



# Sanders County Land Services Department Subdivision Administration

---

## MEMO

Date: November 1, 2024

To: Board of Sanders County Commissioners

Copy: Kathleen & Mark French

From: Chris McComas, Land Services Director

Re: McMillan Post RV Park Subdivision Conditional Preliminary Approval Amendment Application; remove on-site water supply for fire suppression for the Fire District; provide \$500 per RV site

---

### **INTRODUCTION:**

Mark and Kathleen French have requested to amend the Conditional Preliminary Plat Approval for McMillan Post RV Park specific to the firefighting water source on site for fire suppression. The proposal is to provide \$500 per RV site in lieu of providing a water source for the Plains-Paradise Rural Fire District to use. Included in the application was a change request to the site plan. It was determined by the Subdivision Administrator, under the authority granted by Section II-B-5(a)(iii) that the site plan changes are not material changes; therefore the site plan changes are not the subject of this review. Based on the amendment application and in accordance with the procedures outlined in Section II-B-5 of SCSR, the Reviewer determined that the proposed change to the conditionally approved preliminary plat related to the firefighting water source being removed is material.

The developers' amendment application included revised or updated materials that removed information and plans that provided for the on-site firefighting water source. The updated materials include the Fire Prevention Plan, Application Overview, Environmental Assessment, Summary of Probable Impacts, Community Impact Report, Verified Fire Risk Rating, and correspondence with the Plains-Paradise Rural Fire District Chief. Comments received from the Fire Chief are in support of this change.

This memo is prepared in advance of the Commissioners' hearing on December 3, 2024 regarding the McMillan Post RV Park Subdivision application to amend the Conditional Preliminary Approval granted on March 5, 2024. The following are recommended findings of facts and conclusions relative to the requested amendment for the Board of Sanders County Commissioners to consider when making a decision. There will be recommendations to the board related to the amendment application.

### **RECOMMENDED FINDINGS OF FACT**

The recommended findings and conclusions of the Reviewer are stated below and are based on the subdivision amendment application materials provided by the Subdividers and in accordance with the 2020 SCSR.

## **1. Finding based on the Prerequisites to Approval (Section IV-A-6(a) SCSR) in the Review and Approval Procedures for Major Subdivisions**

The governing body may not approve or conditionally approve a subdivision application and preliminary plat unless the proposed subdivision:

Of the prerequisites to approval listed for the governing body in SCSR Section IV-A-6(a), Section IV-A-6(a)(iii) states the governing body may not approve or conditionally approve a subdivision application and preliminary plat unless the proposed subdivision assures that all required public or private improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by section II-B-4 of these regulations. The proposed amendment is requesting to remove the firefighting water source infrastructure that was proposed on site for use by the Plains-Paradise Rural Fire District. This improvement standard is outlined in SCSR Section VII-P(c) and requires the “presence” of adequate firefighting facilities, including an adequate water supply and water distribution system available for emergency service providers to fight fires, for subdivisions in general, but not necessarily on site within subdivisions. Additionally, SCSR Section VIII-D-2(f), which applies to RV Parks and Mobile Home Parks, states the governing body may require provision for water supply of sufficient volume for effective fire control as approved by the local fire district.

Currently, Condition 24 of the Conditional Preliminary Approval for McMillan Post RV Park states, *“The RV Park shall comply with the Sanders County Subdivision Regulations for Fire Protection. The Subdivider shall clearly identify the water source available for initial structural fire suppression and meet the recommendations of the Plains-Paradise Rural Fire District. Approval of the subdivision’s Fire Prevention Plan and Fire Response Plan by the Fire District shall be submitted with the final plat application. All related infrastructure shall be installed and completed prior to final plat approval, and approval by the Fire District shall be submitted with the final plat application.”*

Current Sanders County Policy (Policy dated 7-11-06) is the developer can propose \$500 per lot in lieu of providing a water source and upon approval of the firefighting agency responsible. SCSR Section VII-Q(h)(ii)(b)(4) (applicable to subdivisions proposed in areas of high wildfire hazard) states *“In lieu of providing a water source and upon approval of the firefighting agency the county commission will consider a \$500.00 per lot contribution deposited into a revenue account established for each fire district to be used for the provision of water sources for initial fire suppression.”* In the case of an RV park, the \$500 per lot fee would be \$500 per RV site for a total of \$8,000. The mitigation funds would be donated to the Plains-Paradise Rural Fire District. The updated recommended condition of approval would address this specifically.

The Reviewer did not find any additional prerequisites to approval that would be affected by the proposed change to the Conditional Preliminary Approval of McMillan Post RV Park.

*Conclusion 1: With a revised condition of approval, the amendment request would be in compliance with fire protection standards by donating \$500 per RV site in lieu of providing an on-site firefighting water source.*

## **2. Finding based on Consideration-Standards (Section IV-A-6(b) SCSR)**

In approving, conditionally approving, or denying a subdivision application and preliminary plat, the governing body shall consider whether the proposed subdivision complies with the following criteria:

- a. As discussed in Section 1 of this memo, SCSR and county policy will require that the developers provide an on-site firefighting water source or donate \$500 per RV site in lieu of providing the on-site firefighting water source. The donation of these funds is being proposed by the developers and supported by the Plains-Paradise Rural Fire District.

*Conclusion 2: As proposed the amendment application meets the improvement standards by the proposal to provide \$500 per RV site.*

## **3. The MSPA, including but not limited to the following impacts:**

Per 76-3-608(3), MCA, a subdivision proposal must undergo review for the following primary criteria (except when an exemption has been established): the specific, documentable, and clearly defined impact on agriculture, agricultural water user facilities, local services, the natural environment, wildlife, wildlife habitat, and public health and safety, excluding any consideration of whether the proposed subdivision will result in a loss of agricultural soils.

### **a. Impact to Agriculture and Agricultural Water User Facilities**

The proposed change does not have a negative impact to agriculture. It can be assumed that without the additional water flow demand to meet the firefighting water source standards, this proposed change would have less impact on agriculture. This means less impact on groundwater available to agricultural water users.

*Conclusion 3: The amendment request is assumed to have less of an impact on agriculture and agricultural water users as proposed.*

### **b. Impact to Local Services:**

This amendment request has an impact on the Plains-Paradise Rural Fire District. Without an on-site firefighting water source, the fire response will be required to haul water to the development when responding to a fire emergency.

The proposed fire prevention plan discusses that water service for 12 of the 16 sites will be available and that water will be directly available with a hose connection for initial fire suppression by tenants of the RV park and the developers if needed. There will be additional water hose connections available at the Bath House, Welcome Center, Pump House, and Dump Station. While these connections do not meet the water flow rates needed for the Rural Fire District, the availability of this water at these locations can mitigate risk for smaller fires to the extent possible.

The fire prevention plan further discusses fire suppression volume offsite located along a private access road and within the MT Hwy 200 right-of-way from the Clark Fork River and Flathead River. As the developers and the fire department may not have legal access to this water, the availability is questionable. However, a fill station is available in Paradise which is located less than 3 miles from the development. The turnaround time to this water source is greater than 10 minutes.

An updated fire risk rating was submitted with the amendment application. This risk rating has been verified by the Plains-Paradise Rural Fire District. The fire risk rating was increased from a rating of 51 points to a rating of 81 points. The increased risk is associated with internal road widths, ingress/egress, and no on-site firefighting water source. The ratings associated with road widths and ingress/egress were changed not because of any changes to the road network proposed by the developers; rather, the access-related changes to the ratings are the result of the developers rating the internal road network instead of the highways as was done in the original fire risk rating. This was done to address the Reviewer's requirement during element review that the ingress/egress and primary access roads that are to be addressed and rated by the form include the internal road network that provides the primary ingress, egress, and access to the proposed RV sites.

The new point rating of 81 rates the fire risk overall as low. While there is increased risk, the mitigation funds proposed of \$500 per RV site would be provided. Additionally, the condition of approval would require the fire district's approval of the final Fire Prevention Plan and Fire Response Plan prior to final plat approval.

*Conclusion 4: With the adherence to the proposed conditions of approval and the donation of \$500 per RV site, the impacts to local services are acceptable.*

**c. Impact on the Natural Environment:**

With the proposed change, there is no known additional impact on the natural environment other than what was previously adopted by the Board of Sanders County Commissioners when conditional preliminary approval was granted for McMillan Post RV Park.

*Conclusion 5: No additional impact is expected with the proposed change to the conditional preliminary approval for McMillan Post RV park.*

**d. Impact on Wildlife and Wildlife Habitat:**

With the proposed change, there is no known additional impact on wildlife or wildlife habitat other than what was previously adopted by the Board of Sanders County Commissioners when conditional preliminary approval was granted for McMillan Post RV Park.

*Conclusion 5: No additional impact is expected with the proposed change to the conditional preliminary approval for McMillan Post RV park.*

**e. Impact on Public Health and Safety:**

Wildfire is a threat throughout the county and the majority of private land in Sanders County is considered located in the Wildland Urban Interface. Vegetation is sparse on the site and the Fire Risk Rating Form submitted with the application indicates a low risk rating.

Without an on-site firefighting water source, the impact on public health and safety is increased slightly. However, the updated fire risk rating provides an overall rating of Low. The recommended conditions of approval would require that the Plains-Paradise Rural Fire District approve the Fire Prevention Plan and Fire Response Plan prior to final plat approval.

The developers have also proposed to donate \$500 per RV site to mitigate the additional impact on the fire district for not having an on-site firefighting water source.

*Conclusion 6: With the adherence to the proposed conditions of approval and the donation of \$500 per RV site, the impacts on public health and safety are acceptable.*

**4. Proposed Mitigation:**

Mitigation measures that appear to be proposed in the amendment application include the following:

- \$500/RV site cash-in-lieu of a firefighting water source on site.
- Fire Prevention Plan provides for and identifies water available by hose at 12 of the 16 RV sites and additional locations within the RV park.
- The amendment application as a whole.

*Conclusion 7: The proposed mitigation measures in the application should be implemented as required by the recommended conditions of approval to mitigate impacts on the subdivision review criteria.*

**5. Findings based on Consideration-Evidence (Section IV-A-6(c) SCSR)**

In making its decision to approve, conditionally approve or deny a proposed subdivision (also applicable to amending the conditional preliminary approval), the governing body may consider and weigh the following, as applicable:

**a. The subdivision application and preliminary plat.**

The amendment application and the updated site plan have been reviewed by the Subdivision Administrator and have been considered with the recommendation to grant the change to the preliminary approval that has been requested. The updated site plan was determined to not be a material change and the Board of Sanders County Commissioners and the developers were notified of that determination. The updated subdivision application materials that are relevant to the change request should be reviewed by the Commissioners and considered as evidence in the governing body decision.

*Conclusion 8: The amendment application shall be reviewed by the Commissioners and considered as evidence in the governing body decision.*

**b. The environmental assessment; not the equivalent of environmental assessments/impact under Montana Environmental Policy Act.**

A revised Environmental Assessment was required and submitted. The revisions address only the impacts of not providing an on-site firefighting water source. No significant adverse impacts were identified. The revised Environmental Assessment has been reviewed by the Subdivision Administrator and considered with the recommendation to grant the change to the preliminary approval that has been requested. The Environmental Assessment should be reviewed by the Commissioners and considered as evidence in the governing body decision.

*Conclusion 9: The revised Environmental Assessment should be reviewed by the Commissioners and considered as evidence in the governing body decision.*

**c. The summary of probable impacts and mitigation.**

The revised summary of probable impacts and mitigation measures described above have been reviewed by the Subdivision Administrator and have been considered with the recommendation to grant the change to the preliminary approval that has been requested. The revised summary of probable impacts and mitigation measures should be reviewed by the Commissioners and considered as evidence in the governing body decision.

*Conclusion 10: The revised summary of probable impacts and mitigation measures should be reviewed by the Commissioners and considered as evidence in the governing body decision.*

**d. Comments, evidence, and discussions at the public hearing(s).**

As of the date of this memo, the public hearing is scheduled for December 3, 2024 at 1:30 p.m. No public comments have been received as of the date of this memo. Relevant comments, evidence, and discussions at the public hearing will be addressed at the hearing and/or prior to the Commissioner's final action on the amendment application.

## **REVIEWER RECOMMENDATION:**

Based on compliance with applicable laws, rules, and regulations, and the recommended revised condition of approval, to ensure compliance, the Reviewer recommends approval of the amendment to the conditional preliminary plat approval for McMillan Post RV Park, subject to the imposition of the revised condition stated below. After the condition in parentheses are the regulations and statutes that were used as a basis for the imposition of the conditions. All conditions are based on the findings and conclusions identified in this memo and are recommended according to the Sanders County Subdivision Regulations and/or in order to reasonably minimize adverse impacts according to 76-3-608, MCA.

When requiring mitigation as recommended by the conditions of approval and other mitigation measures that may be considered by the Commissioners', it is important to be aware of the following requirements:

76-3-608. Criteria for local government review.

(5) (a) In reviewing a proposed subdivision under subsection (3) and when requiring mitigation under subsection (4), a governing body may not unreasonably restrict a landowner's ability to develop land, but it is recognized that in some instances the impacts of a proposed development may be deemed unmitigable and will preclude approval of the subdivision.

(b) When requiring mitigation under subsection (4) and consistent with 76-3-620, a governing body shall consult with the subdivider and shall give due weight and consideration to the expressed preference of the subdivider.

Let it be known that this recommendation is not to remove, change, or otherwise nullify the conditional preliminary approval for McMillan Post RV Park other than to amend the below condition based on the material change that has been requested by the developers.

Revised condition of approval #24:

➤ The RV Park shall comply with the Sanders County Subdivision Regulations for Fire Protection. Prior to final plat approval, the Subdividers shall provide the County evidence of donating mitigation funds of \$500 per RV site (\$8,000) as requested by the Plains-Paradise Rural Fire District. Approval of the subdivision's Fire Prevention Plan and Fire Response Plan by the Fire District shall be submitted with the final plat application. *(This condition will mitigate impact to public safety as authorized by 76-3-608(3)(a) & (4), impacts on public health and safety and mitigation of potential adverse impacts, and; Sections VII-P, Fire Protection, and Sections VIII-D-2(f), SCSR)*



Chris McComas  
County Planner