 100 feet from any cesspool, septic tank or any other sewer facilities other than city sewer installation and to comply with the State Department of Health and/or the Missoula County Health Department.
16. All utilities such as power lines, gas lines; telephone, TV Cable, etc., should be underground as per Montana Power etc., regulations and only if economically feasible and if acceptable to the Montana Power Co. etc.
17. No business of any nature shall be allowed, such as beauty parlors, auto repairs, etc.
18. Any fences erected must be of new materials or built in a sturdy and well kept condition if wood posts are used.
19. Any buildings presently located in the boundaries of the proposed Missoula Planning and Zoning District 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 nonconformity use is discontinued, any future use thereafter shall be in conformity with the provisions of this zoning ordinance.
20. The provisions herein may be altered or modified by the duly constituted Planning and Zoning Authority of Missoula County, Montana, upon a petition signed by 60% of the free land owners in the zoning district and after due notice to all owners in said district and due notice and hearing as provided by the statutes of Montana.
21. That portion of this zoning district described as Lot 1, Section 9, Township 12 North, Range 19 West, are restricted to 2,000 square foot requirements for a two-bedroom dwelling, or 1,500 square feet for a one-bedroom dwelling

SECTION II

In conformity with the provisions of Section 16-4103, 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 III

Reference is hereby made to the descriptive material contained in the petition filed in connection with Missoula County Planning and Zoning District No. 32 and to the map of said district which is on file in the office of the County Clerk and Recorder of Missoula County, Montana."

H. W. Stoutenburg
H. W. Stoutenburg
Chairman, Zoning Commission

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

324978

I received and filed this instrument for record on the 22nd day of Nov 1978 at 3:20 o'clock P.M., and it is recorded in vol. 44 of Missoula Records of the County of Missoula, State of Montana, on page 207.

Witness my hand:
Veronae R. Crouse, County Recorder
By Anthony L. Head Deputy
Fee \$ None Paid
Return to Zoning Journal "B"
Address

BOOK 44 PAGE 212
RESOLUTION

WHEREAS, this Board did on August 11, 1972, receive a petition requesting the zoning of an area located in all of the land included in Section 10 and Section 11, Township 12 North, Range 19 West excluding approximately 375 acres designated as Fort Missoula Timber Reserve, and excluding the SW¹/₄ of Section 10. Also including Lot 1, Section 9, Township 12 North, Range 19 West containing 36 acres, more or less, all in Missoula County, Montana, and

WHEREAS, the petition was signed by more than sixty percent (60%) of the freeholders within such area, and thereafter public hearing was held, as required by law, by the Missoula County Planning and Zoning Commission on September 18, 1972 and thereafter the Commission met again on November 17, 1972, at which time the petition was granted with the deletions and additions as discussed and incorporated into the uses permitted as set forth in the petition.

WHEREAS, resolution containing the provisions for proper description and regulations controlling the zoning of area petitioned for was passed and adopted by the Missoula County Planning and Zoning Commission under date of November 17, 1972, and made a part of the zoning records in Zoning Journal "B".

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Missoula County, Montana do hereby approve and accept the recommendations of the County Planning and Zoning Commission and hereby adopt the resolution granting said petition for creation of Missoula County Planning and Zoning District No. 32 within the boundaries described in said resolution appearing in said Zoning Journal "B" and recorded in Book 44 of Microfilm, page 207.

Passed and adopted this 21st day of November, 1972.

SEAL

BOARD OF COUNTY COMMISSIONERS
Missoula County, Montana

ATTEST:

S/ Veramae R. Crouse
Clerk and Recorder
BY S/ Dorothy L. Head
Chief Deputy

S/ Richard H. Ostergren
Chairman
S/ H.W. Stoutenburg
Commissioner
S/ Oscar K. Ostenson
Commissioner

321079

I received and filed this instrument for record on the 22nd day of Nov. 1972 at 2:05 P.M. and it is recorded in Vol. 44 of the Records of the County of Missoula, State of Montana, on page 212. Fee \$2.00
Paid. Return to zoning department. Witness my hand, Veramae R. Crouse, County Recorder