

**A RESOLUTION TO CREATE CITIZEN INITIATED ZONING DISTRICT #43**

**WHEREAS**, a petition was filed with the Board of County Commissioners of Missoula County, Montana, for the creation of a Citizen Initiated Zoning District in the Blue Mountain area, within the boundaries described in said petition and shown on the map submitted; 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 provisions of Title 76, Chapter 2, Part 101 of Montana Code Annotated; and,

**WHEREAS**, the Planning and Zoning Commission thereafter, by order, conducted a public hearing in accordance with Title 76, Chapter 2, Part 106 of Montana Code Annotated;

**NOW, THEREFORE, BE IT RESOLVED** that there is hereby created Missoula County Citizen Initiated Zoning District #43, in the Blue Mountain area, which said district is legally described below as sub-districts and shown on the map in Attachment B.

**LEGAL DESCRIPTION FOR AGRICULTURAL SUBDISTRICT**

A Tract of land located in Section 2, Township 12 North, Range 20 West, Principal Meridian, Montana, Missoula County, Montana, and being more particularly described as follows:

Commencing at the northwest corner of the Southeast one-quarter of the Northwest one-quarter (SE1/4NW1/4) of said Section 2; thence along the north boundary of said Southeast one-quarter of the Northwest one-quarter (SE1/4NW1/4), N.89°47'17"E., 698.11 feet to the TRUE POINT OF BEGINNING; thence continuing along said north boundary, N.89°47'17"E., 610.27 feet to the northwest corner of the Southwest one-quarter of the Northeast one-quarter (SW1/4NE1/4) of said Section 2; thence along the north boundary of said Southwest one-quarter of Northeast one-quarter (SW1/4NE1/4), N.89°49'06"E., 925.67 feet to the northwest corner of Certificate of Survey No. 1596, records of Missoula County; thence along the west boundary of Certificates of Survey No. 1596, No. 2698 and No. 2447, S.00°04'30"E., 1129.13 feet; thence departing said west boundary, S.69°44'05"W., 702.54 feet to a point on the northeasterly right-of-way of the Big Flat Ditch, said point being a non-tangent point of curvature, having a radial bearing of S.45°15'13"W.; thence the following two (2) courses along said northeasterly right-of-way: an arc distance of 124.84 feet along said non-tangent curve, being concave to the southwesterly, of radius 500.00 feet and delta 14°18'18" to a point on a tangent line; thence along said tangent line, N.59°03'05"W., 882.71 feet to a point on the easterly boundary of said Packwest Addition; thence the following two (2) courses along said easterly boundary: N.69°44'47"E., 261.87 feet; thence N.19°50'04"W., 792.87 feet to the TRUE POINT OF BEGINNING.

Containing 38.23 acres more or less, being subject to all easements and rights-of-way as shown, apparent, existing or of record.

**LEGAL DESCRIPTION FOR COMMERCIAL SUBDISTRICT**

A Tract of land located in Section 2, Township 12 North, Range 20 West, Principal Meridian, Montana, Missoula County, Montana, and being more particularly described as follows:

Commencing at the northwest corner of the Southeast one-quarter of the Northwest one-quarter (SE1/4NW1/4) of said Section 2; thence S.49°07'07"E., 2085.10 feet to the TRUE POINT OF BEGINNING; thence N.69°44'05"E., 702.54 feet to a point on the west boundary of Certificate of Survey No. 2447; thence along said west boundary, S.00°04'30"E., 655.73 feet to a point on the northerly right-of-way of U.S. Highway 93; thence the following two (2) courses along said northerly: S.65°10'24"W., 292.25 feet; thence along a chord across a spiral curve, S.63°54'39"W., 149.30 feet to a point on the northeasterly right-of-way of the Big Flat Ditch, said point being a non-tangent point of curvature and having a radial bearing of N.66°10'00"E.; thence the following four (4) courses along said northeasterly right-of-way: an arc distance of 67.99 feet along said non-tangent curve, being concave to the northeasterly, of radius 535.00 feet and delta 07°16'55" to a point on a tangent line; thence along said tangent line, N.16°33'05"W., 346.05 feet to a point on a radial line; thence along said radial line, S.73°26'56"W., 15.00 feet to a non-tangent point of curvature; thence an arc distance of 246.05 feet along said non-tangent curve, being concave to the southwesterly, of radius 500.00 feet and delta 28°11'44" to the TRUE POINT OF BEGINNING.

Containing 7.93 acres more or less, being subject to all easements and rights-of-way as shown, apparent, existing or of record.

**TOGETHER WITH**

A Tract of land located in Section 2, Township 12 North, Range 20 West, Principal Meridian, Montana, Missoula County, Montana, and being more particularly described as follows:

Commencing at the northwest corner of the Southeast one-quarter of the Northwest one-quarter (SE1/4NW1/4) of said Section 2; thence S.34°06'04"E., 1880.82 feet to the southwest corner of that Tract of land described in Book 331 at Page 983, micro records of Missoula County; thence along the south boundary of said Book 331 at Page 983, N.69°44'05"E., 460.95 feet to a point on the southwesterly right-of-way of the Big Flat Ditch, said point being a non-tangent point of curvature having a radial bearing of S.39°47'00"W.; thence the following four (4) courses along said southwesterly right-of-way: an arc distance of 243.85 feet along said non-tangent curve, being concave to the southwesterly, of radius 415.00 feet and delta 33°39'58" to a point on a radial line; thence along said radial line, S.73°26'56"W., 20.00 feet; thence S.16°33'05"E., 346.05 feet to a tangent point of curvature; thence an arc distance of 88.64 feet along said tangent curve to the right, of radius 655.00 feet and delta 07°45'14" to a point on the northerly right-of-way of U.S. Highway 93, said point being a point of non-tangent curvature, having a radial bearing of S.28°59'08"E.; thence along said northerly right-of-way, an arc distance of 478.64 feet along said non-tangent curve, being concave to the southeasterly, of radius 1990.13 feet and delta 13°46'48" to a point on the northeasterly boundary of Certificate of Survey No. 3267; thence along said northeasterly boundary, N.51°33'19"W., 511.31 feet; thence departing said northeasterly boundary, N.38°21'56"E., 93.24 feet; thence N.08°50'37"E., 354.47 feet to the TRUE POINT OF BEGINNING.

Containing 10.13 acres more or less, being subject to all easements and rights-of-way as shown, apparent, existing or of record.

Containing a **TOTAL of 18.06** acres more or less, being subject to all easements and rights-of-way as shown, apparent, existing or of record.

#### LEGAL DESCRIPTION FOR RESIDENTIAL SUBDISTRICT

A Tract of land located in Section 2, Township 12 North, Range 20 West, Principal Meridian, Montana, Missoula County, Montana, and being more particularly described as follows:

Commencing at the northwest corner of the Southeast one-quarter of the Northwest one-quarter (SE1/4NW1/4) of said Section 2; thence S.02°18'42"E., 1324.09 feet to a point on the southerly boundary of Packwest Addition, a subdivision of Missoula County, said point being the TRUE POINT OF BEGINNING; thence the following five (5) courses along said southerly boundary: N.89°45'00"E., 158.02 feet; thence N.00°07'48"E., 207.25 feet; thence N.00°22'07"W., 49.83 feet; thence N.89°52'45"E., 469.04 feet; thence N.00°01'19"W., 155.77 feet to a point on the southerly right-of-way of the Big Flat Ditch; thence along said southerly right-of-way, S.59°03'05"E., 451.96 feet to a point on the westerly boundary of that Tract of land described in Book 331 at Page 983, micro records of Missoula County; thence the following two (2) courses along said westerly boundary: S.30°56'55"W., 314.62 feet; thence S.45°17'03"E., 208.46 feet; thence departing said westerly boundary, S.08°50'37"W., 354.47 feet to a point on a projection of the northwesterly boundary of Certificate of Survey No. 3267; thence along said projection line and along said northwesterly boundary, S.38°21'56"W., 476.22 feet to a point on the easterly right-of-way of Blue Mountain Road; thence the following two (2) courses along said easterly right-of-way: N.36°53'31"W., 490.76 feet; thence N.32°13'08"W., 668.48 feet to the TRUE POINT OF BEGINNING.

Containing 17.92 acres more or less, being subject to all easements and rights-of-way as shown, apparent, existing or of record.

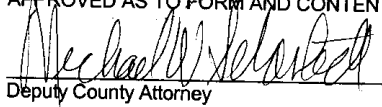
**IT IS FURTHER ORDERED**, that the standards for Citizen Initiated Zoning District #43, as shown is Attachment A, shall govern the use of lands and structures within the above Citizen Initiated Zoning District #43:

DATED THIS 4<sup>th</sup> DAY OF June, 2002.


ATTEST:

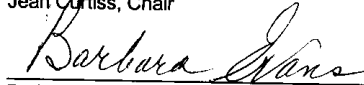
  
Vickie Zeier, Clerk & Recorder

APPROVED AS TO FORM AND CONTENT:

  
Deputy County Attorney

BOARD OF COUNTY COMMISSIONERS  
Missoula County, Montana

  
Jean Curtiss, Chair

  
Barbara Evans, Commissioner

  
Bill Carey, Commissioner



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Missoula County Vickie M Zeier RES

**COMMERCIAL PROPERTIES, INC.  
CITIZEN INITIATED ZONING DISTRICT #43**

**Section 1 – Applicability**

That portion of Section 2, Township 12 North, Range 20 West, Principal Meridian, Montana, Missoula County, Montana, as shown on the attached exhibit.

**Section 2 – Intent/Purpose**

Planned Unit Developments (PUDs) and Cluster Developments are encouraged.

**Section 3 – Sub-districts****I. RESIDENTIAL SUB-DISTRICT****A. Permitted Uses**

Single family residences. Mobile homes and manufactured homes are not permitted.

Duplexes

Accessory buildings

Home Occupations as defined by Resolution 81-132

Daycare Home, serving twelve (12) or fewer people, as defined in MCA 76-2-401 through 76-2-412

Schools

Churches

Agricultural Activities as defined in MCA 76-2-902, which existed at the time of the creation of the district.

**B. Space and Bulk Requirements**

Maximum residential density	Two (2) dwelling units per one (1) acre, with the option for density bonuses as set forth in Section 3.06M of Missoula County Zoning Resolution 76-113, when this sub-district is served by City sewer.
Front yard setback	Twenty (20) feet
Side yard setback	Ten (10) feet
Rear yard setback	Twenty (20) feet
Maximum building height	Thirty (30) feet

Minimum setbacks of twenty-five (25) feet shall be maintained for all agricultural buildings

**II. COMMERCIAL SUB-DISTRICT****A. Permitted Uses**

Retail trade and services

Wholesale trade and services

Workshops

Professional offices/Sales offices

Banking and financial institutions

Nursing and personal care facilities

Mini-warehouses

Public and quasi-public buildings and uses

Personal services

Day care centers

Plant Nursery

Agricultural Activities as defined in MCA 76-2-902, which existed at the time of the creation of the district.

**B. Space and Bulk Requirements**

Front yard setback	Twenty-five (25) feet
Side yard setback	None
Rear yard setback	Twenty-five (25) feet
Maximum building height	Thirty-five (35) feet

Minimum setbacks of twenty-five (25) feet shall be maintained for all agricultural buildings.

C. Supplementary Regulations

1. All buildings east of the irrigation ditch shall have a finished floor above existing grade.
2. Development on lots within the commercial sub-district shall be subject to the following provisions of the Primary Travel Corridor Standards (Section 3-14 of the Missoula County Subdivision Regulations):
  - a. 3-14(3)(A) Landscaping
  - b. 3-14(3)(C)(ii) Signage
  - c. 3-14(3)(C)(iii) Future Development Areas
  - d. 3-14(3)(C)(iv) Trash Screening
  - e. 3-14(3)(C)(v) Storage Screening
  - f. 3-14(3)(C)(vi) Fences
  - g. 3-14(3)(C)(vii) Building Design
3. The following standards shall apply to developments in this sub-district containing one (1) or more adjacent or adjoining commercial and/or office buildings with a total gross floor area of thirty thousand (30,000) square feet or greater, where the purpose is the buying and selling of commodities and/or supplying of services and any parking appurtenant to the use.

A. Front, Side and Rear Yard Setbacks

Minimum twenty-five (25) feet from the edge of any public right-of-way or from exterior boundaries of the enterprise commercial development. Internal setbacks within the same development need not comply with this section, except that internal setbacks shall comply with building setbacks established in the Uniform Building Code. The required setback area may be used to provide required off-street parking, subject to landscaping requirements.

B. Off-street Parking

Maximum ratio of four and three-tenth (4.3) parking spaces per one thousand (1,000) square feet of gross leasable floor area, which is the total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, if any, expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

C. Bicycle Parking

Short term bike parking shall be provided on-site for commercial and office uses at a minimum rate of ten percent (10%) of the car parking spaces. Bicycle parking spaces shall be in clearly designated, highly visible, safe and convenient locations and shall not impede pedestrian access. At least half of the customer bicycle parking shall be located within fifty (50) feet of a customer entrance and the remainder shall be located within one hundred (100) feet of a customer entrance. Variations in the number of bike parking spaces and variations in bike parking location may be approved by the Zoning Officer depending on type of use and expected traffic generation. Preferably, customer bicycle parking would be covered.

Short Term Facilities are defined as stationary racks to which the user can lock the bicycle frame and both wheels with a U-shaped or cable lock.

- D. Roof-mounted mechanical equipment or antennas shall be screened from adjacent public streets. Assume a viewing point at the centerline of the street which is five (5) feet higher than the building floor grade.

E. Parking Lot Design

One of the following alternatives shall be incorporated into the site to reduce the visual impact of the parking lot.

1. Landscape Setbacks. When the parking area is located between the building and a public right-of-way, provide a three (3) foot high hedge, decorative wall or fence, or a berm at least two and one half (2.5) feet high and no taller than three (3) feet high, within the twenty (20) foot wide perimeter landscaped buffer between the parking lot and right-of-way. Berms taller than two and one half (2.5) feet require greater area and therefore may encroach further into the site beyond the twenty (20) foot landscaped perimeter or into the landscaped boulevard area with approval from the State Department of Transportation or appropriate agency. Berm slopes should not exceed twenty-five percent (25%) for lawn areas. Berms planted with vegetative ground cover and shrubs shall not exceed fifty percent (50%) slope.

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2. **Grade Changes.** Where the parking lot is at least two and one-half (2.5) feet lower in elevation than the surrounding or adjacent right-of-way, the embankment shall be planted with vegetative ground cover, low shrubs and shade or ornamental trees.
3. **Parking Placement.** Locate at least fifty percent (50%) of the parking to the side or rear of the building.
4. **Outdoor Plaza.** Provide a centrally located, usable outdoor space that is hard-surfaced (concrete or unit pavers, not asphalt) and incorporates landscaping. The area of the outdoor plaza shall be at least five percent (5%) of the total gross floor area. Seating should be provided and food vending is strongly recommended. This area should incorporate visual points of interest, such as public art, fountains, landscape plazas, public gathering space, etc. The outdoor plaza may contribute to the overall twenty percent (20%) on-site landscape area requirement.

### F. Pedestrian Facilities

1. The internal pedestrian circulation plan shall include a clear separation of vehicular and pedestrian traffic that is safe and convenient and that fully interconnects pedestrian walkways within the site and to perimeter sidewalks. A minimum six (6) foot width shall be maintained free and clear of obstacles on all pedestrian walkways.
2. Buildings shall be separated from drives and parking areas by a minimum of six (6) feet, except where buildings are adjacent to service drives that do not access any public parking or use area. This six (6) foot setback area shall be maintained as a walkway and/or landscaping. However, sidewalks, no less than six (6) feet in width, shall be provided along the full length of the building along any façade featuring a customer entrance and along any façade abutting public parking stalls.
3. All crosswalks shall be colored or shall include partial or full texturing to provide greater differentiation of the walkway from the driving surface. The sidewalk color, grade and surface shall be continued across any intersection with roads, driving corridors, parking areas, loading areas and driveways.
4. All pedestrian accommodations shall be built to ADA guidelines.
5. The developer shall petition the property into the Missoula Urban Transportation District and a bus turnout area, bus shelter and bus stop signs may be required on or adjacent to the site.

### G. Lighting

The purpose of this section is to establish lighting requirements for personal safety and crime prevention while regulating any spill-over of light and glare on operators of motor vehicles, pedestrian and land uses near a light source to promote personal and traffic safety and to prevent the creation of public nuisances. All outdoor lighting shall meet the following standards:

1. All driving and parking area lighting and walkway lighting shall be shielded so that all light falls within the property boundary. Exterior sign and building lighting shall be designed with shielding so that all direct light falls either upon the surface of the structure to be illuminated and within the property boundary. No light fixture shall exceed thirty (30) feet in height.
2. Except for temporary holiday displays, blinking, flashing or lights of changing intensity are prohibited.

### H. Landscaping

Landscaping standards are designed to help protect the public health, safety and welfare, by improving air quality of the community; moderating heat gain by asphalt; reducing the amount of reflected heat; reducing the visual impact of glare, headlights and parking lights from the public right-of-way and from adjoining properties; improving the visual quality of parking lots; and enhancing pedestrian use areas.

1. For the purposes of this section, landscaping is defined as any living plant material of the following combination: vegetative ground cover or grass, flowers, ornamental plants, shrubs, vines, hedges and/or trees. Where appropriate, xeriscape may be used. Native or naturalized plants are encouraged.
2. The minimum height for a tree at planting in the required landscaped area is six (6) feet. The minimum size of shrubs at planting is five (5) gallons.

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3. All landscaping material shall be in place and healthy prior to issuance of an occupancy permit. If weather does not permit installation of landscaping prior to issuance of an occupancy permit, the property owner shall install all required landscaping within the next two (2) growing seasons following the issuance of an occupancy permit. A temporary permit may be issued prior to landscaping installation if an improvements guarantee is provided and that written assurance is given that the planting will occur in the next growing season. Within four (4) years of planting, plantings shall cover at least ninety percent (90%) of the required landscaped area.
4. It shall be the responsibility of the property owner to maintain all landscaping, including that within the boulevard. Where appropriate, automatic irrigation systems, with back flow prevention, shall be provided to maintain healthy landscaping.
5. Development of individual sites shall meet the following landscaping standards:
  - a. On-site Landscaping. At least twenty percent (20%) of the lot area to be developed shall be landscaped. There shall be no fewer than one (1) tree and five (5) shrubs planted per one thousand (1,000) square feet of landscaped area or fraction thereof. The trees required in the perimeter landscaping (in Section b below) and the parking lot interior landscape islands (in Section c below) contribute to the total number of required on-site trees.
  - b. Perimeter/Buffer Landscaping. When a lot is located adjacent to a public right-of-way, a minimum twenty (20) foot perimeter landscaped buffer shall be planted with shade, canopy or ornamental trees and shrubs and sod, excluding that area required for sidewalks. The twenty (20) foot width may, at the discretion of the Zoning Officer, include landscaping in the boulevard.

Any use in the district which abuts a residential zone or use shall provide a twenty-five (25) foot wide landscaped buffer strip with a visual screen no less than five (5) feet in height provided at seventy-five percent (75%) year round opacity at time of planting along the entire lot line adjacent to the residential zone or use.

- c. Interior Parking Lot Landscaping. Landscaping, in an amount equal to ten percent (10%) of the paved area, shall be placed within the paved area. Landscaping directly adjacent to the building and adjacent to paved parking areas, measuring ten (10) feet in depth from the edge of building or paving, may be counted toward the required ten percent (10%) interior parking lot landscaping. Interior parking lot landscaping contributes to the total twenty percent (20%) on-site landscaping required in this section.

The interior vehicular use area which is the area proposed for parking and paved display areas shall provide interior landscape islands. To be considered an interior landscaped island, at least two (2) sides of the landscaped area must be bordered by a paved surface. Interior landscaped islands shall meet the following criteria and guidelines:

- i. Interior landscaped islands shall be dispersed so as to define aisles and limit unbroken rows of parking to a maximum of one hundred thirty-five (135) feet. Any parking aisle that ends adjacent to a paved driving surface, regardless of the aisle's length, shall have a landscaped island at that end.
- ii. Landscape islands shall be planted with living vegetative ground cover or may be landscaped with bark groundcover or washed rock a minimum of one and one-half (1.5) inches in size. Canopy or shade trees shall be provided in interior landscape islands at a minimum rate of one (1) per one hundred fifty (150) square feet of required interior landscaped island area, with a minimum of one (1) tree per landscaped island.
- iii. Landscape islands shall be a minimum of nine (9) feet wide.
- iv. Interior landscaped islands must be protected by curbs, curb stoppers, fences or raised planters.

### III. AGRICULTURAL SUB-DISTRICT

#### A. Permitted Uses

Agricultural Activities as defined in MCA 76-2-902, with the exception of commercial feeding of livestock, a use that was not in existence at the time of the creation of the district.  
 Accessory buildings and uses  
 Animal hospitals and veterinarian clinics  
 Commercial Nursery or Greenhouse

#### B. Space and Bulk Requirements

Front yard setback	Twenty-five (25) feet
Side yard setback	None
Rear yard setback	Twenty-five (25) feet
Maximum building height	Thirty-five (35) feet

Prior to issuance of a zoning compliance or building permit, the Floodplain Administrator shall be consulted regarding flooding within this sub-district.

### Section 4 – General Provisions

#### DEFINITIONS

Applicable definitions of terms in Chapter I "General Provisions" of the Missoula County Zoning Resolution 76-113 and the Montana Code Annotated (MCA) shall apply in this zoning district, unless otherwise defined herein.

1. Workshop – A building where manufacturing is performed by tradespeople requiring manual or mechanical skills and may include a carpenter's shop, a locksmith's shop, a gunsmith's shop, a tinsmith's shop or similar uses.

#### OTHER APPLICABLE SECTIONS OF COUNTY ZONING RESOLUTION

Sections 3.02, 3.03, 3.04, 3.05 and 3.06 A-P of Chapter III "Supplementary Regulations," Chapter IV "Special Design Standards and Chapter VII "Nonconforming Uses" of the Missoula County Zoning Resolution 76-113 shall apply in this zoning district.

### Section 5 – Development Standards

These development standards shall apply to any improvements on a lot or to any request for zoning compliance or for compliance with zoning during review of a subdivision request.

#### A. Riparian Resource Area Standards

This section contains standards to protect areas of riparian resource, with the intent to ensure that no development be approved which is determined to be unsuitable by reason of flooding, erosion, inadequate drainage or impact in areas of riparian resources.

Area of riparian resource means a stream, lake, wetland or other body of water and land containing any of the habitat or community types listed in Appendix V of the Missoula County Subdivision Regulations and an adjacent area of varying width where development may have significant negative impacts on wildlife habitat or water quality and quantity, fish or other aquatic resources.

1. A management plan for areas of riparian resource must be submitted with an application for a zoning compliance permit. The plan shall include, but not be limited to, the following:
  - a. proposed access to or through the area;
  - b. proposed low-impact use of the area;
  - c. planned restoration of the area with native species;
  - d. planned mitigation of impacts from all proposed uses; and
  - e. planned buffer to mitigate development adjacent to area of riparian resources.
2. Lots which encompass areas of riparian resource shall place development outside the areas of riparian resource. Except for road construction as provided for in Section 3 below, areas of "no improvements" of any kind shall be approved within the area of riparian resource, including fencing, except those improvements which are outlined in the management plan and approved by Office of Planning and Grants (OPG) for a zoning compliance permit.
3. No proposed road shall be approved for construction if located in an area of riparian resource unless the road is for the purpose of crossing an area of riparian resource in order to access a body of water or stream and is outlined in the management plan approved by OPG. The following guidelines and restrictions shall apply to all road construction:

## ATTACHMENT A

- a. The intentional sidecasting of road material into a stream, lake, wetland or other body of water during road construction or maintenance is prohibited;
- b. Effective erosion and sedimentation control practices shall be conducted during all clearing, construction and reconstruction operations;
- c. Road fill material shall not be deposited in the areas of riparian resource or in such a location or manner so that adverse impacts will result to the area;
- d. In the event it is necessary to route a road through an area of riparian resource, then open areas should be utilized in order to minimize impact on vegetated areas;
- e. Roads should not be constructed in areas where soils have a high susceptibility to erosion which would create sedimentation and pollution problems during and after construction; and
- f. Roads should not intrude into areas adjacent to open exposures of water and should avoid scenic intrusion by building below ridge crests and high points.

### **Section 6 – Variances**

- A. A variance may be granted after a public hearing before the Missoula County Planning and Zoning Commission. 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 an unnecessary hardship. Public notification of the variance request and of the time and place of the public hearing shall be accomplished by all of the following:
  1. All adjacent property owners (as listed in the most recent County Assessor's Tax Records) within three hundred (300) feet of the parcel requesting the variance shall be notified by first class mail at least fifteen (15) days prior to the public hearing.
  2. Any Landowners Association shall be notified by first class mail at least fifteen (15) days prior to the public hearing. It is the responsibility of the Landowners Association to keep the Office of Planning and Grants informed of the current names and addresses of Association Officers.
  3. Notice shall be posted at least fifteen (15) days prior to the public hearing in at least three (3) conspicuous places, stating the date, time and place of the public hearing.
  4. A legal advertisement shall be placed in a newspaper of general circulation stating the nature of the request and the date, time and place of the public hearing, at least fifteen (15) days prior to the public hearing.
- B. A fee to cover the administrative costs of processing the variance request must be paid by the applicant at the time that the variance request is submitted to the Office of Planning and Grants.
- C. In approving variances, the governing body may require conditions that secure the objectives of these regulations.

### **Section 7 – Violations**

- A. If a violation of these regulations occurs or is allegedly to have occurred, any person may file a written complaint to the County Zoning Officer stating the causes and basis of the alleged violation. The Zoning Officer shall record and investigate the complaint. If it is determined that any of the provisions are being violated, the zoning officer shall submit a written report to the Office of the County Attorney for appropriate legal action.

### **Section 8 – Submittal Requirements for Zoning Compliance Permit**

- A. Any proposed new use, change in use, building construction or road or driveway construction shall receive a Zoning Compliance Permit from OPG. Each application for a permit shall be accompanied by a site plan drawn to scale, a riparian resource management plan if needed and a grading plan if needed which demonstrates compliance with the Development Standards in this district.

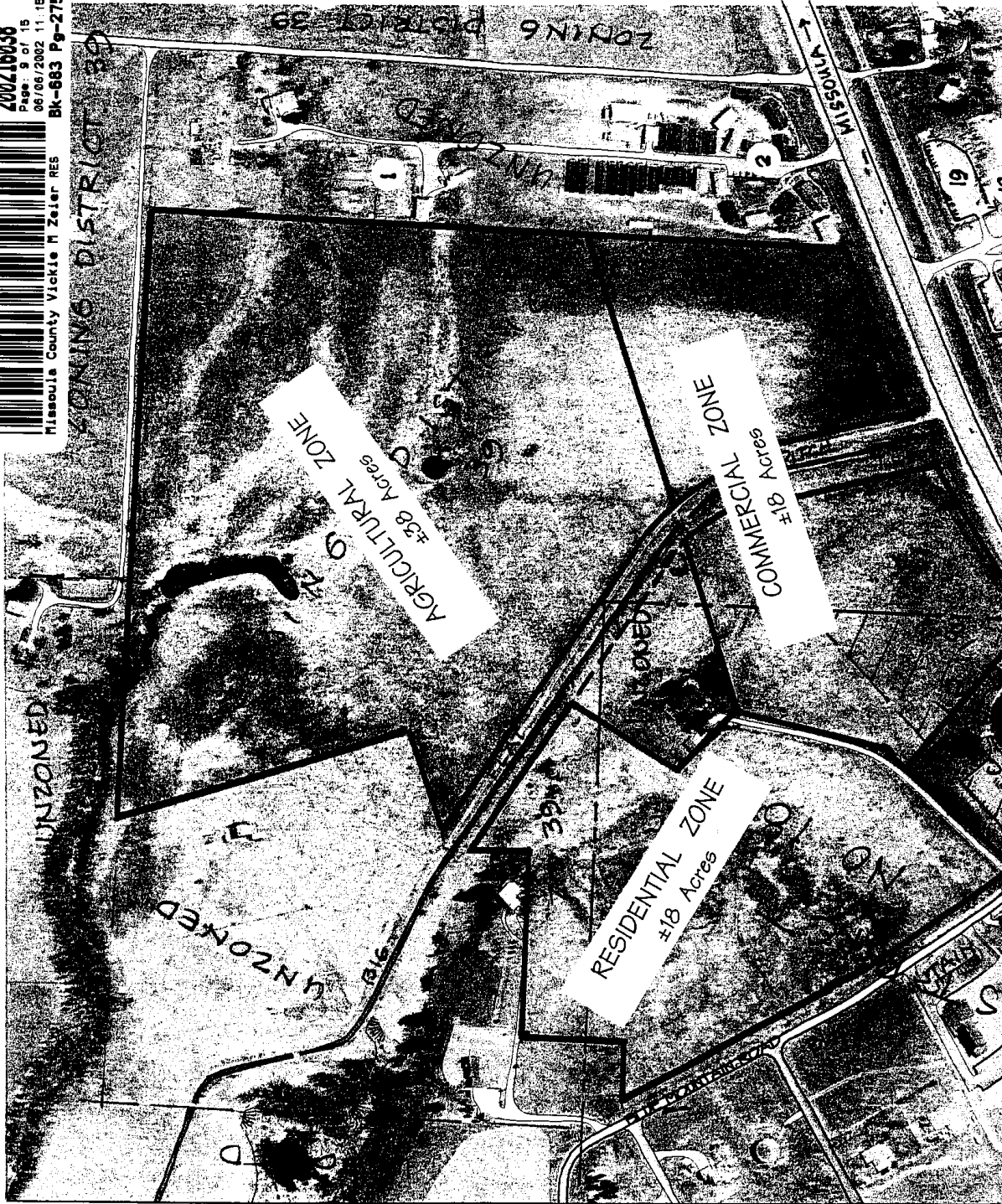
### **Section 9 – Severability Clause**

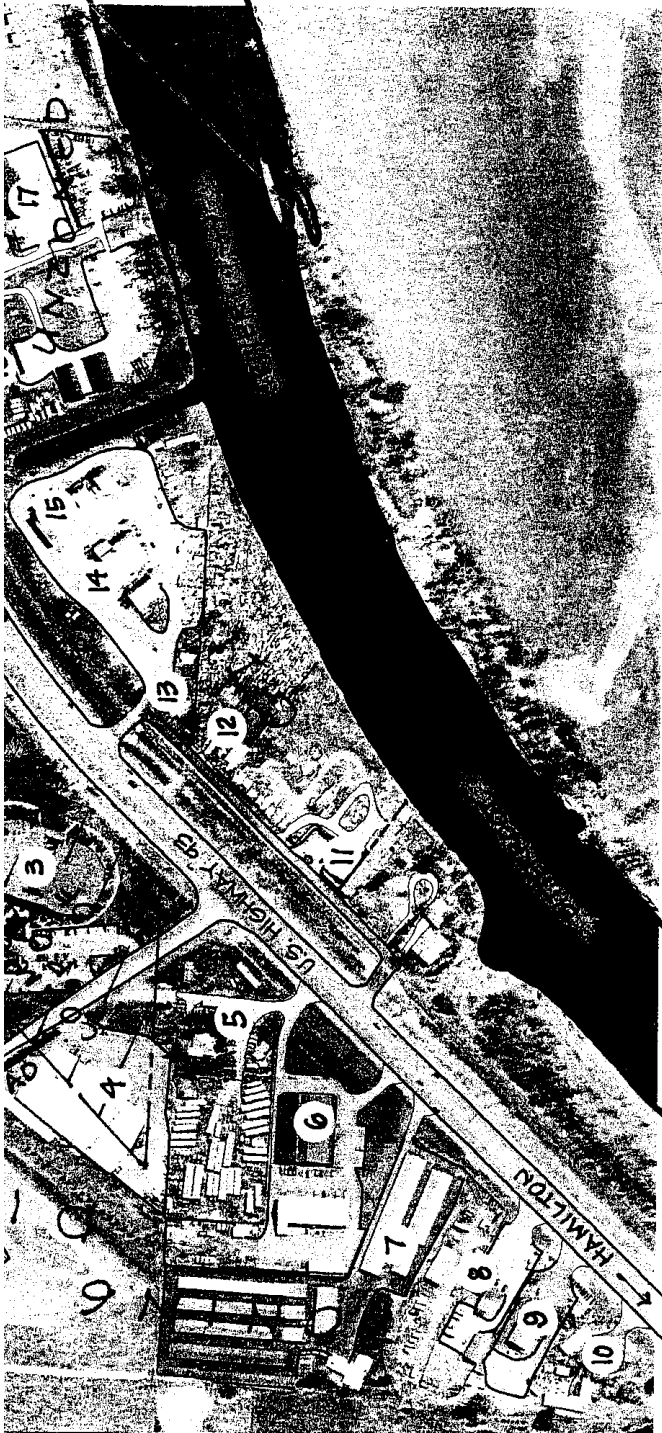
- A. In the event any court of competent jurisdiction holds any section, sub-section, part, term, clause or provision contained in the standards of this Zoning District to be invalid, illegal, unconstitutional or otherwise unenforceable, then, nevertheless, all other and remaining sections, sub-sections, parts, terms, clauses and provisions thereof and hereof shall continue and remain in force and effect.

### **Section 10 – Appeal**

- A. Any person aggrieved by any decision of the Commission or the Board of County Commissioners may, within thirty (30) days after such decision or order, appeal to the Missoula County District Court.







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Missoula County Vickie H Zeller RES BK-683 Pg-275

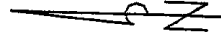
COMMERCIAL PROPERTIES, INC.

Citizen's Initiated Zoning District Request  
Located in Section 2, T12N, R20W, PMM, Missoula County, Montana

Attachment B

Exhibit 2

Presented by Professional Consultants, Inc. (PCI)  
PCI Project No. 6518-01 - December, 2001



DEC 6, 2001  
BASIS OF BEARING, NAD 83

CONSENT  
~~PETITION~~ TO ADJUST BOUNDARIES OF ZONING DISTRICT NO. 18

ATTACHMENT C

The undersigned, who constitute at least 60% of the freeholders of Zoning District No. 18, created by the Board of County Commissioners of Missoula County by resolution dated June 7, 1971, hereby petition the Board of County Commissioners of Missoula County to adjust the boundaries in the Northeast Quarter of the Southwest Quarter (NE1/4 SW 1/4) of Section Two (2), Township Twelve (12) North, Range Twenty (20) West, in Missoula County, Montana, to exclude the property owned by Commercial Properties, Inc, as shown in red on the attached map, and generally described as follows:

That portion of the NE 1/4 of the SW 1/4 north and east of Blue Mountain Road, with the exception of the portion of the property currently owned by Edward T. Linjala and Sharon L. Linjala of the Linjala Family Trust and the property owned by the Montana Athletic Club

and consent to this property being made part of Zoning District No. 43, in exchange for the Planning and Zoning Commission adopting zoning regulations which have been approved by the following:

Name of Freeholder (printed)	Signature	Street Address
Wayne Henry Hightower	<i>Wayne Hightower</i>	5055 Forest Hill Ln
Joelinda W. Hightower	<i>Joelinda W. Hightower</i>	5055 Forest Hill Ln
Bruce N. Auer	<i>Bruce N. Auer</i>	5275 Forest Hill Ln
SHARON M. SCOTT	<i>Sharon M. Scott</i>	5300 S. Wornath
Leon A. Scott	<i>Leon A. Scott</i>	5300 S. Wornath
James L. King	<i>James L. King</i>	5115 S. Wornath
Melinda Rang	<i>Melinda Rang</i>	5115 S. Wornath
Betty Jean Peggisi, M	<i>Betty Jean Peggisi</i>	54800 E. Wornath

Consent  
 Page 2 of ~~REMOVED~~ to Adjust Boundaries  
 of Zoning District No. 18

ATTACHMENT C

Name of Freeholder (printed)	Signature	Street Address
DAN G. ETON, Trustee	<i>[Signature]</i>	5055 Evergreen Rd.
David M. Patrick	<i>[Signature]</i>	5100 Evergreen Rd.
Delmer J. Vietz	<i>[Signature]</i>	4680 N. Wornath Rd.
HAUERLE SETHAETZ	<i>[Signature]</i>	4805 N. Wornath Rd.
Roger T. Haglund	<i>[Signature]</i>	4725 N. Wornath Rd.
Alene D. Sorensen	<i>[Signature]</i>	4718 N. Wornath Rd.
Stephen J. Wlasek	<i>[Signature]</i>	5230 S. Wornath Rd.
Tansy S. Wlasek	<i>[Signature]</i>	5230 S. Wornath Rd.
<del>JOSE LAGOS</del> <i>[Signature]</i>	<i>[Signature]</i>	4700 Wornath Rd.
<del>Vincent J. Wornath</del>	<i>[Signature]</i>	4690 N. Wornath Rd.
June L. Barthel	<i>[Signature]</i>	4915 Evergreen Rd.
LYZONET ANDERSON	<i>[Signature]</i>	5155 S. Wornath Rd.
Sharon Kenyon	<i>[Signature]</i>	4775 Evergreen Rd.
SHARON L. KINGALA (TRUSTEE)	<i>[Signature]</i>	4900 Blue Mountain Rd.



Missoula County Vickie M Zeier RES

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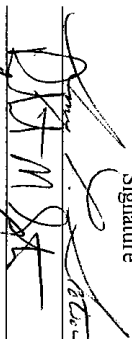
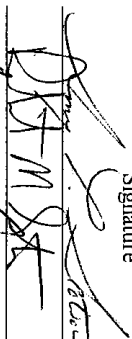
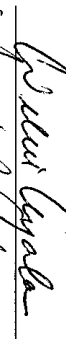
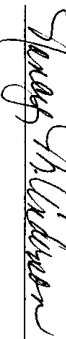
Consent  
 Page 3 of 13  
 to Adjust Boundaries  
 of Zoning District No. 18

ATTACHMENT C

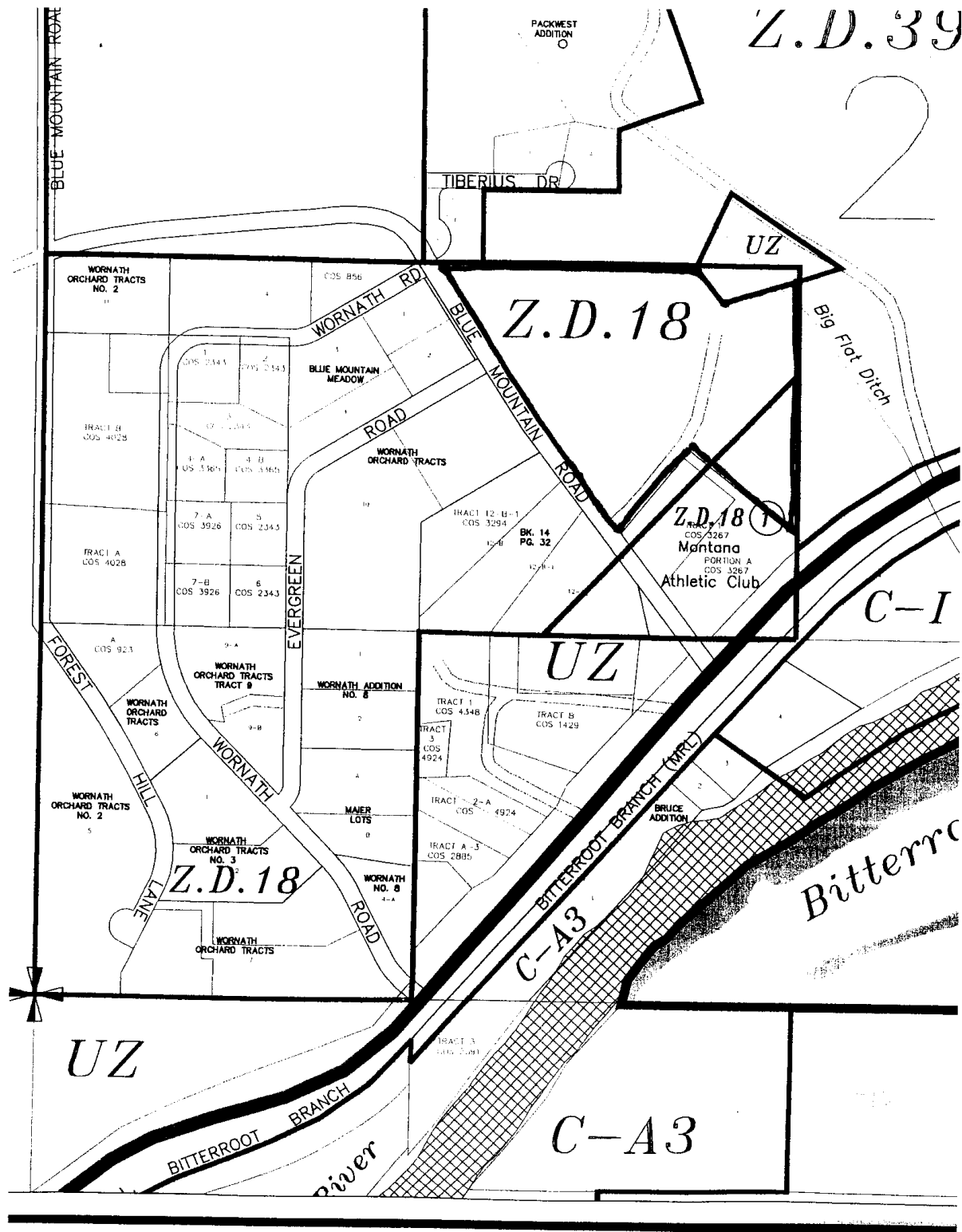
Name of Freeholder (printed)	Signature	Street Address
TERESA M. LARSEN	<i>Teresa M. Larsen</i>	4700 N. Lincoln
ELIZABETH A. MARCIANO	<i>Elizabeth A. Marciano</i>	4640 N. Wornath
Donald H. Bressini	<i>Donald H. Bressini</i>	4800 Evergreen Rd.
Russell L. Keenum	<i>Russell L. Keenum</i>	4875 Evergreen Rd.
<del>James J. Sauer</del> <i>James J. Sauer</i>	<del><i>James J. Sauer</i></del> <i>James J. Sauer</i>	4805 N. Wornath Rd.
Carol Jean Van Allen Hannon	<i>Carol Jean Van Allen Hannon</i>	4735 N. Wornath Rd.
<del>Virginia R. Webb</del> <i>Virginia R. Webb</i>	<del><i>Virginia R. Webb</i></del> <i>Virginia R. Webb</i>	4680 N. Wornath Rd.
Edward T. Lingala	<i>Edward T. Lingala</i>	4900 Blue Mountain Road
Gary E. Krueger	<i>Gary E. Krueger</i>	4775 Evergreen Rd.
Lancy McBreem	<i>Lancy McBreem</i>	4655 N. Wornath Road

Consent  
 Page 4 of Petition to Adjust Boundaries  
 of Zoning District No. 18

ATTACHMENT C

Name of Freeholder (printed)	Signature	Street Address
Tim L. Scottson		5265 Forest Hill Ln. 59804
Robert M Scottson		5265 Forest Hill Ln. 59804
William L Ayala		5080 Sutterman 59804
Nancy M Anderson		5155 S. W. Street 59804

As of May 8, 2002



ATTACHMENT C



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