

MINUTES OF MEETING OF PLANNING AND ZONING COMMISSION HELD AT 10:30 A.M., MAY 31, 1973

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 May 31, 1973, to hear the petition of residents for creation of a zoning district in the Donovan Creek Acres area. Members of the Zoning Commission present were: Chairman Richard Ostergren; Commissioner H.W. Stoutenburg; County Assessor Fred Barclay; County Surveyor Elmer Frame; Commissioner Ludvig Browman being absent.

Chairman Ostergren opened the meeting by announcing that the petition passed by 71% and the Notice had been properly posted and published. Chairman Ostergren read the Notice and the Petition.

Commissioner Stoutenburg brought up that non-conforming buildings cannot be enlarged. This will include the trailer court now existing.

Chairman Ostergren asked those opposed to the petition to express their opinions.

One person objected to the minimum lot size of 1/2 acre. She has 7/8 acre on which she wants to build 2 single-family dwellings.

A resident couple was opposed to the zoning because they wish to build more multiple family dwellings in addition to the ones they already own.

Two representatives from Burlington Northern Railroad requested that the Burlington Northern property of approximately 10 acres, be excluded from the zoning regulations.

Chairman Ostergren asked the proponents to speak in support of the petition.

Mrs. Newman discussed the traffic problems in the area and water and sewage contamination.

Fred Barclay advised them to consult the Health Department in regards to pollution.

Motion was made by Commissioner Stoutenburg and seconded by Fred Barclay, "that we take the matter under consideration for further study."

The Planning Board continued in session after the hearing to discuss this matter in more detail. Whereupon motion was made by Mr. Barclay, seconded by Commissioner Stoutenburg and carried unanimously, "that we grant the request for zoning in the Donovan Creek area, with the exception that the Burlington Northern land within the area is not to be included." Description can be found in Book 131 of Deeds at page 157 and Book 4 of Micro at page 69.

Motion was made by Mr. Frame, seconded by Commissioner Stoutenburg and carried unanimously, "that we change the wording of No. 2 under Permitted Uses to read 'One single family dwelling per 1/2 acre lot, including prefabricated, modular homes, and mobile homes.'"

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 Donovan Creek Acres vicinity, in the boundaries described in the 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 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. 35, which said district is located in the SW $\frac{1}{4}$ of Section 8 and in the NW $\frac{1}{4}$ of Section 17, T12N, R17W, P.M.M., Missoula County, Montana, more particularly described as follows:

Beginning at the center of Section 17, which is the true point of beginning, thence W. along the midsection line to the Northeasterly R/W line of the B.N.R.R., thence N.W. along said boundary to the western boundary of Section 16, thence N. along said boundary to the E.W. corner of Section 8;

Thence continuing N. along the western boundary of Section 8 to the midsection line of the SW $\frac{1}{4}$, thence E. along said line to the N.E. corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, thence S. to the southern boundary of Section 8, thence E. along said boundary to the midsection line of Section 17;

Thence S. along the midsection line of Section 17 to the center corner, said corner being the point of beginning;

The proposed district contains 150 acres more or less.

(The B.N.R.R. property included in the above description and described in Book 131 of Deeds on Page 157 and in Book 4 of Micro on Page 69 are to be excluded from the zoning regulations of this district.)

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. 35:

INTENT: It is the intent of this district to be exclusively a single family residential district with acreage tract areas required and including the customary and secondary uses and some agriculture and/or livestock permitted. To provide for an activity level and open space transition between suburban living and agricultural areas.

LOT MINIMUMS AND COVERAGE:

1. Area: 1/2 Acre
2. Width: 100 Feet
3. Building Coverage: to twenty-five percent (25%)

YARD MINIMUMS:

1. Front: twenty-five (25) feet
2. Side: fifteen (15) feet each
3. Rear: twenty (20) feet

HEIGHT LIMITATIONS:

- Thirty-five (35) feet for accessory uses
- Thirty (30) feet for residential uses
- One (1) foot of additional height for each three (3) feet of additional side, rear, or front yard

PERMITTED USES:

1. Agricultural and horticultural uses, except commercial livestock raising.
2. One single family dwelling per 1/2 acre lot, including prefabricated, modular homes, and mobile homes.
3. Structures housing animals and livestock in conjunction with residential use only (no commercial livestock raising). Such structures shall be set back thirty-five (35) feet from any plot line.
4. Schools and colleges
5. Churches and temples
6. Parks and playgrounds
7. Any public fire station, telephone exchange where no public business or office and no repair or storage facilities are maintained, or any necessary public utility buildings.
8. Any building presently located within the boundaries of the above described parcel of land may be maintained and any lawful use presently being made of the lands in the said district may be continued whether the same be in conformity with the provisions of the regulations or not; provided, however, that if any non-conforming use is discontinued for a period of one (1) year, any future use thereafter shall be in conformity with the provisions of this resolution. Buildings devoted to presently non-conforming use may not be altered or enlarged; they may, however, be maintained.

WHEREAS, this Board did on May 1, 1973, receive a petition requesting the zoning of an area known as Donovan Creek Acres located in the SW $\frac{1}{4}$ of Section 8 and the NW $\frac{1}{4}$ of Section 17, T12N, R17W, and more particularly described as follows:

Beginning at the center of Section 17, which is the true point of beginning, thence W. along the midsection line to the Northeasterly R/W line of the B.N.R.R., thence N.W. along said boundary to the western boundary of Section 16, thence N. along said boundary to the S.W. corner of Section 8;

Thence continuing N. along the western boundary of Section 8 to the midsection line of the SW $\frac{1}{4}$, thence E. along said line to the N.E. corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, thence S. to the southern boundary of Section 8, thence E. along said boundary to the midsection line of Section 17;

Thence S. along the midsection line of Section 17 to the center corner, said corner being the point of beginning;

The proposed district contains 150 acres more or less.

(The B.N.R.R. property included in the above description and described in Book 131 of Deeds on Page 157 and in Book 4 of Micro on Page 69 are to be excluded from the zoning regulations of this district.)

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 May 31, 1973, at which time petition was granted.

WHEREAS, the 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 May 31, 1973, 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. 35 within the boundaries described in said resolution appearing in said Zoning Journal "B" and recorded in Book 49 of Microfilm on Page

Passed and adopted this 4th day of June, 1973.

BOARD OF COUNTY COMMISSIONER
Missoula County, Montana

S/ H.W. Stoutenburg
Chairman

S/ Richard H. Ostergren
Commissioner

S/ Ludvig G. Browman
Commissioner

ATTEST:

SEAL

S/ Dorothy L. Head
Clerk and Recorder

332905

I received and filed this instrument for record on the 5th day of June 1973 at 12:55 clock P.M. and it is recorded in Vol. 49 of Micro Records of the County of Missoula, State of Montana, on page 395 fee none
Paid no fee Return to Zoning Journal "B" Witness my hand, Dorothy L. Head, County Recorder
Address _____ By Dorothy L. Head Deputy