



Sanders County Land Service Department/Subdivision Administration

PO Box 519 Thompson Falls, MT 59873-0519 406-827-6965

kmaudrone@co.sanders.mt.us

Karen Evans/DKE Properties LLC
c/o Rocky Mountain Surveyors
PO Box 695
Plains, MT 59859-0695

329721 SUBDIVISION DOCUMENTS File #: 8113

STATE OF MONTANA SANDERS COUNTY

RECORDED: 7/13/2023 3:06 PM

Pages: 15

Lisa Wadsworth Clerk and Recorder

FEE: \$5.00 BY: Beckie Reiter
Return To: KAREN EVANS

After review and discussion of the proposed preliminary Major Plat, Environmental Assessment, Summary of Probable Impact, Community Impact Report, comments from hearing and Supplemental Material for Hidden Meadows II Subdivision as accepted for review on October 21, 2022, public hearing held December 15, 2022, the Board of Sanders County Commissioners, after discussion and weighing of findings and impacts, on December 22, 2022, granted preliminary plat approval with the following conditions, citings, finding of facts and conclusions:

1. That a variance be obtained from Sanders County Subdivision Standards VII-E No lot may be divided by a public road, alley or right-of-way or easement for Lots 8, 10, 11 & 12.
**This variance is required...Authorized by MCA 76-3-501 Local Subdivision Regulations; Sanders County Subdivision Regulations, Administrative Provisions-Variations XI-A-1.*
2. That a variance be obtained from Sanders County Subdivision Standards Table 1(4) Maximum road grade of 9% for a portion of Hidden Meadows Way with a grade of 12%.
**This variance is required...Authorized by MCA 76-3-501 Local Subdivision Regulations; Sanders County Subdivision Regulations, Administrative Provisions-Variations XI-A-1.*
3. That an approach permit be obtained from Montana Department of Transportation approving the access of Pearl Drive off MT Hwy 200 and the approach constructed to MDT standards.
**This will ensure legal access is provided Authorized by MCA 76-3-501 Local Subdivision Regulations; Sanders County Subdivision Regulations, Streets and Roads VII-G(a)(xii).*
4. That the following be noted on the face of the final plat, as required by Bonneville Power Administration:
"The Bonneville Power Administration (BPA) imposes certain conditions on the portions of those properties encumbered by its high voltage transmission line right-of-way. BPA does not allow structures to be built with the right-of-way, nor does it allow access to be blocked to any transmission facilities. Any activity that is to occur within the right-of-way needs to be permitted by BPA prior to installation or construction. Information regarding the permitting process for proposed use of the right-of-way may be addressed to BPA Real Estate Field Services at (404) 751-7824."
**This condition addresses governing agency's request for activity within their easement...Authorized by MCA 76-3-608(4) Criteria for local government review; Sanders County Subdivision Regulations; First Minor Subdivision Governing Body Decision and Documentation/Consideration of impact on public health and safety IV-A-6(b)(iii)(G).*
5. That landowners receive information on wildlife friendly fencing provided by Montana Fish Wildlife & Parks for best practices if fencing the perimeter of their property.

**This will allow for migration of ungulates as this has been identified as winter range...Authorized by MCA 76-3-608(4) Criteria for local government review; Sanders County Subdivision Regulations First Minor Subdivision Governing Body Decision and Documentation/Consideration of impact on wildlife and wildlife habitat. IV-A-6(b)(F). FWP letter dated August 10, 2022. Big Game Winter Range Recommendations for Subdivision Development in Montana: Justification and Rationale dated 1/9/2012.*

6. That landowners be given FWP information on ways to reduce human/wildlife conflicts and list Montana Fish, Wildlife & Parks guidelines on the face of the final plat.
**This condition assures that mitigation for wildlife impact will occur... Authorized by MCA 76-3-608(3), Mitigation of Potential Adverse Impacts; Sanders County Subdivision Regulations Governing Body Decision and Documentation/ Consideration of Impact to wildlife IV-A-6(b)(iii)(E). FWP Brochures, FWP letter dated August 10, 2022.*
7. That areas identified as regulatory wetlands on the US Fish and Wildlife Service National Wetlands Inventory map be indicated on the final plat as "No disturbance areas".
**This will prevent residential develop in areas that may be important wildlife and sensitive vegetation habitat...Authorized by MCA 76-3-608(3)(a) Criteria for local government review; Sanders County Subdivision Regulations Governing Body Decision and Documentation/Consideration of Impact on the natural environment VI-A-6(b)(iii)(D), site visit determination conducted by Don Feist/Certified Wetland Specialist, Retired NRCS District Conservationist.*
8. That a permit for private road construction be obtained from Sanders County and the road be inspected by the District Road Foreman as required in the standards.
**This will ensure that adequate physical and legal access is provided for all new lots... Authorized by MCA 76-3-501(4) Local Subdivision Regulations & MCA 76-3-608(3)(d) Criteria for local government review/legal access; Sanders County Subdivision Regulations Public Improvements IV-A-6(a)(ii), Streets and Roads Improvements VII-G (Table 1 (1)) & Inspection and Certification VII-G(c)(i).*
9. That the private road names be approved by Sanders County rural Addressing and a nonflammable street signs be installed prior to final plat approval.
** Authorized by MCA 76-3-608(4), Mitigation of Potential Adverse Impacts. Sanders County Subdivision Regulations Governing Body Decision and Documentation Prerequisites to Approval-Assuring private improvements be installed before final plat IV-A-6(a)(iii).*
10. That a road maintenance agreement for the roads, including dust mitigation and addressing winter conditions, be filed with the final plat.
**This will ensure adequate physical access is provided for all new lots...Authorized by MCA 76-3-501(4) Local Subdivision Regulations; Sanders County Subdivision Regulations Streets and Roads/ Improvement Standards VII-G(b)(xii).*
11. That a collection mail box be placed at the entrance of the subdivision per specifications of the Trout Creek Post Master.
**This will allow for efficient mail delivery reducing the impact of private development on local services...Authorized by MCA 76-3-608(3) Mitigation of Potential Adverse Impacts to Local Services; Sanders County Subdivision Regulations Impact on Local Services IV-A-6(b)(iii)(C).*

12. That all road cut and fill areas and other sites disturbed by road construction are reseeded, adequate erosion control measures established and be treated for noxious weeds prior to final plat approval.
** This will limit the establishment of weeds in disturbed areas and reduce erosion of newly disturbed areas...Authorized by MCA 76-3-608(4), Mitigation of Potential Adverse Impacts. Sanders County Subdivision Regulations Review and Approval Procedures for Minor Subdivisions Governing Body Decision and Documentation/Consideration of Impact to natural environment IV-A-6(b)(iii)(D), Noxious Weeds VII-R.*
13. That the subdivider contact the Sanders County Land Services Department for A Noxious Weed and Revegetation Plan and complete initial treatment prior to final plat approval.
**This condition ensures that the project complies with state and local regulations regarding noxious weed management...Authorized by MCA 76-3-608(4), Mitigation of Potential Adverse Impacts; Sanders County Subdivision Regulations Noxious Weeds VII-R.*
14. That "Homeowners Code of Responsibility" be filed with the final plat.
**This condition will educate new landowners so that they understand the responsibility of living in the wildland urban interface, (WUI)...Authorized by MCA 76-3-608(4) Mitigation of Potential Adverse Impacts; Sanders County Subdivision Regulations Fire Protection VII-P(e).*
15. That the subdivision complies with the Sanders County Subdivision Regulations for Fire Protection. Mitigation of \$500/lot is requested by the Trout Creek Rural Fire Department and must be met prior to final plat approval.
**This will assist the local rural fire districts for the provision of water sources for fire suppression... Authorized by MCA 76-3-501(9;) Local Subdivision Regulations; Sanders County Subdivision Regulations Fire Protection VII-P.*
16. That all lots less than 20 acres receive DEQ approval, complying with the design standards adopted by the Montanan Department of Environmental Quality and Sanders County Wastewater Regulations for water, wastewater and stormwater.
**This will ensure that all sanitary regulations are complied with...Authorized by MCA 76-4-125(d)(i) Land divisions excluded from review; Sanders County Subdivision Regulations, Water Supply Systems, Sewage Treatment Systems VII-I & VII-J.*
17. That the final subdivision shall comply with all requirements of the Sanders County Subdivision Regulations, Sanders County Wastewater Regulations, and the laws and administrative rules of the State of Montana.
**This condition is self-explanatory, and is intended to note that all requirements of the subdivision regulations and state statues apply as well as the items specifically noted in the report.*

FINDINGS & CONCLUSIONS:

1. Will the proposed plat impose any adverse effects on the public health, safety and welfare, local services, agriculture, agricultural water users' facilities, natural environment, wildlife or wildlife habitat?

Agricultural Water Users Facilities: There are no facilities or irrigated lands adjacent to or on site.

Conclusion: The plat, as proposed, will have no adverse effects as there are no irrigated lands on site or adjacent to this site that have facilities.

Agriculture: This land is identified as farmland of state importance, local importance and not prime farmland according to the USDA NRCS Web Soil Survey Map. There has been selective logging of the mixed coniferous forest over the years.

Conclusion: Lots of 20 acres can support timber production if new low owners desire to. Treatment of noxious weeds will support agricultural active on adjacent parcels.

Local Services: This subdivision will be served by the Trout Creek and Thompson Falls School Systems. A letter was sent to the School Districts for comment, but no response has been received. According to PublicSchoolReview.com, School enrollment has been higher in the past but has since declined by 9% over the last 5 years. Due to the current enrollment numbers, new students would not be a problem and could be accommodated with the current personnel and facilities. Also, this area is served by the school buses. Children will catch the bus at MT Hwy 200.

This location is not serviced by public water or sewer. Sewer will be provided by individual, on-site systems, reviewed and permitted by MDEQ through the Sanders County Environmental Health Department. Water will be provided via individual exempt wells. Lot owners are responsible for installation and maintenance of both septic and well.

Medical services are available nearby at Bull River or Thompson Falls Family Clinics and this location is served by the Community Ambulance Service. As the ambulance service is staffed and operated with volunteers, this service may not have the same availability and response time as a paid urban service. Comment was received requesting year-round access and adequate access to each dwelling.

This property is part of the Trout Creek Rural Fire District. There may be limited structure fire protection available for any dwelling units constructed in this area, as this is also a volunteer agency and response time varies greatly. To date comment has been received addressing the requested variance from road grade standards.

The cumulative impact of these projects to 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 currently is no established means to mitigate the personnel impacts to volunteer agencies. Funding relies on annual tax assessments and having sufficient personnel relies on volunteers.

Wildland fire protection is provided by Forest Service and Montana Department of Natural Resources depending upon the respective jurisdiction.

No extension of public roads will be needed. There is little impact expected to county roads or infrastructure as Pearl Dr. is accessed off MT Hwy 200. At some point, because of cumulative impacts from increased development, improvements will be needed to mitigate the impacts of increased traffic. The improvements to Pearl Drive and the new private roads built to Sanders County Subdivision Road Standards will support

response time for all emergency services accessing these lots. The required maintenance agreement will address providing year-round access.

Solid waste disposal service is provided by private contractors or the landowner can transport waste to the Sanders County collection site which is located at the Trout Creek Roll-Off site. The solid waste service is paid for by the collection of a fee for each individual residential and commercial unit with the 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 for by the tax base of the existing population of the county. To date no comment has been received.

Conclusion: As no comment was received from either school it can be assumed that they can accommodate additional students. Trout Creek and Thompson Falls schools will receive additional tax dollars as lots are developed and also additional funding as new students are enrolled. There is already an established bus route to serve this development.

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

The existing roads serving this area are public/private maintained and state highway. The approach onto MT Hwy 200 will need to be permitted with Montana Department of Transportation. All road used to provide access to subdivision lots will be built to County Subdivision Road Standards unless a variance is requested. The developer is responsible for construction and the subdivision landowners will be responsible for the maintenance of the new private roads. The maintenance agreement will address providing year-round access.

The developer must comply with the subdivision regulations in regard to providing adequate water supplies for initial structural fire suppression. Policy dated 07-11-2006 gives developers the option of providing a water source or \$500/lot. Each rural fire district has an account for this specific money which can only be used for this purpose. All requested withdrawals by the fire district from this account must be approved by the Commissioners.

Sheriff's office staffing is determined by taxes generated by all county landowners. To date no comment has been received.

Waste water systems and well locations are approved by MDEQ. Lots under 20 acres will have DEQ approval before final plat approval and those 20 acres and larger will be permitted through the Sanders County Environmental Health Department at the time the lots are developed. The lot owner is responsible for the cost of installation and maintenance of both.

Natural Environment: There are no known geologic hazards such as slumping, land slide, rockfall, shallow bedrock etc. Northwestern Montana is subject to seismic activity. No special building requirements are required by the county and no mitigation for residential uses is required. Areas with a slope greater than 25% will be identified as no building zones.

No adverse direct impact on air quality is anticipated with this number of lots other than a corresponding increase in vehicle emissions. The county does not have county wide standards for clean burning woodstoves. This project is not located in an air quality non-attainment area. The mountain valleys of Western Montana are prone to winter time inversions, a natural feature of living in this area.

There are wetlands identified on this parcel per US Fish and Wildlife Service National Wetlands Inventory Map. A site visit report was submitted by Don Feist/FMD Bison Consulting after looking at the areas identified on the National Wetlands Inventory map. Mr. Feist found evidence of hydrophytic vegetation and wetland hydrology in those areas identified areas. Also, as this area of Sanders County receives almost 30' of precipitation annually there is potential for wetlands to develop in low lying areas as well as areas where the ground water hits an impermeable layer and flows laterally resulting in a seep. Both conditions were observed during the site visit. Report is attached.

There are no special climatic hazards other than those normally identified with rural residential life in Western Montana, including but not limited to high winds, heavy snowfall and drought.

A stormwater management plan is required and reviewed by the Montana Department of Environmental Quality as all stormwater must be contained within the boundary of the subdivision. Road drainage ditches will be included to control runoff water from all constructed roads and driveways. Gradual grassy dams will be located where needed to contain runoff from each house. These plans are required through the Montana Pollutant Discharge Elimination System Program. A permit and plan is required for construction activity which results in the disturbance of equal to or greater than one acre of total land area. The Sanders County Subdivision Regulations also require the management of stormwater run-off.

Conclusion: All of western Montana has possibility of seismic activity. Sanders County has no adopted building codes and refers to the State of Montana for standards. Currently the state provides standards for wind and snowfall.

Stormwater management and waste water treatment plans will be reviewed by Montana Department of Environmental Quality through the Sanders County Environmental Health Department, requiring impact to be contained within the proposed subdivision and assuring separation from groundwater.

A Noxious Weed and Revegetation Plan will be developed and implemented to reduce the impact of noxious weeds on the disturbed sites. The project will file a Noxious Weed and Revegetation Plan to prevent the spread of noxious weeds and provide for the revegetation of any disturbed sites, including roadways, as required by state statutes and Weed District regulations.

As recommended by Mr. Feist, areas identified as wetlands will be identified on the final plat an no disturbance areas. And finally, areas with a slope 25% or greater will be identified as restricted from residential development.

Wildlife: Field observations found evidence of whitetail deer, elk, turkey and Canada geese. It is possible that other wildlife pass through this area such as coyote, bear, mountain lion etc. Endangered and threatened species, Grizzly Bear and Canada Lynx could be in the area though not likely. Canada Lynx prefer higher elevations. The Cabinet-Yack recovery zone is located on the other side of Hwy 200 and the Clark Fork River.

Species of concern, wolverine, fisher and Townsend's Big-eared Bat have not been reported seen on the property.

Conclusion: All development has an impact on wildlife. Educating new landowners is important. Preventing attractants to wildlife is necessary to reduce the possibility of conflict. Electric fencing is required to keep bear out of chicken coops, orchards, vineyards, apiaries. Garbage must be stored in secure buildings. Allowing only wildlife friendly perimeter fencing will support movement of deer and elk within and through the subdivision. Mitigation measures found in the Wildlife Assessment done for Big Sky Ranch Estates subdivision are valuable suggestions to be incorporated into the covenants and placed on the face of the final plat map.

Wildlife Habitat:

To date no comment has been received from Wildlife Biologists at FWP. Comment from FWP given in 2012 in conjunction with the Wildlife Assessment completed for adjacent subdivision Big Sky Ranch Estates Subdivision identified that property as winter and summer range and calving and migration route for elk. Therefore, it is congruent that this applies to this large tract of land. It is important to note that this proposed subdivision does not have the high density of small lots that the adjacent subdivision has.

There are Freshwater Emergent and Freshwater Forested/Shrub wetlands identified on the US Fish and Wildlife Service National Wetlands Inventory map. This map is for general reference only and the application does contain a letter to document a site visit by Don Feist of FMD Bison Consulting that affirms that hydrophytic vegetation and wetland hydrology was found. Report is attached. There was no evidence of nesting in the identified wetlands. There was no surface water.

Conclusion: It is apparent that this area has already been impacted by the subdivision of large ranches. It can be assumed that this is summer and winter range for ungulates and elk calving based on comment on an adjacent subdivision. It is FWP directive to cluster homes and roads in an area in order to leave open space, undeveloped winter range. That is not how this subdivision was designed. The larger lots that are open grass lands should provide for migration and feeding for ungulates. Wildlife friendly perimeter fencing can support the ability of wildlife to move through the area. Covenants restrict further subdivision of all lots under 40-acres in Hidden Meadows II Subdivision. The Covenants allow for the 2 40-acre Lots to be further subdivided 1 time only.

Areas identified as wetlands will be shown on the final plat as "no disturbance".

All areas disturbed in road building will be reseeded to control the invasion of noxious weeds, which, uncontrolled, will dominate the natural vegetation.

Public Health and Safety: There are no known natural hazards such as snow slides or rockslides, high winds. This subdivision is bisected by Bonneville Power Association and Avista high voltage transmission lines. Sanders County does not review for health impact of residential development near such lines.

The roads are required to be built to full subdivision road standards with a driving surface of 24 feet. There will be overhead clearance for emergency service vehicles. The loop road will provide access without creating dead-end-roads longer than the 1,000-foot standard. A 137-foot portion of Hidden Meadows Loop Rd is greater than the subdivision road standard of 9%. A variance has been requested. Mitigation measures were

identified during a site visit conducted with Karen Evans/Developer, Ron Warren & Kim Kinzie/Rocky Mountain Surveyors, Jake Helvey/Double H Dirtworks LLC, Lee Smith/District 3 Road Foreman and Katherine Maudrone/County Planner.

Wildfire is a threat throughout the county and the majority of private land in Sanders County is considered located in the Wildland Urban Interface. The Fire Risk Rating and Sanders County Community Wildfire Prevention Plan both determined development area to be low risk. Therefore, Sanders County Subdivision Regulations do not require a secondary ingress/egress and other requirements identified in VII-Q Sanders County Subdivision Regulations. Mitigation to the local rural fire district for providing water source for responding to structural fires is required.

Conclusion: Minimal natural hazards are found in this area. Northwest Montana is at risk for seismic activity. To date Sanders County has not experienced earth quakes that have impacted structures or infrastructure.

Wildland fire is a threat throughout the county. Educating new lot owners is important and the DNRC "Homeowners Code of Responsibility for Property Owners in the Wildland Urban Interface" will be incorporated into the covenants or filed as a separate document with the subdivision. It addresses being fire ready, having an evacuation plan and vegetation management plan. The Community Wildfire Protection Plan and Subdivision Fire Risk Rating Form identify this development as low risk therefore, does not trigger VII-Q Special Requirements for Subdivisions Proposed in Areas of High Wildfire Hazard.

Roads built and signed to Sanders County subdivision standards will allow for access to the development by firefighting and emergency vehicles. It is suggested that the developer work with adjacent landowners to collaborate and identify a secondary emergency egress that all could benefit from.

2. Was an environmental assessment required? If yes, what, if any, significant adverse impacts were identified?

Yes, an Environmental Assessment was required. No significant adverse impacts were identified.

US Fish and Wildlife Service National Wetlands Inventory map shows Freshwater Emergent Wetland and Freshwater Forested/Shrub Wetland within the perimeter of this proposed subdivision. The map states the information is for general reference. Sanders County considers this the best available information unless documentation that this is not valid is submitted to the County by a qualified authority. Don Feist of FMD Bison Consulting submitted a letter based on a site visit conducted August 16, 2022. (D7) "There was evidence of hydrophytic vegetation and wetland hydrology in those shaded areas that would qualify as jurisdictional wetlands. Also because of precipitation annually there is potential for wetlands to develop in low lying areas as well as areas where the ground water hits an impermeable layer and flows laterally resulting in a seep. Both conditions were observed, seeps in the shaded areas and emergent wetlands in some of the draws." These areas will be identified on the face of the final plat as no disturbance areas.

Based on the test pits that have been dug, there is no evidence of shallow ground water and it appears that soils are suitable for wastewater systems.

The land within the proposed subdivision is classified as not prime farmland and farmland of state and local importance per NRCS soils classification report. Report is found in the application.

Noxious weeds will be identified, and a treatment plat will be filed with the final plat to educate and inform new landowners of the requirement to treat noxious weeds. The developer will be required to complete the initial treatment prior to final plat approval.

There is evidence of wildlife. Mostly deer and elk, turkey and geese. Bear, moose or mountain lion may pass through. Information submitted by Herrera Environmental Consultants and FWP wildlife biologist for an adjacent subdivision identifies this area as prime winter range, migration route and calving area. The covenants, that prohibit resubdivision of any lot will prevent a higher density of residential development. Conditions will require that the landowners use only wildlife friendly fencing if they choose to fence the perimeter of their lot to support free migration of ungulates through the subdivision. No historic, paleontological, archaeological or cultural sites, structures or objects were identified on this property.

3. Does the proposed plat conform to the Montana Subdivision and Platting Act, surveying requirements and to the local Subdivision Regulations?

Yes, it appears the preliminary plat does. The Examining Surveyor will conduct a technical review prior to the drafting of the final documents.

4. Does the proposed plat conform to all sanitary requirements?

Yes, all subdivisions must undergo review by the Department of Environmental Quality, subdivision section for compliance with the Montana Subdivision and Sanitation Act. Department of Environmental Quality approval for onsite sewer disposal is required by statute (MCA 76-4-122) prior to filing of the Final Plat for all lots under 20 acres in size. The on-site wastewater treatment must comply with DEQ Circular 4, 2018 Edition, which is hereby included by reference.

There is an existing well on-site. New wells are proposed for the new lots. Per ARM 17.36.332.1.a, "an individual water system must provide a sustained yield of at least ten gallons per minute over a one-hour period"

Well isolation zones and drainfield mixing zones are all contained within the exterior boundary of the subdivision.

Records in the Montana Bureau of Mines and Geology; Ground Water Information Center data show that in Section 02, Township 23N - Range 31W the average depth of wells is 249 feet, static water level 179 feet, yield 26 gpm. These statistics do not take any geographic, topographic, or geologic factors into consideration. Available data does not indicate any problem with wells in this area.

A single-family water system must provide a sustained yield of at least 10 gallons per minute over a one-hour period, six gallons per minute over a two-hour period, or four gallons per minute over a four hour period. For purposes of the minimum flows identified in this rule, sustained yield must be based on water that is supplied from the aquifer, not from well bore storage. (ARM 17.36.332) A Water Supply Assessment for this area has

not been conducted. The Montana Department of Environmental Quality requires evidence of adequate water supplies prior to issuing a final plat approval. (ARM 17.36.332)

Test pits were dug and no evidence of ground water was found and soils adequate for drainfields. Soils ranged from sandy/loam to sand/clay loam.

Conclusion: All currently available data indicate that there is adequate groundwater for this project. The Montana Department of Environmental Quality requires evidence of adequate water supplies prior to issuing a final plat approval. New Rule IV (ARM 17.36.332)

Within MCA 85-2-101, Declaration of policy and purpose, (1) Pursuant to Article IX of the Montana constitution, the legislature declares that any use of water is a public use and that the waters within the state are the property of the state for the use of its people and are subject to appropriation for beneficial uses as provided in this chapter. This subdivision is not located within a closed basin.

Hydraulic Transmissivity and Conductivity, Nitrate Sensitivity and Phosphorous Breakthrough Analysis are all within DEQ required ranges.

5. Does the proposed plat provide easements for the location and installation of planned utilities?

Yes. All easements will be provided as required by the Sanders County Subdivision Regulations and as requested by the utility companies. It is standard that utilities be placed underground. This also supports wildlife, safety and impact to the natural environment. The plat as submitted shows the utility easements and the final plat will be required to provide those easements as request by utility companies and as required by the subdivision regulations.

6. Does the proposed plat provide for legal and physical access to each parcel within the subdivision and the required notation of that access on the applicable plat and any instrument of transfer concerning the plat?

Yes.

7. Other relevant findings?

AGENCY COMMENT RECEIVED:

- Notice from Mike Ebinger Wildlife Biologist/MFWP-received the request for comment, no comment received ;
- Michael Feiger District Ranger/Kootenai National Forest-No trespass of unauthorized motor vehicles on National Forest System Lands, 10 foot minimum set back of structures built on lots adjacent to NFSL, and control of noxious weeds;
- Community Ambulance-Adequate ingress/egress to each dwelling, year round access;
- AVISTA-discourages construction of all dwellings and structures within the right-of-way of a transmission line;
- Army Corps of Engineers-Request for comment received. No comment received.

- Don Feist/BMDBison Consulting-verification wetlands
- Trout Creek Rural Fire Chief approving portion of road with grade greater than standards

PUBLIC COMMENT RECEIVED: -Kaniksu Land Trust-Concern for loss of agricultural land and view shed.
Numerous inquiries prior to application being submitted to the County.
(see office file)

Sanders County does not at this time have a Planning Board or an adopted County Growth Policy. Without a Growth Policy or any other adopted planning management tools it is difficult to establish limits of allowable impacts that are acceptable to the entire community.

The only regulatory tool for managing growth in the county at this time is the Sanders County Subdivision Regulations which are designed primarily to manage land division, not land uses or densities.

SUMMARY OF PUBLIC HEARING FOR SUBDIVISION AND 2 VARIANCES

Those in attendance: Commissioners Magera, Cox and Burlingame; Ron Warren & Kim Kinzie/Rocky Mountain Surveyors, Karen Evans/DKE Properties LLC; Jake Helvey/Double H Dirtworks LLC. Dan Rowan, John Holland, Jamie Humpertys/Administrative Assistance; Katherine Maudrone/Planner.

Commissioner Magera opened the hearing @ 11:00 am. Ron Warren/Rocky Mountain Surveyors presented the proposed subdivision & variances. Katherine Maudrone/Planner presented the staff findings, conclusions, proposed conditions and citings. In additions two requests for variance from subdivision standards were presented.

Commissioner Magera spoke of the danger for livestock being struck by lightening under powerlines. Commissioner Burlingame spoke of the possibility of additional powerlines being built within the easement.

Karen Evans stated that only the 2 40-acre lots could be further subdivided, not resulting in a lot under 8-acres in size.

There was no public comment.

Commissioner Magera closed the hearing @ 11:17 am. Commissioner Cox motioned to take this under advisement until December 22, 2022 @ 10:00 am; Commissioner Burlingame seconded and it passed unanimously.

In accordance with MCA 76-3-608(7) a governing body may conditionally approve or deny a subdivision...."Only if the conditional approval or denial is based on existing subdivision, zoning or other regulations that the governing body has the authority to enforce."

Sincerely,
BOARD OF COUNTY COMMISSIONERS

Sanders County, Montana

Glen E. Magera
Glen Magera, Presiding Officer

Anthony B. Cox
Anthony B. Cox, Member

Claude Burlingame
Claude Burlingame, Member

Lisa Wadsworth, by: *Beckie Reiter*
Attest: Clerk & Recorder Deputy *7/13/23*
Date



Sanders County Land Service Department Subdivision Administration

Karen Evans/DKE Properties LLC
c/o Rocky Mountain Surveyors
PO Box 965
Plains, MT 59859-0965

After review and discussion of the requested variance, findings and comments from the hearing held December 15, 2022, the Board of Sanders County Commissioners, on December 22, 2022, granted a variance from the Sanders County Subdivision Regulations/Design Standards VII-E(b) that states that no lot may be divided by a road, alley or utility right-of-way or easement. The Bonneville and Avista Powerline run through the southwest corner, which includes Lots 8, 10, 11 & 12.

FINDINGS:

Per Sanders County Subdivision Regulations, Section X-B-1, the developer is required to provide information to prove that the following criteria will not be impacted by the variance requested. The Sanders County Board of County Commissioners found the variance to be in compliance under the criteria for granting a variance with the following mitigation measures:

a. Will granting the variance be detrimental to public health, safety or general welfare; or be damaging to other adjoining properties?

Granting this variance will not be detrimental to the public health, safety or general welfare or damaging to other adjoining properties. The impact is contained within the subdivision lots. The proposed building sites are not impacted. Sanders County does not review for health impact due to the EMS emitted from high voltage powerlines.

b. Is there undue hardship imposed on the owner due to the physical surrounding, shape, or topographical conditions of the property involved? Will the strict compliance with the regulations impose an undue hardship on the owner which does not include personal or financial hardship that would be self-imposed?

It would be difficult to design lots and access keeping utility easements on lot lines.

c. Will the variance cause substantial increase to public costs?

There will be no increase to public costs.

d. Will the variance place the subdivision in nonconformance with any adopted zoning regulations?

There are no zoning regulations within Sanders County.

Sincerely,
BOARD OF COUNTY COMMISSIONERS
Sanders County, Montana

Glen E. Magera
Glen Magera, Presiding Officer

Anthony B. Cox
Anthony B. Cox, Member

A Burlingame
Claude Burlingame, Member

Lisa Wadsworth, by: Beckie Rector
deputy 7-13-23
Attest: Clerk & Recorder Date