



Sanders County Land Service Department/Subdivision Administration
PO Box 519 Thompson Falls, MT 59873-0519 406-827-6965
cmccomas@co.sanders.mt.us

March 12th, 2024

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

RE: Preliminary conditional approval of the preliminary plat application for McMillan Post RV Park Major Subdivision Created by Lease or Rent

On March 5, 2024, the Board of the Sanders County Commissioners granted preliminary conditional approval of the McMillan Post RV Park, a major subdivision created by lease or rent. The application is for a 16 space RV park on Parcel "B" of the Minor Subdivision Plat recorded as Certificate of Survey (COS) No. 1507 MS, located in Section 3 of Township 18 North, Range 25 West, P.M.M., Sanders County, Montana. Portions of the RV Park's private road network will be located on the subdivider's adjacent Parcel "A" COS 1507 MS.

The Commissioners considered the subdivider's application that included a Site Plan, Environmental Assessment, and Supplemental Material. Furthermore, the Commissioners considered relevant public comment received in writing and at the public hearing held on February 20, 2024 and continued on March 5, 2024.

The Commissioners voted unanimously (3-0) on the motion to deny the variances request to Sanders County Subdivision Regulations, Section VIII-D-1(b): driving surface width of 15 feet for one-way roads serving Mobile Home and Recreational Vehicle Parks; variance would allow reduced driving surface widths of 12 feet. The motion was considered based on the facts, findings, and recommendations of the Land Services Department Staff provided in the Staff Report dated February 14, 2024 and Memo dated March 4, 2024.

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 February 14, 2024 and the Memo to the Board of Sanders County Commissioners dated March 4, 2024 and adopted by the Commission. 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 must be submitted for review to the 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, and Sections II-B-5, SCSR, and Section II-B-8, Amending Final Plats. And as authorized by MCA 76-3-103(16), that*

RV Parks are subdivisions; “subdivision” means areas that will provide multiple spaces for recreational camping vehicles; Sanders County Subdivision Regulations, Areas That will Provide Multiple Spaces for Recreational Camping Vehicles VII-B.)

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 *(Sections II-B, VIII-A-2(d), and VIII-B(c)(ii) SCSR; 76-3-611, MCA).*
4. The final plat application will require a final site plan showing the following features as required by Section VIII-B(c)(ii) SCSR:
 - A. A layout of all RV spaces, buildings and structures proposed;
 - B. location and dimension of internal roads;
 - C. location of storage areas, garbage collection areas, and parking areas;
 - D. location of common areas and facilities;
 - E. location of parks and/or recreation areas if required; and
 - F. any additional information required by the governing body or to meet conditions of preliminary approval.*(Sections II-B, VIII-A-2(d), and VIII-B(c)(ii) SCSR; 76-3-611, MCA)*

5. 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) and II-B-7 SCSR, 76-3-611(2)(a) MCA, and ARM 24.183.1107)*
6. If the final plat submitted for conformance with the survey and platting requirements for subdivided lands also depicts the above requirements per Condition 4, that shall suffice and eliminate the need for filing both a final plat and final site plan. *(as described in the staff report, applying 76-3-402, MCA, Section VIII SCSR, and ARM 24.183.1107)*
7. 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. *(Section VII-G(b)(v) SCSR and ARM 24.183.1107)*
8. 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)

9. 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. (76-3-612, MCA)
10. That copies of the approved approach permits obtained from Montana Department of Transportation approving the accesses off MT Hwy 200 and MT Hwy 135 shall be recorded or filed (as specified by the Clerk & Recorder) at the Sanders County Clerk & Recorder's Office with the final plat. (ARM 24.183.1107(5))
11. To ensure legal and physical access is provided via the proposed road network that would serve the subdivision, the Subdivider shall demonstrate with the final plat application that all roads serving the subdivision outside the perimeter boundaries of the RV Park tract are located within adequate easements and improved to the standards contained in the SCSR, including those for local roads as authorized by the SCSR, except as outlined for RV Parks with one-way roads. Where primary access to the subdivision is to be provided by a road or roads not contained within the boundaries of the subdivision, access to the nearest publicly maintained road shall meet the following standards: (1) Right-of-way standards shall meet the standards of Section VI-G, Streets & Roads, SCSR. (2) Total improvements shall meet the standards of Section VI-G, Streets & Roads. (*Section VI-G SCSR*)
12. The Subdividers shall construct spaces in compliance with Sanders County RV Park standards, with RV spaces numbered and numbers displayed at each space, clearly visible and illuminated. (*This will allow for identification and location of individual spaces by emergency services. Sections VIII-D-2(e) and VIII-F-2(a) SCSR*)
13. Lighting shall be installed to reasonably illuminate RV space number signs, parking areas, and road driving surfaces. All lighting used to illuminate signs, parking areas and driving surfaces shall be arranged as to confine the direct light beams to the lighted property or driving surface by appropriate directional hooding. (*For safety and general welfare and per Sections VIII-D-2(e) and VIII-F-2(a) SCSR*)
14. Recreational vehicles must be separated from each other and from other structures by at least 15 feet. Any accessory structures such as attached awnings must, for purposes of this separation requirement, be considered part of the recreational vehicle. All recreational vehicle spaces must be located at least 25 feet from highway rights-of-way. (*Section VIII-F-2 SCSR*)
15. The Subdivider shall provide for the safe flow of traffic for patrons of the RV sites with roads built to county standards as applicable to RV Parks. One-way roads must have a minimum driving surface of at least 15 feet and two-way roads serving the site must have a driving surface of at least 24 feet, with approved material. A private road construction permit will be required prior to beginning any work. (*Sections VIII-D-1 and VI-G SCSR*)

16. Appropriate speed and directional signs shall be installed to ensure safe and efficient traffic flow to, from and within the one-way road network of the RV Park. *(This will allow safe traffic flow throughout the development as authorized by MCA 76-3-608(3)(a) Criteria for local government review, including impacts on public safety; Section VIII-D-1(c) SCSR)*
17. All road names approved by Sanders County Rural Addressing shall be labeled on the final plat and site plan and approved road name signs shall be installed prior to final approval. Non-flammable street or road signs and traffic control devices of the size, shape and height as approved by the governing body must be placed at all intersections. Traffic control devices must conform to the standards contained in the Manual on Uniform Control Devices available from the Montana Department of Transportation. *(This will ensure accurate physical locating. Authorized by MCA 76-3-608(3)(a) Criteria for local government review, including impacts on public safety; and Sections VII-G(a)(xi)(E), VII-G(a)(xiv), and VII-G (b)(x) SCSR)*
18. The RV Park owners/operator shall provide regular maintenance of the roads and driving/parking areas including dust abatement treatment to gravel areas as needed. *(This will reduce dust to lessen impact to the natural environment, and addressed by Section (c) of the Community Impact Report: "Dust suppression will be addressed with irrigation activities, if warranted.". Authorized by Section VII-G (b)(xii) SCSR: "All subdivision roads must have surfacing and maintenance programs in place that will eliminate or substantially reduce the potential for dust pollution"; Authorized by MCA 76-3-608(3)(a) Criteria for local government review including impacts on public safety and the natural environment.)*
19. A Noxious Weed Management Plan for the subdivision shall be approved by Sanders County, implemented, and the weeds be treated prior to final approval; the approved Weed Plan shall be recorded with the final plat and plans. *(VII-R, Noxious Weeds, SCSR)*
20. The final plat application shall include a proposal to meet the park land dedication, cash-in-lieu, or waiver provisions of Section VII-O SCSR and 76-3-621, MCA, which will be subject to approval by the governing body. *(Section VII-O SCSR and 76-3-621, MCA, as explained in the staff report)*
21. An area shall be provided for parking of boats and other recreation vehicles that do not fit within the defined RV spaces. *(This condition will provide for safety and general welfare; Section VIII-B(c)(ii) SCSR)*
22. The Subdividers shall provide and use bear resistant dumpsters and garbage cans. All food must be stored within the RVs or otherwise indoors. Cooking grills and similar attractants shall be cleaned or stored inside. These requirements shall be incorporated into the RV Park rules. *(Authorized by MCA 76-3-608(3)(a) Criteria for local government review, including impacts on wildlife and wildlife habitat; Sanders County Subdivision Regulations, Governing Body Decision and Documentation/ Consideration of Impact to wildlife & wildlife habitat, Section IV-A-6(b)(iii)(E) & (F), SCSR.)*
23. Quiet hours be established from 9:00 PM to 8:00 AM as described in the Preliminary Application Overview, Section 15.0 and be posted and incorporated into the RV Park rules. Quiet hours shall include no running of

generators during this time. (*This will mitigate impact to adjacent landowners and mitigate impacts on the natural environment and public health and safety, as authorized by 76-3-608(3)(a) & (4), MCA, mitigation of potential adverse impacts; Sanders County Subdivision Regulations, Governing Body Decision and Documentation/consideration of impacts to the natural environment and public health and safety, Section IV-A-6(b)(iii)(D) & (G), SCSR; and Section IV-A-6(b)(iv), proposed mitigation*)

24. The RV Park shall comply with the Sanders County Subdivision Regulations for Fire Protection. The Subdivider shall clearly identify the water source available for initial structural fire suppression and meet the recommendations of the Plains-Paradise Rural Fire District. Approval of the subdivision's Fire Prevention Plan and Fire Response Plan by the Fire District shall be submitted with the final plat application. All related infrastructure shall be installed and completed prior to final plat approval, and approval by the Fire District shall be submitted with the final plat application. (*This condition will provide for efficient initial fire suppression and mitigate impact to public safety as authorized by 76-3-608(3)(a) & (4), impacts on public health and safety and mitigation of potential adverse impacts, and; Sections VII-P, Fire Protection, and Sections VIII-D-2(f), SCSR*)
25. The subdivider must provide adequate and appropriate easements for the construction and maintenance of utilities within the subdivision. 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. In addition to showing the location of utility easements on the plat with dashed lines, 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.

(Section VII-L SCSR)
26. The Subdivider shall install all required improvements before renting or leasing any portion of the subdivision and prior to final plat approval. The governing body will inspect all required improvements in order to assure conformance with the approved construction plans and specifications. (*Section VIII-B(c)(iii) SCSR; Section II-B-4 SCSR, which state the County Commissioners may require up to 100% completion of improvements related to public health and safety.*)
27. 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). (*MSPA, 76-3-604(7), MCA*)
28. This preliminary approval is based on the proposed plans for the RV Park to be served by a wastewater dump station with a holding tank at the location depicted on the site plan. The dump station facilities shall be serviced and periodically pumped by a licensed septic tank pumper and hauled off-site to be disposed of

at an approved facility. The final plat application shall include DEQ approval of these plans and will-serve letter(s) from a licensed septic tank pumper and the operators of the sewage disposal facility where wastewater will be accepted. No wastewater from the RVs may be disposed of in the on-site wastewater treatment system or in other locations on site. *(This condition is based on the preliminary plans and to comply with ARM 17.36.916(5)(c)(iii))*

29. This preliminary approval is based on the proposed water supply plans for 12 of the RV sites to be served by an on-site public water system and bathhouse facilities to be approved by DEQ. The final plat application shall include DEQ approval of these plans. *(This condition is based on the preliminary plans submitted for review)*
30. The Subdivider shall comply with all requirements of Montana Department of Environmental Quality for water and wastewater. *(This condition ensures compliance with Montana Department of Environmental Quality. Authorized by ARM 17.36.327; Section VII-I SCSR, Water Supply Systems, and VII-J SCSR, Sewage Treatment Systems)*
31. Storm water management plans shall be reviewed as required by Montana Department of Environmental Quality. *(This condition ensures compliance with Montana Department of Environmental Quality. Section VII-H SCSR, Drainage Facilities)*
32. Licensing shall be obtained from Montana Department of Health and Human Services as required. *(This condition ensures compliance with Montana Department of Health and Human Services; Section VIII-C, SCSR)*
33. The Subdivider shall adhere to Sanders County Regulations, Montana Department of Environmental Quality, Montana Department of Health and Human Services, the laws and administrative rules of the State of Montana. *(This condition is intended to note that all requirements of the subdivision and state statutes and rules apply as well as the items specifically noted in the report.)*
34. DEQ is advised of public comment that the well depicted on the preliminary site plan and lot layouts reviewed by Sanders County during preliminary plat review is identified with a GWIC (Montana Ground Water Information Center) number that is in error, which Sanders County has been unable to independently resolve. This may impact the validity of the well information included with the preliminary plat application, which this review and preliminary, conditional approval is based on. The Subdivider shall provide with the final plat application documentation from DNRC regarding water rights sufficient to demonstrate the DEQ-approved plans match the DNRC water rights, which shall be consistent with the preliminary site plan and lot layouts reviewed by Sanders County during preliminary plat review. The final plat application shall include DEQ approval of plans substantially consistent with the plans submitted for preliminary plat approval, which are what the preliminary, conditional approval are based on. Deviation from the water supply plans reviewed by Sanders County during preliminary plat review will require additional review by Sanders County. *(this condition addresses an apparent discrepancy between the information included in the preliminary plat application as it relates to DEQ review and DNRC water rights)*

35. RV Park rules shall be submitted with the final plat application, implemented, and posted on site. The approved RV Park rules shall be recorded or filed with the final plat so that the rules approved by Sanders County are part of the public record. The RV Park rules shall address the following:

- A. Fire safety, such as limitations on campfires, fireworks, use of gas tanks and appliances, dragging tow chains, smoking, and other fire-related impacts. The rules shall outline fire-related rules, fire risk awareness, and fire prevention techniques. The RV Park rules shall also provide information regarding the subdivision's Fire Prevention Plan and Fire Response Plan as approved by the Fire District.
- B. Onsite disposal of wastewater from RVs may only occur via the dump station as approved by DEQ. No wastewater from the RVs may be disposed of in the on-site wastewater treatment system or in other locations on site.
- C. Quiet hours as required by Condition 23.
- D. Food storage and other wildlife attractants as required by Condition 22.
- E. Compliance with traffic control requirements.
- F. Garbage control.
- G. Language informing RV Park users of private properties in the area, and that trespass on other properties is not allowed by RV Park occupants.

(as authorized by 76-3-608(3)(a) & (4), impacts on the review criteria and mitigation of potential adverse impacts)

Preliminary approval is valid for three years and can be extended by request thirty days before expiring (~~Section IV-A-6(f) SCSR~~)

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

Millie Adams 3/12/24

Attest: Clerk & Recorder

Date

