

RESOLUTION

WHEREAS, a petition was duly filed with the Board of County Commissioners of Missoula County, petitioning for the creation of a planning and zoning district in the area within the following boundaries to-wit:

Lake Inez, Missoula County, Montana, situated in T18N, R15-16W, M.P.M., Lakeshore property located in Sections 25, 30, 31 and 36.

WHEREAS, it appears that more than 60 percent of the freeholders affected thereby have signed said petition which is in due form.

NOW, THEREFORE, it is ordered that a planning and zoning district, embracing the lands within the boundaries as aforesaid, is created.

IT IS FURTHER ORDERED that a Planning and Zoning Commission be created and the persons appointed thereon are: the County Commissioners of Missoula County, being Armand J. Lucier, A. W. Fetscher, and H. W. Stoutenburg; the County Assessor of Missoula County, being Fred R. Barclay; the County Surveyor of Missoula County, being Louis H. Maillet.

It is further ordered that the Planning and Zoning Commission proceed in accordance with the provisions of Title 16, Chapter 41, R.C.M., 1947, as revised.

Dated this 13<sup>th</sup> day of March, 1969.

BOARD OF COUNTY COMMISSIONERS  
OF MISSOULA COUNTY, MONTANA

S/ Armand J. Lucier  
Chairman  
S/ H. W. Stoutenburg  
Commissioner  
S/ A. W. Fetscher  
Commissioner

SEAL

ATTEST:

S/ Veramae R. Crouse  
Clerk of the Board

NOTICE OF PUBLIC HEARING ON  
ADOPTION OF PLANNING AND ZONING DISTRICT  
AND ADOPTION OF DEVELOPMENT PATTERN THEREFOR

NOTICE IS HEREBY GIVEN that a Petition has been filed for the creation of a planning and zoning district in the area within the following boundaries to-wit:

Lake Inez, Missoula County, Montana, situated  
in T18N, R15-16W., M.P.M., Lakeshore property  
located in sections 25, 30, 31 and 36.

That pursuant to such petition, the Board of County Commissioners created and appointed a Planning and Zoning Commission.

That the Planning and Zoning Commission will, on the 2nd day of April 1969 at the hour of 10:30 A. M., at the office of the County Commissioners in the Courthouse in Missoula, Montana, hold a public hearing at which the Commission will consider:

1. The creation of a Planning and Zoning District within the boundaries aforesaid.
2. The adoption of a development pattern for said district and the building and use restrictions to be made applicable thereto.

The Commission will consider the types of activity that may be conducted therein and the existing non-conforming uses which may be continued.

All persons affected by the proposed Planning and Zoning District will be given an opportunity to be heard; to contest or support the adoption of such development district by the Planning and Zoning Commission and the adoption of a development plan therefor.

BY ORDER OF THE PLANNING AND ZONING COMMISSION, dated this 13th day of March, 1969.

S/ Fred Barclay  
Fred Barclay, Secretary  
Planning and Zoning Commission

Publish: March 16, 1969

STATE OF MONTANA       )  
                          ) ss  
COUNTY OF MISSOULA    )

This is to certify that I, Ray Clinkingbeard, Superintendent of the Road Department of Missoula County, did post copies of Notice of Public Hearing on petition to zone the area immediately surrounding Lake Inez, at the following places within the proposed district:

1. On telephone pole at the Camp Creek Bridge on Highway 209
2. On telephone pole at the school bus turn-around, midway up Lake Inez on Highway 209
3. On the Lake Inez - Lolo Forest Sign at north end of lake, on Highway 209

S/ Ray Clinkingbeard

This is to certify that notices above described were also posted in the following public places in Missoula:

1. Courthouse Bulletin Board
2. City Hall Bulletin Board
3. City Fire Station Bulletin Board

S/ Veramae R. Crouse

Subscribed and sworn to before me this 17<sup>th</sup> day of March, 1969.

S/ Dorothy L. Head

Notary Public for the State of Montana  
Residing at Missoula, Montana  
My Commission Expires June 15, 1970

SEAL

MINUTES OF MEETING OF PLANNING  
AND ZONING COMMISSION HELD AT  
10:30 A.M., APRIL 2, 1969

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 April 2, 1969, to hear the petition of residents for zoning lakeshore property at Lake Inez, located in Sections 30 and 31, T18N, R15W and Section 25 and 36, T18N, R16W, P.M.M. Present were: Chairman Armand J. Lucier, Commissioner A. W. Fetscher, Commissioner H. W. Stoutenburg, County Surveyor Louis Maillet, County Assessor Fred Barclay, John Toole representing the petitioners and Michael Truax appearing on behalf of the Northern Pacific Railroad holdings.

County Surveyor Louis Maillet questioned the vagueness of the boundaries of the proposed district in Section 25, which is entirely under N. P. ownership. Mr. Truax stated this was all swamp area and not feasible for cabin sites. He felt that a description of that portion in Section 25 could be picked up from the station point at the junction and followed to the end of the last lot. It was brought out that the Commission could clarify this in the ordinance setting up the district. Whereupon Mr. Maillet made a motion "that the description of the proposed zoning district be clarified as to this portion in Section 25, and that it be cross-referenced to the map as presented with the petition to avoid any confusion in the future regarding the boundaries of the proposed district." This motion was seconded by Commissioner Stoutenburg and carried by unanimous vote. Mr. Toole was assured that this did not affect the petitioners as the clarification would be handled by the Commission. Mr. Truax stated the N. P. would have no objection to this or to the district petitioned for.

Commissioner Fetscher then made a motion "that we accept this petition along with the provisions that the Board has approved." This was seconded by Mr. Maillet and carried unanimously.

CONTINUATION MEETING HELD AT 10:10 A.M.  
OCTOBER 2, 1969

The Planning and Zoning Commission met in the office of the County Commissioners with the above members again present, to approve the description of boundaries submitted by County Surveyor Louis Maillet so that final resolution for creation of the district could be accomplished.

Motion was made by Commissioner H. W. Stoutenburg, seconded by County Assessor Fred Barclay and carried unanimously, that we adopt the description submitted for the Zoning of Lake Inez.

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 within the boundaries described as lake-shore property at Lake Inez, located in Sections 30 and 31, T18N, R15W, and Sections 25 and 36, T18N, R16W, P.M.M., Missoula County, Montana, 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 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. 26 which said district encompasses lakeshore property at Lake Inez located in Sections 30 and 31, T18N, R15W and Sections 25 and 36, T18N, R16W, P.M.M. Missoula County, Montana, more particularly described as follows:

Beginning at the Northwest corner of said Section 30, Township 18 North, Range 15 West, thence easterly along the northerly boundary of said Section 30 to the Westerly boundary of Montana State Highway No. 209; thence southeasterly along said highway boundary to the intersection with the northern boundary of a prescriptive County Road known as Helms Road, said point being approximately .35 mile West and .15 mile North of the southeast corner of said Section 31, Township 18 North, Range 15 West; thence westerly along said northerly boundary of said county road to the easterly bank of the Clearwater River; thence continuing westerly, north-westerly and northerly along the boundary of a private road adjacent to Lake Inez to the North boundary of said Section 36; thence continuing northerly into said Section 25 along said private road adjacent to Lake Inez to a point which bears approximately South 21° 30' West a distance of 2100 feet more or less from the Northeast corner of said Section 25; thence North 21° 30' East to an intersection with the shoreline of Lake Inez. It is the intent of the Missoula County Planning and Zoning Commission to zone the land between the aforementioned roads and the shoreline of Lake Inez, as shown on map accompanying 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. 26:

#### SECTION I:

It shall hereafter be, and it is hereby declared to be unlawful for any person, persons, firm, partnership, or corporation to erect or construct, alter or maintain, or cause or permit to be erected, constructed, altered, or maintained, on any premises within the above described zone or area hereby created, any building or buildings which shall be used for, or designed or intended to be used for any other purposes than residential.

#### 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. 26 and to the map of said district which is on file in the office of the County Clerk and Recorder of Missoula County, Montana."

S/ Armand J. Lucier  
Chairman, Zoning Commission

S/ Fred Barclay

Secretary, Zoning Commission

I received and filed this instrument for record on the 10th day of Oct. 1969 at 1:25 o'clock P.M. and it

is recorded in Vol. 19 of Missoula Records of the County of Missoula, State of Montana, on page 1551. Fee \$7.00

Paid \$20.00 Return to Zoning Commission "B." Witness my hand, Veronique R. Crouse, County Recorder

Address \_\_\_\_\_ By \_\_\_\_\_ Deputy

285440



RESOLUTION

WHEREAS, this Board did, on March 5, 1969 receive a petition requesting the zoning of lakeshore property at Lake Inez, located in Sections 30 and 31, T18N, R15W, and Sections 25 and 36, T18N, R16W, P.M.M., 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 Planning and Zoning Commission on April 2, 1969, and petition granted, with description of area to be clarified and determined by the Zoning Commission, and

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 October 2, 1969, and made a part of the Zoning records in Zoning Journal "D".

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Missoula County, Montana, do hereby 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. 26 within the boundaries described in said resolution, appearing in said Zoning Journal "B" and recorded in Book 19 of Microfilm, page 1557.

Passed and adopted this 14th day of October, 1969.

BOARD OF COUNTY COMMISSIONERS

SEAL

ATTEST:

S/ Veramae R. Crouse  
Clerk of the Board

S/ Armand J. Lucier  
Chairman  
S/ XXXXXXXXXXXXXXXX  
Commissioner  
S/ H. W. Stoutenburg  
Commissioner

285641✓

I received and filed this instrument for record on the 17th day of Oct. 19 69 at 8:30 o'clock P.M. and it is recorded in Vol. 20 of Micro Records of the County of Missoula, State of Montana, on page 104. Fee. None  
Paid. m. fee. Return to Zoning Journal. Witness my hand, Veramae R. Crouse, County Recorder  
Address. "B" By Dorothy S. Head Deputy





**Citizen Initiated Zoning District # 26**  
**Established October 2, 1969**  
**District Regulations Revised March 1, 2006**

**SECTION 1 – INTENT**

A dramatic increase in the recreational use of Lake Inez has threatened the quality of the lake and lakeshore environment and the health and safety of lake users. Property owners in Zoning District 26 seek to preserve the traditional and distinctive quality of life enjoyed in and around Lake Inez. These standards are intended to ensure that the built elements of the Lake Inez community complement the natural beauty and the public safety of the lake, lakeshore, and surrounding area. In addition to the purposes set forth in Montana Code Annotated § 76-2-104, these regulations are intended to:

1. Preserve the ecological value of wetlands;
2. Maintain and enhance desirable natural, physical, biological, and aesthetic characteristics of the shoreline of Lake Inez;
3. Maintain and enhance the qualities of the landscape and its environs;
4. Preserve the scenic qualities of views from land and water;
5. Maintain, preserve and enhance desirable natural, physical, chemical and biological water quality aspects of Lake Inez;
6. Protect desirable natural aquatic plant and animal communities;
7. Preserve fish spawning areas, water fowl nesting and rearing areas and rare and endangered plant and animal species and their necessary habitat; and
8. Protect public, health and safety.

**SECTION 2 - PERMITTED USES**

1. Single family residential uses, including one single-dwelling unit.
2. In addition to a single family residence on a lot, a guest house, cottage, or apartment over or attached to a garage, provided the guest house, cottage, or apartment does not contain a plumbed kitchen.
3. Weekly, monthly or seasonal renting of single dwelling homes.
4. Structures accessory to permitted uses including garages, sheds, boat ramps and docks.

**SECTION 3 – PROHIBITED USES**

1. Commercial Uses.
2. Industrial Uses.
3. Gravel mines and batch plants.
4. All other uses not specifically listed as a Permitted Use in Section 2.

**SECTION 4 – SPACE AND DENSITY REQUIREMENTS**

- |                               |                                   |
|-------------------------------|-----------------------------------|
| 1. Lots without lake frontage | One Dwelling Unit per ten acres   |
| 2. Lake front Lots            | Minimum lake frontage of 200 feet |

**SECTION 5 – GENERAL REGULATIONS AND VARIANCES**

1. A legal non-conforming use is an existing use of the land at the time of adoption of the Zoning District 26 regulations, October 2, 1969, or at the time of the amendment of these regulations the use of which does not conform to these regulations.
2. A legal, non-conforming structure is a dwelling or structure which does not comply with these regulations at the time of their adoption or amendment.
  - (a) A legal non-conforming structure may continue to exist and be maintained as constructed,
  - (b) A legal non-conforming structure may be enlarged, replaced or extended to occupy a greater area of land than was previously occupied as long as the structure complies with all applicable regulations.
3. A legal, non-conforming lot or parcel of record is in existence when these regulation are adopted or amended to create the non-conformity and is:
  - (a) smaller than 10 acres if it is located off of the lake; or
  - (b) has less frontage than 200 feet if it is on the lake.

The following apply to a legal non-conforming lot of record:

- (c) A dwelling or structure may be constructed, remodeled, enlarged, or replaced;
- (d) A lot may not be divided to a width or size smaller than the requirements of these regulations.

4. No lot owner shall grant an easement, license or permission to use a lakefront lot as an access way to and from Lake Inez from any other lot.
5. A Zoning Compliance Permit from the County Zoning Officer shall be required for any proposed new use, change in use, or new construction. Each application for a zoning compliance permit shall be accompanied by a site plan drawn to a scale not less than 1" = 30' and any other documentation deemed necessary by the County Zoning Office to demonstrate compliance with the development standards in this Zoning District.
6. To avoid human-bear conflicts all garbage, pet foods, agricultural grain products, and stock feed must be stored indoors or in bear-resistant containers.
7. The Board of County Commissioners may authorize variances which will not be contrary to the public interest where, owing to special conditions, literal enforcement would result in unnecessary hardship.

#### SECTION 6 – HISTORY

Zoning District 26 was created on October 2, 1969, following public hearings before the Missoula County Planning and Zoning Commission and the Missoula County Commissioners on April 2, 1969, and October 2, 1969. The district regulations were amended following public hearings before the Missoula County Planning and Zoning Commission and the Missoula County Commissioners on March 1, 2006.

