

ROGERS LAKE

NEIGHBORHOOD PLAN

AND

DEVELOPMENT CODE

ROGERS LAKE NEIGHBORHOOD PLAN

An Amendment to the FLATHEAD COUNTY MASTER PLAN

Adopted by the Flathead County Board of Commissioners
Resolution No. 1249a
Adopted April 16, 1997

ROGERS LAKE ZONING DISTRICT

Resolution No. 1255A
Adopted May 27, 1997

DEVELOPMENT STANDARDS

Resolution No. 955F
Adopted May 27, 1997

ROGERS LAKE NEIGHBORHOOD PLAN

The Rogers Lake Neighborhood consists of Sections 29, 30, 31 and 32 of Township 27 North, Range 23 West in Flathead County. These are the sections surrounding Rogers Lake, extending on both sides of Rogers Lake Road down to about two (2) road mile from U.S. Highway 2 West. The region is situated roughly halfway between Kila and Marion, approximately 15 miles west of Kalispell via Highway 2.

Rogers Lake

Rogers Lake is a small, shallow natural lake (237 acres in area, 19 feet at its deepest, 1119 acre ft. in volume). It is fed primarily by a stream that enters the lake from the south, as well as by several other small streams and underwater springs. The outlet stream is apparently Stickler Creek, which flows to the southwest. A large marsh is located at the southwest end of the lake where Stickler Creek exits. Smaller marshy areas are located on the south side, where the primary feeder stream enters, and the north where the seasonal exit stream occurs (see figure A). For many years, the lake and surrounding area has been home to a variety of birds, waterfowl and wildlife, including (in addition to the usual Rocky Mountain perching and shore birds, raptors and waterfowl) mountain bluebirds, western tanagers, pileated woodpeckers, horned, barred and saw-whet owls, American bitterns, osprey, loons, Barrow's goldeneyes, grebes, Canada geese, coyotes, whitetail deer, moose, mountain lions, and black bears. The lake and surrounding area has also served as feeding grounds for yet other birds and animals, including common mergansers, bald eagles, blue heron and elk.

The traditional primary recreational uses of the lake and its surrounding area have been fishing, hunting, swimming, and wildlife observation. For more than 65 years, the most distinctive feature of Rogers Lake has been its fishery. The Montana Department of Fish, Wildlife and Parks has managed the lake as a grayling hatchery since 1928. In the 1930's, workers at the Enterprise Lumber Mill in Kila and their families climbed the hill to Rogers Lake regularly to fish; during winter, a group went ice fishing almost every weekend. The Lake is still a prime fish and wildlife habitat. Its water is clear and its native flora and fauna robust. The Montana Department of Fish, Wildlife and Parks continues to manage the lake for grayling and cutthroat trout. (A spurious perch population was removed from the lake in the winter of 1993, and grayling and cutthroats were planted in the spring and early summer of that year.) The Lake continues to be a favorite fishing spot and wildlife viewing area, in both summer and winter. The two public access sites on the west side of the lake are used regularly for launching boats and occasionally for camping. The Montana Department of Fish, Wildlife and Parks is contemplating the installation of a wildlife viewing area at the site of the inlet stream on the south side of the lake for viewing the spawning of the grayling and the cutthroat.

Rogers Lake Neighborhood

Rogers Lake sits at the junction of four quadrangles.

Section 29 covers the northeast shore of the lake and accompanying lands off that shore. This land is privately owned. There are 44 landowners in this section. All but two are non-commercial landowners; most of these have homes on their lands and live in them seasonally or year round. Those who have land on the lakeshore occupy small lots (roughly 200 to 225 feet deep, with 150 to 800 feet of lake front). The off-shore residential parcels range from roughly 5 to 20 acres. In addition, there are two commercial owners: Whitetail Ranch (about 86 acres) and Stoltze Lumber Company (about 105 acres). Stoltz land is being managed for timber production.

Section 30 covers the north and north west shores of the lake and accompanying lands off that shore. It is owned by the state of Montana. Since 1958 the Department of Natural Resources and Conservation has made most of the land in this section that lies on the lakeshore available for lease in the form of "cabin site" lots. There are currently 35 leased lots ranging in size from 0.4 to 1.4 acres (roughly 150 to 400 feet deep, with 150 to 200 feet of lake front); the total area covered by these lots is about 20 acres. Some lessees have built homes on their sites and live there all year; some have erected summer homes and visit only seasonally; still others have made only minimal improvements and use their lots only for occasional camping and picnicking.

Section 31 covers the south and southwest shores and accompanying lands off those shores. It is owned by Plum Creek. Plum Creek is currently actively managing these lands for timber production. The company says that it has no immediate plans to develop this area, but may wish to do so in the future.

Section 32 is owned and managed by the U.S. Forest Service. This section touches a few feet of the southeast shore of the lake; as it extends back from the lake, it forms a wedge between the smaller privately owned tract lands of Section 29 and the Plum Creek lands found in Section 31.

It is only recently that the lakeshore has been occupied by any significant number of people. Twenty-five years ago, there was one house and one trailer on the private land, and one trailer on a state lot.

The recreational activities of visitors and these few residents were the traditional ones: fishing, swimming, hunting and wildlife observation. As both the private lands and the state lease lots have become more developed, this tradition has by-and-large continued. The residents of the Rogers Lake area value these traditional aspects of the lake. In their residential development on and around the lake and in their recreational use of the lake and its surroundings, they have been very careful to preserve this traditional character, and have joined in such cooperative efforts to ensure this preservation as posting loon nesting sights, monitoring the water quality of the lake, and (now) developing a neighborhood plan. A neighborhood association was formed in 1994 to help foster and implement these efforts.

Roads, Public Services and Utilities

The Rogers Lake area is accessed via Rogers Lake Road, which runs from U.S. Highway 2 to roughly 1/4 mile from the northeast shore. At that point the road forks. The right fork is the continuation of Rogers Lake Road, which then goes along the north and northwestern shore, serving the lease lots on that side of the lake. The left fork is Rogers Lane, which goes along the east shore serving the lease lots and private lands on this side of the lake. A rough logging road runs along the northwest, southwest and south shores, from Rogers Lake Road at the southwest corner of the lake to Rogers Lane on the northeast corner crossing a bridge over the inlet (spawning) stream on the south side of the lake. Both Rogers Lake Road and Rogers Lane are unpaved, gravel roads; a portion of the latter is privately owned and therefore is not maintained by the County. The logging road is usually blocked off when Plum Creek is actively cutting in that area; at those times there is no driveable through road around the southeast and south sides of the lake.

None of the area is served by either a public water or sewage collect system. Most residents obtain water from their individual wells; a few lakeshore residents use the lake as their primary source of water. Individual septic systems are the only method of sewage disposal.

Flathead Electric Coop provides electrical service to this area and PTI Communications provides telephone service.

The Smith Valley Volunteer Fire Department provides structural fire protection for the northerly 2/3 of Section 29 while the Department of Natural Resources provides for wildland fire protection for the entire neighborhood.

Water Quality

In 1994, the Flathead Basin Commission started a volunteer monitoring program to monitor water quality parameters in Rogers Lake. The 1994, 1995, and 1996 sampling results were as follows:

Avg. Secchi Depth (Meters)	5.41
Avg. Water Temp (Celsius)	18.5
Total Phosphorous:	
July 27, 1994	7.859
August 29, 1995	7.777
August 6, 1996	13.300
Chlorophyll a:	
July 27, 1994	0.713
August 29, 1995	0.951
August 6, 1996	1.800
Phaeophyta:	
August 29, 1995	0.33
August 6, 1996	0.38
Location (GPS Coordinates)	48 04' 28 N 114 35' 89 W

Sampling	Sampling	Secchi Depth	Water Temp.
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	Date	Time	(meters)	(Celsius)	Volunteers
Deep Buoy	6/5/94	4:00 p.m.	5.70	17.0	Winnie/Beeson
Deep Buoy	6/19/94	3:30 p.m.	5.64	15.0	Winnie
Deep Buoy	7/4/94	3:00 p.m.	4.80	17.0	Winnie/Winzenburg
Deep Buoy	7/23/94	12:00 p.m.	5.20	23.0	Winnie/Beeson
Deep Buoy	8/10/96	2:30 p.m.	5.23	22.0	Winnie
Deep Buoy	8/28/94	11:30 p.m.	5.49	17.0	Beeson/Winzenburg
Deep Buoy	9/20/94	2:00 p.m.	5.23	17.0	Beeson/Winzenburg
Deep Buoy	5/21/95	11:30 a.m.	5.50	15.0	Beeson/Winzenburg
Deep Buoy	6/18/95	4:50 p.m.	5.50	23.0	Winnie
Deep Buoy	7/4/95	10:30 a.m.	5.58	18.0	Beeson
Deep Buoy	7/28/95	10:00 a.m.	5.40	20.0	Beeson
Deep Buoy	8/25/95	11:05 a.m.	5.63	18.0	Winnie
Deep Buoy	5/27/96	2:00 p.m.	4.90	14.0	Beeson
Deep Buoy	6/10/96	4:15 p.m.	5.94	18.0	Winnie/Bear
Deep Buoy	6/23/96	8:45 p.m.	5.81	17.0	Bear
Deep Buoy	7/9/96	10:55 p.m.	5.63	23.0	Winnie
Deep Buoy	7/22/96	12:35 p.m.	5.79	20.0	Winnie/Coffa
Deep Buoy	8/6/96	12:15 p.m.	4.97	18.0	Winnie
Deep Buoy	8/20/96	7:30 p.m.	5.41	20.0	Bear
Deep Buoy	9/4/96	5:00 p.m.	5.49	18.0	Bear
Deep Buoy	9/19/96	10:45 p.m.	5.46	14.0	Bear
Deep Buoy	10/10/96	11:00 p.m.	5.49	12.0	Bear
Deep Buoy	10/27/96	3:00 p.m.	5.49	6.0	Bear

In 1995, the Rogers Lake Association began a program to monitor annually the fecal coliform content in Rogers Lake at Deep Buoy and at a heavily populated shore area. The tests in August 1995 and September 1996 showed less than 1 organism per 100 milliliters at both sites.

Wetlands

Along the southwest end of the lake is a large marshy area, home to many of the lake's bird and waterfowl residents. Along much of the south shore are inlet streams and springs, emerging both above ground along the shore and under water close to shore (approximately 10 feet from shore). And along that south shore there is also another smaller marshy area where the main inlet stream enters the lake; this stream is the grayling (and now cutthroat) spawning stream, maintained by the Fish, Wildlife and Parks.

Rachel Potter visited Rogers Lake with FWP Biologist Gail Bissell on August 13, 1996 to do an inventory of the wetlands. The lake was reported to be 1 - 2 feet higher than normal at this time of the year. At the north side of the lake near the public access they reported the lakeshore to be heavily grazed with creeping silverwood and small yellow water-buttercup growing along the edges. An organic layer of material was reported in the water; however, there was not enough buildup to be considered a peatland. They reported no rare or sensitive plants although they did not conduct an extensive survey. They visited the main marsh area on the southwest side of the lake.

All shallow areas (<1 m deep) of the marsh observed were *Carex rostrata* habitat type, both *Carex rostrata* (beaked sedge) and *Carex Aquatilis* phase (sitka sedge). Other species present in this habitat type included slender sedge, common spike rush, common mare's tail, wiregrass, tuberous rush, field mint, purple dragonhead, little bladderwort, common bladderwort, water smart weed, stiff-leaved water buttercup, and marsh cinquefoil. Deeper parts of the marsh bordering open water of channels and main part of the lake are hardstem bulrush (*Scirpus acutus*) major habitat type, with areas of common cattail as a minor habitat type. Little and common bladderwort, ribbon-leaf pondweed, and eel grass pondweed are present among the hardstem bulrush. The cattails create floating mats that also have marsh cinquefoil, smooth-stem sedge, and bedstraw growing out of them. Yellow water lily is in deeper water. Shrubs growing out over the lake on the south shore include sitka alder, water birch, red osier dogwood and willow.

The ideal solution to guarding these areas of wetlands, streams and springs from degradation would be to manage them as wetlands, perhaps by obtaining some kind of conservation protection status, rather than trying to work around the dangers of water contamination and wildlife habitat destruction in developing housing there. If this is not possible, then great care must be taken to plan and guide any development in these areas. Before such development can be undertaken, the stream and spring sources and flows will have to be traced and mapped. These maps should then be used as a guide to careful placement of homes and septic systems in a way that will prevent contamination of the wetland areas and of the water that feeds the lake. Some means of enforcing the restrictions dictated by these considerations will have to be put in place.

Why a Plan

The Rogers Lake neighborhood lies within the jurisdiction of the Flathead County Commissioners with the Flathead County Planning Board serving in an advisory capacity. The Rogers Lake Neighborhood is covered by the by the Flathead County Master Plan, but the County Plan is very general in nature and does not provide specific or detailed guidance needed at the neighborhood level. The only land use regulations that now exist in relation to development are County and State sanitation regulations, State electric permits and the County Lakeshore Protection Program. These regulations have their specific purpose but do not give comprehensive direction to the future development of the Rogers Lake area. The pace of development and the number of year-round residents has been accelerating over the last 10 years and many of the land owners and lessees in the area have expressed a strong desire to see a local effort to protect the amenities and preserve the character of this neighborhood. In 1993 a written poll was taken of the land owners and lessees in the neighborhood on whether they wanted to work toward putting zoning regulations into effect for the Rogers Lake area. A questionnaire was sent to 75 household and businesses (all those who were on record as owning or leasing land in the neighborhood). Of the 26 who responded, 24 expressed a preference for some type of zoning regulations. This neighborhood plan is an attempt to encompass the concerns and aims of the members of the Rogers Lake neighborhood, and thereby to provide specific guidance as to how such regulations should be crafted. *The plan and the regulations address only the use of the lands within the vicinity of Rogers Lake and are not intended to address the recreational use of Rogers Lake, itself.*

Concerns and Issues

The foremost aim of the Rogers Lake neighborhood plan is to preserve the special character of Rogers Lake and its surrounding area, as well as the quality of life and recreational experience it still provides, for ourselves, for the wider community of recreational users of this lake, and for those who will live here and visit here after us. In particular, we are concerned about:

- a. Protecting and preserving wildlife and wildlife habitat in and around the lake.
- b. Maintaining the high quality of water in the lake.
- c. Continuing and expanding water quality monitoring begun in 1994 by the Flathead Basin Commission.
- d. Protecting the character and natural values of the lakeshore and surrounding area.
- e. Protecting and preserving the quiet, rural lifestyle currently enjoyed by the residents of the neighborhood.
- f. Acknowledging limitations on land use and development due to the current lack of urban scale services in the area (fire department, sheriff's department, public sewer and water, unpaved roads).
- g. Limiting the cost of increased "urban" services.
- h. Protecting and encouraging the historic land uses in the area such as forest management and grazing.
- i. Providing for home-based businesses.
- j. Prohibiting the intrusion of commercial development.

To this end we would like to fashion a neighborhood plan that will maintain the Rogers Lake neighborhood as a low density, single-family dwelling, non-commercial neighborhood. Neighborhood goals to be accomplished by the plan include:

Goals

1. Placement of density limitations on future development in the neighborhood.
Currently the typical ownership on the lake is roughly 150 to 200 lakeshore feet, with some ownerships being considerably larger (up to 800 lakeshore feet). Most privately-owned property off shore runs from 5 to 20 acres. These traditional densities should set the parameters for further development. Care should be taken that provisions in the zoning regulations that allow for clustering cannot be used to circumvent the planned limitations on lakeshore development.

2. Identify and protect specific areas of wetlands around the lake and the sources of water into the lake.
3. Prohibit the development of commercial establishments on or in the neighborhood of the lake, or the development of facilities (such as marinas, recreational equipment rental, recreational vehicle parks or campgrounds, and public concessions) that would promote high-impact use of the lake, the lakeshore or the surrounding region.
4. Allow for home-based businesses such as bed and breakfast, guest ranches, and home offices.
5. Provide for grandfathering all existing uses in the neighborhood.

Conclusion

Rogers Lake is the center of the Rogers Lake neighborhood. It's fishery, wildlife, natural beauty, and serenity are the primary reasons why residents have chosen to live here and why recreational users come here. But the lake is small. The wetlands and forested area around the lake are intact but vulnerable. Growing residential development on and in the neighborhood of the lake poses a threat to this fragile ecosystem. The residents take the overriding goal of developing and implementing a neighborhood plan in the area to be the preservation of the lake and its surrounding area in the healthy, natural state it now enjoys. To that end, we would like to see careful control of future residential development, as outlined above. Other, more invasive types of development threaten not only the ecosystem but also the quality and character of the residential neighborhood that has emerged in the last 20 years. It is in order to preserve this quality and character, that we propose in the future only single-family, residential development be allowed.

Adoption

The impetus behind developing the Rogers 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 Rogers 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.

Local Land Use Advisory Committee

A citizens advisory committee should be appointed by the County Commissioners to serve as the neighborhood voice of the Rogers Lake Area in all affairs that affect this Neighborhood Plan. A committee comprised of five individuals is suggested with broad based membership including a representative from each of the following areas: the Corporate timber owners, the Department of Natural Resources and Conservation, State lease holders, private lake front owners and private off-lake owners. The committee would be advisory to the Flathead County Planning Board and the County Commissioners and would adopt by-laws to operate by. The bylaws shall be approved by both the neighborhood and County Commissioners.

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 and requires local input, at least one public hearing before the County Planning Board followed by County Commissioners' final consideration.

ROGERS LAKE DEVELOPMENT CODE

INTENT:

THIS DEVELOPMENT CODE IS DESIGNED TO IMPLEMENT THE ROGERS LAKE NEIGHBORHOOD PLAN BY PROTECTING THE QUALITY, CHARACTER AND OPENNESS OF ROGERS LAKE AND THE SURROUNDING NEIGHBORHOOD AND BY PROVIDING GUIDANCE FOR FUTURE DEVELOPMENT.

A. PERMITTED USES:

Principal Use:

Agriculture/Silviculture as provided for in M.C.A. 76-2-209
Class A and B Manufactured Home
Single-Family Residence
Temporary Recreational Vehicle or Camping

Accessory Use:

Any of the following uses may be permitted on a tract of record in association with a principal use on the tract or group of contiguous tracts under a single ownership:

Agriculture/Silviculture as provided for in M.C.A. 76-2-209
Guest house or caretaker's facility
Home Occupation
Private garages, sheds, greenhouses, swimming pools and tennis courts, etc.
Public utility service installations
Temporary Recreational Vehicle or Camping

B. CONDITIONAL USES:

Bed and Breakfast, maximum of four (4) rooms for rent
Small Guest Ranches
Homeowners park
Publicly owned parks and recreational facilities

C. BULK AND DIMENSIONAL REQUIREMENTS

1. Minimum Lot Size: 1 acre
2. Maximum Density:
 - a. Lakefront lots: 1 lot/residence per 5 acres.
 - b. View lots: 1 lot/residence per 10 acres.
1 lot/residence per 20 acres in Section 31, T.23N., R.27W.

3. Average Lakeshore Frontage: Lakefront lots shall have an average lake frontage of 200 feet per lot as measured at the average high water line.
4. Minimum Lakeshore Frontage: Lakefront lots shall have a minimum lake frontage of 100 feet measured at the average high water line.
5. Maximum Height: 30 feet (Agricultural buildings exempt)
6. Setback Requirements:
 - Front: 20 feet
 - Side: 10 feet
 - Side Corner: 20 feet
 - Rear: 20 feet
 - Lake: 50-foot setback landward of the average highwater line
 - Stream : 50 foot setback measured landward of the average highwater line for all structures. Other activities shall comply with Montana Streamside Management Zone Requirements.
7. A reasonable variance shall be granted to allow construction or replacement of a structure on a lot that existed at the time this development code was adopted which cannot meet the setbacks. When an existing structure is rebuilt or replaced, the new structure shall be constructed no closer than the existing structure to the lake or other property lines.

D. OPEN SPACE REQUIREMENTS FOR LAKEFRONT LOT DEVELOPMENT:

1. Whenever a developer proposes new lakefront lots, at least 50% of a project development site shall be maintained in permanent open space. The amount of lake frontage that shall be incorporated into the open space design and layout shall be determined using Table 1.
2. This open space shall be held in common ownership by the homeowners association. The placement of the open space buffer is intended to provide a natural undeveloped shoreline and further good site design. Where possible, such buffers shall be located in combination with an adjoining buffer for the purpose of creating substantial natural areas.

Table 1. Open Lake Frontage to be Incorporated into Open Space Design and Layout.

Lake Frontage of Lot	Amount of Permanent Open Space Lake Frontage per Lot with the Lake Frontage Indicated
200 feet or more	0 feet
180 feet - 199 feet	10 feet
160 feet - 179 feet	30 feet
140 feet - 159 feet	40 feet
100 feet - 139 feet	50 feet

E. HOMEOWNER PARK DESIGN STANDARDS:

1. Homeowners parks shall be designed and developed to serve only those properties within an adjoining development. They shall not serve properties outside of the Rogers 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. Rest room facilities approved by the Flathead City-County Health Department are required to serve each homeowners park.
4. A common dock is permitted.
5. All types of boat storage including shore stations, boat houses and the open parking of boats over night either at a dock or on land is prohibited.
6. Homeowners parks with lake frontage shall be sized as follows:
 - a. Minimum depth: 175 feet or equal with the adjacent side lot lines whichever is greater but not to exceed 350 feet.
 - b. Minimum amount of lake frontage: 250 feet or 25 feet for every housing unit in the subdivision accessing the park whichever is greater.
7. All development in the lake, on the lakeshore or 20 feet landward of the average high water line of Rogers Lake shall comply with the Flathead County Lakeshore Protection Regulations.

F. 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 Rogers Lake Land Use Advisory Committee, as provided for in the Rogers 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 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
 - c. address any unforeseen issues or circumstances not originally or adequately addressed by the plan and regulations.

4. The special annual and bi-annual reviews shall not preclude the convening of a special review where need warrants or for action on a specific amendment during the interim periods.

G. RELATIONSHIP OF THESE REGULATIONS TO OTHER REGULATIONS IN THE COUNTY

The Rogers 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, 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.

DEFINITIONS:

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 meals to overnight patrons.

CARETAKER'S FACILITY: 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. Only one (1) caretaker's residence is permitted per tract.

CONDITIONAL USE: A use which may be permitted in one or more districts as defined in these regulations but which, because of size, technological processes or equipment, or because of the exact location with reference to surroundings, streets and existing improvements, or demands upon public facilities, requires a special degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same district or districts. Conditional uses do not include uses that are special exceptions or that require the issuance of a variance.

CONDITIONAL USE PERMIT: The documented evidence of authority granted by the Board of Adjustment to locate a conditional use at a particular location.

GUEST HOUSE: A detached structure being an accessory to a single family dwelling with not more than two (2) bedrooms and which shall be used and/or designed for use by guests on a non-commercial basis where no compensation is received. Only one (1) guest house is permitted per tract of record.

GUEST RANCH: A centrally managed facility which provides full service lodging, dining, or cooking facilities, and onsite recreational activities for overnight guests or members. A ranch resort shall include an organized program of activities such as hunting, fishing, nature study, arts, Nordic skiing, snowmobiling, boating, rafting, horseback riding, hiking, and pack trips. A guest ranch may also include corporate or religious retreats or conference facilities. Activities shall be provided on-site to the extent possible. Adjacent public lands and waterways may be used to supplement onsite activities if proper licenses and permits are obtained. Guest lodging within a ranch resort shall not be used for long-term residency beyond three (3) months. Hotels and motels are not considered guest ranches. All ranches providing guest services shall contain or have a use agreement for at least one hundred and sixty (160) acres.

HOME OCCUPATION: Any use carried on by the occupants of the property and up to one non-resident employee which use is clearly incidental and secondary to the residential use of the property and does not change the character of the dwelling or the neighborhood.

HOMEOWNERS PARK: A park which has been dedicated as part of a subdivision for the exclusive use by the property owners within that development, and is maintained through private funds provided from annual fees paid to the homeowners association.

LAKEFRONT LOT: A lot which has deeded direct access to the lakeshore or a lot which does not have deeded access to the lakeshore but which lies within 100 feet of the average highwater line of a lake.

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 following standards:
 - a. Constructed after June 15, 1976, and certified as meeting the mobile home construction safety standards of the Department of Housing and Urban Development.
 - b. At least twenty (20.0) feet wide at the narrowest point.
 - c. A roof pitch of not less than a three (3) foot rise for each 12 feet of horizontal run (3:12) and shall be constructed of conventional roofing material. A free standing canopy pitch roof is qualified as meeting these standards.
 - d. Use of siding material which has the appearance of wood, masonry or vinyl, or other type of conventional siding material.
 - e. Has perimeter skirting which has the appearance of wood, masonry, delta rib colored steel or other type of conventional foundation material. Manufactured homes must be set to manufacturer's specifications as outlined in the set-up and installation manual or placed on a properly engineered foundation which is in compliance with state and local building regulations.
 - f. Hitch or tongue of manufactured home shall be removed.

2. **Class B Manufactured Home:** Also known as a "single-wide" manufactured home and shall meet all the Class A criteria listed above except that it shall be at least thirteen (13) feet wide at its narrowest point.

PERMANENT OPEN SPACE: A lot, tract or portion thereof maintained in a permanent undeveloped state and managed accordingly. As such, it would preclude vehicle parking, storage of equipment or refuse and the placement of buildings or other structures.

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.

SINGLE FAMILY RESIDENCE: One or more rooms designed for or occupied by one family for living or sleeping purposes with stays of 30 days or longer. A single family residence must contain a kitchen and bathroom facilities for use solely by one family. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit.

VIEW LOT: A lot which does not have deeded direct access to the lakeshore and which lies landward of the average highwater line of a lake. A view lot may have access to the lakeshore via an approved homeowners park.

ROGERS LAKE NEIGHBORHOOD LAND DEVELOPMENT CODE

Excepted from the Flathead County Zoning Regulations

Rogers Lake Zoning Classifications
Resolution No. 955AF
Adopted May 27, 1997

Section 3.37 RL ROGERS LAKE

3.37.010 Definition

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

3.37.020 Permitted Primary Uses.

1. Agriculture/Silviculture as provided for in M.C.A. 76-2-209
2. Class A and B Manufactured Home
3. Single-Family Residence
4. Temporary Recreational Vehicle or Camping

3.37.030 Permitted Accessory Uses.

Any of the following uses may be permitted on a tract of record in association with a principal use on the tract or group of contiguous tracts under a single ownership:

1. Agriculture/Silviculture as provided for in M.C.A. 76-2-209
2. Guest house or caretaker's facility
3. Home Occupation
4. Private garages, sheds, greenhouses, swimming pools and tennis courts, etc.
5. Public utility service installations
6. Temporary Recreational Vehicle or Camping

3.37.040 Conditional Uses.

1. Bed and Breakfast, maximum of four (4) rooms for rent
2. Small Guest Ranches
3. Homeowners park
4. Publicly owned parks and recreational facilities

3.37.050 Bulk and Dimensional Requirements

1. Minimum Lot Size: 1 acre
2. Maximum Density:
 - a. Lakefront lots: 1 lot/residence per 5 acres.
 - b. View lots: 1 lot/residence per 10 acres.
1 lot/residence per 20 acres in Section 31, T.23N., R.27W.
3. Average Lakeshore Frontage: Lakefront lots shall have an average lake

frontage of 200 feet per lot as measured at the average high water line.

4. Minimum Lakeshore Frontage: Lakefront lots shall have a minimum lake frontage of 100 feet measured at the average high water line.
5. Maximum Height: 30 feet (Agricultural buildings exempt)
6. Setback Requirements:
 - Front: 20 feet
 - Side: 10 feet
 - Side Corner: 20 feet
 - Rear: 20 feet
 - Lake: 50-foot setback landward of the average highwater line
 - Stream : 50 foot setback measured landward of the average highwater line for all structures. Other activities shall comply with Montana Streamside Management Zone Requirements.
7. A reasonable variance shall be granted to allow construction or replacement of a structure on a lot that existed at the time this development code was adopted which cannot meet the setbacks. When an existing structure is rebuilt or replaced, the new structure shall be constructed no closer than the existing structure to the lake or other property lines.

3.37.060

Open Space Requirements for Lakefront Lot Development:

1. Whenever a developer proposes new lakefront lots, at least 50% of a project development site shall be maintained in permanent open space. The amount of lake frontage that shall be incorporated into the open space design and layout shall be determined using Table 1.

This open space shall be held in common ownership by the homeowners association. The placement of the open space buffer is intended to provide a natural undeveloped shoreline and further good site design. Where possible, such buffers shall be located in combination with an adjoining buffer for the purpose of creating substantial natural areas.

Table 1. Open Lake Frontage to be Incorporated into Open Space Design and Layout.

Lake Frontage of Lot	Amount of Permanent Open Space Lake Frontage per Lot with the Lake Frontage Indicated
200 feet or more	0 feet
180 feet - 199 feet	10 feet
160 feet - 179 feet	30 feet
140 feet - 159 feet	40 feet
100 feet - 139 feet	50 feet

3.37.070 Homeowner Park Design Standards:

1. Homeowners parks shall be designed and developed to serve only those properties within an adjoining development. They shall not serve properties outside of the Rogers 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. Rest room facilities approved by the Flathead City-County Health Department are required to serve each homeowners park.
4. A common dock is permitted.
5. All types of boat storage including shore stations, boat houses and the open parking of boats over night either at a dock or on land is prohibited.
6. Homeowners parks with lake frontage shall be sized as follows:
 - a. Minimum depth: 175 feet or equal with the adjacent side lot lines whichever is greater but not to exceed 350 feet.
 - b. Minimum amount of lake frontage: 250 feet or 25 feet for every housing unit in the subdivision accessing the park whichever is greater.
7. All development in the lake, on the lakeshore or 20 feet landward of the average high water line of Rogers Lake shall comply with the Flathead County Lakeshore Protection Regulations.

3.37.080 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 Rogers Lake Land Use Advisory Committee, as provided for in the Rogers 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 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
 - c. address any unforeseen issues or circumstances not originally or adequately addressed by the 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.

3.37.090

Relationship of These Regulations to Other Regulations in the County

The Rogers 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, 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.