



SANDERS COUNTY Buildings for Lease or Rent Regulations
Adopted Under Resolution Number: 2025-25
Effective Date: October 22, 2025

1. Purpose

The following regulations are intended to regulate the creation of buildings for lease or rent in the unincorporated areas of Sanders County. The rent or lease of multiple buildings on a tract of record may directly impact the property and its surroundings with regard to vehicular access, public health, safety, and general welfare, the provision of public services and utilities, and the physical environment. These regulations are adopted for the purpose addressing the requirements of state law and to allow Sanders County to consider and mitigate potential impacts that may result from a building proposed for lease or rent on a single tract of record, ensuring protection of the public's health, safety, and general welfare. These regulations are intended to comply with Title 76, Chapter 8, Montana Code Annotated (MCA), which requires that a governing body shall adopt regulations for the administration and enforcement of the creation of four or more buildings for lease or rent on a single tract, and include statutory provisions for other projects that do not require review under these regulations.

2. Authority & Administration

- A. These regulations are adopted under the authority of Title 76, Chapter 8, MCA.
- B. The administrator is designated by the Board of County Commissioners of Sanders County to administer these regulations, including the review and enforcement of any certificate of compliance issued pursuant to the terms set forth herein.

3. Applicability

- A. These regulations apply to all lands within the unincorporated areas of Sanders County, excluding the incorporated city of Thompson Falls and towns of Plains and Hot Springs.
- B. In their interpretation and application, the provisions of this chapter may be regarded as the minimum requirements for the protection of the public health, safety, and general welfare.
- C. These regulations are not intended to abrogate or annul any building permit, subdivision approval, certificate of occupancy, variance, or other lawful permit issued before the effective date of these regulations.
- D. These regulations are not intended to abrogate or annul any other regulations applicable to a tract of land, including but not limited to private covenants, airport affected area regulations, or floodplain regulations.

4. Definitions

- A. *Administrator* – The individual designated by the governing body to carry out the terms of these regulations. For purposes of these regulations, the administrator is the Director of the Land Services Department, or the employee or contractor designated by the Land Services Director or Board of Sanders County Commissioners to carry out such duties.
- B. *Apartment building* - A building that provides two or more dwelling units within a larger building that is not a townhome or condominium.
- C. *Applicant* – The owner, or designated representative, of land for which an application for the creation of a building for rent or lease has been submitted.
- D. *Building* – As defined in Section 76-8-101(1), MCA, a structure or a unit* of a structure with a roof supported by columns or walls for the permanent or temporary housing or enclosure of persons or property or for the operation of a business. The term includes a cell tower or multiple spaces for lease or rent under single ownership on which recreational vehicles as defined in 61-1-101, MCA or mobile homes as defined in 15-24-201, MCA will be placed. The term does not include condominiums or townhomes.

* “*Unit*” for purposes of these regulations may be any room, area, or other part of a building, or mobile home or recreational vehicle space within a tract of land, with the purpose of lease or rent.

- E. *Certificate of Approval* – The official written instrument issued by the governing body constituting final approval of a building for rent or lease project, signifying that the project has satisfied all applicable requirements and conditions imposed pursuant to law, regulation, or duly adopted policy, and authorizing the project to proceed in accordance with such approval.
- F. *Department* – As defined in Section 76-8-101(2), MCA, the department of environmental quality provided for in 2-15-3501, MCA.
- G. *Governing body* – As defined in Section 76-8-101(3), MCA, the legislative authority for a city, town, county, or consolidated city-county government. The governing body of Sanders County is the Board of Sanders County Commissioners.
- H. *Landowner* – As defined in Section 76-8-101(4), MCA, an owner of a legal or equitable interest in real property. The term includes an heir, successor, or assignee of the ownership interest.
- I. *Lease or rent* – The act of a landowner providing for or otherwise allowing another party to occupy a building or a portion of a building in exchange for financial or other consideration.
- J. *Local reviewing authority* – As defined in Section 76-8-101(5), MCA, a local department or board of health that is approved to conduct reviews under Title 76, Chapter 4, MCA.
- K. *Mini storage building* – Any building or unit of building designed and used for the purpose of renting or leasing individual domestic storage spaces to tenants who are to have access to such space for the purpose of storing and removing personal property.
- L. *Supermajority* – As defined in Section 76-8-101(6), MCA, a unanimous affirmative vote of the present and voting county commissioners.
- M. *Tract* – As defined in Section 76-8-101(7), MCA, an individual parcel of land that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the county clerk and recorder's office.

5. Requirements for Buildings for Lease or Rent

- A. When applicable zoning regulations are not in effect, a building that is not created for rent or lease and is not or will not be served by water or wastewater facilities is exempt from these regulations.

B. A building that is created for lease or rent and is not or will not be served by water or wastewater facilities is exempt from these regulations when:

- i. The building is one of three or fewer buildings for lease or rent that were in existence or under construction on the tract of record before September 1, 2013;
- ii. The building provides accommodations as defined in 15-68-101, MCA that is subject to the lodging facility use tax under Title 15, Chapter 65, MCA except for spaces created for recreational camping vehicles or mobile home parks;
- iii. The building is for farming or agricultural purposes;
- iv. The building is not served by water or wastewater and will not be leased or rented; or
- v. The building(s) is a mini-storage with 130 or fewer units on the tract.

C. A building that is created for lease or rent and is or will be served by water and wastewater facilities must comply with the provisions of subsection (D), but is exempt from all other provisions of these regulations when:

- i. The building is one of three or fewer buildings for lease or rent that were in existence or under construction on the tract of record before September 1, 2013;
- ii. The building provides accommodations as defined in 15-68-101, MCA that is subject to the lodging facility use tax under Title 15, Chapter 65, MCA, except for recreational camping vehicles or mobile home parks;
- iii. The building is for farming or agricultural purposes;
- iv. The building(s) is an apartment building with ten (10) or fewer units; or
- v. The landowner records a notarized declaration with the Sanders County Clerk and Recorder stating that the proposed building will not be leased or rented. The declaration runs with the land and is binding on the landowner and all subsequent landowners and successors in interest to the property. It may only be revoked by written approval of both the landowner and the governing body, in accordance with these regulations. The declaration must be executed by the landowner and the administrator, and must include:
 - a. The name and address of the landowner;
 - b. A legal description of the tract upon which the proposed building will be located; and
 - c. A specific description of the building on the tract of record.

D. The first three (3) or fewer buildings for lease or rent proposed on a single tract of record and not otherwise exempt under subsections (A)-(C), require review and approval by the department or local reviewing authority for sanitation review if required by Title 76, Chapter 4, MCA, or to the local board or department of health if review is required by Title 50, MCA. If the department, local reviewing authority, or local board or department of health approves the application for sanitation review, the landowner shall record the certificate of approval and any conditions associated with the approval of the application with the Sanders County Clerk and Recorder.

E. All other buildings for lease or rent on a single tract of record require review and approval by the governing body, pursuant to the provisions of Section 6.

F. A landowner may voluntarily request a certificate of compliance from the administrator to document that a building is exempt from these regulations. Such a request should be made in writing to the administrator on the form provided by the administrator. The burden of proof rests with the landowner to demonstrate

how an existing or proposed building meets an exemption from these regulations. The landowner may record a certificate of compliance with the Sanders County Clerk and Recorder.

6. Application for Creation of Building for Lease or Rent

A. Application Submittal

- i. An application for the creation of a building for rent or lease shall be submitted to the administrator and shall be accompanied by payment of all fees established for its review. Submission of a signed application constitutes authorization for representatives of Sanders County and its authorized agents to enter the property for routine monitoring and inspection during the review process. All site visits may be coordinated in advance with the applicant, and access shall occur only following such coordination.*

**Failure to provide access to the property when requested may result in delays in the processing or approval of the application.*

- ii. The application shall include:

- a. A copy of the deed or other legal description of the real property;
- b. Evidence of the landowner's title and interest in the land for which the application is being made;
- c. A title report or subdivision guarantee from a licensed title abstractor or Title Company showing the names of the owners of record of land and the names of any lien holders or claimants of record against the land(must not be over 90 days old at time of application submittal);
- d. A site plan, drawn to scale, showing:
 - I. North arrow and scale bar (minimum scale of 1:20);
 - II. Property boundaries with dimensions noted;
 - III. Existing and proposed onsite and adjacent offsite streets, roads, and easements that will serve the proposal;
 - IV. Existing and proposed access to the subject property;
 - V. Pertinent geographic features of the subject property, including any significant topographical features and designated floodplain;
 - VI. Location of existing and proposed water, wastewater, and solid waste facilities serving the subject property;
 - VII. The location of existing and proposed buildings or structures on the subject property;
 - VIII. The location of existing and proposed outdoor lighting;
 - IX. The location of existing and proposed stormwater management infrastructure and drainage features; and
 - X. The location of existing or proposed utilities, including an indication of whether utility lines are above- or below-ground.
- e. A detailed narrative of existing and proposed buildings and their location on the subject property, including the uses proposed for each and the approximate floor area and ground coverage of each building;
- f. A detailed narrative of the proposed water, wastewater, and solid waste disposal facilities intended to serve the buildings for lease or rent;

- g. A detailed narrative of the emergency medical, fire, and law enforcement services proposed to serve the buildings for lease or rent.
- h. A detailed narrative describing the existing and proposed access to and from the site, as well as the onsite circulation providing access to the existing and proposed buildings for lease or rent.
- i. A detailed narrative assessing the potential significant impacts on the surrounding physical environment or human population as a result of the proposed building for lease or rent, including a description of any proposed mitigation measures to avoid or minimize impacts anticipated.
- j. Comments on the proposal from:
 - I. Sanders County Road District Foreman of the applicable road district if access is off of a county road;
 - II. Montana Department of Transportation if access is off of a state highway;
 - III. City or town public works or street department (as applicable) if access is off of a city or town street;
 - IV. Emergency medical services provider;
 - V. Local fire protection authority;
 - VI. Law enforcement service provider;
 - VII. Local school district, if the proposed buildings for lease or rent will provide new buildings for residential use; and
 - VIII. State Historic Preservation Office or Tribal Preservation Office of the Confederated Salish & Kootenai Tribes, as appropriate.

Each entity above shall have 30 days to review the proposal. If no comments are received within 30 days, the application materials may be submitted.

- k. Any other information necessary to demonstrate compliance with subsection 6.C below, including the following, as determined applicable by the administrator:
 - I. Stormwater management plans;
 - II. Landscaping, buffers, and/or fence plans;
 - III. Dust control plan;
 - IV. Plans for maintenance of infrastructure used by more than one renter or lessee; and
 - V. Elevation views of all four sides of each structure demonstrating average building height.

B. Review Process

- i. Upon receipt of an application along with all applicable fees, the administrator shall, within ten (10) working days, determine whether the application is complete and notify the applicant in writing.
- ii. If the application is incomplete, the administrator shall identify, in writing, any missing materials or insufficient information necessary to conduct the required review.
- iii. If the application is complete, the administrator shall complete a review of the application, and the Sanders County Board of County Commissioners shall approve, conditionally approve, or deny the application within sixty (60) working days. The timeframe may be extended upon mutual agreement, in writing, by the applicant and the governing body. Review and approval, conditional approval, or denial of an application for the creation of buildings for lease or rent pursuant to this section must be based upon the regulations in effect at the time an application is determined to be complete.

- iv. The governing body's action on the application shall be conducted at a noticed public meeting. Notice of the time and date of the public meeting shall be given by publication in a newspaper of general circulation in the county not less than 15 days prior to the date of the meeting. At least 15 days prior to the date of the public meeting, notice of the meeting shall be mailed to the landowner, the applicant, if different from the landowner, and each landowner of record whose property is immediately adjoining the subject tract. At a minimum, all notices shall include a general description of the property location, the legal description of the property, the number of buildings proposed, the type of land use(s) proposed, a description of any variances requested, notification of where more information may be obtained, and the time, date, and location of the meeting.
- v. The governing body shall provide written notification to the landowner of the approval, conditional approval, or denial of the application within 60 working days after determining the application was complete.
- vi. If conditional approval is granted for a building for lease or rent project, the applicant shall, upon completion of all conditions of approval, submit a written request to the administrator for final review and consideration by the Board of Sanders County Commissioners. Such a request shall include a detailed listing of each condition of approval, together with written documentation demonstrating compliance with each respective condition.
- vii. The administrator shall, within ten (10) working days, determine whether all conditions of approval have been satisfied and shall provide written notification of such determination to the applicant. In the event that any condition has not been satisfied, the administrator shall issue a written notice to the applicant identifying each unmet condition and stating the basis for such determination.
- viii. If the administrator determines that all conditions of approval have been satisfied, the Board of Sanders County Commissioners shall, within twenty (20) working days, render a decision to either grant or deny final approval of the building for lease or rent project application.
- ix. If the governing body grants final approval, it shall issue to the applicant a Certificate of Approval specifying the scope and terms of the authorization granted under the building for lease or rent project.

C. Governing Body Decision/Standards

- i. The governing body may approve or conditionally approve the proposed buildings for lease or rent upon finding:
 - a. The proposed buildings for lease or rent, as submitted or conditioned, comply with these regulations and avoid or minimize potential significant impacts on the physical environment and human population in the area affected by the buildings for lease or rent;
 - b. Adequate water, wastewater, and solid waste facilities are available to serve the buildings for rent or lease;
 - c. Adequate access to the site is provided to serve the buildings for lease or rent; where questions arise as to the adequacy of access, Sanders County may look to the access, transportation, and road standards in the Sanders County Subdivision Regulations for guidance, to include provisions such as the option for the governing body to require an applicant and/or future landowners to waive the right to protest rural improvement districts;
 - d. Adequate emergency medical, fire protection, and law enforcement services are available to serve the buildings for rent or lease; and
 - e. The buildings for lease or rent comply with any applicable flood plain regulations.
 - f. All buildings for lease or rent shall comply with all applicable licensing and permitting requirements of the Montana Department of Public Health and Human Services, as well as any

other state, federal, or tribal agency having jurisdiction. Such compliance shall include, but is not limited to, requirements for building, electrical, and plumbing permits, as applicable. This list is not intended to be all-inclusive of the permits or approvals that may be required for a proposed project, and compliance with all applicable requirements shall be a condition of issuance and continued validity of the Certificate of Approval.

- ii. The governing body may impose conditions on the proposed buildings for lease or rent to secure the above-referenced findings and compliance with these regulations. Timeframes may be imposed with expiration dates for required improvements to be installed, prior to the commencement of lease or rent activities. Typical timeframes will be one (1) to three (3) years.
- iii. Any modifications to an approved building for lease or rent project or its conditions of approval are subject to additional review by Sanders County. Extensions may be requested for any timeframe imposed. Any extension shall be requested as a proposed change to the conditional approval, shall be submitted to the administrator prior to the expiration date, and must include any applicable fees.
- iv. Standards: In addition to the above, building for lease or rent projects that are subject to review under this Section are subject to the following standards:
 - a. All new and replacement nighttime outdoor lighting must direct its light downward and be side-shielded to prevent glare beyond the boundaries of the subject property;
 - b. Electrical and telecommunications utility lines must be placed underground where practical;
 - c. Gas equipment and installations shall be designed and constructed in accordance with applicable codes adopted by the authority having jurisdiction. Where no such jurisdiction is assumed, installations shall comply with the National Fuel Gas Code (NFPA 54) and the Standard for the Storage and Handling of Liquified Petroleum Gases (NFPA 58);
 - d. A readily accessible shutoff valve controlling the flow of gas to the entire gas piping system shall be installed near the point of connection of the liquified petroleum gas container;
 - e. Landscaping and/or fencing shall be installed to serve as a buffer between the development and adjacent properties and roads;
 - f. Buildings, including all above-grade attachments, shall have setbacks of 10 feet or more from the property lines, or as specifically required by the governing body; and
 - g. Buildings shall not exceed 50 feet in height
- v. Standards specific to Recreational Vehicle (RV) Parks: In addition to the above building for lease or rent projects that are subject to review under this Section, recreational vehicle parks are subject to the following standards:
 - a. Each park shall maintain a designated on-site manager or caretaker responsible for operations and maintenance;
 - b. A minimum of 2.5% of the gross site area shall be reserved as open space for recreation intended for the patrons of the park;
 - c. One-way roads must have a driving surface of at least fifteen (15) feet; two-way roads must have a driving surface of at least twenty-four (24) feet;
 - d. All internal roadways shall be constructed with an all-weather surface capable of supporting emergency vehicles;
 - e. Spaces shall be numbered and numbers shall be visible at the space access point;

- f. Each space shall be accessed from an internal road and shall not have direct access to a county road or state highway;
- g. All recreational vehicles must be located at least 25 feet from the edge of any public road right-of-way or easement;
- h. All spaces shall be a minimum of fifty (50) feet long by eight and a half (8.5) feet wide;
- i. A central storage or parking area for boats, trailers, and other recreational vehicles shall be provided within the park. Such area shall be of sufficient size to accommodate not less than twenty-five percent (25%) of the total number of recreational vehicle spaces within the park;
- j. The density shall not exceed twenty (20) recreational vehicles per acre of gross site area;
- k. Centrally located solid waste collection facilities shall be provided and maintained in a clean and sanitary condition. These facilities will meet the Montana Fish Wildlife and Parks standards for bear-resistant containers;
- l. A fire response plan shall be drafted and approved by the local rural fire district or qualified authority if the tract is not within a rural fire district; and
- m. A water supply of sufficient volume for effective fire control shall be provided on the tract within the park.

vi. Standards specific to Mobile Home Parks: In addition to the above building for lease or rent projects that are subject to review under this Section, mobile home parks are subject to the following standards:

- a. All provisions of Subsection 6.C.v., with the exception of Subparagraphs (h-j), shall be applicable to mobile home parks;
- b. The size of the mobile home pad must be suitable for the general market to be served and must fit the dimensions of mobile homes anticipated;
- c. A mobile home pad may not occupy more than one-third (1/3) of the area of its space. The total area occupied by a mobile home and its roofed accessory buildings and structures may not exceed two-thirds (2/3) of the area of a space;
- d. No attached structures, such as awnings for carports, may be within twenty (20) feet of any other mobile home or its attached or accessory structures;
- e. No detached structure, such as a storage shed, may be located within five (5) feet of any mobile home or its attached structures;
- f. A minimum of two (2) off-street parking spaces must be provided on or adjacent to each mobile home space;
- g. One guest parking space must be provided for each ten (10) mobile home spaces;
- h. Limits of each mobile home space must be clearly marked on the ground by permanent flush stakes, markers, or other suitable means;
- i. Each mobile/manufactured home lot shall have an accessible, listed gas shutoff valve installed. Such valve shall not be located under a mobile home. Whenever the lot outlet is not in use, the shutoff valve shall be plugged to prevent accidental discharge;
- j. Each mobile home must be skirted within 30 days after it is moved to a space within the park. The skirting must be of a fire-resistant material similar to that of the mobile home exterior; and
- k. An off-street area for mail delivery shall be provided and designated on the site plans.

D. Appeals

- i. Appeal of Administrator Decision: Decisions and interpretations of the administrator may be appealed to the Board of Sanders County Commissioners. All appeals of the administrator shall include a letter describing the appellant's position and what decision or interpretation is being appealed.
- ii. Appeal of Sanitation Decision. An applicant who is aggrieved by a final decision of the department or the local reviewing authority made pursuant to Section 6.C of these regulations may request a hearing as provided in Section 76-4-126(1), MCA. For purposes of this subsection, the contested case provisions of the Montana Administrative Procedure Act, Title 2, Chapter 4, Part 6, apply to the proceeding.
- ii. Appeal of Local Governing Body Decision. An applicant or landowner with a property boundary contiguous to the tract on which buildings for lease or rent are proposed to be located who is aggrieved by a decision of the governing body pursuant to Section 6 of these regulations may, within 30 days of the date of the final decision of the governing body, appeal to the district court in the county in which the property involved is located.
- iii. For purposes of this section, "aggrieved" has the meaning provided in Section 76-3-625, MCA.

7. Variances

- A. The governing body may grant variances to the standards of subsection 6.C of these regulations, when, due to the characteristics of land, strict compliance with the 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.
- B. Variance Procedure: The landowner or landowner's designated agent shall include with the application for the creation of buildings for lease or rent a written statement and supporting evidence describing and justifying the requested variance in consideration of the criteria listed in subsection 8.C below. The requested variance will be reviewed at the public meeting on the application, and the variance request will be included in the meeting notice outlined in subsection 6.C.iv above. Approval or denial of the variance will occur as a separate action prior to a motion for approval, approval with conditions, or denial of the application. The motion on the variance must describe the variance and the facts and conditions upon which the action on the variance is based.
- C. Variance Statement of Facts: The governing body will not approve a variance unless it finds that the following criteria are met:
 - i. The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties;
 - ii. 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 landowner. Undue hardship does not include personal or financial hardship, or any hardship that is self-imposed; however, extenuating circumstances may be reviewed and approved at the discretion of the governing body.
 - iii. The variance will not cause a substantial increase in public costs; and
 - iv. The variance will not place the property in nonconformance with any adopted zoning regulations.
- D. Variance Conditions: In granting variances, the governing body may impose reasonable conditions to secure the objectives of these regulations.

8. Enforcement and Penalties

- A. The administrator shall notify the landowner or any other responsible party of a violation of these regulations by certified mail and/or posting on the subject property. The notice shall describe the violation, cite the section of these regulations being violated, and request the responsible party to voluntarily comply within a minimum of 30 days.
- B. Any person who receives a notice of violation may, within the 30 days allowed, request inspection by the administrator to show that compliance has been attained or appeal the notice of violation to the governing body.
- C. If, after the 30 days for voluntary compliance have lapsed, compliance has not been attained or an appeal has not been filed, the administrator shall request the Sanders County Attorney to begin legal action against the landowner or any other responsible party.
- D. Upon request by the administrator, the Sanders County Attorney may immediately commence any actions and proceedings available in law or equity to prevent the creation of a building for lease or rent in violation of these regulations; restrain, correct, or abate a building for lease or rent in violation of these regulations; or prevent the occupancy of a building for lease or rent in violation of these regulations.
- E. A violation of these regulations is a misdemeanor punishable by a fine not exceeding \$500.