



Sanders County Land Service Department

Subdivision Administration

July 30, 2025

Bob and Mary Taylor of BKP Properties, LLC
15 Wilkes Creek Road
Thompson Falls, MT 59873

RE: Conditional Preliminary Approval of Amended Lot 3 of Thompson Minor Subdivision, Recorded as Certificate of Survey No. 2196 MS, a Subsequent Minor Subdivision

On July 30, 2025, the Board of the Sanders County Commissioners granted preliminary conditional approval of Amended Lot 3 of Thompson Minor Subdivision, Recorded as Certificate of Survey No. 2196 MS, a Subsequent Minor Subdivision located in a portion of the NW 1/4 of Section 1, Township 21 North, Range 30 West, P.M.M., Sanders County, Montana. The application is for a 2-lot subsequent minor subdivision located approximately 1.6 miles west of Thompson Falls, MT, along Montana Highway 200, a paved, state-maintained highway.

The Commissioners considered the subdivider's application, which included a preliminary subdivision plat, a summary of probable impacts, and supplemental material. There was no public comment received.

The Commissioners voted unanimously (3-0) on the motions to grant the variance request to Sanders County Subdivision Regulations, Section VII-G, Table 1, Item 2, which requires a minimum local roadway width of 24 feet, allowing for a roadway of 18 feet wide.

The Commissioners voted unanimously (3-0) on the motions to grant the variance request to Sanders County Subdivision Regulations, Section VII-L(e), which requires utility easements located between adjoining lots to be centered on lot lines, allowing the water line and septic line easements to not meet this standard.

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 22, 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 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 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.

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. J. G. 7/30/25
Attest: Clerk & Recorder Date

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

