



Planning Department

Powell County Planning Department · 409 Missouri Ave., Suite 101 · Deer Lodge, Montana 59722
406.846.9795 / planning@co.powell.mt.us

THE CODE OF THE WEST was first chronicled by the famous western writer, Zane Grey: “The men and women who came to this part of the country during the westward expansion of the United States were bound by an unwritten code of conduct. The values of integrity and self reliance guided their decisions, actions and interactions.”

Life in the country is different from life in the city. County governments do not provide the level of service that cities do. The following information may help you make an informed decision about purchasing rural land for residential purposes.

THE PROPERTY – Many issues affect property, so it is important to research the following items before purchasing land:

- 1) Not all parcels can be used for residential purposes. Check with the Powell County Planning Office.
- 2) Fences are often misaligned with property lines. A land survey is the only way to confirm your property boundaries.
- 3) Easements may require you to allow construction of roads, power lines, water lines, etc., across your land. There may be easements that are not of record. Check these issues carefully.
- 4) Many subdivisions have Home Owners Associations (HOA) and covenants that limit the use of the property. Obtain a copy of the HOA By-Laws and/or covenants, or confirm that there are none before purchasing.
- 5) Others may own the mineral rights under your property and may change the surface characteristics to extract their minerals. Be aware that adjacent mining uses can expand and cause negative impacts.
- 6) The water flowing in irrigation ditches belongs to someone. You cannot assume that because the water flows across your property, you can use it. And, the owners of a ditch running across your property may have the right to come onto your property with heavy equipment to maintain the ditch.
- 7) Flowing water can be a hazard, especially to young children. Flow levels may change abruptly without warning. Before you decide to live near an active ditch, consider the possible danger to your family. Ditch owners are not legally responsible for accidents.
- 8) Irrigation ditches can raise ground water levels. Be sure to check if there is a seasonal ground water fluctuation that may affect your basement or well.
- 9) Powell County landowners are responsible for controlling noxious weeds on their property. The Powell County Weed District Coordinator can help you identify noxious weeds and devise the best plan of attack.

ACCESS TO YOUR PROPERTY - The fact that there is a road to your property does not guarantee you will have year-round legal access. Please consider:

- 1) There can be problems with the legal aspects of access, especially if you gain access across property belonging to others. It is wise to obtain legal advice and understand the easements that may be necessary.
- 2) Many large construction vehicles cannot navigate small, narrow roads. If you plan to build, it is prudent to check out construction access.
- 3) Understand who maintains the road accessing your property. Some county roads are not maintained by the county – no grading or snow plowing. Know what type of maintenance to expect, who will provide that maintenance and if you must pay for it.
- 4) In extreme weather, even county-maintained roads may be impassable.
- 5) Natural disasters, especially floods, can destroy roads. Powell County will repair and maintain county roads. However, residents served by private roads and/or bridges are responsible for repairs and/or reconstruction after floods.
- 6) Unpaved roads are dusty when dry and often slippery when wet. You will experience an increase in vehicle maintenance costs when you regularly travel on rural county roads.
- 7) It is highly unlikely that Powell County will pave more roads in the foreseeable future. Check with the county road and bridge department when any statement is made by the seller of property that indicates any unpaved roads will be paved.
- 8) Emergency service response times (sheriff, fire suppression, medical care, etc.) cannot be guaranteed. Under some conditions emergency response is slow and expensive.
- 9) Not all school districts provide school bus service. School buses travel only on maintained roads that have been designated as school bus routes by the school district. You may need to drive your children to the nearest county road or the school.

UTILITY SERVICES FOR YOUR PROPERTY - Water, sewer, electric, telephone and other services may be unavailable or may not operate at urban standards. Repairs can often take much longer than in towns and cities.

- 1) In rural areas you will need an approved septic system or other treatment process. The type of soil you have for a leach field will determine the cost and function of your system. Have the system checked by a reliable sanitation firm or ask for assistance from the Powell County Sanitarian.
- 2) Since you will not have access to a supply of treated domestic water, you will need a well. The cost for drilling and pumping can be considerable. The quality and quantity of well water can vary from season to season.
- 3) Not all wells can be used for watering of landscaping and/or livestock. If you have needs other than for domestic water, make certain that you have the proper approvals before you invest.

- 4) Electric services of all types are not available to every area of Powell County. Talk to the local utility before deciding to buy or build.
- 5) Power outages occur frequently. Loss of electric power can interrupt your supply of water from a well. You may lose food in freezers or refrigerators, and power outages can cause problems with computers.
- 6) Telephone service can be a problem, especially in the mountain areas. From time to time, the only phone service available has been a party line. If you have a private line, it may be difficult to obtain another line for fax or computer modem uses. Cellular phones will not work in all areas.
- 7) In most cases, your trash dumpster may be several miles from your home. It is illegal to create your own trash dump, even on your own land.

MOTHER NATURE - Residents of the country usually experience more problems when the elements and earth turn unfriendly. Here are some thoughts for you to consider:

- 1) Trees are a wonderful amenity but can be a hazard to your home in a forest fire. Cleaning debris and other vegetation from around your home is very helpful in protecting buildings from forest fires. If you start a forest fire, you are responsible for paying for the cost of extinguishing that fire. For further information, contact the Powell County Emergency Services Department.
- 2) The topography of the land can tell you where the water will go in the case of heavy precipitation. When property owners fill in ravines, they have found that the water that drained through that ravine now drains through their house.
- 3) Spring run-off can cause a very small creek to become a major stream. The county does not provide sand bags, equipment or people to protect private property from flooding.
- 4) A flash flood can occur, especially during the summer months, and turn a dry gully into a river. It is wise to take this possibility into consideration when building.
- 5) Nature can provide you with some wonderful neighbors. Most, such as deer and eagles, are positive additions to the environment. Rural development often encroaches on the traditional habitat of coyotes, bobcats, mountain lions, bears and other animals that can be dangerous. However, even “harmless” animals, such as deer can cross the road unexpectedly and cause traffic accidents.

AGRICULTURE - The people who tamed this wild land brought water to their land through systems of water diversion. This water has allowed agriculture to become an important part of our environment.

- 1) Agriculture is an important business in Powell County. If you choose to live among the farms and ranches of our countryside, do not expect county government to intervene in the normal day-to-day operations of your agri-business neighbors. Montana has “Right-to-Farm” legislation that protects farmers and ranchers from nuisance and liability lawsuits.
- 2) Farmers often work around the clock, especially during planting and harvest time. It is possible that adjoining agriculture uses can disturb your peace and quiet, and cause dust.
- 3) Farmers occasionally burn their ditches to keep them clean of debris, weeds and other obstructions. This burning creates smoke that you may find objectionable.
- 4) Chemicals (mainly fertilizers and herbicides) are often used in growing crops and controlling weeds. You may be sensitive to these substances. Many of these chemicals are applied by helicopters early in the morning.
- 5) Animals and their manure can cause objectionable odors. What else can we say?
- 6) Montana has an open range law. If you do not want other peoples’ livestock on your property, it is your responsibility to fence them out.
- 7) Much of Powell County receives minimal precipitation. Even with irrigation, grasslands have limited grazing. Your parcel of land can reasonably support only so many animals. In addition, the year-round presence of animals can damage and destroy grasslands, leaving the land barren: a difficult and expensive problem to restore. The Powell County Extension Agent can help you with these issues.
- 8) Moving to the country is not a license to let pets roam. Even gentle Fido can become a deer-chasing nuisance, predator of small game or lunch for coyotes. State law protects livestock from your dogs. Dogs found attacking or harassing livestock can be shot.
- 9) Cattle drives are a long-time Montana tradition, so don’t be surprised to see the tradition taken to the roads. Use good sense and slow down if you happen upon one. Be respectful of those living off the land.

IN CONCLUSION - We have offered these comments in the hope that it can help you enjoy your decision to reside in the county. It is not our intent to dissuade you, only inform you.

This information is by no means exhaustive. There are other issues that you may encounter that we have overlooked, and we encourage you to be diligent in your duty to explore and examine all aspects of country living that could cause your move to be less than you expect.