

**ASHLEY LAKE  
NEIGHBORHOOD PLAN  
AND  
DEVELOPMENT CODE**

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**ASHLEY LAKE NEIGHBORHOOD PLAN**

*An amendment to the Flathead County Master Plan*

**Adopted by the Flathead County Board of Commissioners**

**Resolution No. 1295A**

**October 29, 1997**

**ASHLEY LAKE ZONING DISTRICT**

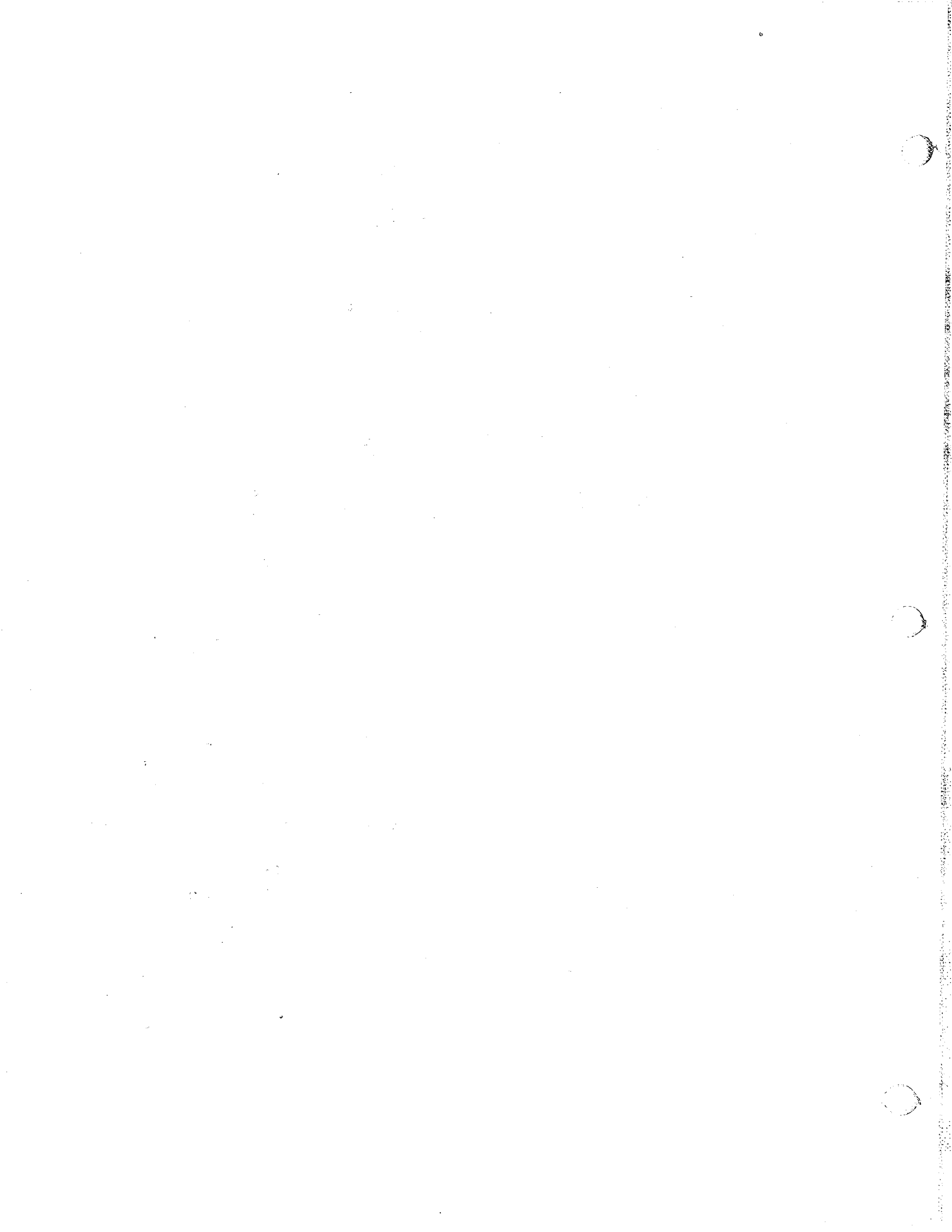
**Resolution No. 1301A**

**Adopted December 8, 1997**

**DEVELOPMENT STANDARDS**

**Resolution 955AM**

**Adopted December 8, 1997**



# THE ASHLEY LAKE NEIGHBORHOOD PLAN

## INTRODUCTION

**THE ASHLEY LAKE NEIGHBORHOOD:** The Ashley Lake Neighborhood consists of Sections 5, 6, 7, and 8 of Township 28 North, Range 23 West and Sections 1, 2, 3, 10, 11, 12, 14, 15 and the North ½ of Sections 22 and 23 of Township 28 North, Range 24 West in Flathead County, Montana. These sections generally surround Ashley Lake. The region is situated roughly halfway between Kila and Marion, approximately 15 miles west of Kalispell and 5 miles north of Batavia.

**NEIGHBORHOOD HISTORY:** The Ashley Lake Property Owners Association serves as the only organized local voice in the Ashley Lake area representing the property owners. Membership has always been open to everyone within the immediate watershed of Ashley Lake. The Association, with recreational, agricultural and forest land owners represented, has worked on issues affecting the area since forming. The Association has focused on road issues, fire protection concerns, safety, lake access, fishing and water quality, but primarily targeted towards preserving the lake's unique character and pristine water quality.

**WHY A NEIGHBORHOOD PLAN:** The Ashley Lake Neighborhood lies within the jurisdiction of the Flathead County Master Plan yet the County Master Plan does not give specific guidance or direction for the Ashley Lake area. Generally, there are no land development codes in effect in this area. The only regulations that now exist in relation to development are county and state sanitation regulations, County Subdivision Regulations, state electrical permits and the County Lakeshore Protection Program. There is a strong desire to protect the amenities and character of this neighborhood through a land development code as evidenced by the 1996 survey results showing 77% of the respondents calling for land use standards that affect the rate, amount or type of development in the area. Yet there is no plan to give specific guidance as to how such regulations should be crafted and what they should address. This Neighborhood Plan is intended to bridge the gap and offer specific direction and guidance for this area.

**DEVELOPMENT OF THE PLAN:** The Ashley Lake Neighborhood Plan was developed by the property owners in the Ashley Lake Neighborhood. Due to neighborhood concerns about the potential sale of substantial reserves of private timber land and future development in the Ashley Lake Neighborhood, we, the property owners in the Ashley Lake Neighborhood, have come together to provide advice to elected and appointed government officials, developers, and existing and future property owners. Through a series of meetings we have expressed our concerns about the area's future development,

identified goals (what the community wants to become), developed and discussed alternatives for achieving our goals, and selected courses of action.

The development of this plan had its beginnings in early 1996. The Ashley Lake Property Owners Association Board spent several board meetings discussing the future of the Ashley Lake Area relative to the lake level, future fisheries projects, lakeshore setbacks, Plum Creek Land Management practices and the pros and cons of neighborhood planning. In an effort to better gauge the concerns of the neighborhood, and in particular to determine the views concerning neighborhood planning, the Board decided to conduct a mail out survey to every known landowner and Association member. Regardless of the Association's effort to mail a survey to every property owner, some property owners were inadvertently missed. Approximately 64 surveys were returned for a response rate of 40%. The results showed that 92% of the respondents had concerns about future growth in the area, 91% had concerns about future housing densities, and 77% stated that land use standards that affect the rate, amount and type of development were necessary.

The Association Board moved forward and a meeting of all interested landowners was held on June 14, 1996 at the Flathead County Fairgrounds in Kalispell to continue discussion on the topic of developing a neighborhood plan. Approximately 60 people attended. At the end of the meeting a vote was taken of those present and strong support was given to proceed with a neighborhood planning effort. At that point the Association Board made it clear that the Board's role in this effort was over. The Board felt it was appropriate for them to raise the issue of neighborhood planning, conduct a survey and hold an informational meeting. At that point, the Board announced that it had completed its responsibilities, and that while the neighborhood appeared to support developing a plan, it was not appropriate for the Ashley Lake Property Owners' Association to actually develop the plan. The Board recommended that an independent steering committee be formed, that it meet regularly and that it keep the general membership informed.

At the end of the June 14th meeting, volunteers were called for to serve on a steering committee. The original steering committee contained 10 property owners and representatives from Plum Creek and Stoltze. The Committee met monthly through out the entire process. In August 1996, an update was made at the annual Association meeting. Every property owner as listed in the County Assessor's records was mailed an invitation. At the meeting, attended by over 100 people, the Committee was overwhelmingly directed to continue. The Committee continued through the fall of 1996 to prepare a draft plan. In May 1997, a final survey along with a copy of the draft plan was sent out to all 255 property owners. There were 100 responses (39%) to the survey. The survey supported a 50 foot setback for primary structures from the high water line of the lake, a stepped density for on and off lakeshore developments, clarified homeowner park design standards and gave a 76% vote of support for continuing the plan process.

## THE RESOURCES

**THE LAKE:** Ashley Lake is a natural water body covering approximately 3,244 surface acres. The maximum depth of the lake is 215 feet. There are approximately 5 streams that flow into Ashley Lake including Benard, Cottonwood, Fish, Wade and Rand creeks. The outlet to Ashley Lake is Ashley creek, exiting out the southwest end of the lake. The outlet is controlled by a check dam installed by the Ashley Irrigation District and now maintained by FWP.

TABLE 1. WATER QUALITY SAMPLING FOR ASHLEY LAKE

| Water Quality Parameter    | North East Site | West Site    |
|----------------------------|-----------------|--------------|
| Avg. Secchi Depth (Meters) | 7.69            | 7.62         |
| Avg. Water Temp (Celsius)  | 15.9            | 15.8         |
| Total Phosphorous (mg/l):  |                 |              |
| Sept. 15, 1993             | 22.500          |              |
| August 15, 1994            | 9.726           |              |
| August 29, 1995            | 10.479          | 10.479       |
| Chlorophyll a (mg/l):      |                 |              |
| Sept. 15, 1993             | 1.700           |              |
| August 15, 1994            | 0.634           |              |
| August 29, 1995            | 0.396           | 0.396        |
| Phaeophyta (mg/l):         |                 |              |
| August 29, 1995            | 0.756           | 0.756        |
| Location (GPS Coordinates) |                 |              |
|                            | 48 12' 51 N     | 48 11' 55 N  |
|                            | 114 35' 29 W    | 114 38' 01 W |

The water has exceptional clarity and quality and is generally classified as oligotrophic (pristine). It is suitable for domestic consumption without treatment in most situations. Limited water quality monitoring has been conducted by volunteers for the Flathead Basin Commission. Sampling has been conducted since 1992. The data provides some limited baseline information. The results can be obtained from the Flathead Basin Authority. A brief summary of some of the results for 1993, 1994, and 1995 is given in Table 1 for general reference. There is a real need to establish and maintain a long term water quality testing program to ensure that the water quality maintains its pristine level. Plum Creek collected baseline information in 1996.

**GENERAL LAND USE CHARACTER:** The neighborhood is somewhat homogeneous in that the majority of the area is in timber production, with much smaller areas devoted to grazing, and finally a very limited area along the lakeshore is devoted to residential

lakeshore development. Table 2 provides a very general summary of land ownership patterns. Please note that Ashley Lake at 3,244 surface acres is not included.

TABLE 2. ASHLEY LAKE NEIGHBORHOOD-GENERALIZED OWNERSHIP

|  |                       |             |
|--|-----------------------|-------------|
| MT FWP                                       | 32 ac                 | 1%          |
| Forest Service Lands                         | 1,080 ac              | 20%         |
| Plum Creek                                   | 2,540 ac.             | 46%         |
| Stoltze Land and Lumber Co.                  | 339 ac.               | 6%          |
| Other private lands(40 acre + tracts)        | 440 ac.               | 8%          |
| Other private lands(less than 40 ac. tracts) | 1,060 ac.             | 19%         |
|  | <b>Total 5491 ac.</b> | <b>100%</b> |

Plum Creek, the largest property owner within the confines of the neighborhood, has title to approximately 2,540 acres (46% of land area of the Neighborhood Plan) and owns approximately 3.6 miles of shoreline. These lands are undeveloped and have historically been open to the general public for free recreational use. Historically, these lands have been managed for timber and grazing resources. Plum Creek believes that some of these lands, particularly those with lake frontage, are likely best suited in the future for recreational and residential use due to their locale on the lake. Plum Creek is in the process of evaluating its land holdings within the plan area for development potential and is supportive of land use planning that is based upon sound environmental and economic principles and that treats all landowners fairly.

Stoltze Land and Lumber Company is the second largest private landowner. They own a total of 339 acres in two areas of the neighborhood. The land is managed for timber production. Only limited lakeshore access exists on the northeast corner of the lake.

The U.S. Forest Service is the second largest land manager in the neighborhood. Their lands are generally managed for multiple uses including, but not limited to, timber production, grazing, wildlife and recreation.

The Department of Fish, Wildlife and Parks owns approximately 32 acres of land on the north side of the lake. This site is managed as an unmaintained primitive camping area. Amenities include a boat launch and a double vault comfort station. The state has approximately 3,600 feet (2/3 mile) of lake frontage. There are seven (7) large private property owners in the neighborhood, other than Plum Creek and Stoltze, who own 40 or more acres of land. This land consists predominately as agriculture grazing areas, timber lands, recreational lands or estate residential uses. This ownership accounts for approximately 440 acres (8%) of the neighborhood but encompasses very little actual lake frontage as the tracts lie predominately off the lake.

The remainder of the proposed district contains 1,060 acres, privately owned in small tracts located predominately in the west, south and northeast sides of the lake. These ownerships account for about 8.7 miles of lake frontage. The County records show about 245 lakefront and 70 view lots in this area. Tracts on the lake vary from 25 to 900 feet in width, most lakefront properties have approximately 100 feet of frontage. These smaller tracts contain approximately 150 residences which are almost entirely single-family cabins/houses occupied seasonally. There are a few exceptions including an upholstery shop and an excavating firm on the south side of the lake.

**NEW RESIDENTIAL CONSTRUCTION:** Growth continues to occur in this neighborhood. Table 3 summarizes the issuance of new septic systems for 1986 - 1996. During this eight year period (1989 data was not available) 37 new residences were constructed. This data shows a marked increase in number of new residences constructed in the past nine years.

**TABLE 3. SUMMARY OF NEW CONSTRUCTION**

| <b>YEAR<br/>CONSTRUCTED</b> | <b># NEW RESIDENCES</b> |
|-----------------------------|-------------------------|
| 1986                        | 3                       |
| 1987                        | 0                       |
| 1988                        | 2                       |
| 1989                        | n/a                     |
| 1990                        | 4                       |
| 1991                        | 4                       |
| 1992                        | 6                       |
| 1993                        | 8                       |
| 1994                        | 10                      |
| 1995                        | 4                       |
| 1996                        | <u>5</u>                |
| <b>TOTAL</b>                | <b>46</b>               |

**ROADS:** The Ashley Lake area is accessed from two different directions, the Ashley Lake Road which extends 8 miles from U.S. Hwy 2. The first 5 miles are paved and in good condition. The remaining 3 miles to Ashley lake are gravel and are in reasonably good to poor condition depending on the time of year. The second road extends 8 miles from U.S. 2 to the southwest end of the lake by the Ashley Creek outlet. This road is also gravel and generally is likewise in a fair to poor condition plagued by washboard conditions and dust.

There is a road system that extends completely around Ashley Lake. The south side is maintained by the County all the way around to the State Park. Winter access is generally available but hazardous due to grades and ice conditions. Summer conditions are plagued by narrow travel surface, ruts, potholes and dust. The north road is sporadically maintained, primarily by the timber companies utilizing the area and generally is in much worse condition than the south road.

### **PUBLIC SERVICES AND UTILITIES:**

**Public Water/Sewer:** None of the area is served by either a public water system or sewage collection system. The lake is still the primary source of water for lakeshore residents with individual wells serving those properties off the lake. Individual septic systems are currently the only method of sewage disposal.

**Electricity:** Flathead Electric Cooperative provides electrical service to this area and PTI Communications provides telephone service.

**Emergency Services:** The entire neighborhood is outside of an organized rural fire district. The Montana Department of Natural Resources (DNRC) is primarily responsible for wildfire situations. Structural fires are addressed on a case by case basis. While the area is not within any fire district, Smith Valley and others may respond to structure fires in an effort to keep the fire from spreading. The Ashley Lake Property Owners Association is currently investigating a more formal arrangement to provide emergency services to the area. The spread of wildfire is a very real threat during summer months for the entire area due to the condition of the roads and lack of any organized fire department or equipment within reasonable response time.

The Flathead County Sheriff's Department provides law enforcement for this area. Because of staffing limitations and long response times from Kalispell, routine patrolling in this area is not possible. Insignificant problems may be addressed via the telephone and response time for any significant incidence may be lengthy.

**Public Parks/Lake Access:** The Department of Fish, Wildlife and Parks operates a boat launch adjacent to the camp ground on the north side of the lake. There is also substantial recreational opportunity and lake access from U.S.F.S. lands. Historically, Plum Creek Lands and Stoltze Lands have been used for recreation and lake access.

### **ISSUES AND CONCERNS**

We have discussed both what we like about the neighborhood and what we dislike to help us in developing the list of issues, as well as, developing a possible direction for the future of the Ashley Lake Neighborhood. While not everyone in the neighborhood would agree with all the likes and dislikes we identified, we believe they reasonably represent

the diversity of views in the neighborhood. They are provided here to give you an understanding of the neighborhood and what we appreciate about our area of Flathead County.

| What we <i>LIKE</i> about the Ashley Lake Neighborhood   | What we <i>DISLIKE</i> about the Ashley Lake Neighborhood  |
|--|--|
| <ul style="list-style-type: none"> <li>• Crystal clear water</li> <li>• Solitude, quiet, wildlife, rural</li> <li>• Space on lake (Undeveloped lake frontage)</li> <li>• It's the last best place left today</li> <li>• Wildness, ruralness</li> <li>• Haven from most urban problems</li> <li>• Loons</li> <li>• Remoteness</li> <li>• Forests</li> <li>• Color of Water</li> </ul> | <ul style="list-style-type: none"> <li>• Dust</li> <li>• Increasing usage of the lake</li> <li>• Homesites that are clearcut down to the edge of the lake</li> <li>• Rude boaters</li> <li>• Realtors who advertise in other states</li> <li>• Clearcuts</li> <li>• Immediate threat of development due to sale of private timber lands</li> <li>• Threat of zoning</li> </ul> |

In consideration of what we appreciate most about our neighborhood, we have determined that the following issues are of the utmost concern to us and the future of the Ashley Lake Neighborhood:

- **Maintaining the existing water quality.**
- **Limiting Commercial Development in the neighborhood.**
- **Minimizing the impacts associated with the potential sale and development of Plum Creek's lakeside timber lands.**
- **Preserving private property rights and treating landowners fairly and equally.**
- **Maintaining the lake's rural feeling establishing reasonable setbacks, and limiting the density of development.**
- **Limiting Forest Service and Fish, Wildlife and Park uses including where public access occurs to existing locations.**
- **Maintaining agriculture, farming, right to forestry and other historic uses of land in the neighborhood.**
- **Eliminating land uses that would result in heavy volumes of traffic on the lake or road.**
- **Limiting uses of land that increase the use of the lake such as multiple view lots converging on the lake at common access points.**
- **Encouraging the lake level to be maintained in a way that limits impacts to property owners in the area.**

## SUMMARY

Based on the two surveys and three (3) neighborhood meetings, a majority of the property owners support the development of a neighborhood plan to provide common goals for the Ashley Lake Neighborhood. Water quality and the open, low density character of the Neighborhood are deemed most important to preserve. The development pattern of small lot, lakefront residences on private septic systems that has characterized the lake over the years has had few negative repercussions. However, it is acknowledged that the continuation of this pattern of development is not desirable both for the sake of the quality of the lake or for the integrity of the neighborhood. The limited level of public services including police and fire protection and road maintenance, the dependence on lake water for domestic use and the lack of community sewer bear this out. With these issues in the forefront, it is recognized that for a plan, to be equitable, it must address both the needs of the large property owners who have not developed their lands as well as the many smaller property holders who have over the years bought, built and invested in this special place.

## THE PLAN

### GOAL:

MAINTAIN THE QUALITY, CHARACTER AND OPENNESS OF THE ASHLEY LAKE NEIGHBORHOOD.

### Recommendations:

1. A citizen's advisory committee should be formed to serve as the neighborhood voice for all issues affected by this Neighborhood Plan. The committee should contain 7 individuals representing the varied interests of the Neighborhood. Initially members of the Committee should be appointed by the County Commissioners and bylaws should be adopted to govern the Committee. Representatives from FWP and USFS should be invited to be ex-officio (non-voting) members for information and communication purposes as they are major land managers in the neighborhood. The Committee would be advisory to the Flathead County Planning Board and the County Commissioners.
2. Because of the rural residential and recreational character of the area, commercial activity should be specifically limited to the following types of uses:
  - Low impact resort lodging opportunities are generally acceptable with adequate performance standards. The scale of such facilities should be limited to no more

4. Lakeshore development (water front activities such as docks, shore stations, decks, walkways, etc.) should be limited in size and scale to what is typically associated with single family residences and homeowners parks.
5. Future residential development may include single-family housing, manufactured homes and individual RV units for personal use (not for rent). Multi-family housing such as townhouses and condominiums are considered compatible provided specific performance standards are met, and minimum lake frontage and density standards are maintained.
6. All existing legal uses of buildings and land in the neighborhood should be protected by grandfathering provisions such as those provided for in the Flathead County Zoning Regulations. For example, maintenance, repairs, and health and safety code updates should be permitted; such uses should be allowed to rebuild within a reasonable time if destroyed by fire or other natural cause; and provisions should be made to allow expansions or additions.
7. A land development code should be developed which considers the following:
  - a. A minimum 50-foot setback for all primary structures abutting water bodies.
  - b. Establishing minimum lot widths and maximum densities for all lakefront developments. Lake front lots should be developed at a maximum density of five acres per dwelling unit with minimum lot sizes as small as 1/2 acre to encourage creative lot design and efficient utilization of land.
  - c. Establishing minimum lot widths and maximum densities for all view lots (lots that don't have direct deeded lake access). It is suggested that view lots should be developed at a maximum density of 10 acres per dwelling unit. Minimum lot sizes could be as small as 1/2 acre in size so as to encourage creative land usage that better fits the terrain and level of services.
  - d. The lakeshore is anticipated to include common open space and homeowners' parks.
  - e. View lots are anticipated to have lake access via private homeowners' parks.
  - f. Homeowners' parks, if developed, should be designed to serve the needs of property owners within the abutting development and should be limited to direct use only by properties from within the Ashley Lake Neighborhood. Homeowners' parks should be adequately sized to accommodate the intensity of use anticipated. For example, a homeowners' park should be a minimum one acre in size with 150

than 50 rooms at any location. Should more than one such use be proposed within the neighborhood, it should be designed and located to avoid the concentration of commercial activity. Strict design controls including setbacks and substantial open space buffers should be utilized so as to ensure that any such facility blends in with the surrounding area.

- Free standing commercial marina dock facilities and restaurants should be provided for under the Planned Unit Development review process.
  - Convenience store.
  - Bed and Breakfast with a limited number of beds.
  - Home-based businesses that have no more than one (1) non-resident employee, any outdoor storage screened so as not to be in view of a public road or adjacent property, limited signage and sales restricted to what is produced on site and thus generally blend into the neighborhood should be permitted anywhere.
  - Home-based business that uses more than one (1) non-resident employee or outdoor storage in view of a public road or adjacent property storage may be allowed by special review to insure neighborhood compatibility.
  - Dude ranching and outfitting businesses as home businesses.
  - Campgrounds with densities to be determined based on lake frontage and other appropriate sizing standards. Campgrounds should meet performance standards and go through special review to ensure neighborhood compatibility.
3. The following uses are considered as unacceptable commercial uses because of their impact, scale and/or need to attract business from outside the area:
- Manufactured Home Parks.
  - Retail sales intended to serve the needs of the public substantially beyond the confines of the neighborhood except mail order businesses. This is not intended to eliminate the opportunity for some walk-in business or traffic, but the business should primarily serve the neighborhood.
  - Off Premise Advertising signs (Billboards) larger than 8" x 36".
  - Additional high impact commercial development including recreational uses such as water slides, public golf courses, RV Parks, etc. should be prohibited within the Ashley Lake Neighborhood.

feet of frontage. An additional 25 feet of lake frontage and associated back lot area should be added to the park for each additional lot served. The intensity of development should be held at a minimum to protect the integrity of the shoreline. Common dockage in lieu of individual docks is strongly encouraged. In addition, facilities for the storage of boats including boat houses, shore stations, etc., are strongly discouraged.

- g. Lodges, campgrounds and similar resort recreational accommodations and related accessory uses should be provided for only through a Planned Unit Development (PUD) provision. Accessory uses can include associated restaurant facilities, trail rides, dock facilities and golf course. Such proposals should be unified in theme and address design such as buffering, landscaping, access, traffic, and open space, and should require at least 25 feet of lakeshore per lodging room or campsite for lakefront developments.
- h. Freestanding commercial marinas and restaurants should be provided for only through a Planned Unit Development (PUD) provision.
- i. The code should include right-to-farm and right-to-forestry provisions.

**ADOPTION:** The impetus behind developing the Ashley Lake Neighborhood Plan is to provide local guidance to the overall pattern of growth in the Neighborhood. Neighborhood plans become official public policy under the umbrella of the County Master Plan. Prior to adoption of a neighborhood plan, at least one public hearing is required before the Flathead County Planning Board. The Board forwards a recommendation to the County Commissioners who take final action.

#### **APPLICATION:**

The Ashley Lake Neighborhood Plan is adopted as a neighborhood addendum to the Flathead County Master Plan and thus provides much more specific detail and guidance for the neighborhood. Because the Neighborhood Plan in its entirety is more specific in its application to the Ashley Lake Neighborhood, each provision provided for in the Plan is therefore more specific and will take precedence over the broad statements contained within the more general Flathead County Master Plan .

**IMPLEMENTATION:** A plan is effective only if it is used. The Neighborhood Plan should be consulted whenever a public or private action affects land use within the neighborhood. For example, all subdivision development should be reviewed based on the criteria of this Plan. If a development code such as zoning is proposed or adopted for this neighborhood, it should be based on the principles of this Neighborhood Plan. This

would also hold true for any action involving zoning such as an amendment to the local code, the granting of a conditional use permit, etc.

**AMENDMENT PROCESS:** It is also envisioned from time to time that the Neighborhood Plan will require amendments, review and updating. The amendment process is identical to the initial adoption process. The Ashley Lake Advisory Committee would serve as the local public forum for discussion of any amendments. At the Committee's discretion, a public hearing may be held by the Committee to allow an opportunity for neighborhood input. A recommendation is ultimately forwarded from the Local Advisory Committee to the Flathead County Planning Board. State law requires at least one public hearing before the Flathead County Planning Board followed by County Commissioners' final consideration.

**MANDATORY REVIEW:** The Neighborhood Plan and any development standards adopted pursuant to this Neighborhood Plan should be reviewed for effectiveness and appropriateness on a regular basis. A review committee consisting of the Ashley Lake Advisory Committee, as provided for in this Neighborhood Plan, should convene, at a minimum, within one year, three years and five years from the date of adoption of this Plan and associated regulations by the County Commissioners. The Committee should review the regulations and Neighborhood Plan in light of development activity that has occurred to date and forward a report to the Flathead County Planning Board and County Commissioners recommending changes as deemed appropriate to: ensure the smooth administration of the plan and regulations, ensure that the regulations are meeting the desired goals of the plan; and to address any unforeseen issues or circumstances not originally or adequately addressed by the existing plan and regulations.

At that time, the Ashley Lake Neighborhood Advisory Committee shall submit a written report to the Flathead County Planning Board that summarizes the Committee's findings and any suggested amendments, as needed, for consideration and action by the Flathead County Planning Board and County Commissioners.

The special reviews are not intended to preclude the convening of a special review where need warrants or for action on a specific amendment during the interim periods.

# **ASHLEY LAKE NEIGHBORHOOD LAND DEVELOPMENT CODE**

**Excerpted from the  
Flathead County Zoning Regulations**

**AL Ashley Lake Zoning Classifications  
Resolution No. 955AM  
Adopted 12/8/97**

**And As Amended**

**Resolution No. 955BR  
Adopted January 3, 2000**

**Section 3.38 AL ASHLEY LAKE**

**3.38.010 Definition**

This development code is designed to implement the Ashley Lake Neighborhood plan by protecting the quality, character and openness of Ashley Lake and the surrounding neighborhood and by providing guidance for future development.

**3.38.020 Permitted Uses.**

1. Agriculture/silviculture
2. Manufactured Home
3. Dwelling, Single-Family
4. Home Occupation
5. Recreational Vehicle(s), Private Use
6. Public Service Utility installations

**3.38.030 Conditional Uses.**

1. Bed and Breakfast (Maximum 4 bedrooms for rent)
2. Cluster housing
3. Dwelling, multi-family
4. Guest house or caretakers facility
5. Home-based Business
6. Homeowners Park
7. Publicly owned parks and recreational facilities
8. Recreational Vehicles, Primary Use

**3.38.040 PUD Uses.**

1. Commercial lodge, similar resort recreational accommodations and related recreational amenities
2. Campground
3. Free standing commercial marina
4. Restaurant

**3.38.050 Bulk and Dimensional Requirements**

1. Minimum Lot Size: 1/2 acre

2. Lake frontage and density standards:

- a. A lot or tract of land existing at the time of adoption of these regulations which contains either inadequate land area or lake frontage to allow the creation of one additional lot or tract, may be subdivided to allow the creation of one additional lot or tract if either or both the land area or lake frontage of the proposed lot/tract are within 75% of the required density or lake frontage.
- b. Where existing lots/tracts contain less than 75% of the required minimum lot area or lake frontage, this would not preclude the owner from applying for a variance to these standards through the Flathead County Board of Adjustment. Factors supporting the granting of the variance would include presence of suitable access and building site and compatibility with adjoining land use and development practices.

3.38.065

Recreational Vehicles

Exempt Use

This section shall not be construed as to regulate or prevent the owner of property from storing their recreational vehicle on their property within the district, but rather regulate the use/occupancy of Recreational Vehicles within the district.

Primary Use

The placement of a recreational vehicle on a vacant tract of land, by the owners thereof, as the principle or primary use of the property, temporary or otherwise.

Private Use

The placement of a recreational vehicle(s) on a parcel of land which contains an existing residence, for temporary occupancy by the owners guests or visitors as additional sleeping quarters.

2. Maximum Density:
  - a. Lake Front property: 1 lot/residence per 5 acres.
  - b. Lake View property: 1 lot/residence per 10 acres.
3. Average Lakeshore Frontage:

Lakefront lots shall have an average lake frontage of 150 feet per dwelling unit as measured at the average high water line.

4. Minimum Lakeshore Frontage:

Lakefront lots shall have a minimum lake frontage of 100 feet measured along the average high water line.

5. Maximum Height: 30 feet

6. Minimum Setback Requirements:

The following setbacks shall apply on all properties in the Ashley Lake Planning Area:

- a. Property lines: 10 foot setbacks from all property lines, in addition;
- b. Lake/Stream: 20-foot setback for all structures landward of the average high-water line.

3.38.060

#### Exceptions to Setbacks, Lake Frontage and Density Standards for Existing Lots

1. Setbacks:
  - a. When a structure which 1) existed at the time of adoption of these regulations and 2) exceeded one or more setbacks, is replaced, the new structure may be constructed within the same setback areas. It shall not be allowed to be placed closer than the existing structure was to the lake or other property line setbacks that it exceeded.
  - b. When a structure that existed at the time of adoption of these regulations is expanded or modified, no variance is needed if the expansion does not reduce the setback further than exists.

3.38.070

Special Open Space Development Standards

- a. When new lots are created and the owner proposes to utilize lots less than the maximum density required for lakefront or view lots with the resulting land to be maintained in common open space, this open space shall be maintained within the overall bounds of the single contiguous ownership proposed to be developed. The open space must exhibit a beneficial relationship to the lots to be created and it must further the overall concepts of good design. In particular, the open space shall be contiguous and shall be used to provide a buffer between lakefront lots and view lots when both are proposed within a development so as to both discourage and mitigate the practice of shifting view lot densities into the immediate vicinity of the lakeshore. When an owner proposes to develop property in a phased program, the overall open space plan shall be submitted with the first application.
- b. The overall open space may be held in common ownership by the homeowners association or it may be maintained or sold by the original owner. In either case the designated open space tract shall carry with it a deed restriction limiting its future use to open space activities/uses.
- c. The open space areas may be utilized for agriculture, timber management, homeowner recreation, natural areas, etc. The areas may contain accessory buildings necessary to carry these things out such as agricultural buildings, home owner association community buildings, parking areas, gazebos, tennis courts, well houses, etc.

3.38.080

Homeowner Park Design Standards

1. Homeowners parks shall be designed and developed to serve only those properties within the adjoining residential subdivision. They shall not serve properties outside of the Ashley Lake Neighborhood.
2. Activities shall be limited to day-use-only in nature and be single-family residential in scale and intensity. Commercial use and use by clubs or other private or semi-private organizations other than the specific residential homeowners association is prohibited.
3. Restroom facilities as recommended and approved by the Flathead City-County Health Department are required to serve each homeowners park.
4. Homeowners parks with lake frontage shall be sized as follows:

5. Min. lake frontage: 150 feet for the first lot/residential housing unit and 25 feet for each additional lot/residential housing unit in the subdivision accessing the park.
6. All development in the lake, on the lakeshore or 20 feet landward of the average high water line of Ashley Lake shall comply with the Flathead County Lake and Lakeshore Protection Regulations.

### 3.38.090

#### Cluster Housing Provisions

1. Single, duplex, triplex and larger units allowed.
2. Density shall not exceed that which is allowed in the underlying zone.
3. All setbacks as provided for in these regulations shall be adhered to.
4. Lakeshore frontage per development, as specified in Section D(3) above shall be maintained at an average of 150 feet per primary dwelling unit.

### 3.38.100

#### Campground Standards

Where a campground proposes direct lake access, the minimum amount of lake frontage that the campground must have shall be 250 feet or 25 feet for each campsite in the entire campground, whichever is greater. Note: A campground with the minimum 250 feet of lake frontage would accommodate a maximum of 10 camp sites.

### 3.38.110

#### Special PUD Provisions for Commercial Lodge and Related Recreational Amenities

1. No single lodge development shall exceed a maximum of 50 sleeping rooms offered for overnight accommodations;
2. The minimum land area for a lodge shall be based on a ratio of 5 acres for every room offering overnight accommodations in the lodge. This land area may be incorporated into the overall site design or may be provided elsewhere in the District. If some or all of the land area set aside is not adjacent to the proposed lodge and accessory uses and is to be provided for elsewhere in the District, such land must be subject to review and approval and the setting aside of such lands in permanent open space must achieve significant goals of the plan.

3. Lodges developed on lakefront lots shall be required to have 25 feet of lakeshore frontage for every room offering overnight accommodations.
4. Lodges may provide eating facilities as well as related recreational amenities such as trail rides, dock facilities, etc., as long as all uses are developed as an integrated project.

3.38.120

#### Ashley Lake Land Use Advisory Committee

There is hereby created the Ashley Lake Land Use Advisory Committee. This shall be a citizen's advisory committee formed to serve as the neighborhood voice for all issues affected by the Ashley Lake Neighborhood Plan or these Ashley Lake Land Development Regulations. The Committee shall contain seven (7) individuals representing the varied interests of the Neighborhood. Specifically, the Committee shall be composed of 1 representative from the timber/agricultural owners, 4 members from lake front properties and 2 members from lake view properties. Initially, members of the Committee shall be appointed by the County Commissioners, and by-laws shall be prepared by the Committee and adopted by the Commissioners to govern the Committee. The Committee shall be advisory to the Flathead County Planning Board, Flathead County Board of Adjustment and the County Commissioners. The Committee shall review all applications for variances, conditional uses permits, PUDs and amendments to these regulations as well as major and minor subdivision applications.

3.38.130

#### Conditional Use Review Process

1. A special expedited local review process is created for the processing of conditional uses as listed in Section B above because of their minor impacts to the surrounding neighborhood
2. A conditional use permit application and filing fee (available at the FRDO offices) shall be submitted to the Flathead Regional Development Office (FRDO) as provided for in Section 2.4 of the Flathead County Zoning Ordinance. FRDO shall forward the application to all members of the Ashley Lake Land Use Advisory Committee and to all adjoining property owners within 150 feet of the site. The Committee shall hold a public hearing concerning the request using the same notification procedures of the Board of Adjustment as provided for in Section 2.4, Flathead County Zoning Ordinance.

3. The Committee shall approve or deny an application based on the criteria enumerated in Section 2.06.080 of the Flathead County Zoning Ordinance. Criteria include site suitability, appropriateness of design, availability of public services and immediate neighborhood impact
4. The Committee's action is final. However, any party aggrieved by the decision of the Committee may, within 30 days of the committee's decision, appeal the action to the Flathead County Board of Adjustment who will hear the issue and make a decision concerning the appeal.

3.38.140

#### Variance Review Process

Where the application of these regulations creates an undue hardship, a variance to these regulations may be applied for as provided for in Section 2.05 of the Flathead County Zoning Ordinance. Prior to action on the variance request by the Flathead County Board of Adjustment, the request shall be submitted to the Ashley Lake Land use Advisory Committee for review and comment. The committee shall hold a public meeting on the issue and make a recommendation based on findings as provided for in Section 2.05.030 of the County Zoning Ordinance. Said findings include among other things that reasonable use of the property is limited without the variance, the hardship is caused by lot size, shape, topography, etc. which the owner has no control over, the hardship was not self created, it is not an economic hardship, it will not adversely affect neighboring properties and will not confer a special privilege to the owner if granted.

3.38.150

#### Mandatory Review of Plan and Regulations

1. These regulations shall be reviewed for effectiveness and appropriateness on a regular basis.
2. A review committee consisting of the Ashley Lake Land Use Advisory Committee, as provided for in the Ashley Lake Neighborhood Plan, shall convene, at a minimum, within one year, three years and five years from the date of adoption of these regulations by the County Commissioners.
3. The committee shall review the regulations and neighborhood plan in light of development activity that has occurred to date and forward a report to the Flathead County Planning Board and County Commissioners recommending changes as deemed appropriate to:
  - a. ensure the smooth administration of the plan and regulations;
  - b. ensure that the regulations are meeting the desired goals of the plan; and  
to

- c. address any unforeseen issues or circumstances not originally or adequately addressed by the existing plan and regulations.
4. The Special annual and biennial reviews shall not preclude the convening of a special review where need warrants or for action on a specific amendment during the interim periods.

3.38.160 Relationship of these regulations to other regulations in the County

The Ashley Lake Development Standards are intended to be adopted as a zoning district, either by reference, or by direct insert, into the Flathead County Zoning Regulations. As such, the existing administrative structure, the Flathead County Planning Board, Flathead County Board of Adjustment and Board of County Commissioners shall have established responsibilities for ensuring the proper administration of these regulations.

The Ashley Lake Development Code is based on the Ashley Lake Neighborhood Plan which has been adopted as an addendum to the Flathead County Master Plan. The Neighborhood Plan and the Ashley Lake development code provide the more specific detail and guidance for the Ashley Lake Neighborhood. They are considered the more restrictive and therefore shall control when areas of conflict with other provisions of the County Master Plan or Zoning Regulations arise as provided for under Section 1.04, Flathead County Zoning Regulations.

3.38.170 Definitions Particular to this District:

1. **HOME-BASED BUSINESS:** A home occupation that proposes any of the following: employs more than one non-resident employee; that uses outbuildings (detached garage, shed, barn, shop, etc.) for principal business activity; or in the case of a home-based service business, where the business sells products that are directly related to the service provided (for example, a small engine repair business that sells spark plugs, filters, oil or other parts associated with a repair). (See Home Occupation definition below.)
2. **HOME OCCUPATION:** Any business conducted entirely within a dwelling and carried on by the members of the family and up to one non-resident employee, which is clearly incidental and secondary to the dwelling for dwelling purposes, does not utilize unscreened outdoor storage and does not change the character of the dwelling or neighborhood.

3. **HOMEOWNERS PARK:** A park which has been dedicated as part of a subdivision for the exclusive use by the property owners within that subdivision, and is maintained through private funds provided from annual fees paid to the homeowners association. (See Section 3.38.080 above)
4. **LAKEFRONT PROPERTY:** Land which has deeded direct access to the lakeshore.
5. **LAKE VIEW PROPERTY:** Land which lies near or within the general vicinity of a lake but which does not have deeded direct access to the lakeshore. Lake View Property may have access to the lakeshore via an approved homeowners park.
6. **OPEN SPACE:** A contiguous portion of land in a development set aside to remain open in character while building density is shifted to another part of the development site, typically through a residential cluster or planned unit development process. Permitted primary uses, which are considered to be open in character, are limited to agricultural/ horticultural/ silvicultural uses, recreational space, a single-family dwelling on open space area 20 acres or larger, with density limitations and utilities. Accessory uses to these primary uses are also permitted. Examples of permitted structures or uses include barns, corrals, stables, mint stills, granaries, hay sheds, farm or logging machinery storage buildings, golf courses, playgrounds, swimming pools, and courtyards. Open space calculation shall exclude road easements and road rights-of-way.
7. **RECREATIONAL VEHICLE:** Travel trailer or camping trailer designed to be towed, motorized homes, pickup campers, or coaches, designed and constructed for human habitation, which can be operated independently of utility connections and designed to be used principally as a temporary dwelling for travel, recreation and vacation.