

DRAFT

9/24/09

Changes from 9/23/09 P.B Workshop Highlighted

SECTION 3.44 L-T-R Large Tract Rural

3.44.010 Definition.

The intent of the district is to protect traditional natural resource based uses in rural areas. It should be recognized that these traditional resource uses (e.g. timber management, agriculture production, rock picking and gravel excavations, etc) generate noise, heavy truck traffic, equipment operation, expanded hours of operation, dust and other inconveniences. Large landowners have traditionally allowed public access for hunting, fishing and other outdoor recreational uses on their lands as a traditional use.

This district establishes a base density unit of one (1) single family density unit per 40 acres that is compatible with traditional resource uses. Landowners are allowed to increase development density on their property in ways that will not interfere with the traditional resource uses. Land owners can plan subdivisions or submit Overall Development Plans (ODP) in conformance with district procedures. Density can be shifted from within the district to a development site.

Two site-specific methods are available to landowners to increase density on a proposed development including: 1) project site selection and 2) site design. Relocating development density into the development site provides an additional mechanism to increase project density. These methods give landowners greater flexibility while protecting lands associated with public resource and recreational values and allowing the continuation of traditional resource uses.

Planned communities and subdivisions that provide adequate infrastructure and public services may be compatible if site designed to protect site resources and adjacent natural resource land uses. The requirements of this zoning district do not apply to lands while under federal ownership

3.44.020 Permitted Uses (L-T-R).

1. Agricultural/horticultural/silvicultural uses.
2. Caretaker's facility.*
3. Class A and Class B manufactured homes (See Chapter VII – Definitions).
4. Dwelling, single-family
5. Feed and seed processing and cleaning.
6. Fish hatcheries.
7. Guest houses.

8. Home occupations (See Chapter V – Performance Standards and Chapter VII – Definitions).
9. Low Impact Mineral Extraction (Includes rock picking)**
10. Low impact recreation facilities.
11. Nurseries, landscaping materials.
12. Parks; Public and Homeowner.
13. **Portable Sawmills**
14. Produce stands.
15. Public transportation shelter stations.
16. Public utility service installations.
17. Ranch employee housing.
18. All uses provided for in an approved ODP

3.44.030 Conditional Uses (L-T-R).

1. Airports.
2. Animal farms (See Chapter VII – Definitions).
3. Animal hospitals, veterinary clinics.
4. Bed and breakfast establishments.
5. Campgrounds.
6. Camps and retreat centers (including outfitting facilities; See Chapter IV – Conditional Use Standards and Chapter VII – Definitions).
7. Cemeteries, mausoleums, columbariums, crematoriums.
8. Churches and other places of worship.
9. ~~Class III Landfills.~~
10. Communication towers/masts (including cellular towers).
11. Community center buildings operated by a non-profit agency.
12. Contractor’s storage yards (See Chapter IV – Conditional Use Standards).*
13. Dairy.
14. Dwellings, family hardship.*
15. Electrical distribution stations.
16. Electrical power generation facilities (including wind generated).
17. Extractive industries (including rock picking and processing).
18. Feed lots: cattle, swine and poultry.
19. Fire Stations.
20. Guest Ranch
21. High impact recreation facilities.
22. Kennels.
23. Landfills, sanitary for disposal of garbage and trash.
24. Marina.
25. Mini Storage.
26. Radio and television broadcast studios.
27. Recreational facilities, high-impact.
28. Rifle, trap and skeet ranges.

- 29. Sawmills (permanent).
- 30. Schools, primary and secondary.
- 31. Stables, riding academies, rodeo arenas.
- 32. Temporary buildings or structures.*
- 33. Water and sewage treatment plants.
- 34. Water storage facilities.

*Administrative Conditional Use Permit (See Section 2.06.045).

** Low impact mineral extraction and rock picking includes weekday site mining operations that result in removal of less than 10,000 cubic yards of material. No more than 10 acres of active mining area is permitted at any given time (reclaimed areas excluded). Operational hours shall be confined to Monday through Friday 7:00 A.M. to 7:00 P.M. No on-site asphalt batching or concrete plant is permitted without a Conditional Use Permit.

3.44.040 Bulk and Dimensional Requirements (L-T-R)

- 1. Minimum District Area: 320 contiguous acres and acreage outside of the contiguous portion if at least 40 acres.
- 2. Base Dwelling Density Unit: 1 dwelling unit/40 acres.
- 3. Maximum Average Density Unit for Subdivisions: 1 dwelling unit /2.5 acres.
- 4. Maximum Average Density Unit for ODPs: 1 dwelling unit /1 acre
- 5. Minimum Lot Width:
 - Cul-de-sacs frontage: 60 feet.
 - Non-ODP lots 150 feet
 - Clustered lots 100 feet.
- 6. Setbacks :
 - A. Minimum setback of Principal Structure from exterior lot line:
 - Front: * 20 feet.
 - Side: ** 20 feet each.
 - Side Corner: ** 20 feet.
 - Rear: 20 feet.

- B. Detached Accessory Structures:
 - Front: * 20 feet.
 - Side: ** 5 feet each.
 - Side Corner: ** 20 feet.
 - Rear: 5 feet.

C. Applicable to ODP projects: setbacks will be established by the ODP process.

- * Setback is increased to 40 feet if the lot fronts on a county road classified as a collector or major/minor arterial.
- ** For non-conforming properties with lot widths of less than 150 feet, the side and side corner yard setback shall be 10 feet each. For non-conforming properties with lot widths of less than 50 feet, the side and side corner yard setback shall be 5 feet each.

C. A 50-foot setback from the high water mark is required from streams, rivers, and unprotected lakes.

- 7. Maximum Building Height: 35 feet or as approved in ODP (Power generating facilities exempt).
- 8. Permitted Lot Coverage: 20% or as approved in ODP.
- 9. Maximum Fence Height: Not Applicable
- 10. Off-Street Parking: See Chapter VI-Parking and Loading

3.44.050 Subdivision of Land

- 1. All land in this district is eligible for subdivision according to the adopted Flathead County Subdivision Regulations.
- 2. Base density for a subdivision is defined as one (1) single family dwelling unit per each 40 acres in a subdivision. A density unit, or density, and single family home lot are equal. Base density is the starting point in this zoning district. Base density is calculated by dividing the total number of acres in the project site by 40 (acres).

Example:

A subdivision or ODP site includes 640 acres. The base density would be $640/40 = 16$ density units or lots.

3. Individual lots in a subdivision may be less or greater than 40 acres in size as long as the average density units equals or is less than one density unit per 40 acres. Actual permitted density units on land to be subdivided will be calculated based upon acreage in the subdivision;
4. Non conforming parcels or lots less than 40 acres in size shall be entitled to one (1) base density unit, prior to any density adjustments.
5. Base density may be increased in a subdivision up to the maximum density of one (1) density unit per 2.5 acres by meeting one or more of the density adjustments identified in Section 3.44.060 or by relocating density pursuant to Section 3.44.070.
6. Subdivisions of 320 acres or more in size must submit an ODP pursuant to Section 3.44.080.
7. The overall average density of an ODP subdivision may be increased to one (1) density unit per acre if at least 75 percent of the subdivision site is retained in permanent open space and adjacent lands are adequately buffered by at least 100 feet to allow for continued traditional uses.
8. In order for a subdivision to qualify for site design density adjustments identified in section 3.44.060(2) the open space shall:
 - A. Be permanent;
 - B. Protect on-site riparian surface water and wetland features;
 - C. Provide a minimum 100 foot perimeter buffer to adjacent lands. Individual lot lines shall not extend into the perimeter buffer area;
9. Wildfire Fuels Treatment: 100 feet within the perimeter boundary shall be managed for wildfire fuels reduction unless adequate surface water source is available for fire suppression.
10. Density adjustments (Section 3.44.060) and relocated density (Section 3.44.070) are additive to the base density to determine the total number of density units available for a subdivision or ODP (i.e. base density units plus the adjusted density units equals the total overall permitted density units).

3.44.060. Density Adjustments

1. Permitted density in the L-T-R district starts at the base density of one (1) density unit per 40 acres. Base density can be added to and increased in several ways outlined below. Proposed development qualifies for increased density adjustments by meeting certain criteria. Qualified density adjustments are added to the base density creating a new overall permitted density for each project.
2. Site Location Selection - Base density of a subdivision or ODP may be increased through good site location selection. A site location selection meeting none of the three criteria does not receive an adjustment. A site location selection meeting one of the three criteria results in an increase of one (1) times the base density; a site meeting two of the criteria receives an adjustment of three (3) times the base density; and a site meeting all three criteria receives an adjustment of five (5) times base density. Site selection criteria for base density adjustments are listed below:
 - A. Less than 1 mile to paved public road;
 - B. Within rural fire district boundary;
 - C. Emergency response available within 20 minutes to site.

Examples:

A 640 acre subdivision or ODP would start with a base density of $(640/40) = 16$ density units or lots.

If the subdivision or ODP meets two of the three site selection criteria: the resulting adjusted density would be the base density units multiplied by the adjustment. The calculation would be: $(640/40) \times 3 = 48$ additional density units or lots.

If no other adjustments were obtained the adjusted density units would be added to the base density. The calculation would be $[(640/40) \times 3] + (640/40) = 64$ for the total permitted density units or lots.

If the same 640 acre site meets all three of the criteria the resulting density adjustment would be the base density multiplied by five (5). The calculation would be: $(640/40) \times 5 = 80$ additional density units or lots.

If no other density adjustments were obtained the adjusted density units would be added to the base density. The calculation would be: $[(640/40) \times 5] + (640/40) = 96$ density units or lots.

3. Site Design - Base density of a subdivision or ODP may be increased with good site planning, including ample on-site permanent open space. Site design adjustments listed below are dependent on the ratio of developed land to open space to be set aside:

	<u>Permanent Open Space Component</u>	<u>Multiplier</u>
A.	Less than 50 percent	None
B.	50 to 75 percent	3
C.	Greater than 75 percent	5

Examples:

A 640 acre subdivision or ODP would start with a base density of $(640/40) = 16$ density units or lots.

If the subdivision or ODP is designed to provide between 50 and 75 percent open space, the density adjustment would be the base density multiplied by three (3). The calculation would be: $(640/40) \times 3 = 48$ additional density units or lots.

If no other adjustments were obtained the adjusted density units or lots would be added to the base density. The calculation would be: $[(640/40) \times 3] + (640/40) = 64$ for the total permitted density units or lots.

Site Selection and Site Design adjustments are additive to the base density; a site meeting two of the three site selection criteria and setting aside more than 75 percent permanent open space would result in the site selection increase + the site design increase. The calculation for the above example would be $[(640/40) \times 3] + [(640/40) \times 5] = 128$ increased density units or lots.

If no other adjustments were obtained the increased density units would be added to the base density. The calculation would be: $[(640/40) \times 3] + [(640/40) \times 5] + (640/40) = 144$ permitted density units or lots.

4. Adjusted density for a subdivision or ODP that is less than 40 acres in size, or not evenly divisible by 40, shall be proportioned to a base density unit of one dwelling unit per 40 acres and rounded to the nearest full density unit.

Examples:

A 30 acre subdivision or ODP would start with a proportioned base density of $(30/40) = .75$ density units or lots to be used to determine increases.

The increased proportional density for the subdivision or ODP meeting two of the site selection criteria and proposing 50 percent open space would result in the site selection increase + the site design increase. The calculation would be $[(30/40) \times 3] + [(30/40) \times 3] = 4.5$ density units or lots.

If no other adjustments were obtained the increased density units would be added to the base density unit of one (1). The calculation would be: $[(30/40) \times 3] + [(30/40) \times 3] + one (1) = 5.5$ density units, rounded to six (6) density units or lots.

A proposed 430 acre subdivision meeting all of the site selection criteria and all proposing 75 percent open space would receive the base density $(430/40) +$ the site selection increase of $[(430/40) \times 5] +$ the site design increase $[(430/40) \times 5] = 118.25$ density units or lots, rounded to 118 permitted density units or lots

5. It is the applicant’s burden to provide justification, rationale and sufficient documenting information to support site selection and site design density unit adjustments including a table showing all density unit calculations.

3.44.070 Relocation of Off Site Density

1. Base density in a subdivision or ODP may be also be increased by relocating density from any other acreage within the L-T-R district. The land owner can add four (4) density units to a project site for every 40 acres that are approved for relocation of density. Acreage can qualify for relocation of density by meeting all of the following:
 - A. The origin of the relocated density unit (40 acres) is placed into a conservation easement or irrevocably deed restricted to run with the land as permanent open space, and recorded with the County Recorder prior to filing of final plat. The conservation easement or deed restriction shall provide for public access;
 - B. A conservation home site lot may be retained on the origin of the relocated density if the parcel or lot is at least 160 acres in area. Forty (40) acres of the 160 acre conservation home site may be restricted from public access. No relocated density unit adjustment is available for the non-public portion (40 acres) of a 160 acre conservation home site;
 - C. State Trust lands may not automatically be assumed to fulfill open space requirements;
 - D. Federal lands do not qualify for open space density adjustments.

Examples:

Eighty (80) acres of density units are relocated into a subdivision or ODP meeting the criteria listed above. The relocated density of each 40 acre unit would be multiplied by four (4) or $(80/40) \times 4 = 8$ additional density units or lots added to the project site.

A 160 acre conservation home site retaining 40 acres that is restricted from public access would create $[(160/40) - (40/40)] \times 4 = 12$ additional density units or lots to be added to the project site.

2. A project can combine site selection, site design and relocation density to maximize the allowed density units or lots in a project, subject to the respective density caps for subdivisions and ODPs.

Example;

A 640 acre subdivision or ODP, meeting two of the three site selection criteria, and proposing between 50 and 75 percent permanent open space, and relocation 80 acres of density units would be entitled to the base density $(640/40)$ + the site selection increase $[(640/40) \times 3] + [(640/40) \times 3]$ + the site design increase $[(80/40) \times 4] = 120$ density units or lots.

3. It is the applicant's burden to provide justification, rationale and sufficient documenting information to support relocated density units including a table showing all density unit calculations.

3.44.080 Overall Development Plans

1. Any landowner or entity proposing a development 320 contiguous acres or more must develop an ODP. An ODP shall effectively establish a consistent connection to the growth policy. The ODP must provide policies and standards of sufficient detail to guide development at the site level and be approved by the county commission.
2. An approved ODP shall act as zoning overlay entitlement for flexible mixed use development and function as a permanent zoning district. Other land use activities shall conform to the applicable regulations (e.g. subdivision, floodplain and lake shore protection) in place at the time of the land use application.
3. The environmental assessment requirement for a major subdivision of land application (Chapter 4, Appendix C) shall be waived for all subdivisions in an ODP area as long as the subdivision conforms to the contents of an approved ODP zoning overlay.
4. The ODP shall provide standards and criteria to guide physical development, and standards for conservation and utilization of natural resources where applicable. The plan should outline the extent to which the plan departs from these Regulations otherwise applicable to the subject property.
5. Base density for an ODP is defined as one (1) single family dwelling unit per 40 acres. A density unit, or density, and single family home lot are equal. Base density is the starting point for ODP density units. Individual lots may be less or greater than 40 acres in size as long as the average density units equals or exceeds one density unit per 40 acres.
6. Base density may be adjusted in an ODP by meeting one or more of the density adjustment multipliers pursuant to Section 3.44.060.

7. An ODP shall not exceed an overall density greater than one (1) unit per 2.5 acres unless 75 percent of the site is retained in permanent open space. The overall density shall be increased to a maximum of one (1) dwelling unit per one (1) acre if 75 percent of the ODP site is retained in permanent open space and buffers adjacent lands.
8. An ODP may propose land uses more intense than a typical single family residential subdivision. The Density Unit Conversion Multipliers are identified in Section 3.44.100(3).

3.44.090 Contents of an Overall Development Plan

1. An ODP for a given area must address each of the following:

Current Context

- A. Vicinity map showing the plan's boundary in relationship to surrounding human, (i.e. infrastructure, land uses, public services) biological, and physical conditions.
- B. Baseline Map(s) showing the location of the environmentally sensitive areas such as lakes, streams, rivers and wetlands, 100-Year Floodplain, steep slopes, topographical contours, critical habitats, historic preservation, and other significant physical and biological features located within the ODP site.
- C. Text report to support and discuss the context of the mapping and other supporting materials plus discussion related to issues pertinent to adjacent lands and public facilities. This includes, but is not limited to, off-site transportation system, land uses, schools and other public service delivery amenities, and biological and physical constraints within the ODP site.
- D. A wildfire risk assessment within the plan area which contains text describing fuel types and locations; an assessment of fuel loadings in each fuel type (the amount of fuel present expressed quantitatively in terms of weight of fuel per unit area), topography, available water resources, agency responsible for wildfire suppression and a description of their resources and capabilities, and known recent fire activity on the property. Included in the assessment shall be a map of the planning area showing

topography, fuel types, and location of plots assessing fuel loading, roads, and surface water.

Long Term Direction

- E. A statement of purpose or vision and general description of the planning process, goals and policies needed to implement the purpose or vision.
- F. Discussion of how the ODP further implements the goals and policies of the Flathead County Growth Policy.
- G. Development Map(s) showing the overall acreage; types, location and relative densities and uses; other types of land use areas; the generalized location of the road system, residential, commercial, recreational, open space and other land use areas.
- H. Infrastructure Map(s) showing the proposed distribution, location, and extent and intensity of major components of public and private recreation, transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the plan area needed to support the land uses described in the plan. This also includes off-site extensions of infrastructure.
- I. Text report to support adjacent lands mapping, discuss impacts to adjacent lands and public facilities, environmental quality, residential, commercial, recreation, and other land uses, including off-site extensions of the transportation system and utilities, land uses, schools and other public service delivery amenities. This report shall define the long term access plan, including operation and maintenance, of the transportation system to the ODP site.
- J. Text report to support the provisions of the ODP site plan including discussion of the proposed distribution, location, and extent and intensity of major components of public and private recreation, transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the plan area and needed to support the land uses described in the ODP.
- K. Wildfire Fuels Treatment: Unless associated with a surface water body all perimeters must manage wildfire fuels so

that applicable treatment areas occur on-site of the proposed development boundaries.

- L. Environmental assessment included as a separate document, using the format required in the Flathead County Subdivision Regulations.
- M. A location map and draft Conservation Easement or irrevocable deed restriction for lands where relocated density units originated.

Development Standards and Plan Implementation

- N. A program of implementation measures which will implement the ODP, including administration, phasing development activities and plan enforcement. The phasing plan for large-scale projects may be general and not necessarily tied to specific dates.
- O. **The text shall provide** standards and criteria to guide physical development and conservation and utilization of natural resources, where applicable. The text shall identify standards and criteria for site development to act as zoning requirements (**including bulk and dimensional standards**), wildfire mitigation, parking, architectural themes and design characteristics of structures or signage associated with development within the ODP site.

3.44.100 Procedure and Implementation of the Overall Development Plan

- 1. An ODP shall be processed According to Section 2.08.030 (Amendments to Zoning Districts).
- 2. Once the overall development has been approved and adopted, and the origin of the relocated density unit area Conservation Easement or irrevocable deed restriction that runs with the land is recorded with the Flathead County Clerk and Recorder, the ODP shall be considered permanent overlay zoning and shall serve as the standards for development.
- 3. Density units shall be assigned based on the following uses and conversions:

Density Use Conversion Multipliers

Use	Configuration	Density Unit Equivalent
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Use	Configuration	Density Unit Equivalent
Hotel room or small apartment	Room, excepting corridors/foyers, not exceeding 500 sq ft	0.25
Hotel suite or 1 bedroom apt	Room, excepting corridors/foyers, not exceeding 650 sq ft	0.33
Hotel or multifamily - A	Unit with attached rooms, excepting corridors/foyers, not exceeding 1,000 sq ft	0.50
Hotel or multifamily - B	Unit with attached rooms, excepting corridors/foyers, 1,000 to 2,000 sq ft	0.75
Hotel or multifamily - C	Unit with attached rooms, excepting corridors/foyers exceeding 2,000 sq ft	1.00
Single family	Separate, attached, or unattached dwelling unit with any number of rooms (e.g., patio homes, townhomes, or condominiums). Allows customary accessory structures.	1.00
Retreat center	Center not exceeding 10,000 sq ft of meeting and support space, with commercial uses occupying no more than 1,000 sq ft. Accessory cabins and other temporary living facilities permitted.	4.00 for base area of 10,000 sq ft plus 1.00 for each 2,500 sq ft beyond base allowance. 0.50 for temporary living facility not exceeding 1,000 sq ft
Recreation commercial	Clubhouses, ski facilities, stables, activity centers, hunting clubs, and similar recreational activities (per 1,000 sq ft of enclosed structures)	1.00 for base area of 4,000 sq ft or less plus 1.00 for each additional 1,000 sq ft beyond base allowance
General commercial	Restaurant, retail, office, and other commercial space (per 1,000 sq ft of enclosed space)	1.00 for base area of 2,000 sq ft or less plus 1.00 for each additional 1,000 sq ft beyond base allowance
Public facilities	Public facilities with human occupancy such as fire stations, utility plants, etc. (per 1,000 sq ft). Facilities without human occupancy not counted in density determination.	0.25

Use	Configuration	Density Unit Equivalent
Resource extraction activities and associated structures	Logging, gravel extraction, rock harvesting and similar uses	0.00
Other uses/activities/structures normally associated with agricultural or timber resource activities		0.00