

**SECTION 3.40 NORTH FORK**

**3.40.010 Purpose**

In July 1987, the Flathead County Board of Commissioners created the North Fork Land Use Advisory Committee (NFLUAC). Its stated purpose is to formally provide a mechanism for all landowners and residents of the North Fork Zoning District to enhance the resource value of the North Fork River drainage and to allow active participation in shaping and guiding the future of the area. The NFLUAC is advisory to the Flathead County Planning Board, Flathead County Board of Adjustment, and the County Commissioners. The NFLUAC is responsible for reviewing all applications for Conditional Use Permits, Variances, and Amendments to these regulations, as well as major and minor subdivision applications.

The North Fork zoning regulations are designed to facilitate implementation of The North Fork Neighborhood Plan (NFNHP) adopted in 2008 and incorporated by reference in the Flathead County Growth Policy. The goal is to provide guidance for future development, which protects the unique qualities and character of the North Fork Zoning District. This is particularly challenging in the North Fork, the most rural district in Flathead County, because the entire North Fork Zoning District is “off the grid,” having no municipal water, power, or other utilities including telephones, no cell service, no fire, police or healthcare services and no officially zoned land use areas (e.g., residential, business, commercial). Also, it is home to a wide variety of wildlife such as elk, moose and deer as well as apex predators such as grizzly and black bears, mountain lions, wolves, Canadian lynx and wolverines. These zoning regulations define permitted and conditional uses designed to safeguard public health and safety as well as the unique rural character of the North Fork Zoning District.

**3.40.020 Permitted Uses**

1. Agriculture/Timber Operation
2. Bed and Breakfast
3. Church
4. Community Center Building
5. Community Residential Facility, Class One
6. Dwelling, Single-Family (Includes Accessory Structures per Section 5.01.020(1) Flathead County Zoning Regulations.)
7. Guest Accommodation
8. Home Occupation - Permitted Use
9. Public School
10. Public Utilities
11. Rental Accommodations– Permitted Use
12. United States Post Office

**3.40.030 Conditional Uses**

1. Camp or Retreat Center
2. Cellular Communications Tower
3. Coin Operated Laundry
4. Convenience Store/Souvenir Shop
5. Gravel Extraction
6. Guest Ranch
7. Home Occupation - Conditional Use

8. Hostel
9. Private School
10. Public Showers
11. Rental Accommodations – Conditional Use
12. Restaurant/Tavern
13. Work Camp

3.40.40 Development Standards

1. Minimum lot size: No lot or tract smaller than 20 acres can be created.
2. Setbacks of new buildings from public roadways and waterways:
  - A. River, stream, or lake (lakes over 20 ac.):
    - (1) 150 ft. from high water line
  - B. North Fork Road:
    - (1) 150 ft. from R/W line
  - C. Other public roads:
    - (1) 100 ft. from R/W line
3. Variance: Eligibility for and consideration of variances is subject to FCZR Section 2.05.
4. On-site signs: There are no restrictions on signs advertising a business or activity on the property it is located.
5. Off-site signs: Signs which advertise anything not on the property they are located (billboards, etc.) are prohibited except that directional signs (signs which state the name of the business and/or use with directional information and being a maximum size of 4 square feet, located on private property) are allowed.
6. Non-conforming (grandfathered) uses are subject to the provisions of FCZR Section 2.07 Non-Conforming Uses.

3.40.050 Performance Standards

All performance standards are shown below, starting with “overall performance standards for conditional uses” which is then followed by specific performance standards for individual permitted and conditional uses.

1. OVERALL PERFORMANCE STANDARDS FOR CONDITIONAL USES

These performance standards are designed to promote public safety, public health and general welfare and are applicable to all Conditional Uses in this Zoning District.

- A. Wildfire: The Flathead County Community Wildfire Protection Plan designates a Wildland Urban Interface across the North Fork Zoning District in recognition of the area’s elevated wildfire risk. Landowners must follow the recommendations of Flathead County Community Wildfire Protection Plan (CWPP 2021) as follows: 1) Create and maintain Home Ignition Zone (HIZ) for all buildings; and 2) Private roads and driveways on landowner’s property must be thinned to a minimum of 10 foot tree crown spacing and to a minimum of 50 feet from both edges of the road to allow access for emergency responders and escape for residents.
- B. Wildlife Attractants and Conflicts: The North Fork Zoning District is home to numerous wildlife species including predators (grizzly bears, black bears, mountain lions, wolves and Canadian lynx). To mitigate the potential for increased wildlife conflicts that threaten health and safety, all food, trash, and other attractants must be stored and secured in a manner that minimizes the

potential for wildlife conflicts. Examples of secured storage include the use of bear proof: fences, containers, and/or buildings.

- C. Water Supply: The North Fork has no municipal water supply. Potable water is supplied by wells or surface water. Water supply must be adequate to serve the needs of the proposed use (FCZR 2.06.080 2 (C). The water supply must also meet Montana DNRC, DEQ, and MCA Title 85 Chapter 20 (Water Compacts) “beneficial water use” permitting requirements.
- D. Performance standards included in FCZR Section 2.06.080 (Criteria required for a conditional use permit) must be met, and, specific to “noise or vibration” (D(2)), generators must be muffled.

## 2. AGRICULTURE/TIMBER OPERATION

- A. Wildlife Attractants and Conflicts: The North Fork Zoning District is home to numerous wildlife species including predators (grizzly bears, black bears, mountain lions, wolves and Canadian lynx). Agricultural operations involving animal husbandry must mitigate the potential for increased wildlife conflicts that threaten health and safety. For example, all food, feed, trash, and other attractants must be stored securely. Examples of secured storage include the use of bear proof: fences, containers, and/or buildings. Animals (e.g. chickens, horses, bees, etc.) must be adequately fenced and/or sheltered to prevent wildlife conflict.

## 3. CAMP AND RETREAT CENTER

- A. Lot size: A camp and retreat center is a higher density use, which brings together larger numbers of visitors unfamiliar with off the grid living in grizzly country. There are increased risks to public health and safety associated with food and garbage collection and storage, wildlife conflicts, and increased fire danger. A minimum lot size of 20 acres is required to:
  - (1) maintain defensible space standards, the required clearance area around a structure where combustible vegetation has been removed to minimize the risk of structural fires, without encroaching on neighbor’s property as per recommendations of the Flathead County Wildfire Protection Plan (CWPP 2021) as follows: 1) Create and maintain Home Ignition Zone for all buildings and 2) Private roads and driveways on landowner’s property must be thinned to a minimum of 10 foot tree crown spacing and to a minimum of 50 feet from both edges of the road to allow access for emergency responders and escape for residents.
  - (2) allow for secondary access (depending on site plan) to accommodate fire-fighting vehicles. (Flathead County CWPP).
  - (3) create a buffer zone to protect the health and safety of surrounding residences due to increased health and safety risks associated with food and garbage storage and disposal.
  - (4) maintain consistency with the North Fork Neighborhood Plan (Policy 2.3), and the Flathead Growth Policy. In particular, the Flathead County Growth Policy emphasizes the importance of community character-based land use systems to preserve rural character and states that “A fundamental objective of this type of system is to preserve the character of an area and enhance it where possible, to allow development but to assure that development is consistent with character.” (See pages 168,184) It defines “rural” as characterized by low densities and large tracts of land (defined as a maximum of one dwelling unit per forty acres or one per twenty acres for large and medium tracts respectively).
- B. Wildlife Conflict: Must provide a Wildlife Conflict Prevention Plan that has been reviewed by FWP for their comments and recommended by the NFLUAC

for approval by the Flathead County Board of Adjustment. Failure to comply with the accepted plan may result in loss of the conditional use permit.

- C. Overnight Accommodations: Overnight accommodations are limited to Camp and Retreat Center customers only. They shall not be open to the general public as a separate and different use..
- D. Water Supply: In addition, to the overall performance standards for conditional uses, “Operation of the on-site water supply must comply with Food and Consumer Safety Circular 1-2012-Standards for Nonpublic Water Supplies Serving Licensed Establishments.” Prior to operation of the camp and retreat center, the property owner will be required to obtain all necessary permitting from Environmental Health and DEQ
- E. Septic System: Human waste must be discharged to a human waste disposal system approved by the Flathead City-County Health Department. The Camp and Retreat Center design and occupation density must be consistent with its septic system permit.
- F. Access: Use of private shared roads must not increase health and safety risk to residents. Private roads and driveways on landowner’s property must be thinned to a minimum of 10 feet between tree crowns and to a minimum of 50 feet from both edges of the road to allow access for emergency responders and escape for residents as per Community Wildfire Protection Plan (CWPP 2021). Dead-end roads are required to terminate with a cul-de-sac or hammerhead turn-around to allow for emergency vehicle turn-around (Flathead County Subdivision Regulations 4.7.16).
- G. Parking: Must meet parking requirements pursuant to FCZR Section 6.03.030.
- H. Hours of Operation: Quiet hours shall be maintained between 10:00 pm and 6:00am
- I. Lighting: All exterior lighting is required to comply with the lighting performance standards set forth in Section 5.12 FZCR.

#### 4. CONVENIENCE STORE/SOUVENIR SHOP

- A. Generators: Generators must be muffled.
- B. Location: The location and operation of a convenience store/souvenir shop may not interfere with the comfortable enjoyment of life or property of neighbors so as to be considered a nuisance (MCA 27-30-101 (1)).
- C. Parking: Parking space shall be provided as per FCZR 6.01.010 and 6.09.010
- D. Access: Use of private shared roads must not increase health and safety risk to residents. Private roads and driveways on landowner’s property must be thinned to a minimum of 10 foot tree crown spacing and to a minimum of 50 feet from both edges of the road to allow access for emergency responders and escape for residents as per Community Wildfire Protection Plan (CWPP). Dead-end roads are required to terminate with a cul-de-sac or hammerhead turn-around to allow for emergency vehicle turn-around (Flathead County Subdivision Regulations 4.7.16).

#### 5. GRAVEL EXTRACTION

- A. This operation is limited to extraction of gravel; Asphalt and concrete batch plant operations are prohibited
- B. Lot Size: Flathead County regulations require extractive industries in the North Fork Zoning District be of a “small scale,” which is further defined here as limited to 5 acres and 20,000 tons per year, as per the Transboundary Memorandum of Understanding with British Columbia.
- C. Hours: Hours of operation shall be limited to 7:00 AM to 7:00 PM, Monday through Friday.

- D. Location: The location and operation of a gravel pit may not interfere with the comfortable enjoyment of life or property of neighbors so as to be considered a nuisance (MCA 27-30-101 (1)).
- E. Parking: All parking areas for employee vehicles and company vehicles shall be provided onsite, or at the site of the existing permitted pit on the same tract of land.
- F. Dust: Dust abatement shall be performed on the site and interior access roads to limit any impacts to surrounding properties and general air quality.
- G. Noise: The applicant shall employ all available means to minimize noise and other nuisances generated by operations.
- H. Wildfire: Due to fire hazard and environmental quality concerns, the applicant shall not store unleaded gas, diesel fuel, or any hazardous materials onsite
- I. Access: Use of private shared roads must not increase health and safety risk to residents. Private roads and driveways on landowner's property must be thinned to a minimum of 10 foot tree crown spacing and to a minimum of 50 feet from both edges of the road to allow access for emergency responders and escape for residents as per Community Wildfire Protection Plan (CWPP 2021). Dead-end roads are required to terminate with a cul-de-sac or hammerhead turn-around to allow for emergency vehicle turn-around (Flathead County Subdivision Regulations 4.7.16). Access onto a County Road must comply with FCZR access requirements (6.16.020 4).
- J. Plan of Operations: Shall be signed and approved by the owner or operator and the Montana Department of Environmental Quality with a copy submitted to Flathead County Planning and Zoning within five working days of receipt.

## 6. HOME OCCUPATION

- A. Those of FCZR 5.06.010 and 5.06.020(1)A-G
- B. Wildlife Attractants and Conflicts: The North Fork Zoning District is home to numerous wildlife species including predators (grizzly bears, black bears, mountain lions, wolves and Canadian lynx). All food, trash, and other attractants must be stored and secured in a manner that minimizes the potential for wildlife conflicts. Examples of secured storage include the use of bear proof: fences, containers, and/or buildings.

## 7. HOSTEL

- A. Lot size: A Hostel is a higher density use, which brings together larger numbers of visitors unfamiliar with off the grid living in grizzly country. There are increased risks to public health and safety associated with food and garbage collection and storage, wildlife conflicts, and increased fire danger. A minimum lot size of 20 acres is required to:
  - (1) maintain defensible space standards, the required clearance area around a structure where combustible vegetation has been removed to minimize the risk of structural fires, without encroaching on neighbor's property as per recommendations of the Flathead County Wildfire Protection Plan (CWPP 2021) as follows: 1) Create and maintain Home Ignition Zone for all buildings; and 2) Private roads and driveways on landowner's property must be thinned to a minimum of 10 foot tree crown spacing and to a minimum of 50 feet from both edges of the road to allow access for emergency responders and escape for residents.
  - (2) allow for secondary access (depending on site plan) to accommodate fire-fighting vehicles. (Flathead County CWPP).
  - (3) create a buffer zone to protect the health and safety of surrounding residences due to increased health and safety risks associated with food and garbage storage and disposal.

- (4) maintain consistency with the North Fork Neighborhood Plan (Policy 2.3), and the Flathead Growth Policy. In particular, the Flathead County Growth Policy emphasizes the importance of community character-based land use systems to preserve rural character and states that “A fundamental objective of this type of system is to preserve the character of an area and enhance it where possible, to allow development but to assure that development is consistent with character.” (See pages 168,184) It defines “rural” as characterized by low densities and large tracts of land (defined as a maximum of one dwelling unit per forty acres or one per twenty acres for large and medium tracts respectively).
- B. Wildlife Conflict: Must provide a Wildlife Conflict Prevention Plan that has been reviewed by FWP for their comments and recommended by the NFLUAC for approval by the Flathead County Board of Adjustment. Failure to comply with the accepted plan may result in loss of the conditional use permit.
- C. Water Supply: In addition, to the overall conditional use performance standards, “Operation of the on-site water supply must comply with Food and Consumer Safety Circular 1-2012-Standards for Nonpublic Water Supplies Serving Licensed Establishments.” Prior to operation of the hostel, the property owner will be required to obtain all necessary permitting from Environmental Health and DEQ.
- D. Septic System: Human waste must be discharged to a human waste disposal system approved by the Flathead City-County Health Department and the Hostel design and accommodation density must be consistent with its septic system permit
- E. Parking: Must meet parking requirements pursuant to FCZR Section 6.03.030.
- F. Access: Use of private shared roads must not increase health and safety risk to residents. Private roads and driveways on landowner’s property must be thinned to a minimum of 10 feet between tree crowns and to a minimum of 50 feet from both edges of the road to allow access for emergency responders and escape for residents as per Community Wildfire Protection Plan (CWPP 2021). Dead-end roads are required to terminate with a cul-de-sac or hammerhead turn-around to allow for emergency vehicle turn-around (Flathead County Subdivision Regulations 4.7.16).
- G. Hours of Operation: Quiet hours shall be maintained between 10:00 pm and 6:00 am.
- H. Lighting: All exterior lighting is required to comply with the lighting performance standards set forth in FCZR Section 5.12.

#### 8. RENTAL ACCOMMODATIONS –PERMITTED USE

- A. Density: Maximum density for Rental Accommodations is one rental accommodation for each five acres of contiguous property owned or contiguous property utilized for the same or a related business. However, for single tracts of record that are less than 5.0 acres, one Rental Accommodation is allowed, provided there is no contiguous ownership or contiguous shared use of adjoining parcels.
- B. Maximum Rental Accommodations as a Permitted Use: The maximum number of allowable Rental Accommodations as a permitted use is four (4). A conditional use permit is required for five or more Rental Accommodations.
- C. A deed restriction shall be placed on qualifying property by landowners when two or more rental cabins are built and placed in service. The purpose of the deed restriction is to inform future owners of the property of the rental cabin density allocation that has been used or to provide an additional mechanism to ensure compliance with the rental cabin density in the event of subdivision of the parent tract.

- D. Wildlife Attractants and Conflicts: The North Fork Zoning District is home to numerous wildlife species including predators (grizzly bears, black bears, mountain lions, wolves and Canadian lynx). All food, trash, and other attractants must be stored and secured in a manner that minimizes the potential for wildlife conflicts. Examples of secured storage include the use of bear proof: fences, containers, and/or buildings,

#### 9. RENTAL ACCOMMODATIONS – CONDITIONAL USE

- A. Performance standards shall include all those for Rental Accommodations - Permitted Use and shall include FCZR 5.11 governing conditional use of short-term rentals.
- B. The rental of any RV or camping space must undergo subdivision review as per Flathead County Subdivision Regulations.
- C. Wildlife Conflict: Must provide a Wildlife Conflict Prevention Plan that has been reviewed by FWP for their comments and recommended by the NFLUAC for approval by the Flathead County Board of Adjustment. Failure to comply with the accepted plan may result in loss of the conditional use permit.

#### 10. RESTAURANT/TAVERN

- A. Must provide a Wildlife Conflict Prevention Plan that has been reviewed by FWP for their comments and recommended by the NFLUAC for approval by the Flathead County Board of Adjustment. Failure to comply with the accepted plan may result in loss of the conditional use permit.
- B. Water: “Operation of the on-site water supply must comply with Food and Consumer Safety Circular 1-2012-Standards for Nonpublic Water Supplies Serving Licensed Establishments.” Prior to operation of the Restaurant/Tavern, the property owner will be required to obtain all necessary permitting from Environmental Health and DEQ.
- C. Septic System: Human waste must be discharged to a human waste disposal system approved by the Flathead City-County Health Department and Rental Accommodations design and accommodation density must be consistent with its septic system permit.
- D. Access: Use of private shared roads must not increase health and safety risk to residents. Private roads and driveways on landowner’s property must be thinned to a minimum of 10 foot tree crown spacing and to a minimum of 50 feet from both edges of the road to allow access for emergency responders and escape for residents as per Community Wildfire Protection Plan (CWPP 2021). Dead-end roads are required to terminate with a cul-de-sac or hammerhead turn-around to allow for emergency vehicle turn-around (Flathead County Subdivision Regulations 4.7.16).
- E. Parking: Restaurant/Tavern must meet parking requirements pursuant to Section 6.07.020 FCZR.
- F. Lighting: All exterior lighting is required to comply with the lighting performance standards set forth in Section 5.12 FCZR.

#### 11. WORK CAMP

- A. Hours: Work Camp quiet hours are from 10:00 pm to 7:00 am when in residential locations.
- B. Conduct: Work Camp operators must ensure that Work Camp operations and employee behaviors do not negatively affect existing neighborhoods and residents.
- C. Must provide a Wildlife Conflict Prevention Plan that has been reviewed by FWP for their comments and recommended by the NFLUAC for approval by the

Flathead County Board of Adjustment. Failure to comply with the accepted plan may result in loss of the conditional use permit.

- D. Lighting: All exterior lighting is required to comply with the lighting performance standards set forth in Section 5.12 FCZR.

3.40.060

## Definitions

The definitions for Uses in these regulations are to be those used in the Flathead County Zoning Regulations, except for Uses that have a specific definition set forth below. The definitions stated below shall only apply to this Zoning District.

### 1. PERMITTED USES

- A. AGRICULTURE/TIMBER OPERATION: The use of land for agricultural purposes including farming, pasturage, grazing land, small-scale animal and poultry husbandry, farmer’s markets, and for raising and harvesting timber. Feedlots and the necessary accessory uses for packing, treating, storing or shipping of products are not permitted.
- B. GUEST ACCOMMODATION: Any owner provided accommodation (including but not limited to a cabin, tent, yurt, or tepee, etc.), which is accessory to a single-family, dwelling and made available, free of charge, for overnight use by owner, family or friends. If a Guest Accommodation is rented for payment in cash, kind, or services (with the exception of household help), it shall be deemed a Rental Accommodation and subject to all performance standards placed upon Rental Accommodations in this Zoning District.
- C. HOME OCCUPATION - PERMITTED USE: Any use conducted entirely within the dwelling (FCZR 8.09.040), accessory buildings or outbuildings and carried on by the landowner, members of the landowner’s immediate family, that has no more than one non-family full time equivalent (FTE) on-site employee, and that is clearly incidental and secondary to the dwelling for dwelling purposes. The FTE employee limitation does not apply to off-site employees.
- D. RENTAL ACCOMMODATIONS – PERMITTED USE: Rental Accommodations include any structure (temporary or permanent) made available by the landowner for overnight accommodation and for which payment is received in cash or in-kind. Rental Accommodations may be permanent or temporary structures (and include, but are not limited to, cabins, tents, walled tents, teepees, yurts, sheep wagons, or any other landowner provided structure) Rental accommodations are a residential use and do not include commercial uses such as motels, lodges, hostels, villas, timeshares, conference centers, corporate retreats, or event venues. Rental Accommodations must be accessory to a single-family dwelling. If the single-family dwelling is rented, it must be accounted for in the rental density performance standard. (The rental of any space must undergo subdivision review as per Flathead County Subdivision Regulations. See Rental Accommodations—Conditional Use below.)

### 2. Definitions - Conditional Uses

- A. CAMP AND RETREAT CENTER: In the North Fork Zoning District, a camp and retreat center is defined as a land use that provides on-site educational, recreational, wellness or leisure activities “characterized by rural settings in a rustic environment.” (FCZR 4.03.010).
- B. COIN OPERATED LAUNDRY: A coin operated laundry is defined as commercial-grade, self-service laundry equipment placed into service in a retail



- space. For purposes of public safety and sanitation, a Coin Operated Laundry must be accessory to an existing business, excluding home occupation businesses.
- C. CONVENIENCE STORE/SOUVENIR SHOP: A type of general retail store that carries a limited range of merchandise oriented to convenience shopping needs gifts and souvenirs.
  - D. GRAVEL EXTRACTION: Gravel Extraction in the North Fork Zoning District is per the definition in FCZR 8.08.025 except as noted in the performance standards in 3.40.050 (6)
  - E. HOME OCCUPATION - CONDITIONAL USE: Any use conducted entirely within the dwelling (FCZR 8.09.040), accessory buildings or outbuildings and carried on by the landowner, members of the landowner's immediate family, that has more than one (1) non-family full time equivalent (FTE) on-site employee, and that is clearly incidental and secondary to the dwelling for dwelling purposes; and/or vehicle traffic exceeds sixteen (16) vehicle trips, but less than thirty-two (32) vehicle trips all day.
  - F. HOSTEL: A hostel is a type of transient lodging facility that offers basic overnight accommodations typified by dormitory-style sleeping quarters, and communal amenities such as shared living, dining, kitchen, and restroom facilities.
  - G. PRIVATE SCHOOL: A nonpublic, academic school that operates in compliance with Montana state law governing private schools.
  - H. PUBLIC SHOWER: A public shower provides bathing facilities to the general public for payment either in cash or in-kind. For purposes of public safety and sanitation, a public shower must be accessory to an existing business, excluding home occupation businesses.
  - I. RENTAL ACCOMMODATIONS – CONDITIONAL USE: The definition for Rental Accommodations - Conditional Use shall be the same as Rental Accommodations - Permitted Use except that a conditional use permit is required for more than four (4) Rental Accommodations per property or for the rental of any space for renter provided accommodations such as tents or RV's (MCA 50-52)
  - J. RESTAURANT/TAVERN: An operation, whether mobile or at a temporary or stationary facility or location, that stores, processes, packages, serves, or vends food or beverages (alcoholic or non-alcoholic) directly to the consumer or otherwise provides food or beverages for human consumption. A Restaurant/Tavern may sell packaged liquor in accordance with an appropriate liquor license. Within the North Fork Zoning District, casinos are not included in the definition of a Restaurant/Tavern.
  - K. WORK CAMP: A parcel of land on which housing is provided by employer(s) for two or more employees of a North Fork business, for the exclusive use of the employees of the employer. Housing may include camping spaces, trailer parking spaces, mobile, modular, or other permanent structures, and includes any associated water supply and distribution system, sewage collection and disposal system, solid waste collection and disposal system.

### 3. Other Definitions

- A. WILDLIFE CONFLICT PREVENTION PLAN: A plan that specifically details how an applicant for a Conditional Use Permit will ensure that their Use will not create a health and safety risk due to wildlife conflicts. At a minimum, the plan should address the specific operating procedures that will be implemented for: 1) food storage, 2) waste storage and disposal, 3) isolation of attractants such as barbeque grills and food handling areas, and 4) education and training of employees, guests and clientele. The plan should identify measures to be employed, as appropriate for the Conditional Use, such as bear proof containers

for food storage and waste, electric fencing, and details of secured storage structures. The Wildlife Conflict Prevention Plan will be recognized as complete after review by FWP (Fish Wildlife and Parks) personnel and recommendation by the NFLUAC for approval by the Flathead County Board of Adjustment.

DRAFT