



#8160



330431 SUBDIVISION DOCUMENTS File #: 8160

STATE OF MONTANA SANDERS COUNTY

RECORDED: 9/15/2023 3:48 PM

Pages: 1

Lisa Wadsworth Clerk and Recorder

FEE: \$5.00 BY: Bush

Return To: MOUNTAIN PLAINS LLC

## WAIVER OF PROTEST TO RSID

FOR VALUABLE CONSIDERATION, the undersigned, being the DEVELOPER, for and on behalf of all assignees, successors, and heirs to the hereinafter described real property, does hereby waive the right to protest the formation or creation of one or more rural special improvement district(s) for the purposes of road construction, road maintenance, and other improvements incident to the above which the County may require.

Furthermore, the undersigned, for and on behalf of successors and assigns, agrees and consents to, and hereby votes yes, pursuant to any constitutional or statutory requirement for voting on taxes or fees or other initiatives of a similar nature and hereby submits the real property described herein to taxation and assessments for any RSID created for the benefit of the real property.

This waiver of protest is independent from all other agreements and is supported by sufficient consideration to which the undersigned are parties, and shall run with the land, in perpetuity, and shall be binding for 20 years upon the undersigned, and all successors and assigns, and the same shall be recorded in the Office of the County Clerk & Recorder of Sanders County, Montana. (MCA 76-3-608(7))

The real property is more particularly described as follows:

### "Farlan Minor Subdivision"

Minor Subdivision in the W1/2 NW1/4 SE1/4 of Section 6, Sanders County, Montana

Signed and dated this 31 day of August, 2023

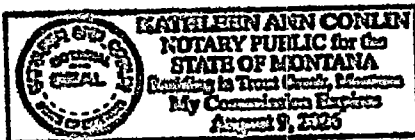
By [Signature] Dennis Forin Representative of SDA Invest LLC

STATE OF MONTANA )

County of SANDERS)

On this 31 day of August, 2023 before me, a Notary Public in the state of Montana, personally appeared Dennis Forin, Rep. for SDA Invest LLC known to me to be the individual(s) who executed the foregoing instrument and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal this 31 day of August, 2023.



Kathleen Ann Conlin  
Notary Public for the State of Montana

#8161



## Subdivision Weed Management Plan

Final Plat approval date: 9/14/23

Expiration date: 3 years from date of Final Plat

Name of Subdivision: COS 3850 FARLAN MINOR

Owner/Developer: SDA INVEST LLC

### Noxious weeds found:

- Spotted Knapweed
- St. Johnswort

### Plan for weed control:

- Recommended spraying Knapweed, St. Johnswort with a combination of 2,4D at the rate of 1-2 quarts/acre plus Escort at the rate of 1 ounce/acre plus surfactant such as Syl-Tac or Superspreader 90 at the rate of 1 quart/100 gallons of spray tank mixture. It is not recommended to spray without the use of surfactant. Escort comes in granular form and must be mixed into slurry with a small amount of water before being added to spray tank mixture. Be sure to keep tank agitated to deep contents from settling.
- Knapweed is found throughout in open areas. Just a few St. Johnswort we seen.

All listed chemicals can be purchased from the Sanders County Weed Shop located at 36 Airport Road in Plains. They also have sprayers available for rent on a first come first serve basis. It is advisable to call ahead to be sure someone will be available to assist you. Their number is 406-826-3487.

Note to Landowners/developer and all new owners: If there is a generic map attached to your weed plan, please understand that it is for general reference only. It is your responsibility to find, identify, and treat ALL noxious weeds growing on your property. Also be aware that additional noxious weeds may be added to the list as a result of future inspections. Chemical application strategies may also change after time depending on prior treatment results.

CAUTION: BEFORE APPLYING ANY HERBICIDE, READ THE LABEL AND FOLLOW INSTRUCTIONS. THE LABEL IS THE LAW!

William D Naegeli  
Subdivision Weed Technician

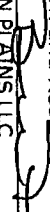
  
Katherine F Maudrone CFM  
Director Land Services

If you have any questions or need further assistance with this plan, please contact the Subdivision Weed Management Office at 406-827-6965 or in Office #201 in the Sanders County Courthouse.

#8158

## COVENANTS AND RESTRICTIONS

“Farlan Minor Subdivision” COS # 3850 MS

330429 SUBDIVISION DOCUMENTS File #: 8158  
STATE OF MONTANA SANDERS COUNTY  
RECORDED: 9/15/2023 3:46 PM  
Lisa Wadsworth Clerk and Recorder  
FEE: \$5.00 BY:   
Return to: MOUNTAIN PLAINS LLC  
Pages: 4

### 1. Purpose and Intent

The purpose of these Covenants and Restrictions (“Covenants”) is to establish guidelines and limitations that promote the orderly development and preservation of the “Farlan Minor Subdivision” (COS # 3850 MS) (“Subdivision”) and adjoining property owned by the developers of the “Subdivision”, as described on that certain warranty deed filed under document #324840, records of Sanders County, Montana in Thompson Falls, Montana. These Covenants are designed to enhance the value, appearance, and quality of life within the Subdivision.

### 2. Land Use and Building Standards

2.1 Residential or Light Commercial Use: All lots within the Subdivision shall be used for residential purposes or light commercial activities only. Commercial activities shall be conducted in a manner that does not disrupt the residential character of the Subdivision.

2.2 Permitted Structures: Only the following structures are permitted on the properties: one main home, one guest house, and a shop or garage for residential or light commercial use.

2.3 Building Design: Architectural design and building materials should complement the natural surroundings and existing structures. Mobile Homes are not permitted.

2.4 Setback Requirements: All buildings and structures shall adhere to a 20 foot setback from all property lines and road easements.

### 3. Roads and Access

3.1 Private Road: The private road serving the Subdivision shall be maintained according to the Private Road Maintenance Agreement established among the property owners.

3.2 Vehicle Restrictions: No broken or inoperable vehicles shall be parked on any property where they are visible by other property owners.

### 4. Utilities

4.1 Utility Installations: All utility installations, such as electrical, plumbing, and sewage systems, shall be performed in compliance with applicable codes and regulations.

### 5. Animals and Pets

5.1 Control of Animals: Pets shall be kept under control and shall not create a nuisance to other property owners or wild animals.

### 6. Trailer and RV Usage

6.1 Temporary Residence: Trailers and recreational vehicles (RVs) may be used for temporary occupancy on a property for a maximum of 6 months per year. They shall not be used as permanent living quarters.

## 7. Subdivision Restriction

7.1 Subdivision Limitation: No property within the Subdivision shall be further subdivided. Each property shall remain as a single unit and shall not be split into smaller parcels.

## 8. Amendments

8.1 Amendments to Covenants: These Covenants may be amended by written agreement of a majority of the property owners in the Subdivision.

## 9. Enforcement

9.1 Enforcement: Enforcement of these Covenants shall be the responsibility of the property owners within the Subdivision. Violations may result in remedies including fines, legal action, or other remedies as allowed by law.

## 10. Governing Law

10.1 Governing Law: These Covenants shall be governed by and interpreted in accordance with the laws of the state of Montana, Sanders County Law Enforcement, and Sanders County Justice Court.

## 11. Entire Agreement

11.1 Entire Agreement: These Covenants and Restrictions constitute the entire agreement among the property owners in the "Farlan Minor Subdivision" and supersede any prior understandings or agreements. Sanders County will be a part of all changes to these covenants.

DATED this 06 day of September, 2023

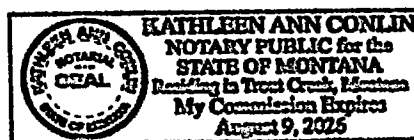
Dennis Fokin  
SDA Invest, LLC Representative Name

[Signature]  
Representative Signature


STATE OF MONTANA     )  
  :SS  
County of Sanders     )

On this 6th day of September, 2023, before me, a Notary Public for the above state, personally appeared Dennis Fokin SDA Invest LLC rep, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that they executed the same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal on the date and year first above written.

Kathleen Ann Conlin  
Notary Signature



9. **Amendment.** This agreement may be amended only by the consent of all lot owners.
10. **Enforcement.** This agreement may be enforced by a majority of lot owners. If a court action or lawsuit is necessary to enforce this agreement, the party commencing such action or lawsuit shall be entitled to reasonable attorney fees and costs, if the party prevails.


 Dennis Fokin

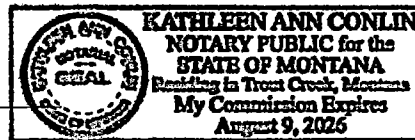
Representative for SDA Invest, LLC

State of Montana

County of Sanders

This instrument was signed or acknowledged before me this 7<sup>th</sup> day of September, 2023 by Dennis Fokin, Rep. SDA Invest LLC,

  
Notary Signature



### Private Road Maintenance Agreement for "Farlan Lane"

This declaration made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2023.


WHEREAS, this private road known as "Farlan Lane" being located in "Farlan Minor Subdivision" (COS #3850 MS) ("Subdivision") in the W½ NW1/4 SE1/4 of Section 8, Sanders County, Montana.

And whereas, the undersigned owners are the owners or users of said private road and desire to enter into an agreement regarding the costs of maintenance and improvements of the private road; and whereas, it is agreed that the future lot owners, successors, heirs and assigns will be required to participate in this road maintenance agreement.

NOW THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

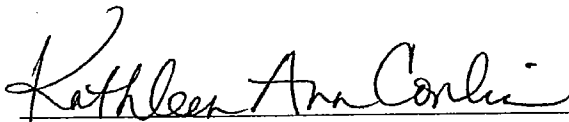
1. **Vehicle and Pedestrian Access Easement.** The private road as described above shall be subject to a perpetual, non-exclusive easement for ingress and egress, granting access to the owners of lots 2 and 3 of the "Subdivision" and adjoining property owned by the developers of "Farlan Minor Subdivision" as described as Parcel No. 1 on that certain warranty deed filed under document #324840, records of Sanders County, Montana, and their occupants, agents, employees, guests, along with service and emergency vehicles.
2. **Utility Easement.** The private road as described above shall be subject to a perpetual easement, non-exclusive public utility easement for the purpose of permitting above and below ground utilities to be installed and maintained.
3. **Road Maintenance.** Road maintenance and road improvements will be undertaken and made whenever necessary to maintain the road in good operating condition at all times and to ensure the provision of safe access by emergency vehicles.
4. **Parking.** For the safety of all residents, no machinery, trailers, vehicles or other property may be stored or parked upon the private road, as described above, except for the parking of vehicles for limited periods of time (less than 12 hours).
5. **Cost Sharing.** Road maintenance, snow plowing, and road improvement costs shall be shared between the lot owners of the above-mentioned road.
6. **Snow Plowing.** The private road, as described above, shall be snow plowed so as to permit year-round access. The costs shall be shared by the lot owners. Individual driveway snowplowing shall be the responsibility of the lot owners themselves.
7. **Effective Term.** This agreement shall be perpetual and shall encumber and run with the land.
8. **Binding Agreement.** The agreement shall be binding on the parties hereto, their respective heirs, executors, administrators and assigns.

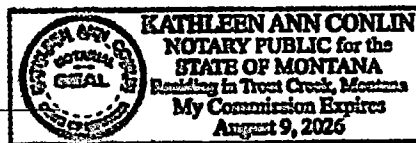
9. **Amendment.** This agreement may be amended only by the consent of all lot owners.
10. **Enforcement.** This agreement may be enforced by a majority of lot owners. If a court action or lawsuit is necessary to enforce this agreement, the party commencing such action or lawsuit shall be entitled to reasonable attorney fees and costs, if the party prevails.

 Dennis Fokin  
Representative for SDA Invest, LLC

State of Montana  
County of Sanders

This instrument was signed or acknowledged before me this 7<sup>th</sup> day of September, 2023 by Dennis Fokin, Rep. SDA Invest LLC,

  
Notary Signature





#8159



Sanders County Land Service Department/Subdivision Administration

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

kmaudrone@co.sanders.mt.us

**330430 SUBDIVISION DOCUMENTS File #: 8159**

STATE OF MONTANA SANDERS COUNTY

RECORDED: 9/15/2023 3:47 PM Pages: 10

Lisa Wadsworth Clerk and Recorder

FEE: \$5.00 BY:

Return To: MOUNTAIN PLAINS LLC

SDA Invest 3045 20<sup>th</sup> Ave W #206 Seattle LLC  
c/o Rick Hagedorn PLS/Mountain Plains LLC  
108 Pearl St./PO Box  
Thompson Falls, MT 59873-

After review of the proposed preliminary minor plat, Environmental Assessment, Summary of Probable Impact, Community Impact Report, Supplemental Material, as accepted for review on January 4, 2023, the Board of Sanders County Commissioners on February 16, 2023 granted preliminary approval with the following conditions/citings, and finding of facts/conclusions:

**CONDITIONS & CITINGS:**

1. That legal access through BNSF right-of-way is ensured prior to final plat approval  
*\*This will ensure legal access for the new lots being created...Authorized by MCA 76-3-608(3)(d) Criteria for local government review; Sanders County Subdivision Regulations, Prerequisites to Approval III-A-4(a)(II).*
2. That Farlan Lane be improved to Sanders County Subdivision Road Standards, requiring a private road permit be obtained from Sanders County prior to beginning any work on Farlan Lane. Storm water must be managed to not contaminate the well located on the subdivision and on the adjacent parcel, being retained within the subdivision.  
*\*This will ensure physical access and minimize impact to local services...Authorized by MCA 76-3-608(3) Mitigation of potential Adverse Impacts; Sanders County Subdivision Regulations, Governing Body Decision and Documentation/ Prerequisites to Approval-proposed mitigation and design standards and Inspection/certification III-A-4(b)(iv) & VII-G(b)&(c).*
3. That all road cut and fill areas and other sites disturbed by road construction are re-seeded, sprayed to prevent noxious weed infestation and adequate erosion control measures established prior to final plat approval.  
*\*This will control the establishment of noxious weeds in disturbed sites and reduce erosion of newly disturbed areas...Authorized by MCA 76-3-608(4) Mitigation of Potential Adverse Impacts; Sanders County Subdivision Regulations, Road Improvement Standards VII-G(b)(viii); Drainage Facilities VII-H(f).*
4. That a 1-foot controlled access easement be placed along the Harlow Road frontage of the subdivision.  
*\*This will limit approaches onto Harlow Rd. which functions as an arterial road for this area; limit drive approaches to reduce the potential for turning movement conflicts...Authorized by MCA 76-3-608(4) Mitigation of Potential Adverse Impacts; Sanders County Subdivision Regulations, Streets and Roads, VII-G(a)(xiii).*

5. That a Waiver of the Right to Protest a Rural Special Improvement District for the purpose of road construction and/or road maintenance which the County may require, be filed with final plat.  
*\*This will provide for the participation of these lots in any improvements proposed for the public road providing primary access to this area...Authorized by MCA 76-3-608(4), Mitigation of Potential Adverse Impacts; Sanders County Subdivision Regulations, Governing Body Decision and Documentation IV-A-6(b)...III-A-4(b).*
  6. That the subdivider contact the Sanders County Land Services Department for A Noxious Weed and Revegetation Plan within 30 days of preliminary plat approval, provide for initial treatment of weeds and file the approved plan with final plat.  
*\*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.*
  7. That the subdivision complies with the Sanders County Subdivision Regulations for Fire Protection. The exact method of compliance must be determined and 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.*
  8. That "Homeowners Code of Responsibility" be incorporated into covenants or be filed with the final plat.  
*\*This condition will educate new landowners so that they understand the risk and 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).*
  9. That landowners be given FWP information on ways to reduce human/wildlife conflicts and list FWP guidelines on the face of the final plat and be incorporated into covenants.  
*\*This condition assures that mitigation for wildlife impact will occur... Authorized by MCA 76-3-608(3)(a), Mitigation of Potential Adverse Impacts; Sanders County Subdivision Regulations Governing Body Decision and Documentation/ Consideration of Impact on wildlife IV-A-6(b)(iii)(E). FWP Brochures, FWP letter dated August 10, 2022.*
  10. That the subdivision complies with the design standards adopted by the Montana Department of Environmental Quality and the Sanders County Wastewater Regulations. Prior to Final Plat approval all lots less than 20 acres in size must be approved by the Montana DEQ as the reviewing authority under MCA 76-4-101, unless being sanitary restricted under ARM 17.36.605(2)(b)(ii).  
*\*This will ensure that all sanitary regulations are complied with prior to filing of the final plat with the Clerk and Recorders...Authorized by MCA 76-4 Part 1 Sanitation in Subdivision, Sanders County Wastewater Regulations.*
  11. That the final subdivision shall comply with all requirements of the Sanders County Subdivision Regulations, Sanders County Wastewater Regulations, Montana Department of Environmental Quality 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 statutes apply as well as the items specifically noted in the report.*

*\*The authorities for preliminary approval, denial, or conditional approval rest with the Sanders County Commissioners. This report and the conditions noted above are a recommendation to the Sanders County Commissioners. The conditions are subject to modification or deletion by the Commission or additional conditions can be required by the Commission.*

*\*The applicant may attend the Commission meeting when this item is scheduled for preliminary decision.*

*\*The governing body decision may be appealed by following the process provided in the state statute, MCA 76-3-625, Violations—actions against governing body.*

*\*Preliminary approval is valid for 3 years from the date it is granted and may request a 1-year extension.*

PLANNER:	Katherine Maudrone
DATE OF SUFFICIENCY:	01/04/2023
PUBLIC HEARING/MEETINGS:	No hearing required
SUBDIVIDERS:	SDA Invest 3045 20 <sup>th</sup> Ave W #206 Seattle LLC PO Box 2479 Thompson Falls, MT 59873-2479
REPRESENTATIVE:	Rick Hagedorn PLS/Mountain Plains LLC 108 Pearl St./PO Box Thompson Falls, MT 59873-
LOCATION OF REQUEST:	The subdivision is located just west of Thompson Falls off Harlow Rd.
LEGAL DESCRIPTION:	W½NW¼SE¼ Section 6, Township 21 N., Range 29 W.
APPLICATION INFORMATION:	This subdivision was received 09/22/2022, deemed sufficient for review on 01/04/2023 under Sanders County Subdivision Regulations (SCSR) amended June 10, 2020.
VARIANCES REQUESTED:	None
LEGAL NOTIFICATION:	None required
DESCRIPTION OF PROPERTY:	The property slopes up north from Harlow Rd. and the railroad tracks. It is moderately timbered with one residential home and shop.
SURROUNDING AREA:	North: Large timbered tracts East: Large acreage rural residential/City sewer lagoons South: Harlow Rd./BNSF Railroad West: Large acreage rural residential
UTILITIES AND SERVICES:	Water: individual exempt wells Wastewater: Individual septic systems Solid Waste: Thompson Falls Transfer Site (Sanders County Solid Waste) Electricity: Northwestern Energy

Telephone: Blackfoot Telephone Coop.  
Fire District: Thompson Falls Rural Fire  
Police: Sanders County Sheriff's Department  
Ambulance: Thompson Falls Ambulance  
Medical: Thompson Falls Family Clinic, Clark Fork Valley Hospital

AGENCY COMMENT RECEIVED: Montana FWP-No concerns;  
PUBLIC COMMENT RECEIVED: To date no comment has been received.  
PARKLAND REQUIREMENT: none

**FINDING OF FACT & CONCLUSION:**

**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 mentioned irrigated lands and facilities 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.

**Agriculture:** This land is identified as farmland of local importance, according to the USDA NRCS Web Soil Survey Map. This property is small in acreage to qualify as agricultural and has not been maintained as such.

Conclusion: The plat, as proposed, will have no adverse effects on agriculture as this land is not maintained in productive state. A Subdivision Weed Plan, that identifies noxious weeds and provides a treatment plan, is required. Initial treatment is required prior to final plat approval.

**Local Services:** Currently the proposed new lots are to be sanitary restricted. It is probable that sewer will be provided by on-site wastewater systems reviewed and permitted by MDEQ through the Sanders County Environmental Health Department. Water is typically provided for by individual exempt wells. Lot owners are responsible for their installation and maintenance.

Medical services are available nearby at Clark Fork Valley Hospital and Thompson Falls Family Clinic. Emergency medical care is provided by volunteer ambulance. These services may not have the same availability and response time as urban service.

This property is part of the Thompson Falls Rural Fire District. There may be limited structure fire protection available for any dwelling units constructed in this area, as this is a volunteer agency and response time varies greatly.

The cumulative impact of these projects 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 for most, no established means to mitigate the personnel impacts to volunteer agencies. Funding relies on annual tax assessments.

New subdivisions are required to provide water for initial structural protection or make a payment in lieu to the rural fire district.

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. Access for these lots will be from Harlow Rd. a county-maintained road with asphalt surface. At some point, because of cumulative impacts from increased development, improvements will be needed to mitigate the impacts of increased traffic. Much of the concern with increased traffic is related to routine maintenance of the existing roads, not the capacities of the existing public roads serving the site. The increase in traffic will not exceed the current capacities of the existing public roads serving this property.

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 Thompson Falls Roll-Off site. The solid waste service is paid for by the collection of a fee for each individual residential and commercial unit. However, as with all public services there is a concern for the cumulative impacts and for additional equipment needs to continue to meet increased demands. The regional landfill used for disposal 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.

Conclusion: There currently is no method for mitigating impacts to volunteer service providers.

The existing road serving this area, Harlow Road, is county maintained and appears to be adequate for the proposed increase in traffic. A driveway approach will need to be permitted through the County to provide access to proposed Lot 1. A private road construction permit will be required prior to beginning work to upgrade Farlan Lane to Sanders County Subdivision Road Standards, addressing storm water and ensuring the private well located within the easement will not be contaminated.

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. All requested withdrawals must be approved by the Commissioners, used to address said purpose only.

Sheriff's office staffing is determined by taxes generated by all county landowners.

Wells and waste water systems will be reviewed and permitted through the Sanders County Environmental Health Department at the time of development and the lot owner is responsible for the cost of installation and maintenance.

**Natural Environment:** There are no known geologic hazards such as slumping, land slide, rockfall, shallow bedrock etc. This area is in a known fault area and the region is subject to seismic activity. No special building requirements are required by the county and no mitigation for residential uses is required.

No adverse direct impact on air quality is anticipated with this number of lots other than a corresponding increase in vehicle emission and possible wood stove smoke. The mountain valleys of Western Montana are prone to winter time inversions, a natural feature of living in this area.

This area is not in the floodplain. There are no water bodies or surface water located within this area.

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. Gradual grassy dams will be located where needed to contain runoff from each house within that lot. Ditching and retention ponds may be required for Farlan Lane and driveways. 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: This general area and a significant amount of Sanders County is in the process of subdivision and residential development.

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.

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, as required by state statutes and Weed District regulations.

Air quality may be impacted by an increase in particulate matter due to smoke from wood heating stoves. Thompson Falls is no longer designated as a non-attainment area for air quality per MDEQ.

Wildlife: Field observations found evidence of whitetail deer and elk. It is possible that other wildlife pass through this area such as coyote, bear and mountain lion.

Conclusion: All development has an impact on wildlife. There could be increased predation, by domestic pets, on birds and small mammals and additional road kill could occur from increased traffic. Wildlife may have more impact on the new residents of the area than those residents will have on wildlife, which people should consider when purchasing this property. Educating new landowners is the key to preventing attracting wildlife which can result in conflict....

Wildlife Habitat: This area has minor use by big game, mostly whitetail moving through. Vegetation is limited to timbered land and brush. No wetlands or natural source of water exists. MT Hwy 200, BNSF railroad and Harlow Rd. are all south of this property.

Conclusion: Is not identified as important wildlife habitat and impact will be consistent with adjacent development.

Any disturbed areas will be reseeded to control the invasion of noxious weeds which will dominate the natural vegetation.

**Public Health and Safety:** There are no known natural hazards such as snow slides or rockslides, high winds, or manmade hazards such as high pressure gas lines industrial/mining or traffic volumes exceeding the current capacities of the roads.

The roads providing access to this project appear to have the capacity to serve the total number of lots, existing or proposed. Harlow Road is considered a main arterial. It is paved with controlled speed. Farlan Lane will be upgraded to subdivision road standards.

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 for this development is low.

Conclusion: Natural hazards are not found in this area.

Wildland fire is a threat throughout the county. While sparks along the railroad tracks can increase the chance of a wildfire, Harlow Road provides a fuel break between it and residential property. This property may benefit from mutual aid from the Thompson Falls City Fire Department as it is just outside the city limits.

Harlow Road and Farlan Lane built and signed to Sanders County subdivision standards provide access for emergency vehicles.

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

No, an environmental assessment was not required.

The two new lots being created are proposed to be sanitary restricted therefore soils information is lacking at this time. Full review will be required at the time of development.

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

Yes. 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?**

One lot has the existing residential home with well and septic system. Well permit 22-099W and septic permit 22-139 were applied for by the developer prior to purchasing the property to ensure replacement room for the existing drain field. They will be voided with the filing of this final plat. The soil profile dug on Lot 1 shows loamy sand to 10 inches, medium sand & gravel to 60 inches and coarse sand to 96 inches. The two new lots being created are proposed as sanitary restricted therefore detail soils and ground water information are not required at this time. NRCS soils map identifies 473D-Elkrock-Selon complex, 4 to 15 percent slopes. The

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typical soil profile consists of gravelly, ashy silt loam for the top 15 inches and extremely cobbly loam 15 – 60 inches. Drainage class is somewhat excessively drained and more than 80 inches to a restrictive layer.

These two lots will have full review at the time of development to Montana Subdivision and Sanitation Act standards. The on-site wastewater treatment must comply with DEQ Circular 4, 2013 Edition.

Individual wells are registered with the DNRC to establish a water appropriation right, (MCA 85-2-306), exceptions to permit requirements.

Records in the Montana Bureau of Mines and Geology; Ground Water Information Center data show that in Section 06, Township 21N - Range 29W the average depth of wells is 316 feet, static water level 146 feet, yield 132 gpm. These are all average values for the entire land section. (File) 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)

Fine loamy sand soils were identified during site evaluations. No ground water was encountered, no mottled soils that would indicate ground water present at other times of the year.

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. 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.

All wastewater systems are in and Montana Department of Environmental Quality determined the final systems utilized. Sizing of the drain fields is based on specific soil parameters as determined by Montana Department of Environmental Quality, Circular 4.

**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. 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.

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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?

Physical access is provided, the County is in the process of obtaining legal access from Burlington Northern Santé Fe right-of-way. This must be completed before final plat can be granted.

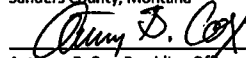
7. Other relevant findings?

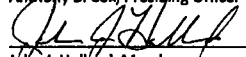
Sanders County does not at this time have a Planning Board or an adopted County Growth Policy. Without a Growth Policy or any other adopted planning management tools it is difficult to establish limits of allowable impacts that are acceptable to the entire community.

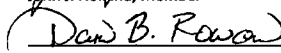
The only regulatory tool for managing growth in the county at this time is the Sanders County Subdivision Regulations. Subdivision regulations are designed primarily to manage land division, not land uses or densities.

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

  
Anthony B. Cox, Presiding Officer

  
John J. Holland, Member

  
Dan B. Rowan, Member

  
by:  deputy 2/14/23  
Attest: Clerk & Recorder Date

# PRELIMINARY PLAT "FARLAN MINOR SUBDIVISION" A MINOR SUBDIVISION IN THE W1/2 NW1/4 SE1/4 OF SECTION 6, T.21N., R.29W., P.M.M., SANDERS COUNTY, MONTANA THIS SURVEY WAS PREPARED AT THE REQUEST OF ANDREW BOKOV IN MARCH 2022.

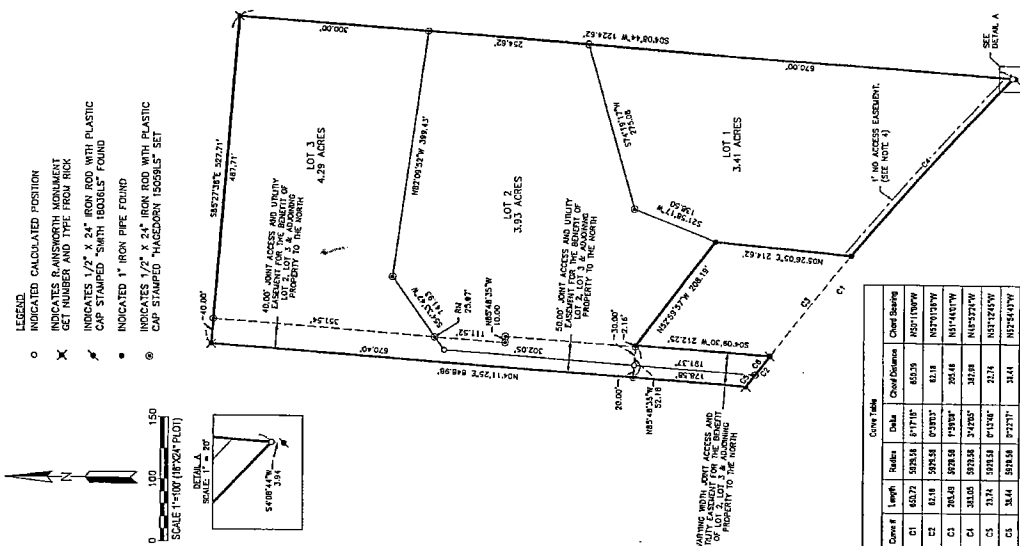
LEGAL DESCRIPTION:  
LOCATED IN THE W1/2 NW1/4 SE1/4 OF SECTION 6, T.21N., R.29W., P.M.M.,  
SANDERS COUNTY, MONTANA  
CONTAINING 11.63 ACRES.  
PLAT B1, W1/2 NW1/4 SE1/4 12 ACRES, RECORDS OF SANDERS COUNTY, MONTANA,  
TOGETHER WITH AND SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

OWNER-DEVELOPER:  
SDA INVEST LLC  
1255 S SANSON TR.  
MCCALL, IDAHO 83638

- NOTES/DEDICATIONS
- 1) LOTS 1, 2 & 3 ARE INTENDED FOR SINGLE-FAMILY RESIDENTIAL PURPOSES.
  - 2) LOT 1 IS EXEMPT FROM SANITATION REVIEW BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY PURSUANT TO MCA 78-4-241 (3) BECAUSE OF AN ORIGINAL TRACT CREATED BY SUBDIVIDING A PARCEL FROM THE TRACT FOR THE PURPOSES OF SANITATION REVIEW. THE REMAINDER IS 1 ACRE OR LARGER AND HAS AN APPROXIMATE 50' WIDE ACCESS TO THE SANITATION SYSTEM. THE ACCESS, IF REQUIRED WHEN INSTALLED, WAS APPROVED PURSUANT TO LOCAL REGULATIONS OR MCA 78-4-241, CHAPTER 4.
  - 3) LOT 1, A TITLE 78, CHAPTER 4, SANITATION REVIEW BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY PURSUANT TO MCA 78-4-241 (3) BECAUSE OF AN ORIGINAL TRACT CREATED BY SUBDIVIDING A PARCEL FROM THE TRACT FOR THE PURPOSES OF SANITATION REVIEW. THE REMAINDER IS 1 ACRE OR LARGER AND HAS AN APPROXIMATE 50' WIDE ACCESS TO THE SANITATION SYSTEM. THE ACCESS, IF REQUIRED WHEN INSTALLED, WAS APPROVED PURSUANT TO LOCAL REGULATIONS OR MCA 78-4-241, CHAPTER 4.
  - 4) 1" NO ACCESS EASEMENT ALONG THE SOUTH LINE OF LOT 1 WITH THE EXCEPTION OF ONE NEW APPROVED APPROACH PERMIT FOR THE BENEFIT OF LOT 1.

Conditional preliminary approval  
Dated **2-18-2023**

SANDERS COUNTY  
Board of County Commissioners  
*Cheryl S. Cox*, Presiding Officer  
*L. H. H. H.*, Member  
*David B. B. B.*, Member



CERTIFICATE OF RECORDING BY CLERK AND RECORDER

ENGINEERING, LAND SURVEYING  
& REDEVELOPING  
100 PEARL ST.  
THOMPSON FALLS, MT 59773  
Phone: (406) 493-2591  
WWW.MOUNTAINPLAINS.COM

BOOK 15-1-2-2  
PAGE 10  
DATE: 04-11-23  
APPROVED BY: [Signature]  
SHEET 1 OF 1