

2-9-95

RESOLUTION NUMBER 95-012

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A RESOLUTION TO CREATE A RURAL COUNTY ZONING DISTRICT AND TO APPLY THIS ZONING DISTRICT TO PROPERTY KNOWN AS THE EAST BUTLER CREEK FOOTHILLS DISTRICT. THE EAST BUTLER CREEK FOOTHILLS DISTRICT IS LOCATED IN SECTIONS 25 AND 26, TOWNSHIP 14 NORTH, RANGE 20 WEST, AND SECTION 30, TOWNSHIP 14 NORTH, RANGE 19 WEST, AND IS SPECIFICALLY THAT AREA CALLED THE CIRCLE H RANCH. THE REZONING INCLUDES VARIOUS TRACTS, AS DELINEATED IN EXHIBIT A.

SEE EXHIBIT A FOR COMPLETE MAP AND DESCRIPTION OF THIS DISTRICT. SEE EXHIBIT B FOR A COMPLETE DESCRIPTION OF THE STANDARDS AND CRITERIA FOR THIS DISTRICT.

WHEREAS, 76-2-201 M.C.A. authorizes the Board of County Commissioners to adopt zoning regulations; and,

WHEREAS, the Board of County Commissioners did adopt zoning regulations for Missoula County through the passage of County Resolution 76-113, as amended; and,

WHEREAS, 76-2-202 M.C.A. provides for the establishment and revision of zoning districts; and,

WHEREAS, the purpose of this zone is to stabilize and protect the land uses and to protect and maintain a living environment for residents of rural Missoula County; and

WHEREAS, such a district creation has been reviewed by the Missoula Consolidated Planning Board as required by 76-2-204 M.C.A.; and,

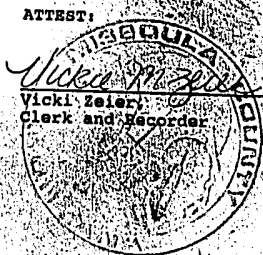
WHEREAS, a public hearing was duly advertised and opened by the County Commissioners of Missoula County on November 23, 1994, in order to give the public an opportunity to be heard regarding such proposed zoning district revisions as required by 76-2-205 M.C.A.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Missoula County adopts the EAST BUTLER CREEK FOOTHILLS District .

FURTHER, copies of the regulations for the "EAST BUTLER CREEK FOOTHILLS DISTRICT" are available for inspection at the office of the Missoula County Clerk and Recorder.

PASSED AND ADOPTED THIS 9th DAY OF February, 1995.

ATTEST:



Vicki Zeiler,
Clerk and Recorder

BOARD OF COUNTY COMMISSIONERS
Missoula County, Montana

Barbara Evans
Barbara Evans, Commissioner

Michael Kennedy, Commissioner

Fern Hart

Fern Hart, Commissioner

APPROVED AS TO FORM AND CONTENT:

Michael W. Scherbell
County Attorney

A. Intent

This district recognizes the need for an alternative to traditional large lot rural zoning. Traditional zoning that promotes the creation of large acreage lots for ranchettes has diminished the rural character and natural setting it was intended to preserve. Specifically, it is noted that large acreage tracts promote the following situations:

- Intensive grazing on tracts too small to be properly managed. This leads to over grazing, soil erosion, stream sedimentation, contamination of surface and ground water, and weed infestation.
- Fencing of individual tracts which diminishes the feeling of openness characteristic of rural areas and restricts wildlife movement.
- Displaces viable agricultural operations with a series of highly visible suburban style homes.
- Free roaming dogs deplete the wildlife resource and severely limit the usable winter range. These same free roaming dogs prey upon and harass domestic livestock further threatening the viability of agricultural operations.
- Cause more intensive and less well managed use of irrigation water to the detriment of the other users and contributing to the de-watering of our rivers and streams.
- Create multiple access points onto rural roads adding to congestion and increased road maintenance costs as well as over-burdening other infrastructure such as bridges.
- Create a demand for increased bussing on the part of rural school districts.
- In the situation of wildland fires, emergency resources are diverted to structure protection rather than overall fire suppression.

This district recognizes that preservation of rural character is not solely a function of lot size but more an issue of site selection and sensitive design. This district is intended to allow for limited residential home sites which are clustered into the natural setting to preserve the natural characteristics of the land including vegetation, views of the site, wildlife habitat, open space, and traditional agricultural uses. Rather than displacing the characteristics that create rural value, this district is intended to preserve those characteristics including stewardship of the land while providing home sites in a natural setting. The following PUD design criteria are suggested as guidelines for the design of the quality attached housing phase on hillsides. These guidelines are intended to minimize encroachment on steep hillsides, and to provide adequate site planning and mitigation standards for the disturbance of sensitive landscapes. Guidelines include: less than 10% encroachment on hillsides at or above 25%; less than 24% encroachment on slopes 15-25%; less than 25% building coverage; Landscape enhancement and management element to be consistent with overall habitat management; architecture and site planning schematic consistent with spatial relationships illustrated in Exhibit A-1. This district further recognizes the need for close major transportation routes, schools and infrastructure.

Stabling of horses is recognized as an important part of the rural life style. This district allows for the pasturing, stabling and riding of horses in a separate facility designed specifically for this purpose.

Diversity in housing types and price range is recognized as an important community goal. This district allows for the placement of attached housing within the site.

Area A: Clustered Rural Residential, Area Exclusive of Lot 1 (the Equestrian Area) And Lot 2 (The Attached Housing Area)

B. Space and Bulk Requirements

- Maximum Residential Density One Dwelling Unit Per Ten (10)

Acres.

- Minimum Lot Width One Hundred and Eighty Feet

(180').

- Maximum Lot Width Two Hundred Feet (200').

- Maximum Lot Size Thirty-One Thousand Square Feet

(31,000 Sq.Ft.).

- Minimum Required Yard minimum setbacks for

placed

yard area. Buildings may be

up to the property line.

- Lot Location No Area Other Than A Residential

Lot As Shown On The Final Plat For Circle H Ranch. Shall Be Used For Any Residential Structure or Residential Accessory Use of Any Kind.

- Maximum Building Height Thirty-Five Feet (35').

C. General Standards

- See Supplementary Regulations - Chapter III.

D. Permitted Uses

1. Single Family Dwelling.

2. Accessory Building And Uses.

- Prohibited Uses RV storage, stables or horse

shelters

1. Recreational Uses Accessory To A Residential Cluster.

E. Conditional uses

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2. Home Occupation.

Area B: Equestrian Area Lot 1

B. Space And Bulk Requirements

- Minimum Lot SizeNinety (90) Acres.
- Minimum Required Yard Fifty Feet (50') For
Residential Structures.
One Hundred Feet (100')
For All Agricultural
Buildings
- Maximum Building HeightThirty Feet (30').

C. General Standards

- See Supplemental Regulations - Chapter III

D. Permitted Uses

1. Professional Horse Boarding.
2. Professional Horse Training.
3. Riding Arena.
4. Concessions Accessory To The Riding Arena.
5. Single Family Residence Accessory To The Riding Arena.
6. Temporary Sales Office For Circle H Ranch.
7. Accessory Buildings And Uses.

Area C: Attached Housing Lot 2

The quality attached housing phase may not be constructed until a design with an appropriate density allowance is approved by the governing body after full PUD amendment and subdivision review. The attached Exhibit A-1 will serve to illustrate space and bulk relationships.

B. Space and Bulk Requirements

- Maximum Residential Density Four Dwelling Units Per Acre.

- Minimum Lot Area For Detached Housing Five Thousand Four Hundred Square Feet (5,400 Sq.Ft.)
- Minimum Lot Area For Condominiums None.
- Minimum Lot Width Fifty Feet (50').
- Minimum Required Yard (25').
 - Front Twenty-five Feet
 - Side Five Feet (5') Or
 Than One Third (1/3) Of
 The Building Height,
 Whichever Is Greater.
 - For Condominiums and
 Town Houses, There Shall
 Be No Required Side Yard
 Between Dwellings, Only
 between Structures.
 - Rear Twenty-Five Feet
- Perimeter Setback One Hundred Feet (100')
 - From The Boundary Of
 Area B For all Structures.
- Maximum Building Height Thirty Feet (30').

C. General Standards

- See Supplementary Regulations - Chapter III.

D. Permitted Uses

1. Single Family Dwelling
2. Two Family Dwelling
3. Condominium
4. Town House
5. Multiple Family Dwelling
6. Accessory Buildings and uses

E. Conditional Uses

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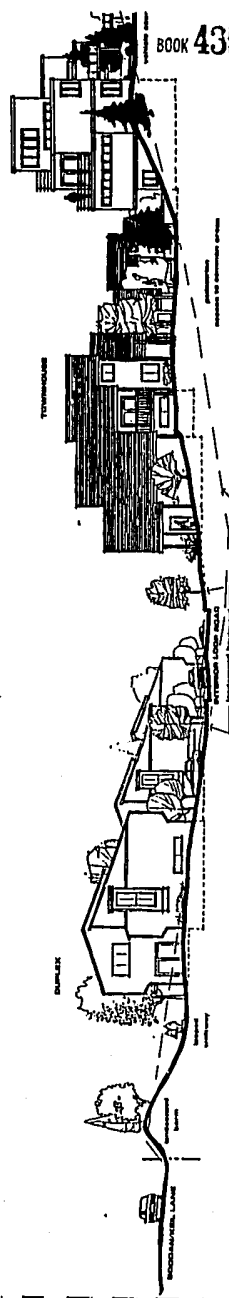
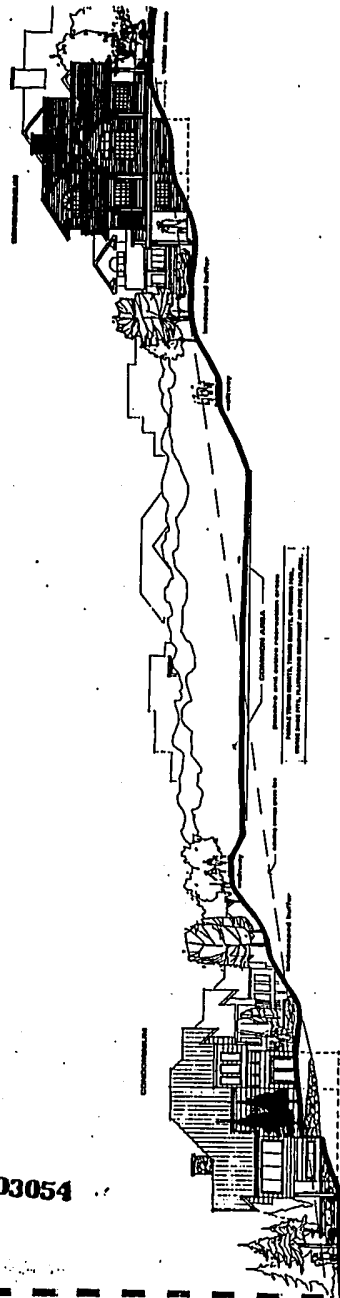
- 7. Home Occupation
- 8. Child Day Care Home

F. Special Exceptions

- 9. Child Day Care Center

9409051

QUALITY ATTACHED HOUSING COMPONENT DESIGN CONCEPT



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EXHIBIT "A"
CIRCLE H DEVELOPMENT, INC.

'95 FEB 16 PM 1 20

I RECEIVED AND FILED THIS INSTRUMENT FOR RECORD ON THE 16 DAY OF Feb 1995 AT 1:20 PM AND IT IS RECORDED
IN VOL 435 PAGE 126 OF THE COUNTY OF MICHIGAN, STATE OF MICHIGAN, COUNTY RECORDS
RETURNED TO: RESOL ETC BY: [Signature] DEPUTY REC. RES

SUB-STANDARD QUALITY WHEN FILMED