



Sanders County Land Service Department

Subdivision Administration

July 29, 2025

Gary Moe
5 County Club Ln.
Thompson Falls, MT 59873

Dennis Grip
73 Dry Creek Road
Thompson Falls, MT 59873

RE: Preliminary conditional approval of Moe Minor Subdivision

On July 15, 2025, the Board of the Sanders County Commissioners granted preliminary conditional approval of Moe Minor Subdivision, described as Tract 1 of COS 455, located in the SW 1/4 of Section 17, Township 21 North, Range 29 West, P.M.M., Sanders County, Montana. The conditional preliminary approval is for a 2-lot minor subdivision located approximately 1.4 miles south of Thompson Falls, MT, along Dry Creek Road, a paved, county-maintained road.

The Commissioners considered the subdividers' application, which included a preliminary subdivision plat, a summary of probable impacts, and supplemental material. Relevant public comment received at the public meeting was also considered. Relevant public comments received are listed below:

- Gary Moe disagreed with the requirement to pave his driveway approach as the driveway has existed for years.
- Mr. Moe also stated that when he bought the property, he was told there were no covenants or restrictions, so he was unsure why this was being discussed.
- Dennis Gripp also had concerns with the covenants and restrictions discussed in the staff report.
- In response to concerns, the subdivision administrator and Commissioner Rowan explained the requirements of the subdivision regulations regarding approaches from a subdivision onto a paved county road.
- Katherine Maudrone explained the covenants were likely not applicable and shared an unofficial legal opinion as to the relevancy of the covenants filed with a Notice of Purchasers' Interest document. The unofficial opinion was that the covenants were not valid as the contract for purchase of the property had been defaulted on.
- Jeff Wheeler explained that for his recent subdivision, he was required to pave the shared approach into his subdivision before final approval.

The Commissioners voted unanimously (3-0) on the motion to grant the variance request to Sanders County Subdivision Regulations, Section VII-E(e), utility easements located between adjoining lots must be centered on lot lines for the water line and shared well easements. The Commissioners voted unanimously (3-0) on the motion to grant the variance request to Sanders County Subdivision Regulations, Section VII-E(e), utility easements located between adjoining lots must be centered on lot lines for the septic line and

drainfield utility easements. The Commissioners voted unanimously (3-0) on the motion to grant the variance request to Sanders County Subdivision Regulations, Section VII-Q (h)(ii)(b)(4) to provide \$500 for the newly created lot only and not \$1,000 for both lots in lieu of providing an on-site fire-fighting water source.

This preliminary approval is subject to the conditions listed below. The conditions are based on the Commission's findings of fact as outlined in the Staff Report dated July 8, 2025. After each 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.

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

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 or supplemental map shall show any road easement the subdivision relies upon 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. A driveway permit for each approach onto Dry Creek Road shall be applied for, and be permitted, and the improvements installed according to the approved permit and Sanders County Rural Addressing requirements. The approaches shall be paved for a minimum of 25 feet from the edge of the pavement. The individual driveways shall be inspected and approved by the District Road Foreman prior to final plat approval. (*Staff Report Sections I-C-2, I-D-1, and SCSR Section VII-G*)
12. Prior to final plat approval, the developer will apply for and be given a rural address for Lot 2 from the Rural Addressing Department. Additionally, the developer will provide address identification numbers at the entrance to each driveway that clearly identify the address. The numbers will be reflective and clearly visible to emergency responders. The improvement in the address numbers will be inspected and approved by the subdivision administrator. (*Staff Report Sections I-C-3, I-D-3(g) and MCA 76-3-608(4)*)

13. The final plat application shall include a signed waiver of the right to protest the creation of a rural improvement district for the maintenance and improvement of Dry Creek Road and Country Club Lane, which will be in effect for 20 years after the date that the final subdivision plat is recorded. The waiver shall be filed with the final plat. *(Staff Report Section I-D-3(c) and SCSR Section VII-G)*
14. The final plat shall depict an additional 10-foot public road and public utility easement dedicated to Sanders County along Dry Creek Road frontage along the entirety of the county right-of-way easement. *(Staff Report Sections I-C-2 and SCSR Section VII-G)*
15. The final plat shall depict a 1-foot no-access easement to Sanders County along Dry Creek Road and Country Club Lane frontages along the entirety of the county right-of-way easement outside the approved approach location for the individual driveways. *(Staff Report Sections I-D-3(c) and I-D-3(g))*
16. The “Homeowners Code of Responsibility” or comparable information 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)*
17. 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)*
18. Prior to final plat approval, the Subdividers shall provide the County evidence of donating mitigation funds of \$500 per lot (\$500) to the Thompson Falls Rural Fire District. *(Staff Report Section I-D-1 & I-D-3(c))*
19. 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)*
20. 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)

21. 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'):

"Sanders County is aware the proposed subdivision may violate recorded private Covenants and Restrictions, but it has no authority to interpret said conditions and restrictions, which are part of a private contract; nor does Sanders County have the ability to enforce the private conditions and restrictions. The subdivider and any prospective purchasers should be aware a lawsuit may be filed to interpret and enforce the terms of the private conditions and restrictions."

(Staff Report Section I-D-5(4) and ARM 24.183.1107)

22. 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 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 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.

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

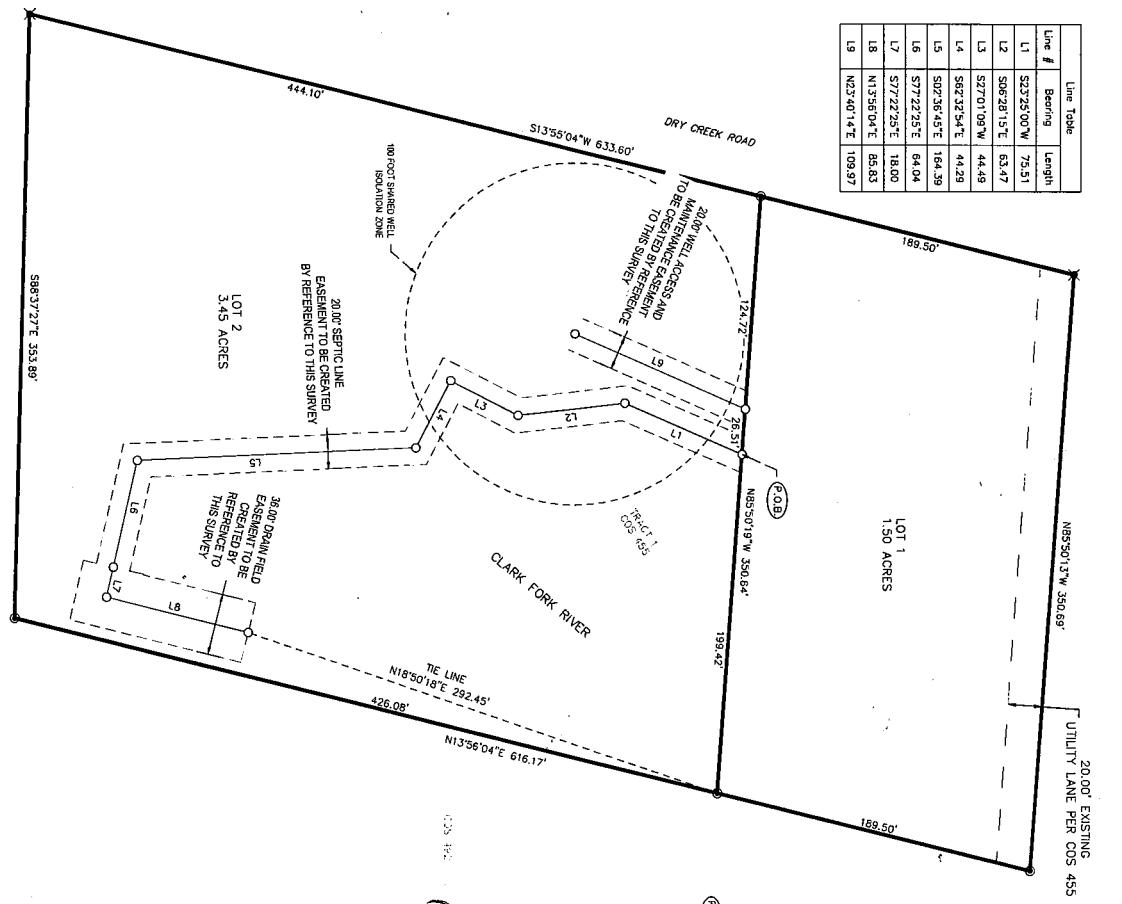
John Holland, Member

A. R. Cox 7/30/25

Attest: Clerk & Recorder

Date

pc: Tim Hagedorn, PLS
Mountain Plains, LLC
200 Prince St., Suite B
Missoula, MT 59801



20.00' EXISTING
UTILITY LANE PER COS 455

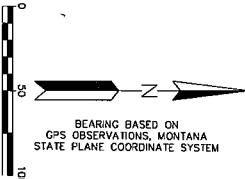
Line Table
Line #
Bearing
Length

Line 1
Line 2
Line 3
Line 4
Line 5
Line 6
Line 7
Line 8
Line 9

189.50'
189.50'
189.50'
189.50'
189.50'
189.50'
189.50'
189.50'
189.50'

LOT 1
1.50 ACRES

SCALE 1=50'



BEARING BASED ON
GPS OBSERVATIONS, MONTANA
STATE PLANE COORDINATE SYSTEM

LEGEND
X INDICATED 1/2" IRON ROD NO CAP FOUND
● INDICATES 5/8" IRON ROD NO CAP FOUND
◎ INDICATES 1/2" X 24" IRON ROD WITH PLASTIC
CAP STAMPED "HAGEDORN 1958LS" SET
(R) RECORD DIMENSION PER COS 455
(R.O.B.) POINT OF BEGINNING

Conditional preliminary approval
Dated 7/15/2025

SANDERS COUNTY

Board of County Commissioners

Barb Beeler, Presiding
Officer
Henry B. Cox, Member
Jed Hall, Member

LEGAL DESCRIPTION:
TRACT 1 OF CERTIFICATE OF SURVEY NO. 455, RECORDS OF SANDERS COUNTY, MONTANA,
LOCATED IN THE SW1/4 OF SECTION 17, T.21N., R.29W., P.M.M.,
SANDERS COUNTY, MONTANA.
THIS SURVEY WAS PREPARED AT THE REQUEST OF DENNIS GRIEP IN JUNE 2022.

TOGETHER WITH AND SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD,

ALONG WITH AN EASEMENT OF VARYING WIDTH, FOR THE MAINTENANCE OF A SEPTIC
LINE AND DRAINFIELD, FOR THE BENEFIT OF LOT 1, ALONG THE FOLLOWING DESCRIBED
CENTLINE, COMMUNICATING AN ORANGE PLASTIC CAP STAMPED 16421LS AT THE SOUTHWEST
CORNER OF THE SW1/4 OF SECTION 17, T.21N., R.29W., P.M.M., MONTANA, A DISTANCE OF 151.23
FEET TO THE POINT OF BEGINNING, A LINE SOUTHWEST OF THE CENTERLINE, THENCE
THENCE ALONG THE CENTERLINE WITH AN EASEMENT WIDTH OF 20 FEET, BEING 10 FEET
ON EACH SIDE, S22°25'00" W, A DISTANCE OF 63.47 FEET;
THENCE S08°28'15" E, A DISTANCE OF 18.00 FEET;
THENCE S27°01'10" E, A DISTANCE OF 44.49 FEET;
THENCE S77°22'25" E, A DISTANCE OF 36.00 FEET;
THENCE S77°22'25" E, A DISTANCE OF 18.00 FEET, ON EACH SIDE;
THENCE N17°56'04" E, A DISTANCE OF 18.00 FEET;
THENCE N13°56'04" E, A DISTANCE OF 85.83 FEET TO THE TERMINUS, SAID TERMINUS
BEING SUBTENW A DISTANCE OF 292.45 FEET FROM THE SOUTHEAST CORNER OF SAID
LOT 1, WHICH IS AN ORANGE PLASTIC CAP STAMPED "16421LS".



CERTIFICATE OF RECORDING BY CLERK AND RECORDER

MOUNTAIN
PLAINS, LLC

ENGINEERING, LAND SURVEYING
& UTILITY LOCATING

108 PEARL ST.
THOMPSON FALLS, MT 59873
Phone # (406) 493-2581
WWW.MTNPLAINS.COM

SCALE: 1" = 50'
DATE: 7/15/2025
JOB NO: 008465
CALC. BY: RR
DRAWN BY: JAH REC. BY: SJS
CHECKED BY: JAH
SHEET 1 OF 1