

**RESOLUTION NO. 1594 A**

WHEREAS, the Board of Commissioners of Flathead County, Montana, received a petition from freeholders in the Creston area requesting the creation of the Egan Slough Planning and Zoning District, pursuant to the provisions of Section 76-2-101, et seq., M.C.A.;

WHEREAS, the Board of Commissioners of Flathead County, Montana, in accordance with Section 76-2-101, M.C.A., created the Egan Slough Planning and Zoning District by adoption of Resolution No. 1594 on December 4, 2002;

WHEREAS, the Planning and Zoning Commission for the Egan Slough Planning and Zoning District was appointed by the Board of Commissioners on December 4, 2002;

WHEREAS, the Planning and Zoning Commission for the Egan Slough Planning and Zoning District has considered a proposed development pattern for the physical and economic development of the planning and zoning district; and


WHEREAS, the Planning and Zoning Commission has recommended that the development pattern for the physical and economic development of the planning and zoning district restrict uses to certain agricultural activities and restrict lot size to an 80-acre minimum, and has recommended the adoption of zoning regulations to implement that development pattern.

NOW THEREFORE, BE IT RESOLVED, pursuant to the recommendation of the Planning and Zoning Commission for the Egan Slough Planning and Zoning District that the attached Egan Slough Zoning District Regulations shall apply to the property within the boundaries of the Egan Slough Zoning District.

DATED this 30th day of December, 2002.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

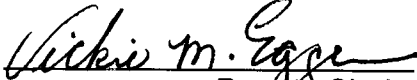
By:   
Dale W. Williams, Chairman

By:   
Robert W. Watne, Member

By: \_\_\_\_\_  
Howard W. Gipe, Member

ATTEST:

Susan W. Haverfield, Clerk

By:   
Deputy Clerk

**Egan Slough Zoning District Regulations**  
***Flathead County, Montana***

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**Sec. 2 Generally**

These regulations describe the uses and structures that may occur within this district and establish certain standards and requirements which further the purpose and intent of the district. A lot may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied, or used only as permitted by these regulations.

**Sec. 3. Authority**

This district is enacted pursuant to and consistent with the authority and requirements of Title 76, Chapter 2, Part 1, Montana Code Annotated (MCA).

**Sec. 4. District Boundaries**

The boundaries of the district are described in Exhibit 1 and graphically depicted in the attached official zoning map (Exhibit 2), both of which by this reference are made a part of these regulations. Where the legal description in Exhibit 1 deviates from the attached official zoning map in Exhibit 2, Exhibit 1 shall control.

**Sec. 5. Purpose and Intent of District**

The purpose of the Egan Slough Zoning District is to protect and preserve agricultural land in the Egan Slough area for the performance of a wide range of agricultural functions. It is intended to control the scattered intrusion of uses not compatible with an agricultural environment, including, but not limited to, residential development.

**Sec. 6. Permitted Primary Uses and Structures**

1. Agricultural/horticultural/silvicultural uses
2. Single family residential dwelling
3. Class A and Class B manufactured homes - for use as the primary and/or accessory dwelling(s)

**Sec. 7. Permitted Accessory Uses and Structures**

1. Guest house, ranch employee housing, caretaker's house, or single-family rental dwelling (only one per lot/tract in addition to the primary dwelling for a total of 2 possible dwellings per lot/tract)
2. Home occupations
3. Feed and seed processing and cleaning – accessory to normal farming operations
4. Feed pens: cattle and swine – accessory to normal ranching operations
5. Barns, silos, corrals, etc.
6. Private garages and sheds for the storage or maintenance of recreation and farm equipment
7. Private green houses, vegetable, fruit, or flower gardens
8. Private stables and structures for the shelter of household pets (not kennels)
9. Non-commercial communication towers and satellite receiving devices
10. Gazebos, enclosed patios, and similar structures for private recreational use
11. Private recreational uses and facilities including, but not limited to, swimming pools and tennis courts

**Sec. 8. Conditional Uses and Structures that Require a Conditional Use Permit**

1. Unimproved private landing strip
2. Bed and breakfast establishment - maximum 3 bedrooms for rent; located within the primary or the accessory dwelling
3. Day-use, wilderness-type youth camp
4. Nurseries – for the sale of plants grown on the premises only
5. Public stables and riding academies
6. Cellular telephone towers and communication towers/masts – located on existing structures, including, but not limited to buildings or utility poles
7. Private family cemetery
8. Home-based business
9. Fish hatchery

10. Produce stand or roadside stand for the sale of agricultural products grown or raised on the premises

**Sec. 9. Bulk and Dimensional Requirements**

1. Minimum Lot Area: 80 acres except for nonconforming parcels as provided by Section 14.
  - A. Lots that equal 80 acres if private and public right-of-ways within the lot boundaries are included meet the minimum lot area requirement.
  - B. Lots that can be legally described as a ½ aliquot part of a U.S. Government ¼ section meet the minimum lot requirement.
  - C. Provisions in Title 76, Chapter 3, MCA shall not circumvent the 80-acre minimum lot requirement. Any division of land that would create parcels that violate these zoning regulations is prohibited.
2. Minimum setbacks for structures (measured from the dripline of the roof):  
A 20-foot minimum setback is required from the right-of-way or property line, whichever is closest.
3. Maximum building height: 35 feet (agricultural buildings exempt)
4. Permitted lot coverage: 10%

**Sec. 10. Performance Standards for Permitted Uses**

1. *Agricultural/Horticultural/Silvicultural Uses.* Permitted uses include farming, dairying, pasturage, grazing land, animal and poultry husbandry, raising and harvesting timber, and the necessary accessory uses for finishing, packing, treating, storing or shipping of products. These uses expressly do not include sod farms, the sale or removal of topsoil, and soil extractive practices that remove and do not replace topsoil.
2. *Primary Dwelling.* No more than one (1) single family primary dwelling may occupy any lot/tract.
3. *Class A and Class B Manufactured Homes.* Class A and Class B manufactured homes may be used only as the primary and/or accessory dwelling(s).
4. *Accessory Dwelling.* The guest house, ranch employee housing, caretaker's house, or single-family rental dwelling shall meet the following requirements:
  - A. No more than (1) accessory dwelling may occupy any lot/tract in addition to the primary dwelling for a total of two (2) possible dwellings per lot/tract.
  - B. Permitted Location. The dripline of the roof of the accessory dwelling shall not begin more than 200 feet from the dripline of the roof of the primary dwelling unless a Conditional Use Permit for a different (conditional) location is issued.
  - C. Without a Conditional Use Permit showing future construction and placing of the principal dwelling, no accessory dwelling shall be constructed on any lot prior to the time of the substantial completion of the construction of the principal dwelling.
  - D. Conditional Location of Accessory Dwelling.
    1. The conditional location of the accessory dwelling should maximize the

extent of uninterrupted open space to be compatible with the future cultivation and irrigation of the lot.

2. A conditional use permit may not be granted that allows the applicant's accessory dwelling to be located a greater distance from the applicant's primary dwelling (or future placement of the primary dwelling) on that lot than from an adjacent in-district landowner's existing primary dwelling on the adjacent lot.
5. *Home Occupations*. Home occupations are permitted in any dwelling and shall comply with the following standards:
  - A. Exterior signs shall be restricted to those permitted in the district.
  - B. No home occupation shall be conducted in a manner which will be detrimental to the residential use of said residence or cause a nuisance to surrounding residences, because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factor.
  - C. The home occupation shall not generate pedestrian or vehicle traffic in excess of that which is characteristic of the neighborhood in which it is located. Vehicle traffic would not be increased by more than one (1) at a given time or by more than eight (8) all day.
6. *Feed and Seed Processing and Cleaning*. Permitted as an accessory use to normal farming operations, but not as a commercial activity that makes up the principal use of the property.
7. *Utilities*. All new utility services shall be placed underground.
8. *Lighting*. Outside security lights shall be so arranged and shielded so that no direct beams fall upon other private property and so as to reflect the light away from any abutting or adjacent residential use.
9. *Signs*. Advertising or business signs shall be limited to one free-standing sign and one wall sign for each lot/tract; the sign area shall not exceed 12 square feet and the signs may not be illuminated. In addition, standard real estate signs may be used to advertise property for sale.

#### **Sec. 11. Performance Standards for Conditional Uses**

In addition to conditions contained in the Conditional Use Permit, the following performance standards shall apply:

1. *Location of Conditional Uses and Structures*. No conditional structure or conditional use shall be located a greater distance from the applicant's primary dwelling (or future placement of the primary dwelling) on that lot than from an adjacent in-district landowner's existing primary dwelling on the adjacent lot.
2. *Bed and Breakfast Establishment*. A bed and breakfast establishment shall meet the following standards:
  - A. Located within the primary or the accessory single-family dwelling.
  - B. Limited to 3 bedrooms for rent.
  - C. The residential structure shall not be substantially modified to provide additional sleeping rooms or exhibit a non-residential appearance.

- D. Signs shall be architecturally compatible with the residence; shall not flash, blink or rotate, and shall be in conformance with the sign ordinances applicable to the district.
  - E. A manager must be in residence and maintain full use of the kitchen and at least one bedroom during occupancy by patrons.
  - F. Use of the residential structure shall be limited to the exclusive use of the permanent residents and their overnight guests. No other use such as a restaurant, bar, or other use which attracts non-boarding customers is permitted. No alcoholic beverages shall be sold on premises.
3. *Day-use, Wilderness-type Youth Camp.*
- A. Use of the camp facilities and grounds is limited to day-use only.
  - B. Use of the camp facilities and grounds shall be limited to the exclusive use of supervised youth groups that are affiliated with or invited by the organization owning the facility, and shall not be open to the general public.
  - C. Buildings, structures, uses, and improvements shall be limited to those necessary to operate a wilderness-type camp where the natural conditions and undeveloped character of the area are preserved.
  - D. The following uses are anticipated for a day-use, wilderness-type youth camp:
    - 1. Docks for swimming
    - 2. Changing facilities
    - 3. Outdoor recreation, non-motorized and low impact
    - 4. Outdoor cooking and eating facilities
    - 5. Restroom facilities
    - 6. Picnic shelter
    - 7. Camp equipment storage facility (e.g. canoes, paddles, life vests)
  - E. The following uses and structures are not permitted:
    - 1. Auditoriums
    - 2. Boat marinas
    - 3. Community center buildings
    - 4. Convention hall facilities
    - 5. Dormitories and cabins
    - 6. Cafeterias
    - 7. Recreation vehicle parks and campgrounds
  - F. Wetlands shall not be drained or filled.
4. *Nurseries.* For the sale of plants grown on the premises only.
5. *Cellular Telephone Towers and Communication Towers/Masts.* Cellular telephone towers and communication towers/masts shall be located on existing structures, including, but not limited to buildings or existing utility poles.
6. *Private Family Cemetery.* Limited to the exclusive use of the owners of the property and their families and not for remuneration or sale.
7. *Produce Stand or Roadside Stand.* For the sale of agricultural/horticultural/silvicultural products grown or raised on the premises only.

## **Sec. 12. Conditional Use Permits**

1. No structure, building or land shall be used, constructed, altered or expanded where a Conditional Use Permit is specifically required by the terms of these regulations until a Conditional Use Permit for such use has been authorized by the Planning & Zoning Commission.
2. Structures of buildings devoted to any use which is permitted under the terms of these regulations, subject to securing a Conditional Use Permit, may be altered, added to, enlarged, expanded, or moved from one location to another on the lot only after securing a new Conditional Use Permit.
3. *Application.*
  - A. Application for a Conditional Use Permit may be made by the owner of the affected property or by his designated agent on a form that may be obtained from the Planning & Zoning Commission.
  - B. The completed application, accompanied by the appropriate filing fee, shall be submitted to the Planning & Zoning Commission. Said fee is not refundable.
4. *Procedures for Consideration.*
  - A. After acceptance by the Planning & Zoning Commission, the completed application shall be reviewed and evaluated by the Planning & Zoning Commission.
  - B. The Planning & Zoning Commission shall set a date for a public hearing and publish a public notice which advertises said hearing before the Planning & Zoning Commission at least once in a newspaper of general circulation in the community at least 15 days prior to the meeting of the Planning & Zoning Commission at which the application is to be considered.
  - C. The Planning & Zoning Commission shall also mail written notice containing the pertinent facts of the application to all abutting and adjacent property owners within the district not less than 21 days prior to the date of formal review by the Planning & Zoning Commission. The mailing shall be prepared by the applicant if the Planning & Zoning Commission so requests.
  - D. Signs shall be posted by the applicant on two different public roads within the district and on the subject lot/tract nearest a public road. The signs shall advertise said hearing before the Planning & Zoning Commission at least 21 days prior to and until the meeting of the Planning & Zoning Commission at which the application is to be considered.
  - E. Written comments from adjacent property owners and freeholders in the district shall specifically state how the granting of the Conditional Use Permit would adversely or injuriously affect their personal or legal interest.
  - F. The Planning & Zoning Commission shall consider the application at its next scheduled meeting following the public notice process.

5. *Criteria for Consideration of a Conditional Use Permit.* A Conditional Use Permit may be granted only if the proposal, as submitted, will not be detrimental to adjacent landowners or the neighborhood, will be consistent with and compatible with other existing or permissible uses in the district, and conforms to all applicable criteria that may be requested as well as to all of the following general Conditional Use Permit criteria:
  - A. *Site Suitability.* That the site is suitable for the use. This includes adequate usable space, adequate access, and absence of environmental constraints.
  - B. *Appropriateness of Design.* Consideration of design should include parking scheme, traffic circulation, open space, screening, landscaping, signage, and lighting.
  - C. *Availability of Public Services and Facilities.* Public services and facilities are to be available and adequate to serve the needs of the use as designed and proposed.
  - D. *Immediate Neighborhood Impact.* That the proposed use will not be detrimental to surrounding neighborhoods in general. Typical negative impacts which extend beyond the proposed site include:
    1. excessive traffic generation,
    2. noise or vibration,
    3. dust, glare, or heat,
    4. smoke, fumes, gas, or odors, and
    5. inappropriate hours of operations.
6. *Approval of Application and Granting of Conditional Use Permits.*
  - A. It shall take the affirmative vote of the majority of the entire Planning & Zoning Commission to grant a Conditional Use Permit.
  - B. Upon rendering a decision to grant a Conditional Use Permit, the Planning & Zoning Commission shall issue a Conditional Use Permit with stipulations, itemized in brief on the face of the permit.
7. *Terms of Issuance.* A Conditional Use Permit may be issued for a temporary, permanent, or term period. The Conditional Use Permit may contain such conditions as are authorized by State statute and this Regulation, including but not limited to:
  - A. Regulation of placement of uses on the property
  - B. Regulation of the nature and extent of the use and size of the structure
  - C. Regulation of the length of time which such use may be permitted.
8. *Transferability and Termination.* Once granted, the Conditional Use Permit, with its terms and conditions, shall:
  - A. Run with the lot, building, structure, or use and shall not be affected by change of ownership.
  - B. Terminate twelve (12) months from the date of authorization if commencement of authorized activity has not begun:
    1. Unless otherwise specified in the conditions of the approval, or
    2. Unless the applicant can demonstrate and maintain a continuous effort in



good faith (preparing financing, securing state or federal permits, undertaking engineering and design, etc.) in commencing the activity.

9. *Denial of Application.* In the event an application is denied by the Planning & Zoning Commission, no re-submittal of an application for a Conditional Use Permit may be made for one year from the date of said denial, unless sufficient new evidence or conditions are offered to the Planning & Zoning Commission, that demonstrate that circumstances have altered and that further consideration of the application is warranted. In such event, the resubmitted application shall follow the same procedures as the original, and shall be treated as a new application.
10. *Burden of Proof.* The burden of proof for satisfying the aforementioned criteria shall rest with the applicant, and not with the Planning & Zoning Commission. The granting of a Conditional Use Permit is a matter of grace, resting in the discretion of the Planning & Zoning Commission, and a refusal is not the denial of a right, conditional or otherwise.
11. *Decision Based on Findings.* Every decision of the Planning & Zoning Commission pertaining to the granting, denial, or amendment of a request for a Conditional Use Permit shall be based upon "Findings of Fact", and every finding of fact shall be supported in the records of its proceedings. The conditions in Sec. 11 and Sec.12 as they relate to matters of which the Planning & Zoning Commission is empowered to review under these regulations, shall be construed as a limitation on the power of the Planning & Zoning Commission to act in the matter of issuance of Conditional Use Permits. A mere finding or recitation of the enumerated conditions, unaccompanied by findings of specific fact, shall not be deemed in compliance with these regulations.
12. The Planning & Zoning Commission can designate a subcommittee of the Planning & Zoning Commission or another designated public entity, committee or Board to grant or deny Conditional Use Permits, so long as the subcommittee, entity, committee, or board includes both citizen members of the Planning & Zoning Commission. It shall take the affirmative vote of the majority of the entire designated subcommittee, public entity, committee, or board to grant a Conditional Use Permit.

### **Sec. 13. Variances**

1. *Generally.* Certain circumstances may exist or arise wherein an unnecessary hardship is created through strict adherence to the provisions of these regulations. There are hereinafter provided provisions for granting of a variance from the provisions of these regulations, so that the public welfare is secured and substantial justice can be done to those so affected.

2. *Application for a Variance*
  - A. Application for a variance may be filed by any property owner or their designated agent for the affected property.
  - B. Such application shall be made on a form provided by the Planning & Zoning Commission. Multiple requests for variances for the same project may be filed on a single application and charged a single fee.
  - C. The completed application, accompanied by the appropriate filing fee, shall be submitted to the Planning & Zoning Commission.
  - D. No part of any such fee shall be refundable after an application is filed and such fee paid.
  
3. *Procedure for Consideration.*
  - A. After being accepted, the completed application shall be reviewed and evaluated by the Planning & Zoning Commission.
  - B. The Board of County Commissioners shall set a date for a public hearing and publish a public notice which advertises said hearing before the Board of County Commissioners at least once in a newspaper of general circulation in the community at least 15 days prior to the meeting of the Board of County Commissioners at which the application is to be considered.
  - C. The Board of County Commissioners shall also mail written notice containing the pertinent facts of the application to all freeholders within the district not less than 21 days prior to the date of formal review by the Board of County Commissioners. The mailing shall be prepared by the applicant if the Planning & Zoning Commission so requests.
  - D. Signs shall be posted by the applicant on two different public roads within the district and on the subject lot/tract nearest a public road. The signs shall advertise said hearing before the Board of County Commissioners at least 21 days prior to and until the meeting of the Board of County Commissioners at which the application is to be considered.
  - E. Findings are required to be made by the Board of County Commissioners for approval of a variance. No variance shall be granted unless the Board of County Commissioners finds that all of the following conditions are met or found to be not pertinent to the particular case:
    1. Strict compliance with the provisions of these regulations will:
      - a. Limit the reasonable use of the property, and
      - b. Deprive the applicant of rights enjoyed by other properties similarly situated in the district.
    2. The hardship is the result of lot size, shape, topography, or other circumstances over which the applicant has no control.
    3. The hardship is peculiar to the property.
    4. The hardship was not created by the applicant.
    5. The hardship is not economic (when a reasonable or viable alternative exists).
    6. Granting the variance will not adversely affect the neighboring properties or the public.
    7. The variance requested is the minimum variance which will alleviate the

- hardship.
8. Granting the variance will not confer a special privilege that is denied other similar properties in the district.
  9. The variance is the only option available to the applicant to afford relief from the hardship.
  10. The variance will not in any manner vary the intent of this district.
- F. Every decision of the Board of County Commissioners shall be made by motion and shall be based upon "Findings of Fact" and every Finding of Fact shall be supported in the record of its proceedings. The above criteria required to grant a variance under these regulations shall be construed as limitations on the power of the Board of County Commissioners to act. A mere finding or recitation of the enumerated conditions unaccompanied by findings of specific fact shall not be deemed in compliance with these regulations.
  - G. In approving a variance, the Board of County Commissioners may impose such conditions as are, in its judgment, necessary to promote the general provisions of these regulations.
  - H. It shall take the affirmative vote of the majority of the entire Board of County Commissioners to grant a variance. Failing such vote the request for a variance is denied.
  - I. A hearing may be continued at the request of the applicant or upon motion by the Board of County Commissioners, provided however, that the granting of a continuance is a matter of grace, resting solely in the discretion of the Board of County Commissioners and a refusal to continue is not a denial of a right, conditional or otherwise.
  - J. Decision on continuance of a hearing can be reached by a majority of the Board of County Commissioners but must be made prior to voting on the application itself.
  - K. A variance shall be valid for the terms so specified; provided it is exercised within one year of the date of issuance, or as otherwise provided by the Board of County Commissioners.
  - L. A request may be re-heard only when there has been a manifest error affecting the Board of County Commissioner's decision or it appears that a substantial change of facts, evidence or conditions has occurred. Such determination shall be made by a the Board of County Commissioners within 60 days of final action by the Board of County Commissioners.

#### **Sec. 14. Nonconformities**

1. If, at the time of adopting of these regulations or of any amendments thereto, or at the time a zoning district to which these regulations are applied is created, any lot, structure, or building being used in an otherwise lawful manner that does not conform to the use provisions of these regulations, or if any structure or building was located or erected in an otherwise lawful manner that does not conform to the lot coverage or height limit of these regulations, such use of such location or erection shall be deemed to be a nonconforming use and may continue in the

manner and to the extent that it existed or was being used at the time of adoption of these regulations. Such nonconforming status will run with the lot, building, structure, or use and shall not be affected by changes in ownership.

2. Any nonconforming use may be continued except if any such nonconforming use is abandoned or deserted, or voluntarily or by legal action caused to be discontinued for a period of 180 days, then any subsequent use of the lot, building, structure, or use of the land shall be required to be in conformity with the provisions of these regulations.
3. Any building for which a building permit has been issued or, if a building permit is not required, on-site construction has begun prior to the adoption or amendment of these regulations, or creation of a zoning district to which these regulations apply, and the erection of which is in conformity with the plans submitted and approved for such permit, but does not conform to the provisions of these regulations, is a nonconforming use.
4. *Changes Permitted to Nonconforming Uses.*
  - A. Routine maintenance and repair or those modifications required by applicable health and safety codes shall be permitted.
  - B. A nonconforming building or structure may be enlarged, extended, reconstructed, or structurally altered if said building or structure is changed to completely conform to these regulations.
  - C. A building or structure conforming with respect to use but nonconforming with respect to height, setback, or lot coverage may be altered or extended if the alteration or extension does not further deviate from these regulations.
  - D. A nonconforming use may be expanded, subject to a Conditional Use Permit, within the confines of the lot or parcel of land upon which it is located at the time of the adoption or amendment of these regulations, provided that the land area and/or use of building or structure being used for said nonconforming use at the time of adoption or amendment of these regulation is not increased by more than fifty (50) percent.
  - E. Where an existing building or use is located entirely within the setback area, that building or use may be expanded to the rear of the property away from the setback line.
5. *Reconstruction of Damaged Nonconforming Buildings.* A nonconforming use or building that is damaged or destroyed by fire, explosion, or unforeseeable natural act (flood, wind storm, lightning strike, etc.) shall be allowed to be rebuilt by a person with an interest in the structure or use, upon the issuance of a Building Permit (where applicable), in such a fashion that the structure or use is no larger and is equally or more in conformance with these regulations than it was prior to the disaster. This provision shall not exempt the structure or use from other applicable regulations nor does it allow the replacement of structures or uses that were willfully demolished, destroyed, or removed. All applicable permits shall be obtained within twelve (12) months of the damage or destruction.

6. *Unsafe Conditions.* Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part.

**Sec. 15. Regulations to Apply Uniformly Throughout District**

Except as herein provided in Section 13 with respect to variances and Section 14 with respect to nonconformities, all regulations as categorized shall apply uniformly to each class or kind of structure and use and to all land within the boundaries of this district.

**Sec. 16. Enforcement**

1. *County Enforcement.* The County shall enforce the zoning provisions of this district pursuant to Section 76-2-113 MCA.
2. *Effect of Non-enforcement.* Failure to immediately enforce any of these provisions shall not in any event be construed or held to be a waiver thereof or consent to any further or succeeding breach or violation.

**Sec. 17. Severability**

If any section, subsection, paragraph, sentence, clause, or phrase is for any reason held to be unconstitutional or otherwise invalid, the remaining portions shall continue in full force and effect.

**Sec. 18. Effective Date**

These regulations shall become effective upon adoption.

## **Sec. 19. Definitions**

**Accessory Use** – A use which is customarily incidental to the principal uses permitted in the district. A permitted accessory use shall be subordinate to and serve the principal use established on the same lot and contribute to the comfort, convenience, or necessity of users of such principal use.

**Agriculture** – The use of land for agricultural purposes including farming, dairying, pasturage, grazing land, animal and poultry husbandry, and the necessary accessory uses for finishing, packing, treating, storing or shipping of products. Raising and harvesting timber are also included. These uses expressly do not include sod farms, the sale or removal of topsoil, and soil extractive practices that remove and do not replace topsoil.

**Bed and Breakfast Establishment** – A single family detached dwelling containing, in addition to living accommodations for the resident manager, individual sleeping rooms without cooking facilities for the purpose of providing to the general public for compensation, lodging, bathroom facilities, and breakfast only to overnight patrons.

**Caretaker's House** – A dwelling which is constructed and designed to provide living quarters for caretakers and/or property managers and is clearly subordinate to the principal dwelling with regard to size and location.

**Community Center Building** – A building, structure, facility or use constructed and designed to serve a broad base community need and purpose. Community center buildings are intended to be used for recreational, social, educational, and cultural activities, open to the public, or a designated part of the public, owned and operated by a nonprofit group or agency.

**Conditional Use** – A use which may be permitted in the district, but which requires a special degree of control and approval by the Planning and Zoning Commission to prevent such use from being detrimental to the neighborhood and to make such use consistent with and compatible to other existing or permissible uses in the same district.

**Conditional Use Permit** – The documented evidence of authority granted by the Planning & Zoning Commission or designated subcommittee of the Planning & Zoning Commission or another designated public entity, committee or Board to locate a conditional use at a particular location.

**Dwelling** – A building used for human residential purposes.

**Feed and Seed Processing/Cleaning** – An activity, clearly accessory to the principal use of the property, wherein feed and seed products produced on the premises are processed for use or sale.

Feed Pen – An activity, clearly accessory to the principal use of the property, wherein raised feeder stock (cattle, swine, etc.) are enclosed in a small area and fattened for sale. Feed pens shall not include normal ranching operations that include the pasturing of livestock.

Garage, Private – An accessory building or accessory portion of the main building enclosed on not less than three sides and designed to be used only for the shelter or storage of vehicles or other personal property owned or operated by the occupants of the main building or buildings.

Guest House – A detached structure being an accessory to a one family dwelling with not more than two bedrooms and which shall be used and/or designed for use primarily by guests and/or servants for sleeping quarters only.

Home Occupation – Any use conducted entirely within the dwelling and carried on by the members of the family which use is clearly incidental and secondary to the dwelling for dwelling purposes and does not change the character thereof and in connection therewith are no commodities sold from the premises except that which is produced thereof. Such uses may include, but are not limited to, art and/or photography studios, computer programming, and handicrafts provided that the use does not involve more than one-third of the total square footage of the dwelling. The conducting of a hospital, barber shop, beauty shop, tea room, tourist home, animal hospital, or other traffic generating uses shall not be deemed to be a home occupation.

Home-based Business – a home-based business is defined as any occupation, profession, activity or use which is clearly a customary, incidental and secondary use of a residential lot and which does not affect the residential or agricultural character of the property or area. A home-based business is permitted in accessory buildings as well as residential buildings and must be operated by the individual(s) who own and live on the property.

Manufactured Home – Housing built on a chassis designed and constructed for transportation to a site for installation and use when connected to required utilities. Also referred to as “mobile home” or “modular home”.

1. Class A Manufactured Home: Also known as a “double-wide” manufactured home and meeting the standards defined in Section 7.13.010 of the Flathead County Zoning Regulation.
2. Class B Manufactured Home: Also known as a “single-wide” manufactured home and meeting the standards defined in Section 7.13.010 of the Flathead County Zoning Regulation.

Marina – A commercial waterfront facility which provides for recreational boating and other water related activities. Any commercial facility which provides dock slips or moorage for five (5) or more watercraft is considered a marina.

Nonconforming Use – Any building or land lawfully occupied by a use at the time of passage of this resolution or amendment thereto, which does not conform after the passage of this

resolution or amendments thereto with the use or dimensional regulations of the district in which it is situated.

**Principal Use** – The primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory.

**Ranch Employee Housing** – Accessory dwellings on an operational ranch or farm used to house only employees of such operation. Examples of this use would include bunkhouses, line shacks, and foreman's quarters.

**Setback** – The horizontal distance required between the right-of-way or property line, whichever is closest, and the building line.

**Stable, Private** – A detached accessory building in which horses or other animals are kept primarily for private use and not classified as a public stable.

**Stable, Public** – A detached accessory building that is used or is intended for keeping eight (8) or more horses or other animals for hire, remuneration or sale.

**Structure** – A combination of materials constructed and erected permanently on the ground or attached to something having a permanent location on the ground including buildings and signs. Not included are residential fences less than six feet in height, retaining walls, rockeries and similar improvements of a minor character less than three feet in height.

**Youth Camp, day-use, wilderness-type** – A land use to provide outdoor activities for supervised groups of children characterized by a rural setting in a rustic, wilderness-type environment that is managed so as to preserve its natural conditions and undeveloped character. Uses are minimum impact, primarily seasonal, and restricted to daylight hours (½ hour after sunrise to ½ hour before sunset). Activities are confined to supervised groups of children affiliated with or invited by the organization owning the facility, and are not extended to the general public.



**Exhibit 1 - Legal Boundary Description: Egan Slough Zoning District**

A tract of land in Sections 17, 18, 19 and 20 of Township 28 North, Range 20 West, P.M.,M., Flathead County, Montana described as follows:  
Commencing at the northeast corner of said Section 18; thence West along the north boundary of the NE1/4 of said Section 18 to the northwest corner of the E1/2 NE1/4 of said Section 18; thence South to the northwest corner of the E1/2 SE1/4 of said Section 18; thence South to the northwest corner of the E1/2 NE1/4 of said Section 19; thence South to the southwest corner of the E1/2 NE1/4 of said Section 19; thence East to the northwest corner of the SW1/4 of said Section 20; thence South along the west boundary of said SW1/4 to the northwest corner of a tract of land as shown and described on Certificate of Survey No. 6674, records of Flathead County; thence East along the north boundary of said parcel 1998.39 feet to a point on the north side of the Flathead River; thence northeasterly along said river edge to a point on the east boundary of the SW1/4 of said Section 20; thence North along the east boundary of said SW1/4 to the easterly extension of the south boundary of Parcel "A" as shown and described on Certificate of Survey No. 8116, records of Flathead County; thence West along said extension and south boundary 369.34 feet to the southwest corner of said Parcel "A"; thence North 451.13 feet to the northwest corner of said Parcel "A"; thence East 349.34 feet to the northeast corner of said Parcel "A"; thence East 20.00 feet to a point on the east boundary of said SW1/4; thence North to the southwest corner of the NE1/4 of said Section 20; thence North 1196.31 feet to the southwest corner of Tract "1" as shown and described on Certificate of Survey No. 12864, records of Flathead County; thence N80° 33'54"E 1344.13 feet to the southeast corner of said Tract "1"; thence North 1216.29 feet to the northeast corner of said Tract "1"; thence West 1324.70 feet the southwest corner of the S1/2 SE1/4 of said Section 17; thence North to the southwest corner of the N1/2 SE1/4 of said Section 17; thence East to the southeast corner of said N1/2 SE1/4; thence North along the east boundary of said Section 17 to the northeast corner of said Section 17; thence West along the north boundary of said Section 17 to the point of beginning.