

Riparian Setbacks and Land Use Planning in Montana				Compiled by: MT Audubon, P.O. Box 595, Helena, MT 59624; 406-443-3949; website: www.mtaudubon.org						
List of Adopted Local Government Regulations and Policies										
Date Updated: July 31, 2009				NOTE: This chart is sorted by Type of Regulation (Flood plain, Subdivision , Zoning, etc.) and "Local Government" name.						
Local Government	Purpose of Regulation	Size of Setback or Other Stream Protection Measure	Restrictions Apply To...	Specific Exceptions	Setback measured from...	Area Covered: Streams, wetlands, or lakes	Reference	Vegetation Requirements	Additional Requirements/ NOTES	How to Obtain
Type of Regulation: Development Permit Ordinance										
Beaverhead County Date: Big Hole River policy adopted March 2, 2005	Protect water quality, flood plain, riparian resources, public health and safety	Examine all new buildings proposed within 500 feet of Big Hole River; minimum setback is 150 feet.	New buildings		Ordinary high water mark	Big Hole River only	Ordinance No. 2005-1, Big Hole River Conservation Development Standards & Permitting Process	Indicates that development should be outside flood plain (but not clear)	NOTE: Ordinance also adopted in Madison County; zoning regulations adopted in Butte-Silver Bow and Anaconda-Deer Lodge Counties.	Use this link: http://www.beaverheadcounty.org/html/land_use_and_planning_departme.html
Madison County Date: Big Hole River Policy adopted Nov. 8, 2004	Protect water quality, flood plain, riparian resources, public health and safety	Examine all new buildings proposed within 500 feet of Big Hole River; minimum setback is 150 feet.	New buildings		Ordinary high water mark	Big Hole River only	Ordinance No. 1-2004, Big Hole River Conservation Development Standards & Permitting Process	Indicates that development should be outside flood plain (but not clear)	NOTE: Ordinance also adopted in Beaverhead County; zoning regulations adopted in Butte-Silver Bow and Anaconda-Deer Lodge Counties.	Use this link: http://madison.mt.gov/departments/plan/publications/planpub.asp
Type of Regulation: Flood Plain Regulations										
Missoula County Date: Bank stabilization provisions first adopted March 8, 2000	Protection from flooding	Prohibits new levees. Maintenance of an existing levee is allowed in three situations: if the levee is publicly maintained; if relocating, elevating, or flood-proofing the structures protected by the levee is not feasible; or if a streamside levee is to be reconstructed away from the stream bank. Builders are responsible for locating new structures a safe distance from the waterway and riprap is not permitted to protect a structure built after adoption of the amendments.	New bank stabilization structures used in streams.			All river and streams with delineated 100-year floodplains	Flood plain Regulations: Chapter V: Specific Standards, 5.02.B.	Prohibits large-scale clearing of native vegetation within 50 feet of a stream or river	“Softer” bank stabilization techniques, including logs and other woody debris, may be allowed after review by administrators. New bridges and road must minimize impacts.	Use this link: http://www.co.missoula.mt.us/opgweb/floodplain/floodplain.htm
Ravalli County Date: Floodway policy adopted March 17, 1999	Protection from flooding	The setback prohibits buildings in the 100-year flood plain (floodway fringe and the floodway). The setback appears under 4-6 (c) of the regulations: anything not listed in Table 4-6-1 of the regulation is prohibited in the flood plain.	Buildings and associated structures			All rivers and streams with delineated 100-year floodplains	Flood plain Regulations, Development Standards, Section 4-6 and Table 4-6-1	None		Use this link: http://www.ravallicounty.mt.gov/Planning/land.htm
Type of Regulation: Growth Policy										
Jefferson County Date: Riparian policy adopted June 18, 2003		"Promote investigation on stream setbacks..." "Require all construction to be setback from streams" "Recommend wetland protection standards..."				Streams and wetlands	2003 Growth Policy, Water Quality, Page 10 - 11.		NOTE: Growth Policies are non-regulatory but local regulations should comply with the Growth Policy.	Use this link: http://www.jeffco.mt.gov/county/planning.html

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Lewis and Clark County Date: Riparian policy adopted February 15, 2004		"Develop residential and commercial setback requirements along streams, rivers, lakes, and reservoirs to preserve water quality and other natural resources, view sheds, and recreational uses." "Develop effective land use controls to protect wetlands."				Streams and wetlands	2004 Growth Policy, Chapter V, Issue A, Goal 1, Policy 1.8 and Issue E, Goal 5		NOTE: Growth Policies are non-regulatory but local regulations should comply with the Growth Policy.	Use this link: http://www.co.lewis-clark.mt.us/departments/communities-development-planning/country-growth/growth-policy.html
Meagher County Date: Riparian policy adopted in October 2005	Prohibit new development in flood-hazard areas	Setback is 200 horizontal feet from streams; 300 feet from delineated riparian areas and wetlands. Well/ septic tank setbacks: at least 100 feet from streams, lakes, and identified 100-year floodways; and 300 feet from identified riparian areas.	New development, including subdivisions	Agricultural structures	High water mark	Streams and wetlands	2004 Growth Policy, Section III, Page 29		NOTE: Growth Policies are non-regulatory but local regulations should comply with the Growth Policy.	Contact county (obtain copy through mail) or download (from www.mtaudubon.org)
Type of Regulation: Subdivision Regulations										
Cascade County Date: Setbacks adopted September 25, 2007	Mitigate impacts to natural environment	Setback includes 100-year flood plain or 50 foot vegetated buffer/setback for all watercourses (whichever is greater). Wetlands of 1 acre in size or less with 50-foot vegetated buffer. Wetlands of more than 1 acre with 100 vegetated buffer. "No structure shall be located within the 100-year flood plain..."	"All structures and roads..."	Structures and improvements are only allowed in the wetland buffer for "educational and scientific purposes."	Ordinary high water mark	Rivers, perennial & intermittent streams, reservoirs, drainage channels, irrigation canals, and wetlands.	Subdivision Regulations, Chapter VI, Design & Improvement Standards, Impacts on Natural Environment	Vegetated buffer and setback are the same distance. The vegetated buffer standard states that "...existing native species may not be removed."	In addition to rivers and streams, protection extends to intermittent streams and irrigation district canals	Use this link: http://www.cascade.mt.us/?p=departament&ido=98
Flathead County Date: Prohibit subdivision of flood plain: May 2005; Riparian Protection Requirement: Jan. 15, 2009	Protect water quality, wildlife corridors, protecting persons and property.	Prohibits subdividing land in the flood plain for "building or residential purposes." Requires streamside vegetated buffers and management plans for each new subdivision. The size of the setback is determined on a case-by-case basis and is based on the area of riparian resource.	New subdivisions Also prohibited within Riparian Protection Zone: construction and new structures, roads, driveways, and imperious surfaces.	Recreational structures (non-motorized trails, etc.); stream bank stabilization; limited road and utility crossing; forestry and agriculture, etc.	Determined on a case-by-case basis	Perennial and intermittent streams.	Development Code, Chapter 4, Subdivision Regulations, Policy 4.7.7.h	"The vegetated buffer shall be clearly delineated on the preliminary plat and on the final plat and designated as the Riparian Protection Zone."		Use this link: http://flathead.mt.gov/planning/zoning/downloads.php
Gallatin County Date: Setbacks adopted March 1, 2005	"Preserve or enhance" natural terrain, natural drainage, flood plains, and natural vegetation.	Setback is: • 300 feet along East and West Gallatin, Madison, Jefferson, and Missouri Rivers; and • 150-foot setbacks from all other watercourses.	Residential or commercial structures	Structures used for agricultural purposes or the maintenance of livestock.	Ordinary high water mark	Perennial and intermittent streams.	Subdivision Regulations: Section 6, Policy A.5.a. General Standards: Watercourse Mitigation: Setback	None	Allows for watercourse mitigation plan	Use this link: http://www.gallatin.mt.gov/Public_Documents/gallatincomt_plan_dept/gallatinco_mt_planregs/subregs

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Lewis and Clark County Date: Setbacks adopted January 2005	Preserve water quality and other natural resources, view sheds, and recreational uses.	4 categories of setbacks: <ul style="list-style-type: none"> • Type I (main rivers): 250 feet with a 100-foot vegetation buffer; • Type II (large streams): 200 feet with a 75-foot vegetation buffer; • Type III (reservoirs, small streams, wetlands): 100 feet with a 50-foot vegetative buffer; and • Type IV (irrigation ditches): 50 feet with a 30-foot vegetative buffer. 	Buildings; improvements to existing dwellings of up to 50% of square footage; septic tanks and drain fields; barns, feedlots, and corrals; communication towers.	Agriculture; water-related recreational structures (docks, etc.); fencing; non-motorized trails; pre-existing park lots and other impervious surfaces.	Ordinary high water mark	Rivers, perennial and intermittent streams, wetlands, drainage canals for stormwater, irrigation canals, and lakes	Subdivision Regulations: Chapter XI, Policy: W. Waterbody Setbacks and Buffer Areas Appendix L categorizes each waterbody in the county	Each setback type has specific vegetated buffers, which are defined as areas where "all natural vegetation, rocks, soil, topography" should "remain undisturbed" or be enhanced by "additional planting of native plants."	Includes 100-year flood plains. Docks, walkways, lawns, etc. are allowed on 25% of the linear footage along the waterway; buffer requirement are for 75% of linear footage along affected water bodies.	Use this link: http://www.co.lewis-clark.mt.us/departments/development/planning/subdivision-regulation.html
Madison County Date: Setbacks on rivers since 1994; setbacks on all other waterways since 2000	Protect local economy, public health and safety, flood plain, water quality, riparian resource, visuals, etc.	3 categories of setbacks: <ul style="list-style-type: none"> • Madison River: 500 feet; • Big Hole River, Jefferson River, Ruby River, Beaverhead River, Boulder River, and West Fork of the Gallatin River: 150 feet; and • All other waterways: 100 feet. 	New subdivisions - minimum construction (=buildings) setback		Rivers: ordinary high water mark Other waterways: from "bank"	Rivers; perennial and intermittent streams; lakes and ponds, both natural and man-made.	Subdivision Regulations: Chapter IV-B.1. Construction setbacks from water bodies, Pages 71 - 72.	Includes flood plain Lands considered unsuitable for development include "riparian areas."	Construction setback is defined to protect rivers and "riparian areas."	Use this link: http://madison.mt.gov/departments/plan/publications/planpub.asp
Meagher County Date: Setback adopted August 8, 2003		300-foot setback from high water mark of stream, lake or reservoir	New structures, septic systems, drain fields		High water mark	Streams, lakes and reservoirs	Subdivision Regulations: Design Standards, Policy II-A-20	"All natural vegetation, except weeds, within this setback must be left undisturbed."		Contact county (obtain copy through mail) or download (from www.mtaudubon.org)
Missoula County & City of Missoula Date: Setbacks adopted in 1995	Protect long list of items: water quality, wildlife, quality of life, flooding, etc.	No subdivisions allowed that are wholly within the "area of riparian resource." Subdivisions that encompass these areas "shall place development outside the areas of riparian resource." The area of riparian resource is determined on a case-by-case basis.	Construction is permitted for trails and roads crossing streams.		Determined on a case-by-case basis	Perennial and intermittent streams, wetlands, ponds, and woody draws.	Subdivision Regulations: Article 3-13, Areas of Riparian Resource	Exhibit 5 identifies key plants associated with local riparian resources. "Removal or disturbance of riparian resources shall be minimized."	Identical provisions were adopted in city and county subdivision regulations in 1995.	Use this link: http://www.co.missoula.mt.us/opgweb/Documents.htm
Park County Date: Setback adopted May 22, 2000	Protect wildlife habitat and water quality	2 categories of setbacks: <ul style="list-style-type: none"> • Yellowstone, Shields, and Boulder Rivers: 150 feet or outside the 100-year flood plain, whichever is greater. • All other perennial streams: 100 feet or outside the 100-year flood plain, whichever is greater. 	New subdivisions	Lots in 100-year flood plain must 1) have 1(+) acre outside the flood plain, and 2) designate building site outside the flood plain.	Mean high water mark	Rivers, perennial streams, and lakes	Subdivision Regulations: Chapter VI, Item D, flood plain Provisions	None	Considered a minimum setback; a list of factors can allow expansion (including width of riparian area, critical wildlife habitat, etc.).	Use this link: http://www.parkcounty.org/subdivision%20regs.html

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Type of Regulation: Zoning: Zoning District										
Bridger Canyon Zoning District Date: Setbacks adopted in 1971	Protect long list of items: water quality, wildlife, quality of life, etc.	Several zones established: • Setbacks range from minimum of 100-foot setback from streams and one building per 40 acres, to minimum setback of 50-foot from stream and one building per 10 acres. • Higher densities allowed.	"all buildings and structures" Residential buildings		No description in regulation where measurement is taken from	Streams and creeks (undefined)	Bridger Canyon Zoning Regulation (e.g. Section 6.5, Agriculture Exclusion District; Section 7.5, Recreation and Forestry; etc.)	For Planned Unit Developments (higher density areas): "Preserve...natural characteristics of the land, including topography, vegetation, streams, and tree cover."	District covers 51,440 acres Setbacks and acreage restrictions on lot size help protect the riparian areas along streams.	Use this link: http://www.gallatin.mt.gov/public_documents/gallatincomt_plandep/gallatincomt_zonedist/zoningdistricts/bridgercanyon
Park County: East Yellowstone Zoning District Date: Setbacks adopted Nov. 17, 1997	Maintain the rural character of the area, and protect and enhance the natural environment, water quality, and wildlife.	100-foot setbacks: from the Yellowstone River (for buildings or structures) 30-acre density standard (for single family dwellings)	New buildings and structures		No description in regulation where measurement is taken from	Yellowstone River only	Park County: East Yellowstone Zoning District	None	Within the variance process "no residence shall be closer than 100 feet to the Yellowstone River."	Use this link: http://www.parkcounty.org/zoning%20regs.html
Georgetown Lake Area Date: Setback adopted 1992	Protect scenic resources, wildlife habitat, and water quality	3 categories of setbacks established: • 50 feet from streams • 100 feet from open lakeshore • 50 feet from timbered lakeshore	Development activity	Trails; road crossings; bank stabilization structures; and more	Average annual high water mark of centerline of stream, whichever is greater	Wetlands and lakes. Streams with well-defined or poorly defined channels, and ravines.	Anaconda-Deer Lodge County Development Permit System, Chapter IX - Georgetown Lake Development District	Corridors created by setbacks shall "consist of existing or restored native riparian or wetland or lawns capable of functioning as vegetative filter strips."	NOTE: These regulations only cover Anaconda-Deer Lodge County portion of Georgetown Lake. Granite County is currently considering zoning their portion of the lake.	Contact county (obtain copy through mail) or download (from Montana Audubon website)
Type of Regulation: Zoning										
Anaconda-Deer Lodge (City/ County) Date: Big Hole River policy adopted May 19, 2005	Protect wildlife and wildlife habitat, water quality, and riparian and aquatic resources; and preserve agriculture.	Examine all new buildings proposed within 500 feet of Big Hole River; minimum setback is 150 feet.	All new structures (includes private bridges)	Agricultural structures including barns, shed, dwellings, and other structures directly related to agriculture.	Ordinary high water mark.	Big Hole River only	Ordinance No. 208: Big Hole River Conservation Development Standards and Permitting Process	None	NOTE: Ordinance adopted in Beaverhead and Madison Counties; zoning regulations also adopted by Butte-Silver Bow County.	Use this link: http://www.anacondadeerlodge.mt.gov/departments/planning.aspx
Butte-Silver Bow (City/ County) Date: Open Space District adopted in 2000; Channel Mgmt Zone in 2005	Protect wildlife and wildlife habitat, water quality, and riparian and aquatic resources; and preserve agriculture.	In Open Space Zoning District: "water resource protection setback" is 100 feet from the high water mark of 100-year flood plains for navigable streams or designated flood plains. Water Channel Management Zone (17.47): for the Big Hole River and Silver Bow Creek the minimum setback is 150 feet.	All new structures. Special regulations have been adopted for private bridges.	Agricultural structures including barns, shed, dwellings, and other structures directly related to agriculture.	High water mark or ordinary high water mark.	Big Hole River, Silver Bow Creek, and navigable streams or streams with designated flood plains	Title 17 Zoning provisions: 17.21.100 (water resource protection setback) and 17.47 (Water Channel Management Zone)	None	NOTE: Ordinance adopted in Beaverhead and Madison Counties; zoning regulations also adopted by Anaconda-Deer Lodge County.	Use this link: http://www.co.silverbow.mt.us/departments/community_dev.asp#planning

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Cascade County Date: Setbacks adopted July 15, 2009	Mitigate impacts to natural environment	50-foot setback from perennial streams.	"to the outer wall of any structure..."		Ordinary high water mark	Perennial streams and rivers	Cascade County Zoning Regulations 2009	None		Use this link: http://www.cascade.mt.us/?p=departament&ido=98
Choteau County Date: Setbacks first adopted in 1985	Encourage growth to be compatible with rural nature of county and agriculture, protect rivers and streams.	Missouri River setbacks: <ul style="list-style-type: none"> • Coal Banks Landing to eastern county line: 3 miles (when visible from river); • Ft. Benton to Coal Banks Landing: 400 horizontal feet (plus density restrictions) Other Waterbodies (includes lakes): "Structures, wells and septic tanks must be set back at least 100 feet from streams, lakes, and identified 100-year floodways."	Missouri River: "new residential development, including subdivisions" Other Waterbodies: structures, wells, and septic systems.		High water mark or "identified 100-year flood plain."	Rivers, streams, and lakes	Choteau County Development Regulation, Item XIII, Items C and F	None	Ft. Benton to Coal Banks Landing with a 1 dwelling per 8 acres density standard	Use this link: http://www.co.choteau.mt.us/development_regs.htm
City of Bozeman Date: Setbacks first adopted in July 2002; wetland protection in October 2005	Mitigate impacts to watercourse through stabilization of stream banks; sediment, nutrient and pollution removal; and flood control.	3 categories of setbacks: <ul style="list-style-type: none"> • Previously Platted Development: 100 feet from East Gallatin River; 35 feet from all other watercourses. • New Platted Development: 100 feet on East Gallatin River; 75 feet from Sourdough, Bozeman, and Bridger Creeks; 50 feet from all other watercourses • For wetlands not adjacent to streams: setback is determined on a case-by-case basis by Wetlands Review Board 	Residential and commercial structures, additions to buildings, parking lots or other impervious surfaces	Trails; stormwater facilities; crossings for sidewalks, streets, utility lines, etc.; agricultural uses. Wetlands must be larger than 400 square feet in size.	Ordinary high water mark for streams; Wetlands: determined on case-by-case basis	Perennial or intermittent streams; wetlands adjacent to streams and wetlands identified on Bozeman Area Wetland Map	Unified Development Ordinance, Chapter 18.42.100: Watercourse Setback; Chapter 18.56: Bozeman Wetland Regulations	Setback planting plan must be approved; specific requirements for native vegetation (based on a formula)	Setbacks extend to the edge of the 100-year flood plain, include adjacent wetlands, and does NOT include slopes greater than 25% (these areas need to be subtracted). Regulation also prohibits ditching and filling of wetlands.	Use this link: http://www.bozeman.net/bozeman/planning/land_use.aspx
City of Missoula Date: Setback provisions adopted in 1995	Protect long list of items: water quality, wildlife, quality of life, flooding, etc.	Buffer size is determined on a case-by-case basis using specific criteria: impacts to wildlife habitat, water quality or quantity, fish, or other aquatic resources.	Construction is permitted for trails and roads crossing streams.	Construction is permitted if mitigation projects meet a "no net loss of area of riparian resource."	Determined on a case-by-case basis	Perennial and intermittent streams, wetlands, ponds, and woody draws.	Missoula Zoning Ordinance, Riparian Resource Zoning District, Title 19, Chapter 19.51	"Removal or disturbance of riparian resources shall be minimized." 19.51.110 identifies key plants associated with local riparian resources.		Use this link: ftp://www.co.missoula.mt.us/opgftp/Documents/CurrentRegulations/CityZoningTitle19/CityOrdinanceLP.htm

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City of Whitefish Date: Setback provisions adopted March 2, 2008	Protect water quality, stormwater management, public safety, property protection	3 categories of vegetated buffers, with setbacks for new buildings: <ul style="list-style-type: none"> Whitefish River, Whitefish Lake, and other lakes: 75-foot vegetated buffer or top of bank, whichever is greater, with 10-foot building setback (85 feet total). Perennial streams and wetlands: 100-foot vegetated buffers with 10-foot building setbacks (110 feet total). Second Creek (upstream from city's water supply): 200-foot vegetated buffer with 10-foot building setbacks (210 feet total). Intermittent Streams: 50-foot vegetated buffer with 10-foot building setback (60 feet total). 	Lakes, river, perennial streams, intermittent streams, and wetlands. Wetlands larger than 10,000 square feet (0.23 acres) are protected; wetlands between 1,000 - 10,000 square feet (0.02 - 0.23 acre) with no buffer.	Wetlands less than 1,000 square feet (0.02 acres) are not protected. Mitigation measures spelled out: e.g., viewing structures within buffer must plant area equal in size with native vegetation.	Ordinary high water mark for streams	Perennial and intermittent streams Lakes Wetlands: full protection for wetlands 1/4 acre or larger; less protection for smaller wetlands	Whitefish Critical Areas Ordinance, p. 16	This regulation is based on vegetated buffers. The building setback in all cases is just 10 feet beyond the vegetated buffer. The following items are allowed in the vegetated buffer: viewing structures, walkways, and trails. Also permitted under certain conditions: forest management, pesticide and fertilizers use, etc.	Buffer averaging is allowed. Restrictions on bank stabilization are spelled out (riprap and other hard structures are prohibited). NOTE: This regulation originally applied to a 2-mile radius around Whitefish. Flathead County now prohibits Whitefish from applying it outside city limits. This conflict is currently being litigated.	Use this link: http://www.whitefish.govoffice.com/index.asp?Type=B_BASIC&SEC={EBC22BEF-67FD-408A-8287-ED4C2E8FADDD}
Lake County Date: Zoning regulations adopted on October 1, 2005; Flathead Lake setbacks established in mid-1990s	Encourage development close to cities and towns, maintain the rural character of the area, and protect important wildlife habitat, water quality and natural resources.	Lake County Density Map and Regulations: 40 acre minimum lot size along Flathead River, Mission Creek, Crow Creek, and Jocko River. One dwelling per 40 acres restriction applies 1/2 mile on either side of Flathead and Jocko Rivers; 1/4 mile on either side of Crow and Mission Creeks. The pothole area surrounding Ninepipe National Wildlife Refuge is also zoned in 40-acre minimum lot sizes. Lake County also has community zoning districts around 50% of Flathead Lake that have been in place for over 10 years; these regulations require a 50-foot setback from the "highwater elevation."	Hazard areas are not considered developable, including stream banks, wetlands, areas with riparian vegetation, lakes, areas within a designated 100-year flood plain; and areas within 50 feet of the high water elevation of lakes or perennial streams.		High water mark	Flathead/ Jocko Rivers, Mission/ Crow Creeks, & Flathead Lake Wetlands: density standards around Ninepipe National Wildlife Refuge.	Lake County Density Map Regulations: Final Version 10-1-2005	None	Development bonus exists for clustering development and permanently protecting sensitive areas.	Use this link: http://www.lakecounty-mt.org/planning/Lake_County_Density_Map.html
Powell County Date: Setbacks in place since at least 2000	Protect open space, watersheds, grazing lands, wildlife resources, soil and water resources, agricultural lifestyle.	Blackfoot River, including the North Fork of the Blackfoot River: 25 yard setback. Clark Fork and Little Blackfoot Rivers: no development within 100-year flood plain. New development in northern 2/3 of county (where the Blackfoot River is located): only one non-farm/ranch dwelling is allowed per 160 acres. This density standard protects riparian areas because the lot size prevents houses from lining rivers and streams.	Single family residential uses	Agricultural uses, home occupations	"river's edge or river's flood plain."	Blackfoot River, Clark Fork River, and Little Blackfoot River	Flood plain Overlay District and Agricultural District #3	Buffer strips of vegetation may be required.	Also have "Important Wildlife Area Overlay District" that has a density standard of "one residence per 80 acres."	Use this link: http://www.mtsmartgrowth.org/CS&Rpub/Ordinances/Powell%20County%20Development%20Regulations.pdf