

**V-D. District No. 3 (160-acre minimum residential lot size)**

**V-D-1. General location** – The part of the county north of U.S. 12, excluding any lands in Districts No. 2 and No. 4, and any Rural Community Districts; also that area east and south of District No. 4 (east and south of I-90 and U.S. 12), excluding any lands in other districts. Maps depicting district boundaries are available in the Planning Department and on the Powell County Planning Department website.

**V-D-2. Characteristics** – A land use district of predominately agricultural and timber operations, outdoor recreational activities and low-density residential use. This district emphasizes protection of open space, watersheds, grazing lands, fish and wildlife resources, soil and water resources, and the agricultural lifestyle and economy of the district. Permitted uses are outdoor recreational activities including accessory non- residential uses and on-site resource-oriented industrial uses including agricultural- and timber-related operations.

**V-D-3. Specific standards** – Residential developments that are not consistent with agricultural or timber operations are discouraged. Rural residential developments at a very low density that do not have negative consequences to agricultural and timber operations and other related activities are allowed. In order to provide flexibility and allow creativity in subdivision design, clustering of residences and seasonal homes, or non-residential uses through the use of PUDs and other innovative concepts may be permitted when they are located in areas suitable for such developments.

- a. Permitted Land Uses (No Development Certificate required)
  - i. Agricultural uses.
  - ii. Residential accessory structures and agricultural accessory structures.
  - iii. Home occupation.
- b. Permitted Land Uses (Development Certificate required)
  - i. Single family residential structures.
- c. Conditional Land Uses (CUP required)
  - i. Expansion of existing non-residential structures or uses excluding agricultural and accessory structures. Refer to Chapter IV-B for specific conditions.
  - ii. New non-residential uses or expansion of such uses, including outfitting and guiding operations and facilities.

- iii. Multi-family dwelling units.
  - iv. More than one new residential structure on one parcel; up to four (4) residential structures on a parcel. A permit may be denied if the Planning Board determines that the proposal for additional residences is an attempt to evade the Powell County Subdivision Regulations or circumvent the intent of the Powell County Zoning Regulations.
  - v. Manufactured or mobile home parks.
  - vi. RV parks.
  - vii. Gravel, concrete or asphalt operations
  - viii. Commercial feed lots, commercial pig farms and commercial chicken farms
  - ix. It is a rebuttable presumption that junkyards, or recycling yards are unacceptable
- d. Minimum Specifications
- i. New lots created for residential uses shall be 160 acres or larger or be able to be described as a one-quarter aliquot part of a United States government section.
  - ii. New lots for non-residential uses that are smaller than 160 acres and are not part of a PUD shall contain plat and deed restrictions prohibiting residential use without being further reviewed in accordance with the Powell County Subdivision Regulations.
  - iii. Lots for non-residential uses shall be large enough to accommodate structural and traffic circulation needs and must not be smaller than the minimum sizes required for County Sanitarian or DEQ approval.
  - iv. Any subdivision containing lots smaller than 160 acres must be part of a PUD and have an average density of not more than one residence per 160 acres (except as otherwise authorized by these regulations) and be authorized by a CUP. Such developments must address impacts on natural and cultural resources and social values and their effect on existing uses. PUDs or other developments that would result in strip development along highways will not be allowed.
  - v. Family transfers as listed in the Montana Subdivision and Platting Act are allowed provided they are not an attempt to evade the Powell County Subdivision Regulations. Evasion criteria may be found in the Powell County Subdivision Regulations. New lots created under the family transfer exemption from subdivision review must not be smaller than the minimum sizes required for County Sanitarian or DEQ water and sewer/septic approval.

- vi. Boundary relocations and land aggregations as listed in the Montana Subdivision and Platting Act are allowed, provided they are not an attempt to evade Powell County Subdivision Regulations. Evasion criteria may be found in the Powell County Subdivision Regulations. Resulting lots must not be smaller than the minimum sizes required for County Sanitarian or DEQ water and sewer/septic approval.

**V-E. District No. 4 (40-acre minimum residential lot size)**

**V-E-1. General location** – Nevada Creek Reservoir area, within sections 13, 14, and 24 of T12N, R10W; that area along US 12, from Garrison to MacDonald Pass, from a line 1/2 mile north of the north right-of-way boundary to 1/2 mile south of the south right-of-way boundary, excluding District No. 2 (Dana Ranch area), and any Rural Community Districts; also that area west of I-90, excluding the I-90 Strip district, and south of District No. 2 (the Dana Ranch area), from the southeast boundary 7 miles, then east 3 miles, south 1 mile and then continuing south along the National Forest boundary to the county’s border, going west to the District No. 1 boundary, then north along District No. 1 to the southwest boundary of District No. 2. Maps depicting district boundaries are available in the Planning Department and on the Powell County Planning Department website.

**V-E-2. Characteristics** – A land use district in which the dominant uses are of agricultural and timber operations and other related activities. This district emphasizes protection of open spaces, watersheds, grazing lands, fish and wildlife resources, soil and water resources, and its agricultural lifestyle and economy. Permitted outdoor recreational activities include accessory non-residential uses and on-site resource-oriented industrial uses including agricultural, mineral- and timber-related operations.

**V-E-3. Specific standards** – Residential developments that are not consistent with agricultural or timber operations are discouraged. Rural residential developments at a very low density that do not have negative consequences to agricultural and timber operations and other related activities are allowed. In order to provide flexibility and allow creativity in subdivision design, clustering of residences and seasonal homes through the use of PUDs as authorized by these regulations and approved by a CUP, and other innovative concepts are encouraged when they are located in areas suitable for such developments.

a. Permitted Land Uses (No Development Certificate required)

- i. Agricultural uses.
- ii. Residential accessory structures and agricultural accessory structures.
- iii. Home occupation.

b. Permitted Land Uses (Development Certificate required)