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MINUTES OF MEETING OF PLANNING
AND ZONING COMMISSION HELD AT
2:00 P.M., JUNE 21, 1971

Pursuant to Notice given as provided by law, the Missoula County Planning and Zoning Commission met in the Office of the County Commissioners at 2:00 p.m., on June 21, 1971, to hear the petition of residents for zoning an area in the Lower Carleton Creek vicinity, a community between two and three miles north of Florence, Montana, described as follows:

The NW¼, SW¼, W½ NE¼ of Section 36, T11N, R20W; all of Section 25 except the W½ of the NW¼, T11N, R20W.

Present were Commission members A. W. Fetscher, Chairman, H. W. Stoutenburg, Richard H. Ostergren, and Elmer Frame, County Surveyor, member Fred R. Barclay being absent from the City. Petitioners were represented by L. R. Burkman of Route 1, Florence.

Chairman Fetscher announced the petition passed by 63.9%. Mr. Burkman stated that after his discussion with Jim Nelson of the Health Department, it was felt that the zoning procedure was the way to protect themselves from water and pollution problems arising by reason of over population of trailer parks, and pointed out that he had only three refusals to sign the petition. The community has now grown to 56 families, from the 12 to 15 a year and a half ago. Therefore, there is need for guidelines for setting up proper standards. In answer to Mr. Frame's question, he stated there are two ownerships smaller than the 4.5 acres --- the Donnellys having 1½ acres and the Staggs with 3½ --- and these are exempted in the petition. Chairman Fetscher brought out that these exemptions could be made a part of the resolution creating the district, and that no subdivision would be allowed of any existing or future lots. Mr. Stoutenburg suggested and the legal description of the excepted parcels be put in the resolution.

Whereupon Commissioner Ostergren made a motion that the Commission "take this petition for zoning under advisement." This was seconded by County Surveyor Elmer Frame and carried unanimously.

The Planning and Zoning Commission then adjourned with a tentative meeting set up for Thursday, June 24th for decision on this

CONTINUATION MEETING HELD AT
9:30 a.m., JUNE 24, 1971

The Planning and Zoning Commission met in the Office of the County Commissioners, with all members present, to further consider the Lower Carleton Creek zoning petition. After further discussion, motion was made by County Surveyor Elmer Frame, seconded by Commissioner Stoutenburg and carried unanimously "that the petition be granted with areas excepted specifically described."

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CONTINUATION MEETING HELD AT
10:15 A.M., JULY 15, 1971

The Planning and Zoning Commission met in the Office of the County Commissioners, with all members present, to approve the final draft of the regulations set up for this district. There being no dissent as to the wording used, motion was made by County Surveyor Elmer Frame, seconded by Commissioner Richard Ostergren and carried unanimously, "that we pass and adopt the following resolution as drafted:

"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 Lower Carleton Creek vicinity, within the boundaries described in said petition and shown on map submitted therewith, 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 Chapter 41, Title 16, R.C.M. 1947, as amended, and

WHEREAS, the Planning and 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. 31 in the Lower Carlton Creek vicinity, which said district is more particularly described as follows:

The NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 36, Township 11 North, Range 20 West, all of Section 25 except the W $\frac{1}{2}$ of the NW $\frac{1}{4}$, Township 11 North, Range 20 West.

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. 31:

Section I

That no use shall be permitted except single family dwelling, except that outbuildings incidental to single family dwellings shall be permitted.

That all single family dwellings shall be located on at least 4.5 acres of land, except for present existing improvements on lesser acreages, said exceptions presently existing being more specifically described as follows:

(1) A rectangular shaped tract containing approximately 1 $\frac{1}{2}$ acres lying in the northerly portion of the E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 25, T11N, R20W, P.M.M., Missoula County, Montana. Recorded in the name of Lesley C. and Avis A. Donnelly, Book 11 of Microfilm Page 1369. Deed exhibit #2139.

(2) A tract of land in the E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 25, T11N, R20W, P.M.M., more particularly described as follows:

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Commencing at the corner to sections 25, 26, 35 and 36 thence S 89° 36" E, 329.69 feet, along the section line to the true point of the beginning, thence N 209.7' W, 462.50 feet, thence S 89° 35.8' E, 329.66 feet; thence S 0° 09.9' E, 462.44 feet to the West 1/64 Section 25 and 36; thence N 89° 36' W, 329.68 feet to the point of the beginning; containing 3.50 acres: Except a 30 foot right of way strip on the East side recorded in Book 241, Page 183 and an easement for the existing county road on the south side, being surveyed and monumented as shown on exhibit, recorded in the name of Earl A. and Darlene Stagg, Book 22, Page 957, Microfilm.

Any agricultural, horticultural or stock-raising enterprise may be carried on within the district.

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

A. W. Fetscher
A. W. Fetscher
Chairman, Zoning Commission

Fred R. Carclay
Fred R. Carclay
Secretary, Zoning Commission

305700✓

I received and filed this instrument for	
record on the	27 day of July
19 71 at	9:40 o'clock A.M. and it
is recorded in vol.	31 of
Micro	Records of the County of
Missoula, State of Montana, on page	1483
Witness my hand:	
Veronae H. Crouse, County Recorder	
By	<i>Wendy L. Hall</i> , Deputy
Fee \$	None Paid
Return to	<i>Journal "B"</i>
Address	<i>Journal "B"</i>