

**DRAFT TEXT AMENDMENTS  
LAKE AND LAKESHORE PROTECTION REGULATIONS**

**2.6 EXEMPTIONS FROM REGULATIONS**

*E. Aquatic toys*

1. *Do not require a Lakeshore Construction Permit if they:
 
  - a. *Are not permanently anchored or moored, and*
  - b. *Are removed from the lake and stored outside of the Lake and Lakeshore Protection Zone when not in use.**
2. *Toys that are anchored for more than seven (7) consecutive days or exceed 100 sq ft in surface area shall require a permit.*

**3.6 MASTER PLAN**

An applicant who proposes a large or complex project to be completed in phases or who proposes a project ~~which~~ *that* involves multiple ownerships with a unifying theme or bond, such as a homeowner's association, *or large public or private marinas*, and either of which may have an extended or long-term completion date, may request Master Plan approval. The overall project would be approved in detail as per Sections 3.1-3.3 above. However, a negotiated time frame would be imposed, and project participants would only have to show to the administrative officer compliance with the Master Plan Permit. The administrative officer would then issue an administrative permit upon ~~a~~-verification of compliance. Deviation from the approved Master Plan would necessitate a rehearing of the specific request and could result in a rehearing of the entire Master Plan should the deviation be substantial in nature.

**4.2 GENERAL CONSTRUCTION STANDARDS**

**E. IMPERVIOUS COVER (Constructed Area)**

2. Standards
  - d. *Materials with partial permeability—such as slatted or grated decking—are considered partially impervious. Their contribution to impervious surface calculations shall be adjusted based on the percentage of surface area that allows water to pass through.*

**TABLE 1: IMPERVIOUS SURFACE ADJUSTMENT TABLE FOR PARTIALLY IMPERVIOUS MATERIALS**

<i>Material Type</i>	<i>Description</i>	<i>Maximum Impervious Surface Adjustment (%)*</i>	<i>Notes</i>

<i>Grated Decking (≥50% open area)</i>	<i>Metal or wood grates with significant openings</i>	50%	<i>Must be installed over a pervious substrate; openings ≥½ inch</i>
<i>Slatted Wood Decking</i>	<i>Boards spaced with gaps ≥¼ inch</i>	75%	<i>Assumes runoff drains to a pervious area below</i>
<i>Pervious Pavers</i>	<i>Interlocking pavers with permeable joints</i>	25%–50%	<i>Depends on installation and subgrade; engineering review recommended</i>
<p><i>* To determine the partially impervious surface area, multiply the Impervious Surface Adjustment (%) by the total square footage of the proposed material.  Example: A 300 sq. ft. slatted wood deck (75% adjustment) = 225 sq. ft. impervious surface</i></p>			

**H. SETBACK REQUIREMENTS**

2. Standards

<b>TABLE 2: SETBACKS</b>	
<b>LAKESHORE FRONTAGE</b>	<b>MINIMUM SETBACKS (FEET)</b>
Less than 60 ft.	10.0
60 – 75 ft.	12.5
More than 75 ft.	15.0
<i>Ordinary stream high water for streams and springs having a flow less than twenty-five (25) cubic feet per second</i>	25.0
<i>Streams and springs with higher flow volumes</i>	<i>Assessed on an individual basis</i>

~~e. Structures shall be setback a minimum of twenty five (25) feet from ordinary stream high water for streams and springs having a flow less than twenty-five (25) cubic feet per second (cfs). Streams and springs with higher flow volumes will be assessed on an individual basis.~~

d.c. Projects that lack adequate lake frontage to allow for minimum setbacks shall not be allowed.

**I. INVASIVE SPECIES**

1. Policy Considerations

a. Any dock, shore station, buoy, rail system etc. that is purchased used, rather than new from a manufacturer or supply company, must be inspected and disinfected for invasive species, including:

- 1) *Zebra Mussels*
- 2) *Quagga Mussels*
- 3) *Flowering Rush*
- 4) *Eurasian Watermilfoil*
- 5) *Algae (algae can create thick, slimy mats on the lakebed that smother native aquatic plants and invertebrates, alter nutrient balance, and destabilize ecosystems). Types of Algae include: Didymosphenia Geminata Eurasian Algae, and Harmful Algal Bloom forming Cyanobacteria*

## 2. *Standards*

a. *Inspect & Disinfect Out-of-Basin Docks, Buoys, Shore Stations, or Other Structures that may come into contact with the water.*

b. *Cleaning Structures:*

- 1) *Inspect the undersides, joins, and seams, inside float chambers and pipes, chains, bumpers, ladders, and tires.*
- 2) *Use a high-pressure washer if available, scrub brushes for stubborn growth, and avoid cleaning near storm drains or waterways.*
- 3) *Wash the entire structure with a bleach or vinegar solution (do not use them together).*
- 4) *Rinse with hot water at 140°F (60°C) for at least ten (10) minutes*
- 5) *Leave structure to completely dry for at least seven (7) full days in summer temperatures (longer in cooler months). Algae like Didymo and cyanobacteria die when fully dry for extended periods.*

c. *Submit 'Clean Docks Certification' document:*

- 1) *Sign and submit the 'Clean Docks Certification' document to Montana Fish, Wildlife & Parks (MFWP) and schedule an inspection.*

- 2) *Submit a copy to Flathead County Planning & Zoning before putting your structure in the water.*

### 4.3 DESIGN STANDARDS FOR FACILITIES

#### A. DOCKS, WHARFS, PIERS, *AND SWIM PLATFORMS*

##### 2. Standards

##### a. All Facilities

- 1) Only one dock *and one swim platform are* ~~is~~ allowed per waterfront property ownership.
- 3) Where the depth of the water, for a sixty (60) foot dock is less than five (5) feet *within ten (10) feet of the end of the dock, or docks on lakes with varying water levels, or lakes with water levels that, at the MAHW mark, are more than 20 feet from the wrack line*, additional length may be allowed. However, no dock shall exceed 100 feet in length as measured from the MAHW mark to the farthest extension of the dock into the lake. In such cases, these properties, because of the *extremely* shallow conditions of the adjacent lake, are not considered suitable for dock construction.
- 8) All docks shall be open or partially open. Partially open docks shall meet the following standards:

<b>TABLE 3: PARTIALLY OPEN DOCKS STANDARDS</b>	
<b>DOCK LENGTH (FEET)</b>	<b>STANDARD</b>
Less than 20	One or more openings along side wall area as free water area(s).
20 - 75	Two or more openings <del>which</del> <i>that</i> incorporate at least one-half (1/2) of the length of the side wall area as free water area(s).
More than 75	Three or more openings <del>which</del> <i>that</i> incorporate at least one-half (1/2) of the length of the side wall area as free water areas.

##### e. *Additional Standards - Swim Platform*

- 1) *No Portion of any swim platform shall exceed eight (8) feet in width and ten (10) feet in length.*

- 2) *Swim platforms may not be anchored more than sixty (60) feet from the shoreline.*
- 3) *Section 4.3.A.2.c Additional Standards - Floating Docks standards apply to a swim platform.*

## **B. MARINAS**

### 2. All Facilities

#### b. Additional Standards- Commercial/Public Marina.

- 4) The amount of *total* impervious (constructed) surface in the lakeshore protection zone per property shall not exceed fifteen (15) square feet for each lineal foot of lakeshore frontage.
- 5) The amount of *total* impervious (constructed) surface located below the mean annual high water line shall not exceed twelve (12) square feet for each lineal foot of lakeshore frontage.

## **C. BOAT SHELTERS, FLOATING BOAT LIFTS, AND SHORE STATIONS**

### 2. Standards

#### a. All Facilities

- 4) The highest point on a boat shelter, floating boat lift, or shore station shall not exceed ~~twelve (12)~~ *fourteen (14)* feet in height above the high-water elevation of the lake.
- 5) The total ~~amount of impervious cover~~ *square footage* created by a boat shelter, floating boat lift, or shore station, or any combination thereof, shall not exceed ~~the lesser of forty (40) percent of that allowed in Section 4.2,E.2(a) or~~ 600 square feet.

#### b. Additional Standards – Floating Boat Lifts

## **I. BUOYS**

### 2. Standards

#### c. Additional Standards- Swim Float Buoys

- 1) Swim floats secured with lines for the purpose of marking a swim area or property boundary ~~are only allowed for public beaches, and private or public marinas, and~~ require a permit. ~~The buoy lines may be located no closer than twenty (20) feet from the riparian property line, and no more than sixty (60) feet from the shoreline.~~
- 2) Swim floats must be white buoys having international orange markings in conformance with the uniform state waterway marking system.
- 3) *For public beaches or private marinas, the buoy lines may be located no closer than twenty (20) feet from the riparian property boundary and no more than sixty (60) feet from the shoreline.*
- 4) *For private properties, buoy lines:*
  - a) *Shall be no more than sixty (60) feet from the shoreline;*
  - b) *Require no setback from the riparian boundary; and*
  - c) *Shall be placed on the side of the property opposite boat access when a dock is present.*

## **M. AQUATIC TOYS**

### **1. Policy Consideration**

- a. *Aquatic toys are defined as any recreational floating device placed on the water for recreational use.*
- b. *Including but not limited to, inflatable trampolines, floating mats, slides, and similar recreational structures not permanently anchored or moored.*

### **2. Standards**

- a. *Must be located no closer than fifteen (15) feet from riparian property boundaries.*
- b. *Must be placed within sixty (60) feet of the shoreline.*
- c. *Must not obstruct navigation or public access.*
- d. *Maximum surface area: 150 square feet.*

- e. *Must be clearly marked with reflective tape or flagging.*
- f. *No discharge, anchoring, or attachment to vegetation, rocks, or sensitive shoreline features.*
- g. *Must not be treated with chemicals, paints, or coatings that degrade water quality.*
- h. *Floating trampolines shall be anchored to prevent encroachments into the setbacks.*

#### **M. N. OTHER PROJECTS**

Other types of projects which are not specifically covered by the foregoing design standards shall be reviewed on an individual basis under the "Policy Criteria for Issuance of a Permit" contained in Section 4.1 and the "Construction Standards" contained in Section 4.2 of these regulations.

### **5.1 CHAPTER 6 – DEFINITIONS**

*AQUATIC TOY: Any non-motorized, recreational floating device placed on the water surface for recreational use, including but not limited to inflatable trampolines, floating mats, slides, and similar recreational structures not permanently anchored or moored.*

*BOAT LIFT: A mechanical device, either free-standing or attached to a dock, used for raising a watercraft above the water surface for storage. This includes hydraulic, electric, or manual lifts, as well as seasonal "shore stations" not permanently fixed to the lakebed.*

*DOCK: A fixed or floating structure extending into or over the lake from the shoreline, used as a landing place for marine transport or for recreational purposes. This term encompasses the walkway (pier) and any terminal platforms or "fingers" attached thereto.*

*ENHANCED WAKE: A wave produced by a vessel specifically designed or modified with ballast tanks, wedges, or hulls to increase wave height, duration, or energy for the purpose of wake surfing or similar activities. These waves carry significantly more energy than standard displacement wakes and require specific management to prevent shoreline scouring.*

*LAKEBED: The land area situated below the mean annual high-water elevation. The lakebed is part of the lakeshore protection zone and is subject to regulations regarding dredging, filling, and the placement of structures.*

*OUT-OF-BASIN: Any water structure (dock, boatlift, buoy, etc.) brought in from outside Flathead County, or from another lake or river.*

*PERVIOUS: A material or surface that allows water or other liquids to pass through it, either by absorption or through openings, reducing runoff and promoting natural drainage.*

RESILIENCE FREEBOARD: An additional height requirement added to the "Mean Annual High-Water Elevation" for new structures, intended to account for erratic or unusual weather, hydrologic conditions, or future lake level fluctuations associated with climate variability.

SWIM PLATFORM: A type of dock that does not abut the shoreline or extend above the water to the shoreline, used typically for swimming and related activities.

VESSEL: Every description of watercraft, including motorized boats, personal watercraft (PWC), sailboats, and non-motorized craft such as kayaks or canoes, used or capable of being used as a means of transportation on water.

VIOLATION: Any activity, construction, or placement of a structure within the lakeshore protection zone that is conducted without a valid permit, exceeds the scope of an issued permit, or fails to comply with the standards set forth in these regulations.

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