

MINUTES OF MEETING OF PLANNING
AND ZONING COMMISSION HELD AT
10:30 A.M., DECEMBER 13, 1972

Pursuant to Notice given as provided by law, the Planning and Zoning Commission met in the office of the County Commissioners at 10:30 A.M. on December 13, 1972, to hear the petition of residents for creation of a zoning district in the Buttrey Acres area. Members of the Zoning Commission present were: H.W. Stoutenburg, Chairman, Commissioners Richard H. Ostergren and Oscar K. Ostenson. County Assessor Fred Barclay and County Surveyor Elmer Frame being absent.

Attorney Tom Boone, representing the group petitioning for this planning and zoning district in the Buttrey Acres area, explained that the proposed district is basically located within the Turah area immediately adjacent to the new highway. It is comprised of about 60 acres. All dwellings there are single family dwellings, and they want to keep it that way. There is a very large tract undeveloped there at the present time, and as long as it is developed in a manner similar to the rest of the property there, that will be satisfactory. They desire to keep it single family, and $\frac{1}{2}$ acre tracts should be sufficient. They are concerned that someone might place trailer courts or trailers within the district. There were no protests, although Howard Ellis mentioned there was some feeling about the size of the tracts, thinking that perhaps this could be revised to read " $\frac{1}{4}$ acre" as this might be a little more realistic to the present owner.

Chairman Stoutenburg explained that they would need a new petition for this or a request for amendment later on, as this petition had been signed for $\frac{1}{2}$ acre. He felt $\frac{1}{4}$ acre was pretty heavy density. Tom Boone stated this district had been basically patterned after the Marshall Grade area which is one-acre, but if the owner has plans for development, he could come to the people and show his plan.

Since there were no protests, motion was made by Commissioner Ostenson, seconded by Commissioner Ostergren and carried unanimously, "that we grant the request for zoning as petitioned."

County Surveyor Elmer Frame entered late and after reading the petition and learning of no protests, agreed with the granting of the zoning request.

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 Buttrey Acres vicinity, within the boundaries described in the plat attached to said petition and marked Exhibit "A" 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 a 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. 34, which said district is located in Section 27, T13N, R18W, P.M.M., Missoula County, Montana, more particularly described as follows:

The E½ SE¼ of Section 27, Township 13 North, Range 18 West, P.M.M., Missoula County, Montana, lying North and East of U.S. Interstate Highway No. 90, except the following described tract:

That portion of the SE¼ of said Section 27 described as follows:

Beginning at a point 1102 feet South 89°30' West from the East quarterly corner of Section 27, thence South 37°04' East 569 feet; thence South 52°56' West 760 feet; thence North 37°04' West 1132.6 feet; thence North 89°30' East 946.3 feet to a point of beginning.

(The zoning district includes the tracts of land platted as Buttrey Acres and Buttrey Acres No. 2, platted subdivisions of Missoula County, Montana.)

Map of area is on file with said petition.

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. 34:

SECTION I

1. No building, structure or premises shall be used, erected or maintained for any commercial or industrial purpose. Accessory uses and structures customarily incident to the semi-rural small acreage nature of the area may be permitted when not involving the conduct of a business. All buildings shall be constructed of new materials only. No used buildings shall be moved onto any tract.

2. No building structure or premises shall be used and no building or structure shall be erected except for single-family dwelling purposes.

3. No single family dwelling shall be erected or building altered to accommodate one family as a residence on less than one-half acre of lot area provided that one single-family dwelling may be erected on any lot separately owned or designated on a recorded plat at the time this section became effective.

4. No trailer camps or trailer parks shall be created or maintained and no trailer or mobile homes shall be permitted to be used for residential purposes within said district, provided that a single trailer may be used for residential purposes in conformity with the hereinabove specified lot area requirements for no longer than one year during construction of a permanent dwelling.

5. No future subdivision or sales of real estate within the zoning district shall be in less than one-half acre units.

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. 34 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

327131

I received and filed this instrument for record on the 23 day of Jan 1913 at 8:00 o'clock A. M. and it is recorded in Vol. 45 of Micro Records of the County of Missoula, State of Montana, on page 1309 Fee none Paid none Return to Zoning Journal Witness my hand, Dorothy L. Head, County Recorder Address "B" By Dwain D. Johnson Deputy

RESOLUTION

WHEREAS, this Board did on November 16, 1972, receive a petition requesting the zoning of an area located in that portion of the following described area:

E½ SE¼ of Section 27, Township 13 North, Range 18 West, P.M.M., Missoula County, Montana, lying North and East of U.S. Interstate Highway No. 90, except the following described tract:

That portion of the SE¼ of said Section 27 described as follows:

Beginning at a point 1102 feet South 89°30' West from the East quarterly corner of Section 27, thence South 37°04' East 569 feet; thence South 52°56' West 760 feet; thence North 37°04' West 1132.6 feet; thence North 89°30' East 946.3 feet to a point of beginning.

(The zoning district includes the tracts of land platted as Buttrey Acres and Buttrey Acres No. 2, platted subdivisions of Missoula County, Montana.)

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 December 13, 1972 at which time petition was granted.

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 December 13, 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. 34 within the boundaries described in said resolution appearing in said Zoning Journal "B" and recorded in Book 45 of Microfilm, page 1309.

Passed and adopted this 9th day of January, 1973.

BOARD OF COUNTY COMMISSIONERS
Missoula County, Montana

SEAL

S/ Richard H. Ostergren
Acting Chairman
S/ Ludvig G. Brownman
Commissioner

327125 ✓

ATTEST:

S/ Dorothy L. Head
Clerk and Recorder

I received and filed this instrument for record on the 23 day of Jan 1973 at 10:05 o'clock A.M. and it is recorded in Vol. 45 of 1312 Records of the County of Missoula, State of Montana, on page 1312 Fee none
Paid none Return to Zoning Journal Witness my hand, Dorothy L. Head, County Recorder
Address "B" By Ludvig G. Brownman Deputy