

**BOARD OF COUNTY COMMISSIONERS  
RESOLUTION NO. 2039**

WHEREAS, the Board of County Commissioners adopted Resolution No. 1972 on September 5, 2006, to create the Yerian-Mihara Voluntary Zoning District; and

WHEREAS, no protests of the formation of the Yerian-Mihara Voluntary Zoning District were received by the County; and

WHEREAS, the Planning and Zoning Commission adopted Resolution No. 07-02 on February 22, 2007, recommending that the Board of County Commissioners adopt the Yerian-Mihara Voluntary Zoning District Standards; and

WHEREAS, the Board of County Commissioners provided legal advertisement and conducted a public meeting regarding the proposed development pattern and district standards for the Yerian-Mihara Voluntary Zoning District on March 9, 2007, and received public comment on the proposal; and


WHEREAS, after consideration of the development pattern and district standards, the findings and conclusions of the staff report, staff's recommended amendments to the district standards and the Planning and Zoning Commission's recommendation, the Board of County Commissioners makes the findings below.

1. The Yerian-Mihara Voluntary Zoning District standards reduce the potential impacts of development on public health and safety;
2. The proposed district standards, as amended, will help maintain a consistent development pattern within the Yerian-Mihara Voluntary Zoning District and the surrounding area that is beneficial to the current physical and economic development of the area;
3. The district standards substantially comply with relevant provisions of the Growth Policy; and
4. The district standards will have minimal effects on agricultural activities.

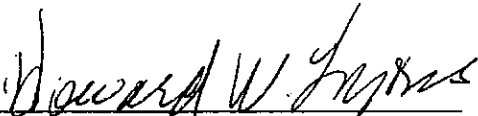
NOW THEREFORE BE IT RESOLVED, that the Board of County Commissioners hereby establishes the Yerian-Mihara Voluntary Zoning District Standards as shown in Exhibit A.


Passed and adopted this 9<sup>th</sup> day of March 2007.

BOARD OF COUNTY COMMISSIONERS


  
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Greg Chilcott, Chairman

Ret: Commissioners Office

  
Howard W. Lyons, Member

  
Alan Thompson, Member

Attest:

  
Regina Plettenberg, Clerk and Recorder

Attachments:

Exhibit A Yerian-Mihara Voluntary Zoning District Standards



**YERIAN-MIHARA  
VOLUNTARY ZONING DISTRICT  
E X H I B I T "A"**

The undersigned owners of property within the proposed district, hereby petition the County Commissioners of Ravalli County, Montana to establish the Yerian-Mihara Voluntary Zoning District, pursuant to the following terms and conditions:

Property Within the District. The following properties shall be within the Yerian-Mihara Voluntary Zoning District:

Township 6 North, Range 20 West, Section 15, Hamilton Heights:  
Block 4, Lots 1-A, 2-A, 3-A, and 4-A, 5, 5-B, 6-A and 7A  
Block 5, Lots 5-B, 6-A, 9-A, 10-A, 11 and 12

Area Within the District. The area within the District is approximately 119.81 acres.

Development Pattern. The following development pattern provisions are proposed for the Yerian-Mihara Voluntary Zoning District:

1. Minimum lot size in the district shall be 9 acres. Existing non-conforming lot sizes are permitted, however, no further subdivision of lots shall be allowed, except as provided for guest homes below.
2. All lots are restricted to residential and agricultural use only, except as otherwise provided in paragraph 3 below.
3. No more than one single-family dwelling shall be permitted on any lot, provided that this restriction shall not prohibit the conduct of a home occupation as long as the office or facilities for such are contained entirely within the main residential dwelling and as long as the main residential dwelling is used as a dwelling. Nothing in this paragraph shall exempt from county subdivision review any activity that would otherwise be subject to such review.
4. All residences, structures, and buildings shall be setback from property lines at least 50 feet.

Home Occupation means any occupation, professional, enterprise, or similar activity that is conducted on the premises of a residence as an accessory use and that would be compatible in size and scope in a residential setting; the term does not include hobbies, agricultural or livestock activities, or similar non-commercial activities, or any activity that would meet the definition of heavy industry.

Home occupations must conform to each of the following conditions:

1. They shall be carried on by a member of the resident(s) of the dwelling unit.
2. There may be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the home occupation other than one exterior sign, no larger than six (6) square feet in size, which shall not be mounted on a pole or in the air, and must be placed on the home within four (4) feet of the main entry door.
3. There shall be no exterior storage of materials or variation from the residential character of the principal building.

Nonconforming Uses and Structures. To avoid undue hardship, nothing in these regulations shall be deemed to require a change in the plans or construction of any building on which actual construction was lawfully begun prior to the effective date of these regulations. A lawful use or structure existing within the zoning district on the effective date of these regulations, made no longer permissible by these regulations, may be continued so long as it remains otherwise lawful. If a nonconforming use or structure ceases to exist for any reason for a period of more than one year, any subsequent structure or use of the

land shall conform to these regulations. Repair and maintenance of non-conforming structures is permitted provided the footprint of the structure is not expanded.

Variances.

Procedures for Variance Requests

1. Applications for a variance to the Board of County Commissioners may be submitted by any person by filing an Application for Variance with the Ravalli County Planning Department. Application forms shall be available at the Ravalli County Planning Department. Fees shall be required to be paid by the applicant in the amounts established in a fee schedule adopted by the Ravalli County Commissioners.
2. The Application for Variance must identify the applicant, identify the property at issue, identify the owner of the property and explain the relationship between the applicant and owner (if different), describe the factual background and particulars of the variance requested, set forth the specific reasons for requesting the variance, and explain how the applicant believes the variance criteria set forth herein are satisfied. Applications for variances shall be reviewed by staff for completeness, and shall be returned to the applicant without further processing if determined not to meet the requirements of this section.
3. The Ravalli County Planning Department shall fix a reasonable time for the Board of County Commissioners hearing of the variance request.
4. The Ravalli County Planning Department shall publish two(2) notices, one (1) week apart in a newspaper of general County circulation, the first of which shall appear at least fifteen (15) days prior to the public hearing. The notice shall contain a brief description of the variance request; the location of the property; the date, time and place of the public hearing; and the statement that the application is on file for public inspection at the Planning Department.
5. The Ravalli County Planning Department shall send written notification of the variance request to the property owners according to the following procedures:
  - a. Mailing lists shall include all persons listed in the most current available data in County Records who own the subject property(s) and property in the Yerian-Mihara Voluntary Zoning District.
  - b. The mailing shall be made at least fifteen (15) days prior to the public hearing.
  - c. The notice shall contain a brief description of the nature of the application; the time, place and date of the public hearing; and the phone number and address of the Planning Department.
6. At the hearing any party may appear in person or be represented by an agent or attorney.

Requirements for Granting a Variance

1. To grant a variance the Board of County Commissioners must make findings that:
  - a. granting the variance will not be contrary to the public interest or injurious to the neighborhood; and
  - b. owing to special conditions, a literal enforcement of the provisions of these regulations will result in unnecessary hardship if the variance is not granted; and

- c. the spirit of the regulations shall be observed and substantial justice done; and
  - d. the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and
  - e. the special conditions and circumstances do not result from the action of the applicant or prior owners of the parcel at issue.
2. Neither the permitted nor nonconforming use of other lands, structures or buildings in the jurisdiction is grounds for the issuance of a variance.
  3. "Hardship" refers to circumstances peculiar to the particular property. Financial or economic difficulties or consequences of actions by the property owner are not "hardships" for variance purposes.

Severability. The provisions of these regulations are severable. If any provision or portion thereof is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining provisions, all of which shall remain in full force and effect.