



Sanders County Land Services Department Subdivision Administration

STAFF REPORT AMENDED LOT 3 OF THOMPSON MINOR SUBDIVISION AS RECORDED ON COS 2196 MS A SUBSEQUENT MINOR SUBDIVISION PRELIMINARY PLAT APPLICATION REPORT DATE: JULY 22, 2025

GENERAL INFORMATION

REVIEWER/

SUBDIVISION ADMINISTRATOR: Chris McComas, County Planner

REVIEW DEADLINE: August 11, 2025

COMMISSIONERS' MEETING: Thursday, July 30, 2025, at 11:00 a.m. in the Commissioner's Conference Room at the Sanders County Annex Building

LANDOWNERS/SUBDIVIDERS: Bob and Mary Taylor of BKP Properties, LLC
15 Wilkes Creek Road
Thompson Falls, MT 59874

REPRESENTATIVE: Tim Smith, PLS
Timberline Land Surveyors
P.O. Box 1565
Trout Creek, MT 59874

LOCATION OF SUBDIVISION: ±1.6 miles West of Thompson Falls, MT

LEGAL DESCRIPTION: A tract of land located in a portion of the NW 1/4 of Section 1, Township 21 North, Range 30 West, P.M.M., Sanders County, Montana, further described as Lot 3 on Certificate of Survey No. 2196 MS.

ACREAGE: ±3.00 acres

CURRENT LAND USE: Mixed residential/commercial

LOTS UNDER REVIEW: Two lots, ranging in size from 1.15 acres to 1.85 acres, for one single-family residential and one mixed residential/commercial

VARIANCES REQUESTED: 1. Sanders County Subdivision Regulations, Section VII-G, Table 1, Item 2, minimum local roadway width of 24 feet.

2. Sanders County Subdivision Regulations, Section VII-L(e), utility easements located between adjoining lots must be centered on lot lines. For water line and septic line easements.

PARKLAND: Not required

SURROUNDING USES: Residential and Commercial

APPLICATION INFORMATION: The preliminary plat application for the subdivision was received on November 11, 2024, and deemed sufficient for review on June 20, 2025, under the Sanders County Subdivision Regulations (SCSR) amended June 10, 2020. Legal notices are not required by the SCSR or Montana law for subsequent minor subdivisions creating one additional lot.

Reviewer Recommendation: Submitted to the Sanders County Board of Commissioners with a recommendation to adopt the findings of fact and conclusions and grant preliminary approval, subject to 18 conditions.

Submitted by:



Chris McComas, County Planner

July 22, 2025

Date

INTRODUCTION:

Bob and Mary Taylor of BKP Properties, LLC, have submitted a preliminary plat application for this 2-lot subsequent minor subdivision located approximately 1.6 miles west of Thompson Falls. Lot 3-B is proposed as single-family residential, and Lot 3-A is proposed as mixed residential/commercial. Access will be via a shared approach and subdivision road intersecting Highway 200, a paved state-maintained road. The lots within the proposed subdivision would range in size from 1.15 acres to 1.85 acres and are proposed to be served by a shared well and shared wastewater treatment system. This lot is currently developed with existing access and existing approved well and septic locations.

The subdivision proposal constitutes a subsequent minor subdivision as defined by the Sanders County Subdivision Regulations (SCSR) and Montana law. The allotted time for the preliminary plat review of a subsequent minor subdivision is 35 working days. The Board of County Commissioners is required to take final action on or before the review deadline of August 11, 2025.

This report presents proposed findings of fact and recommendations for the subdivision. It is organized into two main sections:

- I. Findings of Fact, which includes descriptions of various elements of the project and Reviewer-recommended findings of fact based on the subdivision review criteria, and
- II. Reviewer Recommendation, which includes recommended conditions of approval, which have been made according to the findings of fact and the 2020 SCSR.

I. RECOMMENDED FINDINGS OF FACT

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

A. Project Summary

- 1. Type of Project:** 2-lot subsequent minor subdivision
- 2. Proposed Lot Sizes:** Lot 3-A: 1.85 acres
Lot 3-B: 1.15 acres
- 3. Zoning:** None
- 4. Utilities & Services:** Water: Shared well
Wastewater: Shared wastewater systems
Solid Waste: Thompson Falls Transfer Site
Electricity: Northern Lights Energy
Telephone: Blackfoot Communications
Fire District: Thompson Falls Rural Fire District
Law Enforcement: Sanders County Sheriff's Office
Ambulance: Thompson Falls Ambulance
Medical: Clark Fork Valley Hospital in Plains, and other area hospitals and clinics
Schools: Thompson Falls Public Schools

B. Comments Received:

Agency Comments: Northern Lights, Inc. stated that there are two existing metered services for this property located near the highway on Lot 3-A. Generally, NLI requires that the meter be located on the property it serves. NLI requests that the subdivider provide a 30-foot-wide access and utility easement across Lot 3-A for Lot 3-B for continued electrical power service entitlements and to later allow for the placement of a meter on Lot 3-B.

The Montana Department of Transportation (MDT) stated that the subdivision may impact MDT facilities. MDT stated that if MDT facilities are impacted during the design or

construction of the project, contact the Missoula Maintenance Chief to work through MDT requirements.

Thompson Falls Rural Fire District stated that they are in favor of \$500 per lot in lieu of providing an on-site water source, as the city water system and hydrants are within a few miles of this subdivision.

The Montana Historical Society, State Preservation Office, stated there are no known cultural sites on this property.

Public Comments: None received to date

C. Findings based on the Prerequisites to Approval (Section III-A-4(a) SCSR) in the Review and Approval Procedures for Minor Subdivisions

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

1. Provides easements for the location and installation of any planned utilities.

Utilities will be provided for each lot through private water line easement, private septic line and drainfield easement, and the access and public utility easement shown on the preliminary plat. Existing meter locations for both lots are on Lot 3-A near the Highway 200 right-of-way. If in the future Lot 3-B were to relocate the electric meter onto the lot, the public utility easement will provide a location for an underground powerline. All lots have frontage along a utility easement as proposed. Water and wastewater facilities will be contained within the subject property. As the shared well is located on Lot 3-B, the subdivider is proposing a water line easement encumbering Lot 3-B for the benefit of Lot 3-A. The shared drainfield is situated on Lot 3-A; therefore, the subdivider is proposing a septic line and drainfield easement encumbering Lot 3-A for the benefit of Lot 3-B. All existing and proposed easements must be shown on the final plat. Any planned easements must identify the purpose, dimensions, and recipients of the dedication in compliance with Section VII.L SCSR.

Conclusion 1: The proposal will use existing and new public and private utility easements for the location and installation of utilities. All easements must be shown on the final plat, and any new easements must identify the purpose, dimensions, and recipients of the dedication.

2. Provides legal and physical access to each parcel within the subdivision and the notation of that access on the applicable plat and any instrument transferring the parcel.

All lots will be provided with legal and physical access from Highway 200, a paved state-maintained road. The existing access is shared between Lot 3 and Lot 2 of Thompson Minor Subdivision (COS 2196MS). To provide access through Lot 3-A to Lot 3-B, a 50-foot-wide private access easement with an 18-foot-wide low-volume road is proposed along the east edge of Lot 3-A.

Currently, the proposed low-volume road exists but has not been permitted by Sanders County. As this low-volume road accesses Highway 200, a paved, state-maintained road, improvements to the approach would be required to meet subdivision road standards. Those improvements required will be discussed later in this report.

Section VII-G(a)(iv) requires a recorded maintenance agreement for streets and roads that the subdivision relies on. This means a shared maintenance agreement must be in place for the proposed subdivision road to ensure year-round access for both lots. Additionally, since the legal access to Highway 200 is shared by an adjacent lot not included in this subdivision, the shared maintenance of the approach would need to be covered by an agreement between the lots within this subdivision and the adjacent Lot 2 of COS 2196MS. The recommended conditions of approval would require both of these agreements to be filed with the final plat.

Conclusion 2: The lots would have legal and physical access as proposed and per the recommended conditions of approval.

3. 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;

Based on the recommended conditions of approval, the physical improvements that would be required to be installed prior to final plat approval include:

1. Pave the subdivision road approach for a minimum of 25 feet from the edge of the road pavement of Highway 200.
2. Install the road name sign with the approved name of the road from the Rural Addressing Department.

According to Section II-B-4 SCSR, the County Commissioners may require up to 100% completion of improvements related to public health and safety to be installed prior to

final plat approval before agreeing to the use of a subdivision improvements agreement. Because the driveways and vegetation treatment are related to public safety, it is reasonable to require the improvements to be 100% completed prior to final plat approval, and not guaranteed with a subdivision improvements agreement.

Conclusion 3: The physical improvements that would be required to be installed prior to final plat approval include driveway improvements and vegetation treatment. The recommended conditions of approval would require the improvements to be 100% completed prior to final plat approval.

4. Assures that the requirements of 76-3-504(1)(j) MCA, regarding the disclosure and disposition of water rights as set forth in Section VII-N have been considered and will be accomplished before the final plat is submitted.

The application did not include documentation of existing water rights associated with the property. The reviewer did not find any water rights associated with the subject property on the DNRC Query Website. The new lot owners would need to apply for water rights through the DNRC application process. Assuming that each new lot would be allowed 1 AF/year in accordance with DNRC standards, the combined appropriation would total 2 AF/year, which is below the maximum combined appropriation limit of 10 AF/year.

As water rights do not exist for this property, the requirement for disclosure and disposition of water rights does not appear to be applicable.

Conclusion 4: As proposed, the disposition of water rights associated with the property appears to meet the requirements of SCSR and 76-3-504 (1)(j), MCA do to the lack of an existing water right.

5. Assures that the requirements of 76-3-504(1)(k) MCA regarding watercourse and irrigation easements as set forth in Section VII-M have been considered and will be accomplished before the final plat is submitted.

The application submitted indicates that there are no irrigation systems that exist within the boundaries of the subject property. The Reviewer has concluded through inquiry and research there does not appear to be irrigation infrastructure on the property, such as irrigation project canals, ditches, headgates, or turnouts that would require easements to be maintained or operated. Therefore, it does not appear there are water courses, project irrigation ditches, sprinkler systems, or other irrigation infrastructure that would necessitate irrigation easements for the delivery of irrigation water to other land. Section

VII-M SCSR and 76-3-504(1)(k), MCA, therefore, do not appear to apply, so irrigation and water course easements are not necessary.

Conclusion 5: Section VII-M SCSR and 76-3-504(1)(k), MCA regarding watercourse and irrigation easements do not apply to the subdivision due to the lack of watercourses and irrigation infrastructure on the subject property that would necessitate irrigation easements for delivery of irrigation water to other land.

D. Findings based on Consideration-Standards (Sections III-A-4(b) SCSR)

In approving, conditionally approving, or denying a minor subdivision application, the governing body shall consider subsection (a) above and whether the proposed subdivision complies with:

1. The subdivision regulations, including, but not limited to, the standards set forth in Section VII.

The Reviewer has reviewed the subdivision for conformance with Section VII of the SCSR. The following are findings based on a review of the subdivision in light of the applicable design and improvement standards of Section VII SCSR.

Variance Request to SCSR Section VII:

- a. Section VII-G Table 1, Item 2, requires that the minimum roadway width be 24 feet for a road defined as a local road. Currently, a roadway surface serves the existing residence and commercial/residential shop that is 18 feet wide, which is the standard width for a low-volume road. SCSR defines a low-volume road as “A road servicing 3 or fewer residential lots with no possibility of further subdivision”. While this road is to serve only two lots and the shared approach is to serve only three lots, the commercial use of proposed Lot 3-A requires the local road standard of a 24-foot-wide roadway. Pursuant to Section XI-A, the governing body may grant variances to Section VII, Design and Improvement Standards, of these regulations when, due to the characteristics of land proposed for subdivision, strict compliance with these standards would result in undue hardship and would not be essential to the public welfare. A variance will not be granted if it would have the effect of nullifying the intent and purpose of these regulations. The governing body will not approve a variance unless it finds that:
 1. Granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties.
 - a. The reviewer has determined that the variance would not be detrimental to public health, safety, or general welfare. Adherence to the standard, in this case, is to ensure an adequate driving surface for larger vehicles that would service a commercial operation. In this case, the majority of

the property of Lot 3-A is a gravel surface with ample room for larger vehicles to operate. The main purpose of this road is to provide access to Lot 3-B through Lot 3-A. With the smaller lot size and ample space for larger vehicles such as emergency response vehicles, the impact on public health, safety, and general welfare is not detrimental, nor would it be expected to be injurious to adjoining properties.

2. Due to the physical surroundings, shape, or topographical conditions of the property involved, strict compliance with the regulations will impose an undue hardship on the owner. Undue hardship does not include personal or financial hardship, or any hardship that is self-imposed.
 - a. Based on the shape and size of Lot 3 prior to division, the drainfield areas have been installed in locations that would not allow for a wider width roadway surface. The drainfield has been placed in the best possible location to support additional requirements, such as sanitation setbacks to protect public health. The topography of the property also drives the drainfield location, as shown with grades on the property that exceed 25% slope, and the proximity to the Clark Fork River. Movement of the drainfield to accommodate a 24-foot-wide road is not feasible on this property without potentially impacting surface water, adjacent property, and or not meeting requirements for sanitation setbacks.
3. The variance will not cause a substantial increase in public costs.
 - a. There are no expected increases to public cost at this time if this variance is granted.
4. The variance will not place the subdivision in nonconformance with any adopted zoning regulations.
 - a. There are no adopted zoning regulations within the unincorporated areas of Sanders County.

The reviewer recommends that the variance to SCSR Section VII-E(b) **be granted** as the existing road has served the existing uses of the lot, and there is ample room for the commercial operation to continue.

- b. Section VII-L(e) requires that utility easements located between adjoining lots must be centered on lot lines. The waterline, drainfield, and septic line easements do not meet this standard as proposed based on existing locations. Pursuant to Section XI-A, the governing body may grant variances to Section VII, Design and Improvement Standards, of these regulations when, due to the characteristics of land proposed for subdivision, strict compliance with these standards would result in undue hardship and would not be essential to the public welfare. A variance will not be granted if it would have the effect of nullifying the intent and purpose of these regulations. The governing body will not approve a variance unless it finds that:

1. Granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties.
 - a. The reviewer has determined that the variance would not be detrimental to public health, safety, or general welfare. Adherence to the standard, in this case, is to ensure that utilities are located along the property boundaries to reduce conflicts between utility maintenance and installation and development on proposed subdivision lots. The application included the easement on the preliminary plat. Any impact is contained within the property boundaries.
2. Due to the physical surroundings, shape, or topographical conditions of the property involved, strict compliance with the regulations will impose an undue hardship on the owner. Undue hardship does not include personal or financial hardship, or any hardship that is self-imposed.
 - a. The undue hardship is based on the shape of the property. Locating these existing easements along property lines would create additional lots of irregular shape and size. The size of the additional lots would make them unusable.
3. The variance will not cause a substantial increase in public costs.
 - a. There are no expected increases to public cost at this time if this variance is granted.
4. The variance will not place the subdivision in nonconformance with any adopted zoning regulations.
 - a. There are no adopted zoning regulations within the unincorporated areas of Sanders County.

The reviewer recommends that the variance to SCSR Section VII-E(b) **be granted** as the utility lines currently exist and strict compliance of this requirement would drive the creation of unusable lots within the subdivision.

Compliance with SCSR Section VII:

Section VII-G outlines the improvement standards for streets and roads. The lots within the subdivision will have access to Highway 200 via a shared access easement and subdivision road easement with an 18-foot-wide subdivision road. The approach onto Highway 200 will require a minimum of the first 25 feet from the edge of the highway pavement to be paved. A subdivision road name sign will be required to be installed as well. The recommended conditions of approval would require the paving and sign installation improvement to be completed prior to final plat approval.

Section VII-R SCSR (Noxious Weeds) requires that *“A weed control plan shall be developed and implemented for every new subdivision. An agreement with the Sanders County Commissioners shall be signed and implemented by the subdivider, and the*

Weed Plan must be recorded with the final plat.” The recommended conditions of approval would require the weed control plan in compliance with these requirements.

Section VII-I (Water Supply Systems) outlines the requirements for water supply systems that apply to the proposed subdivision. DEQ approval will be required for the water supply systems, as all lots are less than 20 acres in size. The well is proposed to be shared and will require a shared user agreement that meets the requirements of ARM 17.36.122. A recommended condition of approval would require that the user agreement be filed with the final plat.

Section VII-J (Sewage Treatment Systems) outlines the requirements for the disposal of sewage from each lot in the subdivision. DEQ approval will be required for the water supply systems, as all lots are less than 20 acres in size. This system is currently installed, permitted by Sanders County, and in use.

Section VII-L SCSR (Utilities) outlines requirements for utilities that apply to the proposed subdivision, including:

- Utilities must be placed underground, wherever practical.
- Utility facilities must be designed by utility firms in cooperation with the subdivider. These facilities are subject to all applicable laws, rules, and regulations of the appropriate regulatory authorities.
- If easements for utilities are shown on the final plat, they shall be shown with dashed lines, and in addition to showing the location of utility easements, the service provider's right-to-access statement must appear on the final plat.

The recommended conditions of approval would require compliance with the above applicable provisions of Section VII-L SCSR.

Section VII-P SCSR (Fire Protection) outlines requirements for minimizing the risk of fire and permits the effective and efficient suppression of fires to protect persons, property, and forest land. The overall fire risk rating is rated as low and was reviewed and verified by the Thompson Falls Rural Fire District. SCSR Section VII-P(e) requires the treatment of vegetation that poses a significant risk of wildfire ignition and spread. The risk rating for vegetation is considered low, and the fuels present are light. Therefore, treatment of the vegetation would not be necessary. The existing structures are placed in areas that minimize the potential for flame spread and permit adequate access for firefighting equipment. The existing structures are within 500 feet of Highway 200, and both lots provide adequate turnaround area. Sanders County Policy dated 7-11-06 allows the developer to propose \$500 per lot in lieu of providing a water

source, with the approval of the firefighting agency responsible. Thompson Falls Rural Fire District has requested \$500 per lot cash in lieu of a firefighting water source.

See the following sections of this report for findings regarding compliance with other requirements of the subdivision regulations:

- Section I-C-1 of this report for findings regarding compliance with requirements for easements for utilities outlined in Section VII-L SCSR (Utilities);
- Section I-C-4 for findings regarding compliance with Section VII-N SCSR (Disposition of Water Rights); and
- Section I-C-5 for findings regarding compliance with Section VII-M SCSR (Water Course and Irrigation Easements).

The final subdivision plat will be required to be reviewed by an examining land surveyor for errors and omissions in calculations or drafting, and final plat review and approval by Sanders County will be required per Section II-B SCSR. The final plat review process and conditions of approval will ensure compliance with Section VII SCSR.

Conclusion 6: As proposed and with the recommended conditions of approval, the subdivision complies with the design and improvement standards of Section VII SCSR, except for compliance with Section VII-E(b) as requested through two variances.

2. Other applicable regulations.

Other applicable regulations include the Sanders County Wastewater Treatment Regulations and Well Regulations. The following are summaries of the subdivision's compliance with those regulations:

- a. Wastewater Treatment Regulations: Future wastewater treatment systems will require permitting and compliance with the Wastewater Treatment Regulations.
- b. Well Regulations: Future wells will require permitting and compliance with the Well Regulations.

Conclusion 7: As proposed and with the recommended conditions of approval, it is intended to ensure the subdivision complies with other applicable regulations.

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 on Agriculture:

This property is currently used for commercial and residential purposes. The sounding land use is of a similar nature. There are no known agricultural operations within the immediate vicinity of this proposed subdivision.

There is always the possibility of conflicts with agricultural operations when they exist nearby. Noise, dust, and slow-moving and large vehicles used for harvesting timber and livestock operations can be expected on public roads. The impact on this subdivision is very minimal, as there are no known agricultural operations within close proximity of this subdivision. This subdivision is expected to have minimal impact on agricultural operations.

The requirement to implement a Sanders County Noxious Weed Management Plan will mitigate the potential spread of noxious weeds and weed seeds to area agricultural properties that may result when weeds propagate as a result of disturbances involved with development activities.

Considering the above, the subdivision will have minimal impact on agriculture.

Conclusion 8: The subdivision's impacts on agriculture are expected to be minimal, considering the lots are fully developed and the subdivision requires the implementation of a Sanders County Noxious Weed Management Plan.

b. Impact on Agricultural Water User Facilities:

As discussed in Section I-C-5 of this report, it does not appear there are water courses, project irrigation ditches, sprinkler systems, or other irrigation infrastructure that would necessitate irrigation easements for the delivery of irrigation water to other land or within this subdivision. Therefore there are no anticipated impacts on agricultural water user facilities.

Conclusion 9: There are no anticipated impacts on agricultural water user facilities.

c. Impact on Local Services:

This subdivision would create two lots, one for commercial/residential purposes and the other for residential purposes. These lots are currently fully developed for the associated uses. Future residents will be served by the Thompson Falls School District. Although solicited, no comments were received from the school district, and it can therefore be assumed this subdivision will have minimal impact on the school district.

This location is not serviced by public water or sewer. A shared, on-site wastewater treatment system will provide on-site wastewater disposal. Water will be provided via a shared well. Lot owners are responsible for the installation and maintenance of water supplies and wastewater treatment systems, resulting in no impacts on local water and sewer service providers.

Medical services are available nearby at the Thompson Falls Medical Clinic, with emergency room service at Clark Fork Valley Hospital in Plains, as well as other area hospitals and clinics. The Thompson Falls Ambulance serves this location. As the ambulance service is staffed and operated by volunteers, this service may not have the same availability and response time as a paid urban service. No comments were received by the Thompson Falls Ambulance. Typically, comments are related to adequate turnaround and roadway width for access to the property. This property currently has adequate turnaround and roadway access for emergency response.

This property is part of the Thompson Falls Rural Fire District. As this is also a volunteer agency, and response times vary, there may be limited structural fire protection available for dwelling units constructed in this area. Proximity to the fire hall will have some effect on reducing these response times.

The Fire District was solicited for comments on the proposed subdivision. The Thompson Falls Rural Fire District requested 500 dollars per lot in lieu of a fire protection water source. In line with fire chiefs' requests, the Reviewer is recommending that prior to final plat approval, the Subdividers shall provide the County evidence of donating mitigation funds of \$500 per lot (\$1,000) to the Thompson Falls Rural Fire District.

The cumulative impact of these projects on volunteer services is the most critical aspect. The demand on these services is increasing with no adequate technique in Sanders County to provide direct expansion or funding. There are currently no established means to mitigate the personnel impacts to volunteer agencies, other than a per lot donation described above. Funding relies on annual tax assessments and having sufficient personnel relies on volunteers.

Additional tax dollars will be generated for fire and ambulance services with this subdivision, though this does not address the need for volunteers. This is an issue throughout Sanders County, as all ambulances and fire departments are staffed with volunteers.

No extension of public roads will be necessary at this time. Access is from Highway 200, a paved state-maintained road, onto a proposed private subdivision road. Over time, maintenance and improvements to Highway 200 may become necessary. This subdivision does not increase daily trips since the lots are already fully developed. Any existing traffic impact remains unchanged and is not expected to grow due to this subdivision. Because subdivision road standards require paving the first 25 feet of any approach onto a paved county or state road, there will be an impact on MDT infrastructure during this paving process. MDT comments indicate that if, during construction, the subdivision impacts MDT facilities, the subdivider should contact the Missoula Maintenance Chief. This will likely be managed with an updated permit from MDT. Therefore, a recommended condition of approval is that MDT must permit and approve the paved approach for this subdivision before final plat approval. To clarify that the private shared road and approach are maintained at the owner's expense, and not the responsibility of Sanders County, it is also recommended that the final plat application include a maintenance agreement with provisions for the maintenance and repair of the shared road and approach—covering snow removal, grading, dust control, surface maintenance, culverts, and stormwater drainage facilities.

Private contractors provide solid waste disposal service, or the landowners can transport waste to the Thompson Falls transfer site, which is located within ± 4.9 road miles from the subdivision. The solid waste service is paid for by the collection of a fee for each residential and commercial unit with annual taxes. However, as with all public services, there is a concern for the cumulative impacts, the amount of land required, and additional equipment needs to continue to meet increased demands. Currently, Sanders County transports all garbage to the regional landfill, located in Missoula County, which does have a limited lifespan.

The Sheriff's Office is currently staffed at the level supported by the tax base of the existing population of the County. Sheriff's Office staffing is determined by taxes generated by all County landowners. The Sheriff's Office was solicited for comment but no comments were received.

Conclusion 10: The subdivision will have minimal impacts on local services if the recommended conditions of approval are adhered to.

d. Impact on the Natural Environment:

The Summary of Probable Impacts states there are no known possible historic, paleontological, archaeological, or cultural sites, structures, or objects to be affected by this proposal. Comments from the Montana Historical Society support this claim. Due to the lack of documented sites located on the subject property, there appear to be no direct, secondary, or cumulative impacts to the historical sites with this subdivision. During the construction of new homes or driveways, the potential to discover historical, paleontological, archaeological, or cultural sites, structures, or objects exists. The recommended conditions of approval address this with a requirement that a statement be incorporated into the final subdivision documents so that prospective and future lot owners are aware of the requirements to stop work and notify the Montana Historic Preservation Office to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate.

No geologic hazards such as slumping, landslides, rockfall, shallow bedrock, etc. are expected with this subdivision. Northwestern Montana is subject to seismic activity. No special building requirements are required by the County and no mitigation for residential uses for seismic or geologic conditions is required. This area is subject to the potential for high winds, wildfires, and heavy snowfall as all areas within Western Montana are.

The application describes no-build zones with slopes of 25% or greater within the subdivision. These areas have been identified on the preliminary plat map. They must continue to be identified as such on the final plat to reduce the need for extreme cuts and fills on steep slopes. These restrictions will preserve the natural environment by reducing erosion on unstable soils or steep slopes lacking vegetation from development in these areas.

No adverse direct impact on air quality is anticipated with this number of residential and commercial lots.

The plans for water supplies and wastewater treatment systems for all lots will need to be reviewed and approved by the Montana Department of Environmental Quality (DEQ). The current systems that have been installed have been described as having been installed in accordance with state and local requirements. This proposal does not include any plans to alter the existing permitted systems. The applicable

requirements are in place to protect surface water and groundwater. The Clark Fork River is approximately 240 feet to the north of this subdivision. The river is not listed as an impaired body of water. The well log for the well located on this property, GWIC ID 217262, describes the static water level as 66 feet. The well log further indicates an average yield of 75 gallons per minute. With the well log data and DEQ approvals required, the impact on groundwater and surface waters will be limited to the allowable tolerances. Additionally, any effect of these systems is already present. A recommended condition of approval will require that DEQ approval be granted prior to final plat approval.

The subdivision's impacts on the natural environment will be minimal if the recommended conditions of approval are required and adhered to.

Conclusion 11: The subdivision's impacts on the natural environment will be minimal if the recommended conditions of approval are required and adhered to.

e. Impact on Wildlife:

Residential development inherently impacts wildlife through human/wildlife conflict, disruption of migration routes and habitat, pet activity, wildlife attractants, etc. To reduce this impact, landowners should be provided with Fish & Wildlife ways to reduce human/wildlife conflict. The conditions of approval will ensure this mitigation is carried out. A recommended condition approval will require this either on the face of the final plat or in the conditions of approval sheets to be filed with the final plat.

Conclusion 12: The subdivision's impact on wildlife will be minimal if lot purchasers are made aware of the FWP information on ways to reduce human/wildlife conflicts with a condition of approval requiring FWP guidelines for avoiding human/wildlife conflicts is required and adhered to.

f. Impact on Wildlife Habitat:

Any impact to wildlife habitat is already present on this property as it is fully developed. This area, like most developed areas in Sanders County, is considered a big game winter range. While there will be some impact on big game winter range, the impact is considered to be minimal. The conditions of approval will require that future owners of the residential lots be provided with information about living with wildlife. The education of the future lot owners will help to mitigate impacts on wildlife habitat.

Conclusion 13: The subdivision's impact on wildlife habitat will be minimal if the proposed conditions of approval for the avoidance of human/wildlife conflict are required and adhered to.

g. Impact on Public Health and Safety:

Adjacent land uses are consistent with rural residential, and therefore, the subdivision should not impact this use.

Compliance with applicable sanitation requirements should ensure that no impacts on public health will be created by the subdivision beyond allowable tolerances. The well log for this property shows a yield of 75 gpm and a water level of 66 feet, which indicates adequate water available to support this development.

Impact on public safety associated with the subdivision road intersecting Highway 200 in this area already exists, and the lot is fully developed. To reduce some public safety impact, the paving of the first 25 feet of the approach off of Highway 200 will reduce the potential for vehicles spinning out in gravel trying to negotiate a turn onto Highway 200.

With the request for a commercial lot to be supported by an 18-foot wide subdivision road, there is some concern that would be warranted as to public safety for vehicular traffic on the subdivision road. However, Lot 3-A currently has a driving surface and parking area for larger vehicles. With the larger driving surface and parking area, the impact of an 18-foot wide road is minimal and would only be expected during minimal instances.

Wildfire is a threat throughout the County, and the majority of private land in Sanders County is considered located in the Wildland Urban Interface. A Fire Risk Rating was completed and verified by the Thompson Falls Rural Fire District. As discussed in Section I-D-1 of this report, the reviewer determined that the overall fire risk rating is low based on research, inquiry, and on-site observations. Information, such as the Homeowner's Code of Responsibility, shall be provided to future owners of these lots and will be required by the recommended conditions of approval as well.

Conclusion 14: The subdivision's potential impacts on public health and safety appear minimal. If conditions of approval are adhered to, future residents are properly informed, and sanitation requirements are met as required by the recommended

conditions of approval, the impacts on public health and safety can be mitigated to the extent possible.

4. Proposed mitigation:

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

- No-Build Zones on the face of the plat.

Mitigation measures proposed by this report include:

- Statement on the face of the plat related to notice requirements for cultural finds during construction.
- The first 25 feet from the edge of Highway 200 shall be paved for the shared approach and subdivision road.
- Homeowners' Code of Responsibility or comparable information filed with the final plat to educate future lot owners on responsibilities associated with living in the wildland-urban interface.
- FWP recommendations on ways to reduce human/wildlife conflicts filed with the final plat to educate future lot owners.
- The staff report as a whole.

Conclusion 15: The proposed mitigation measures in the application and this report 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 III-A-4(c) SCSR)

In making its decision to approve, conditionally approve, or deny a proposed subdivision, the governing body may consider and weigh the following, as applicable:

1. The subdivision application and preliminary plat.

The Subdivision Administrator has reviewed the subdivision application and preliminary plat and have been considered with the recommendation to grant preliminary conditional approval. The subdivision application and preliminary plat should be reviewed by the Commissioners and considered as evidence in the governing body's decision.

Conclusion 16: The subdivision application and preliminary plat shall be reviewed by the Commissioners and considered as evidence in the governing body's decision.

2. The summary of probable impacts and proposed mitigation.

The 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 preliminary conditional approval. The summary of probable impacts and mitigation measures should be reviewed by the Commissioners and considered as evidence in the governing body's decision.

Conclusion 17: The summary of probable impacts and mitigation measures should be reviewed by the Commissioners and considered as evidence in the governing body's decision.

3. Subdivision administrator's staff report and recommendations.

This staff report and associated recommendations will be discussed at the Commissioners' meeting and/or prior to the Commissioners' final action on the subdivision application.

Conclusion 18: Relevant comments, evidence, and discussions at the Commissioners' meeting will be addressed at the Commissioners' meeting and/or prior to the Commissioners' final action on the subdivision application. The findings and this conclusion will be modified as appropriate based on what occurs at the meeting.

4. Any additional information authorized by law.

No additional information specifically needs to be discussed in these findings as of the date of this report. The Board of County Commissioners has the authority to consider and weigh any additional information authorized by law when making its decision to approve, conditionally approve, or deny a proposed subdivision.

Conclusion 19: The Board of County Commissioners has the authority to consider and weigh any additional information authorized by law when making its decision to approve, conditionally approve, or deny a proposed subdivision. If additional information is found and considered, these findings and this conclusion will be modified as appropriate based on what occurs at the Commissioners' meeting.

II. REVIEWER RECOMMENDATION:

Based on compliance with applicable laws, rules, and regulations and the recommended conditions of approval to ensure compliance, the Reviewer recommends approval of the preliminary plat application for Amended Lot 3 of Thompson Minor Subdivision recorded as COS 2196 MS, a subsequent minor subdivision creating one additional lot, subject to the imposition of the conditions stated below. After each 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 report 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.

RECOMMENDED CONDITIONS OF APPROVAL:

1. The approved plans shall be adhered to. Any modifications in design or plans must be submitted for review to Sanders County. *(This condition will ensure that the adopted standards will be followed. Amendments may require review under Section II-B-5, SCSR, Amending Approved Preliminary Plats Before Final Plat Approval; Section II-B-8, Amending Final Plats; and Section III-A-5, First Minor Subdivisions – Amended Applications.)*
2. The Subdivider shall comply with all other standards and procedures of the Sanders County Subdivision Regulations, which are applicable to this subdivision prior to receiving final plat approval, as well as all conditions and mitigations offered through the application which were not altered or amended during the review process. The Subdividers are hereby informed that any unmet regulations, procedures, offered conditions and mitigations, or provisions that are not specifically listed as conditions of approval, do not, in any way, create a waiver, variance, or other relaxation of the lawful requirements of the Sanders County Subdivision Regulations or State law. *(This condition will ensure compliance with SCSR and MCA)*
3. The applicant shall submit an application for final plat review subject to review and approval by the governing body (*Section II-B SCSR, and 76-3-611, MCA*).
4. The final plat application shall include a final plat subject to the survey and platting requirements for subdivided lands of the MSPA, 76-3-402, MCA, and the final plat must comply with the Uniform Standards for Final Subdivision Plats as outlined by ARM 24.183.1107. The final plat will require review by the Sanders County Examining Land Surveyor SCSR and recorded at the Sanders County Clerk & Recorder's Office. (*Sections II-B-2(b)(iii) & II-B-7 SCSR, 76-3-611(2)(a) MCA, and ARM 24.183.1107*)
5. The final plat shall show any road easement upon which the subdivision relies for access. The existence of easements must be noted on the face of the final plat and on any deeds or other instruments conveying lots within the subdivision. *(Section VII-G(b)(v) SCSR and ARM 24.183.1107)*

6. The governing body shall approve the final plat only if it conforms to the conditions of approval set forth on the preliminary plat application and to the terms of the MSPA and SCSR; and if the county treasurer has certified that all real property taxes and special assessments assessed and levied on the land to be subdivided have been paid. *(76-3-611(1), MCA)*
7. The Subdivider shall submit with the final plat a subdivision guarantee issued by an authorized title insurer or its title insurance producer showing the names of the owners of record of the land to be subdivided and the names of lienholders or claimants of record against the land and the written consent to the subdivision by the owners of the land, if other than the subdivider, and any lienholders or claimants of record against the land. *(Section II-B-2 SCSR and 76-3-612, MCA)*
8. The Subdivider or designated agents shall obtain from the Land Services Department copies of all public comments regarding the proposed water supply, sewage disposal systems, and stormwater plans, and submit these comments to the Montana Department of Environmental Quality (DEQ). *(76-3-604(7), MCA)*
9. The plans for water supplies, wastewater treatment systems, stormwater drainage, and solid waste disposal plans shall be reviewed and approved by the Montana Department of Environmental Quality (DEQ). The DEQ Certificate of Subdivision Approval(s) shall be filed with the Sanders County Clerk & Recorder's Office with the final plat. *(Staff Report Section I-D-3(d), SCSR Sections VII-H, VII-I, VII-J, & VII-K and 76-4 MCA)*
10. A shared well user agreement or similar document shall be filed with the final plat that addresses the maintenance, repair, and shared use of the shared well. This agreement must be in a form acceptable to the Montana Department of Environmental Quality (DEQ). *(Staff Report I-C-4, I-D-1, I-D-3(c), and ARM 17.36.122)*
11. Prior to final plat approval, an MDT approach permit for the shared approach for Lots 3-A and 3-B onto Montana Highway 200 shall be applied for, be permitted, and the improvements installed according to the approved permit and Sanders County Subdivision Regulation road standards. This requires paving the portion of the shared approach within the right-of-way of Montana Highway 200 or 25 feet from the edge of the paved highway, whichever is greater. *(Staff Report Sections I-C-2, I-C-3, & I-D-1, and Sections VII-G and II-B-4, SCSR)*
12. A shared maintenance agreement or similar document shall be filed with the final plat that addresses maintenance and repair of the shared private approach and private road, including snow removal, grading, dust control, surface maintenance, and maintenance and repair of culverts and stormwater drainage facilities. *(Staff Report Sections I-C-2 and I-D-3(c))*
13. The "Homeowners Code of Responsibility" or comparable Firewise standards shall be filed with the final plat to educate new landowners so that they understand the risks and responsibilities of living in the Wildland Urban Interface. *(Staff Report I-D-3(g) and MCA 76-3-608(4) and Section VII-P, SCSR)*
14. A Noxious Weed Management Plan for the subdivision shall be approved by Sanders County, implemented, and the weeds shall be treated and all areas disturbed during construction of the shared and individual driveways shall be revegetated with a weed-free seed and fertilizer mix

approved by the Sanders County Weed Department, prior to final approval; the approved Weed Plan shall be recorded with the final plat. (*Staff Report Section I-D-3(a), I-D-3(d) and Section VII-R, Section VII-G SCSR*)

15. Prior to final plat approval, the Subdividers shall provide the County evidence of donating mitigation funds of \$500 per lot (\$1,000) to the Thompson Falls Rural Fire District. (*Staff Report Section I-D-3(c)*)
16. Utilities must be placed underground, wherever practical. Utility facilities must be designed by utility firms in cooperation with the subdivider. These facilities are subject to all applicable laws, rules, and regulations of the appropriate regulatory authorities. If easements for utilities are shown on the final plat, they shall be shown with dashed lines, and in addition to showing the location of utility easements, the following statement must appear on the final plat:

“The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as ‘Utility Easement’ to have and to hold forever.”

(Staff Report Sections I-C-1 & I-D-1 and Section VII-L SCSR)

17. The landowners shall be given FWP information on ways to reduce human/wildlife conflicts and list FWP recommendations on the final plat or in attached conditions of approval sheets (see ARM 24.183.1107 for ‘Conditions of Approval sheets’) (*Staff Report Sections I-D-3(e), I-D-3(f), I-D-4 and MCA 76-3-608(3)(a) and ARM 24.183.1107*)
18. The following statement shall be stated on the final plat or in attached conditions of approval sheets (see ARM 24.183.1107 for ‘Conditions of Approval sheets’):

“If any historical, paleontological, archaeological or cultural sites are discovered during construction or ground disturbance, all work will cease and the owner will contact the Montana Historic Preservation Office to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate.”

(Staff Report Sections I-D-3(d) & I-D-4, and ARM 24.183.1107)

This recommendation for preliminary plat approval is for the creation of two (2) lots, with Lot 3-A approved for commercial/residential and Lot 3-B approved for single-family residential use, contingent upon compliance with the conditions of approval. Any other uses require additional review and approval by Sanders County.

Preliminary, conditional approval will expire three (3) years from the date of preliminary approval 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.

**This preliminary plat application was reviewed under the regulations and statutes in effect on the date the application was determined to be sufficient on June 20, 2025.*

***The authorities for preliminary approval, denial, or conditional approval rest with the Sanders County Commissioners. This report and the conditions noted above are recommendations to the Sanders County Commissioners. The conditions are subject to modification or deletion by the Commission or additional conditions may be required by the Commission.*

****The Subdividers and agents are strongly encouraged to attend the Commissioners' meeting to discuss the recommendations and mitigations.*

*****The governing body decision may be appealed by following the process provided in the state statute, MCA 76-3-625, Violations—actions against governing body.*