

LITTLE BITTERROOT LAKE
NEIGHBORHOOD PLAN
AND
DEVELOPMENT CODE

LITTLE BITTERROOT NEIGHBORHOOD PLAN

An Amendment to the FLATHEAD COUNTY MASTER PLAN

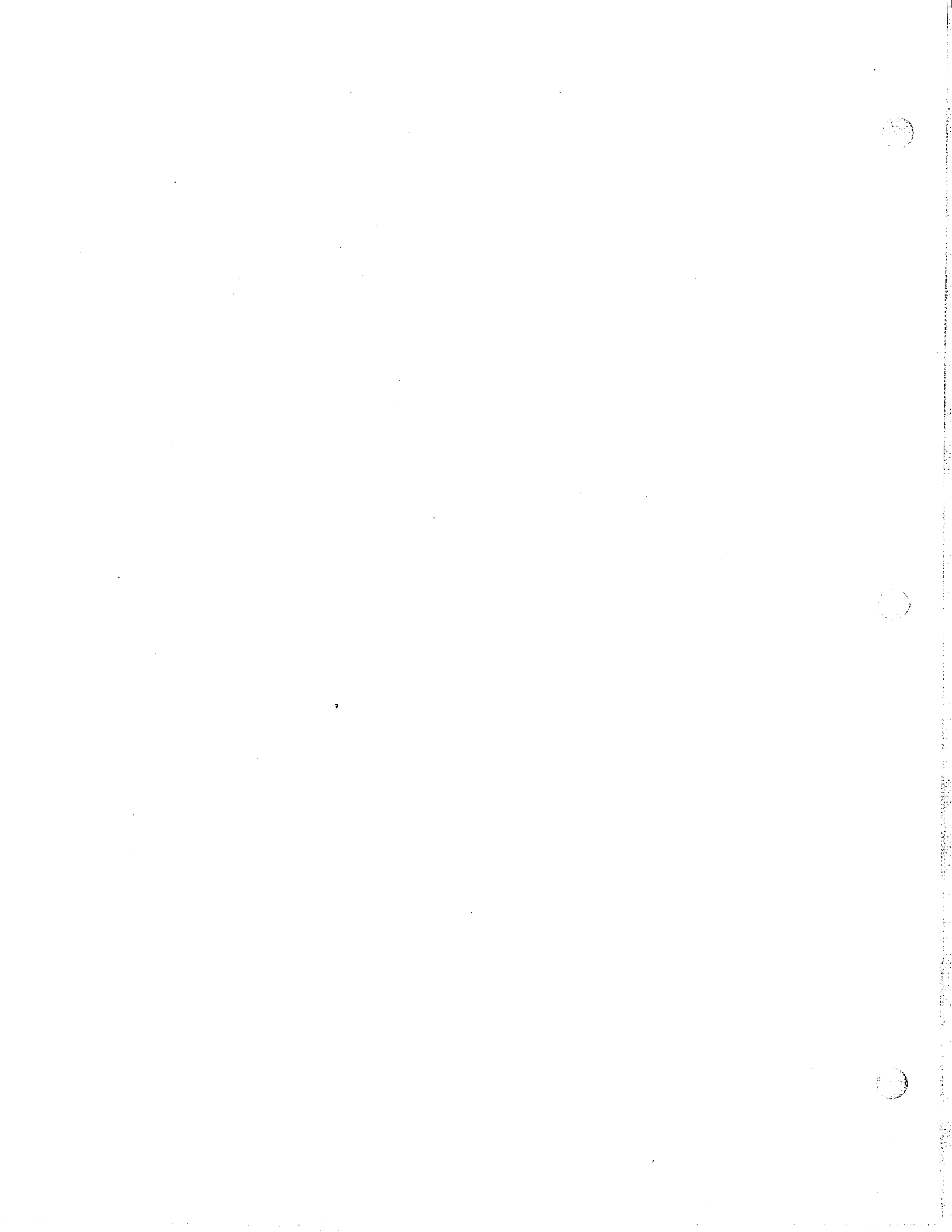
Adopted by the Flathead County Board of Commissioners
Resolution No. 1048C
Adopted January 24, 1996

LITTLE BITTERROOT LAKE ZONING DISTRICT

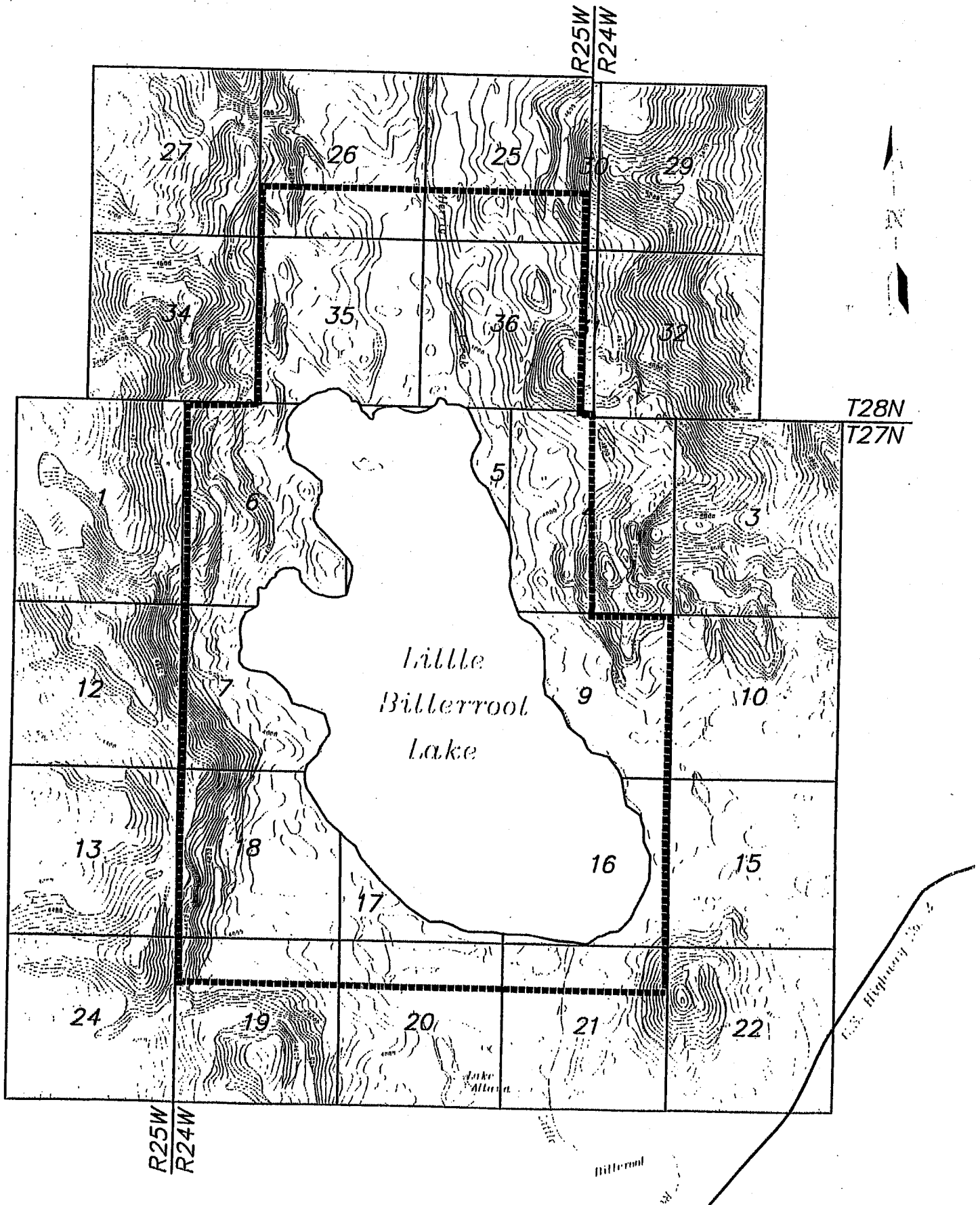
Resolution No. 1141A
Adopted February 27, 1996

DEVELOPMENT STANDARDS

Resolution No. 955Q
Adopted February 27, 1996



LITTLE BITTERROOT LAKE NEIGHBORHOOD PLAN & ZONING DISTRICT



**LITTLE BITTERROOT LAKE NEIGHBORHOOD PLAN AND ZONING DISTRICT
LEGAL DESCRIPTION**

AREA DESCRIPTION

The area generally lies within 1/4 to 1-1/4 miles of Little Bitterroot Lake which is situated approximately 22 miles west of Kalispell, Montana. It is more specifically described as the W2 of Section 4 and Sections, 5, 6, 7, 8, 9, 16, 17, 18, and the N2N2 of Sections 19, 20 and 21, Township 24 North, Range 27 West and Sections 35, 36 and the S2S2 of Sections 25 and 26 in Township 25 North, Range 28 West, P.M.M., Flathead County, Montana.

PERIMETER DESCRIPTION

Beginning at the SW corner of Section 18, Township 27N, Range 24W, P.M.M. Flathead County Montana; thence

Northerly along the west section lines of Section 18, 7 and 6 to a point being the NW corner of said Section 6, Township 27N, Range 24W; thence

Easterly along the north section line of said Section 6 to the point of intersection with the SW corner of Section 35, Township 28N, Range 24W; thence

Northerly along the west section lines of said Sections 35 and 26 to a point being the S16 corner of Section 26 Township 28N, Range 24W; thence

Easterly along the S16 section lines of Sections 26 and 25, Township 28N, Range 24W to the east section line of said Section 25 also being the west section line of Section 30, Township 28N, Range 24W; thence

Southerly along the west section lines of said Sections 30 and 31 to the SW corner of said Section 31 also being the point of intersection with Section 4, Township 27N, Range 24W; thence

Easterly along the north section line of said Section 4 to the center section line of said Section 4; thence

Southerly along the center section line of said Section 4 to the point of intersection with north section line of Section 9, Township 27N, Range 24W; thence

Easterly along the north section line of said Section 9 to the NE corner of said Section; thence

Southerly along the east section lines of Sections 9, 16 and 21 to a point being the N16 corner of Section 21, Township 27N, Range 24W; thence

Westerly along the N16 Section line of Sections 21, 20 and 19 to the point of intersection with the west section line of Section 19, Township 27N, Range 24W; thence

Northerly along said west section line of Section 19 to the SW corner of Section 18, Township 27N, Range 24W, P.M.M., Flathead County, Montana and the true point of beginning.

LITTLE BITTERROOT LAKE

NEIGHBORHOOD PLAN

Resolution No. 1048C

January 24, 1996

The Little Bitterroot Lake Neighborhood is situated in a bowl with Bitterroot Lake as the centerpiece. The Neighborhood encompasses Little Bitterroot Lake and all lands generally within 1/4 to 1-1/4 miles of the Lake. The neighborhood lies approximately 22 highway miles west of Kalispell via US Highway 2 and less than one mile northwest of Marion. Marion does provide limited services including a post office, general store and grade school. The Little Bitterroot Lake Association, whose membership constitutes the majority of property owners within the Neighborhood, provides identity, cohesiveness and a platform for organization for this neighborhood.

NEIGHBORHOOD HISTORY: The Little Bitterroot Lake Association was informally founded in approximately 1935, when lakeshore property owners banded together to address the issue of water levels in the lake. The property owners, both recreational and agricultural, have worked in concert since that time on issues related to the lake but primarily targeted towards preserving the lake's unique character and pristine water quality. The Association incorporated with the Montana Secretary of State in 1988 for the purposes of representing the membership, preserving the character of the area and the pristine water of the lake.

WHY A NEIGHBORHOOD PLAN: The Little Bitterroot Lake Association membership, in its 1990 annual meeting, directed their Board to create a zoning district encompassing the lakeshore boundaries with the intention of preserving the lake's unique character. The Association began discussions for that purpose in early 1990 with local large property owners and the Flathead County Planning Staff. In the spring of 1994, Plum Creek was invited to work with the Association to develop an acceptable neighborhood plan and zoning regulations. These efforts continue to this day.

The Little Bitterroot 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 Little Bitterroot Lake area. Generally, there are no land development codes in effect in this area. In fact, there are no county zoning districts within 10 miles. The only regulations that now exist in relation to development are county and state sanitation 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 zoning 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.

THE LAKE: Little Bitterroot Lake is a natural water body covering approximately 2,925 acres. The maximum depth of the lake is 280 feet. Only Herring Creek (north end) flows perennially into Little Bitterroot Lake. There are approximately seven other streams that flow into Little Bitterroot Lake but they are all seasonal and intermittent in nature. Little Bitterroot Lake is managed as an irrigation reservoir by the Flathead Irrigation District headquartered in Pablo. In 1909 the Federal Government filed water rights on Little Bitterroot Lake for irrigation. In 1913, the Flathead Irrigation Project was created and in 1918 a small earthen dam was constructed at the outlet of the Lake. This was later replaced by the present concrete structure. Little Bitterroot Lake has a natural average vertical fluctuation of 1.2 feet. However, the Lake is managed for downstream irrigators. Operation of the dam and draw down policies are handled outside of the purview of the property owners of the area. This leads to erratic and usually downward fluctuating water levels during the year.

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. A series of water quality and clarity tests were conducted in 1995 by Plum Creek Timber to establish a base line of information for the lake. Prior to this time only intermittent testing had occurred. 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.

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. Below is a very general summary of land ownership patterns. Please note that Little Bitterroot Lake at 2,925 acres is not included.

**LITTLE BITTERROOT LAKE NEIGHBORHOOD
GENERALIZED OWNERSHIP**

MT DNRC	640 ac.	13%
Forest Service Lands	40 ac.	1%
Plum Creek	3,000 ac.	62%
Other private lands (40 acre + tracts)	760 ac.	15%
Other private lands (less than 40 ac. tracts)	<u>440 ac.</u>	<u>9%</u>
Total	4,880 ac.	100%

Plum Creek, the largest property owner within the confines of the neighborhood has title to approximately 3,000 acres (62% of land area of the Neighborhood Plan) and owns approximately five and three-quarters (5-3/4) miles of shoreline. This is slightly over one-half (1/2) of the lake's roughly 11 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 these lands are likely best suited in the future for recreational and residential use due to their locale on the lake. Plum Creek has no immediate plans to develop this property and is supportive of land use planning that is based upon sound environmental and economic principles and that treats all landowners fairly.

The Department of Natural Resources and Conservation owns approximately 640 acres of land at the north end of the Lake. This site encompasses the Lion's Camp facilities with the remainder managed as Trust Lands. The state has approximately 1/4 mile of lake frontage. The Lions Camp has been operated by the four Flathead Lions Clubs for the past 50 years through a cooperative lease agreement with the State. A Youth Camp is open from late June to September and generally operates 68 days at full occupancy. The Camp can sleep 134 people at one time. Facilities include a kitchen, dining hall, conference area, 13 cabins, and a comfort station with showers and toilets. A separate recreation camp offers 25 overnight camping spaces.

There are six (6) large private property owners in the neighborhood, other than Plum Creek, 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 15% of the District and encompasses 1/4 mile of lake frontage.

The remainder of the proposed district contains 440 acres, privately owned in small tracts located predominately in the southeast, northwest and west sides of the lake. These ownerships account for about four and three-quarter (4-3/4) miles of lake frontage (43% of total frontage). The County records show about 228 lakefront and 60 view lots in this area. Tracts on the lake vary from 50 to 100 feet in width with some being larger. These smaller tracts contain approximately 123 residences which are almost entirely single-family cabins/houses occupied seasonally. There are a few exceptions including the Lake Park Grocery at the south end on the lake in Section 16, a contractors building on the southeast corner off the lake and a cabin or cabins advertized for weekly rent at the north end of the lake.

NEW RESIDENTIAL CONSTRUCTION: Growth continues to occur in this neighborhood. Below is a table based on the issuance of new septic systems for 1986 - 1994. During this eight year period (1990 data was not available) 34 new residences were constructed. This data shows a marked increase in number of new residences constructed in the past nine years.

YEAR	# NEW RESIDENCES CONSTRUCTED
------	---------------------------------

1986	3
1987	3
1988	1

YEAR	# NEW RESIDENCES CONSTRUCTED
------	---------------------------------

1989	0
1990	?
1991	1
1992	7
1993	5
1994	<u>14</u>
TOTAL	34

ROADS: The Bitterroot Lake area is well served by a series of paved county roads on two sides of the lake. Bitterroot Lane serves property adjacent to the lake along the southwest and south sides, Kelsey Lane continues on along the southeast corner of the lake and Bitterroot Drive extends along the entire east side of the lake. Lodgepole Drive, a graveled county road, continues on around the north end of the lake and generally deteriorates as it loops around the northwestern side of the lake. There is no road connection or through road around the west side of the lake. A route has been identified by Plum Creek but has not been constructed.

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 Centurytel provides telephone service.

Emergency Services: The Marion Volunteer QRU provides emergency medical assistance and the Marion Rural Fire District provides fire protection for the Neighborhood. Because of the volunteer nature of the Fire District, response times are a limiting factor. Wildfire hazards are a very real threat during summer months with the greatest concern occurring along the west and northwest sides of Little Bitterroot Lake due to the limited access in and out of this area. It is also important to note that the extreme western and northern portions of the neighborhood are outside of the Fire District boundaries.

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 Natural Resources and Conservation operates a boat launch on their property adjacent to Lion's Camp. In addition, Flathead County maintains a public boat ramp on the northwest end of the Lake between Lots 17 and 18 of Blue Grouse Subdivision. Finally, a less formal access is available in the area of the dam where ownership is by the U. S. Government (Flathead Irrigation Project).

ISSUES:

- a. Need to protect water quality of Little Bitterroot Lake including its exceptional clarity and use as a domestic water source.
- b. Preference of existing homeowners to limit future development to single family housing.
- c. Desire to set density, setbacks and height restrictions for future development.
- d. Strong desire of existing homeowners to prohibit future commercial and commercial marina development on the lake.
- e. Uncertainty of future development plans of large private land owners within the neighborhood.
- f. Lack of suitable access, wildfire hazards and difficult terrain limit development in the west and northwest corners of lake at this time.
- g. Desire to generally limit scale and intensity of development due to lack of urban scale services (fire department, sheriff's department, public sewer and water, rural school near capacity) and a desire that adequate services are provided to meet the demand of any new development.
- h. Lack of dedicated public lake access.
- i. Desire to preserve the integrity of the lakeshore by emphasizing open space, maintenance of the existing shoreline vegetation, low intensity lake and lakeshore development and construction of structures compatible in scale with existing development when considering new development around the lake.
- j. A desire to protect and encourage the use of low impact access points around the lake which provide walk-in and non-motorized access to Little Bitterroot Lake.
- k. A desire of Plum Creek to preserve flexibility and options for future development that are compatible with the character of the area.
- l. A desire to limit the intrusions and consequential cost of government and to limit government and tax increases by encouraging existing volunteerism.

SUMMARY:

A majority of the property owners support the development of a neighborhood plan to provide common goals for the Little Bitterroot 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:

PROMOTE AND PROTECT THE QUALITY, CHARACTER AND OPENNESS OF LITTLE BITTERROOT LAKE AND THE SURROUNDING NEIGHBORHOOD AND PROVIDE GUIDANCE FOR FUTURE DEVELOPMENT.

RECOMMENDATIONS:

1. A citizen's advisory committee should be appointed by the County Commissioners to serve as the neighborhood voice of the Little Bitterroot Lake area in all affairs that affect this Neighborhood Plan. A committee comprised of five individuals is suggested with broad based membership including at least three members from the Little Bitterroot Lake Association, one from Plum Creek, and a property owner from within the neighborhood who owns land that does not front or abut on Little Bitterroot Lake. The Committee would be advisory to the Flathead County Planning Board and the County Commissioners and would adopt bylaws to operate by.
2. Commercial marinas and all additional high impact commercial development including recreational uses such as water slides, public golf courses, RV Parks, etc should be prohibited within the Little Bitterroot Lake Neighborhood.
3. Because of the rural residential and recreational character of the area, commercial activity should be specifically limited to low impact resort lodging opportunities. The scale of such facilities should be limited to no more 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.
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 and multi-family housing such as townhouses and condominiums, however, the underlying density of the site should be 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 minor expansions.

7. A land development code should be developed which considers the following:
- a. A minimum 50-foot setback for all 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 Little Bitterroot 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 250 feet of frontage. Where more than five lots are served by the park, an additional 25 feet of lake frontage and associated back lot area should be added to the park for each lot in excess of five. The intensity of development should be held at a minimum to protect the integrity of the shoreline. Common dockage in lieu of individual homeowners' docks is strongly encouraged. In addition, facilities for the storage of boats including boat houses, shore stations, etc., are strongly discouraged.
 - g. Lodges and similar resort recreational housing opportunities 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 proposal should be unified in theme and address design such as buffering, landscaping, access, traffic, open space, etc.

ADOPTION

The impetus behind developing the Little Bitterroot 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. The Little Bitterroot Lake Neighborhood Plan is adopted as an addendum to the Flathead County Master Plan and thus provides much more specific guidance for the area.

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.

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 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 Little Bitterroot 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 Little Bitterroot 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:

1. ensure the smooth administration of the plan and regulations;
2. ensure that the regulations are meeting the desired goals of the plan; and to
3. address any unforeseen issues or circumstances not originally or adequately addressed by the existing plan and regulations.

At that time, the Little Bitterroot Lake Neighborhood Advisory Committee shall submit a written report to the 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.

**LITTLE BITTERROOT LAKE
NEIGHBORHOOD LAND
DEVELOPMENT CODE**

Excepted from the Flathead County Zoning Regulations

**LBL Zoning Classifications
Resolution No. 955Q
Adopted February 27, 1996**

SECTION 3.33 LBL LITTLE BITTERROOT LAKE

3.33.010 Definition

A development code designed to implement the Little Bitterroot Lake Neighborhood Plan by protecting the quality, character and openness of Little Bitterroot Lake and the surrounding neighborhood and by providing guidance for future development.

3.33.020 Permitted uses

1. Agriculture/silviculture as provided for in M.C.A. 76-2-209.
2. Class A manufactured home.
3. Dwelling, single family.
4. Home occupation.

3.33.030 Conditional uses

1. Bed and breakfast establishments on view lots only (maximum four bedrooms for rent).
2. Cluster housing.
3. Common boat docks and lakeshore facilities.
4. Guest house.
5. Homeowners park.
6. Publicly owned parks and recreational facilities.
7. Structures in open space areas.

3.33.040 PUD uses

1. Commercial lodge and related recreational amenities.

3.33.050 Bulk and dimensional requirements

1. Minimum lot size : 1/2 acre
2. Maximum density:
 - a. Lakefront lots: 1 lot/residence per 5 acres.
 - b. View lots: 1 lot/residence per 10 acres.
3. Average lakeshore frontage:
 - a. Lots fronting on the lakeshore shall maintain an average density of one residential lot per 150 feet of lake frontage as measured at the average high water line.
 - b. This density figure shall determine the maximum number of residential lots/units permitted on a particular piece of lakeshore frontage. Homeowners parks may be located within a lakeshore lot development as long as the developer is able to comply with the minimum lot widths as provided for in 3.33.050(4) below.

4. Minimum lakeshore frontage:

Any residential lot which abuts Bitterroot Lake shall maintain a minimum of

100 feet of frontage along the lakeshore (measured along the average high water line).

5. Maximum Height: 30 feet.
6. Minimum Yard Requirements:
 - Front: 50 feet.
 - Side: 10 feet each.
 - Side Corner: 20 feet.
 - Rear: 20 feet.

When a property abuts Little Bitterroot Lake or any year-round stream, a 50-foot setback, measured landward of the average highwater line shall be maintained. (Note: for the purposes of these regulations, highwater of Little Bitterroot Lake for construction and building set back purposes only shall be 3906.48 l.d. using for reference a brass cap elevation 3907.50 as found on the east wingwall of the outlet gates of the Dam Structure. This cap is maintained by the Engineers of the U.S. Safety of Dams Program).

7. A reasonable variance shall be granted to allow construction or replacement of a residence on a pre-existing lot (lot that existed at the time zoning is adopted) which cannot meet the yard requirements as provided for in number 6 immediately above. Generally, when existing structures are being rebuilt or replaced the new structure will be constructed no closer than the existing structure to the lake or other property lines provided that no residence shall be built closer than 20 feet to the average high water line of Little Bitterroot Lake.

3.33.060

OPEN SPACE (LBL):

For the purposes of the LBL regulations, open space is defined as permanently open areas which may only be utilized for agriculture (excluding feed lots), timber management, passive recreation or natural areas. All structures, including the parking or storage of equipment shall be conditional uses and subject to review by the Little Bitterroot Lake Land Use Advisory Committee.

1. OPEN SPACE DESIGN STANDARDS

- a. When new lots are created and the cumulative land in lots is less than the minimum land area needed to meet density requirements, the balance of the required land area shall be designated and maintained as open space. For example, if an owner wanted to create two new one-acre lakefront lots (lakefront lots carry a five acre minimum density), 10 acres is needed, two acres would be in lots, the remaining eight acres is required to be in open space.
- b. Open space shall be located within the single, contiguous ownership proposed to be developed.
- c. If an owner proposes to develop property in a phased program, the overall open space plan shall be submitted with the first application.
- d. 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 as defined herein.