

**ASHLEY LAKE  
NEIGHBORHOOD PLAN  
AND  
DEVELOPMENT CODE**

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**ASHLEY LAKE NEIGHBORHOOD PLAN**

*An amendment to the Flathead County Master Plan*

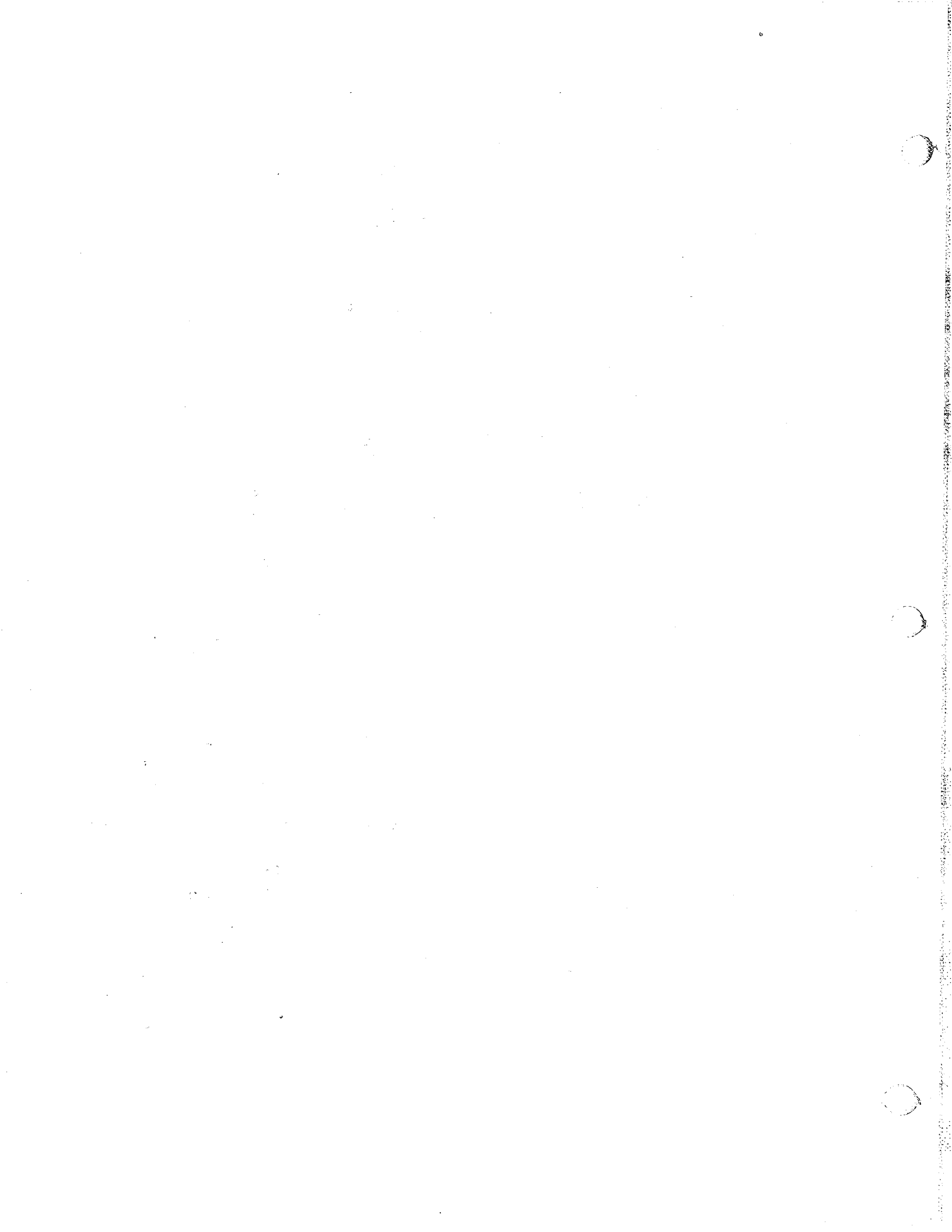
**Adopted by the Flathead County Board of Commissioners  
Resolution No. 1295A  
October 29, 1997**

**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 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.**