



Sanders County Land Service Department

Subdivision Administration

December 4, 2024

Kathleen & Mark French
8682 MT Hwy 200
Plains, MT 59859

RE: Approval of amendment of the conditional preliminary approval for McMillan Post RV Park Major Subdivision Created by Lease or Rent

On December 3, 2024, the Board of the Sanders County Commissioners granted approval of the amendment of the preliminary conditional approval of the McMillan Post RV Park, a major subdivision created by lease or rent. The application was to amend Condition #24 of the Conditional Preliminary Approval McMillan Post RV Park, granted on March 5, 2024. The amendment was specific to providing \$500 per RV site in lieu of providing a water source for the Plains-Paradise Rural Fire District to use on-site for fire suppression.

The Commissioners considered the subdivider's amendment application, which included the updated 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. Furthermore, the Commissioners considered relevant public comments received in writing and at the public hearing held on December 3, 2024.

This preliminary approval is subject to the amended condition listed below. The condition is based on the Commission's findings of fact as outlined in the Memo to the Board of Sanders County Commissioners dated November 1, 2024. After the amended condition in parentheses are the regulations and statutes that were used as a basis for the imposition of the condition. An explanation of how the regulations and statutes apply to the decision is given in the findings of fact. The findings of fact provide the facts and conclusions that the County Commission relied upon in making its decision. This approval does not remove, change, or otherwise nullify the conditional preliminary approval for McMillan Post RV Park other than to amend the below condition.

Prior to the final plat being granted approval, documentation is required to demonstrate all of the conditions of approval have been met.

AMENDED 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)*

The amendment approval will expire three (3) years from the date of the original preliminary conditional approval granted on March 5, 2024, unless the subdivider and Board of Sanders County Commissioners agree to an extension in accordance with Section III-A-4(f) of the Sanders County Subdivision Regulations and 76-3-610, MCA.

State law requires the local government to provide information to the subdivider regarding the appeal process for actions such as denial of a subdivision application. Under 76-3-625 MCA: *“A person who has filed with the governing body an application for a subdivision under this chapter may bring an action in district court to sue the governing body to recover actual damages caused by a final action, decision, or order of the governing body or a regulation adopted pursuant to this chapter within 180 days of the final action, decision, order, or adoption of a regulation. The governing body's decision, based on the record as a whole, must be sustained unless the decision being challenged is arbitrary, capricious, or unlawful.”* Further, a party who is aggrieved by a decision of the governing body to approve, conditionally approve, or deny an application and preliminary plat for a proposed subdivision may, within 30 days from the date of the written decision, appeal to the district court in the county in which the property involved is located to challenge the decision. The petition must specify the grounds upon which the appeal is made. The governing body's decision, based on the record as a whole, must be sustained unless the decision being challenged is arbitrary, capricious, or unlawful.

Sincerely,
BOARD OF COUNTY COMMISSIONERS
Sanders County, Montana

Dan B. Rowan
Dan B. Rowan, Presiding Officer

Anthony B. Cox
Anthony B. Cox, Member

John Holland
John Holland, Member

Reid Wachsmuth 11/4/24
Attest: Clerk & Recorder Date