

#6284



Montana Department of
ENVIRONMENTAL QUALITY

Brian Schweitzer, Governor

P.O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • www.deq.mt.gov
November 7, 2007

Rocky Mountain Surveyors
PO Box 695
Plains MT 59859

RE: Mountain Springs Amended
Sanders County
E.Q. #08-1423

Dear Sirs:

The plans and supplemental information relating to the water supply, sewage, solid waste disposal, and storm drainage (if any) for the above referenced division of land have been reviewed as required by ARM Title 17 Chapter 36(101-805) and have been found to be in compliance with those rules.

Two copies of the Certificate of Subdivision Plat Approval are enclosed. The original is to be filed at the office of the county clerk and recorder. The duplicate is for your personal records.


Development of the approved subdivision may require coverage under the Department's General Permit for Storm Water Discharges Associated with Construction Activity, if your development has construction-related disturbance of one or more acre. If so, please contact the Storm Water Program at (406) 444-3080 for more information or visit the Department's storm water construction website at <http://www.deq.state.mt.us/wqinfo/MPDES/StormwaterConstruction.asp>. Failure to obtain this permit (if required) prior to development can result in significant penalties.

Your copy is to inform you of the conditions of the approval. Please note that you have specific responsibilities according to the plat approval statement primarily with regard to informing any new owner as to any conditions that have been imposed.

If you wish to challenge the conditions of this Certificate of Subdivision Plat Approval, you may request a hearing before the Board of Environmental Review or the Department, pursuant to Section 76-4-126, MCA and the Montana Administrative Procedures Act.

If you have any questions, please contact this office.

Sincerely,


Steve Kilbreath, Supervisor
Subdivision Review Section
SK/ML

cc: County Sanitarian
County Planning Board

STATE OF MONTANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
CERTIFICATE OF SUBDIVISION APPROVAL
(Section 76-4-101 et seq., MCA)

TO: County Clerk and Recorder
Sanders County
Thompson Falls, Montana

E.Q. # 08-1423

THIS IS TO CERTIFY THAT the plans and supplemental information relating to the subdivision known as **Mountain Springs Amended**

A tract of land located in a portion of Gov't. Lot 4, and in a portion of the SW ¼ NW ¼ all of section 22, T. 21N, R. 29 W, P.M.M., Sanders County, Montana

Consisting of Four lots have been reviewed by personnel of the Permitting and Compliance Division, and,

THAT the documents and data required by ARM Chapter 17 Section 36 have been submitted and found to be in compliance therewith, and,

THAT the approval of the Plat is made with the understanding that the following conditions shall be met:

THAT the lot sizes as indicated on the Plat to be filed with the county clerk and recorder will not be further altered without approval, and,

THAT each lot shall be used for one single family dwelling, and,

THAT each individual water system will consist of a well drilled to a minimum depth of 25 feet constructed in accordance with the criteria established in Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM and the most current standards of the Department of Environmental Quality, and,

THAT data provided indicates an acceptable water source at a depth of approximately 175 feet, and,

THAT each individual sewage treatment system will consist of a septic tank with effluent filter and subsurface drainfield of such size and description as will comply with Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM, and,

THAT each subsurface drainfield shall have an absorption area of sufficient size to provide an application rate of 0.6 gpd/ft², and,

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E.Q. #08-1423

THAT the bottom of the drainfield shall be at least four feet above the water table, and,

THAT the storm water drainage structures will consist of grassy swales as shown on the lot layout, and,

THAT water supply systems, sewage treatment systems and storm drainage systems will be located as shown on the approved plans, and,

THAT all sanitary facilities must be located as shown on the attached lot layout, and,

THAT the developer and/or owner of record shall provide each purchaser of property with a copy of the plat, approved location of water supply and sewage treatment system as shown on the attached lot layout and a copy of this document, and,

THAT instruments of transfer for this property shall contain reference to these conditions, and,

THAT plans and specifications for any proposed sewage treatment systems will be reviewed and approved by the county health department and will comply with local regulations and ARM, Title 17, Chapter 36, Subchapters 3 and 9, before construction is started.

THAT departure from any criteria set forth in the approved plans and specifications and Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM when erecting a structure and appurtenant facilities in said subdivision without Department approval, is grounds for injunction by the Department of Environmental Quality.

Pursuant to Section 76-4-122 (2)(a), MCA, a person must obtain the approval of both the State under Title 76, Chapter 4, MCA, and local board of health under section 50-2-116(1)(i), before filing a subdivision plat with the county clerk and recorder.

YOU ARE REQUESTED to record this certificate by attaching it to the plat filed in your office as required by law.

DATED this 1st day of November, 2007.

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Sanders County
Mountain Springs Amended
EQ # 08-1423

RICHARD OPPER
DIRECTOR

By: Barbara Woodbury R.S., MPH
Barbara Woodbury, R.S., MPH
Sanitarian
Sanders County Environmental Health Dept.

By: Barbara Kingery for
Steve Kilbreath, Supervisor
Subdivision Review Section
Permitting and Compliance Division
Department of Environmental Quality

Owner's Name: Ronald Rahn

278451 BOOK: 1 MISC PAGE: 6284 Pages: 0
STATE OF MONTANA SANDERS COUNTY
RECORDED: 01/27/2009 11:40 KOI: SUBD DOCS
JENNINE ROBBINS CLERK AND RECORDER
FEE: \$5.00 BY: Ronald Rahn
TO: RONALD RAHN 9529 MILLER CREEK RD, MISSOULA, MT 59803

MOUNTAIN SPRINGS AMENDED

PREPARED BY: K. KINZIE
DATE: 09/05/07

EQ # 08-1423

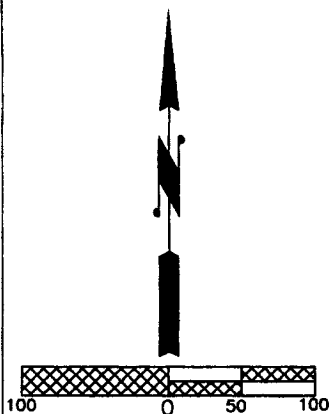
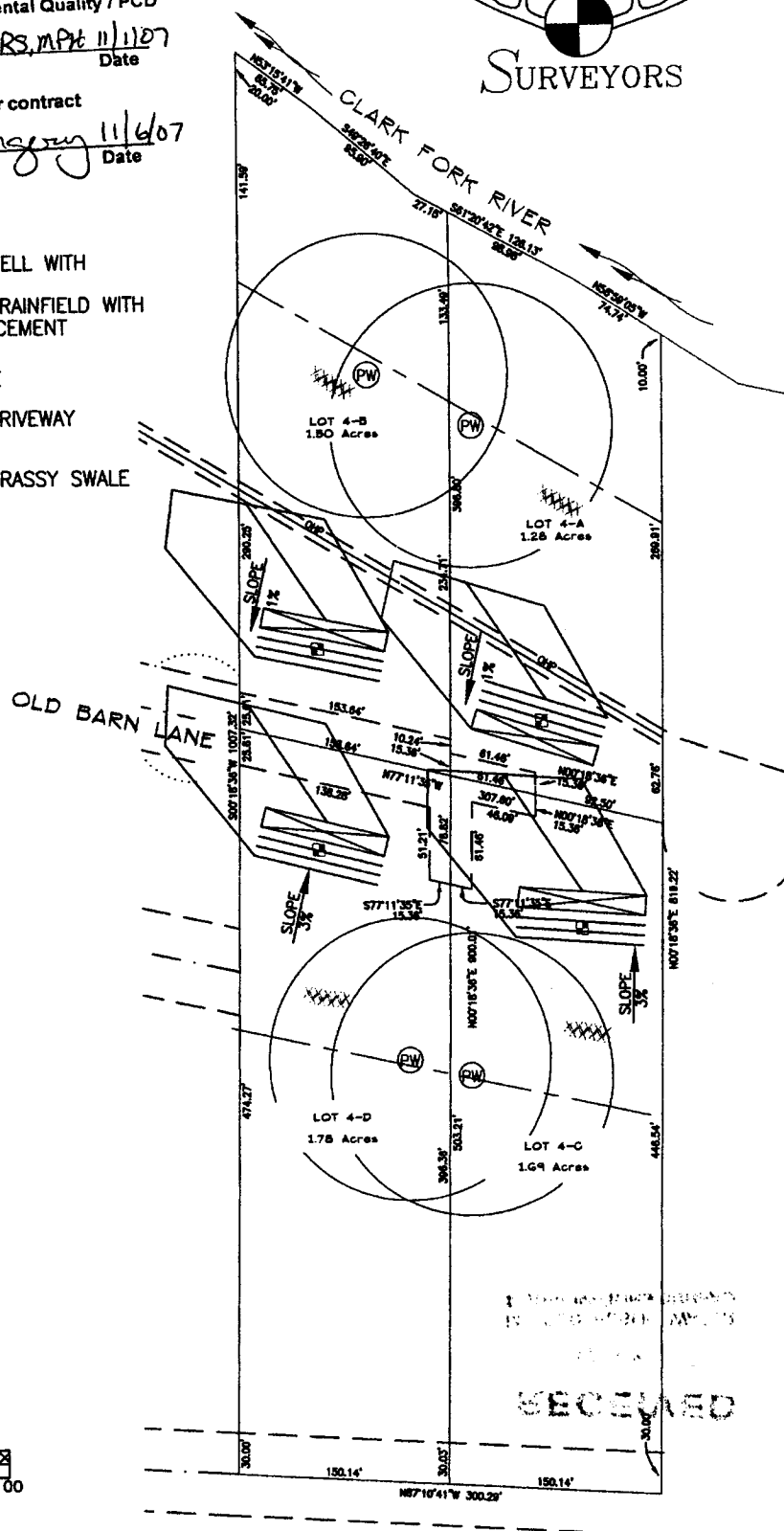
Barbara Woodbury, RS, MPh 11/1/07
Local Reviewer Date

Accepted under contract

Accepted under contract
Barbara Kingery 11/6/07
DEQ Representative Date



PROPOSED WELL WITH
PROPOSED DRAINFIELD WITH
100% REPLACEMENT
SOIL PROFILE
PROPOSED DRIVEWAY
PROPOSED GRASSY SWALE



SCALE: 1" = 100'

6285

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 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.

The real property is more particularly described as follows:

Mountain Springs lot 4 Amended
Sw 1/4, Nw 1/4, Section 22 T21N, R29W. P.M.M.

Signed and dated this 4th day of December, 2008

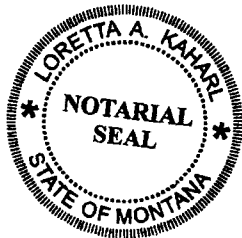
By *Ronald Rahn*

STATE OF MONTANA)

County of Sanders)

On this 4th day of December, 2008 before me, a Notary Public in the state of Montana, personally appeared Ronald Rahn known to me to be the individual 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 4th day of December, 2008



Loretta A. Kahari
Notary Public for the State of Montana
Residing at _____, Montana.
My commission expires _____

LORETTA A. KAHARI
NOTARY PUBLIC for the State of Montana
Residing at Thompson Falls, Montana
My Commission Expires Oct. 2, 2011

278452 BOOK: 1 MISC PAGE: 6285 Pages: 0
STATE OF MONTANA SANDERS COUNTY
RECORDED: 01/27/2009 11:47 KOI: SUBD DOCS
JENNINE ROBBINS CLERK AND RECORDER
FEE: \$5.00 BY *Jennine Robbins*
TO: RONALD RAHN 9529 MILLER C&D RD, MISSOULA, MT 59803

#6286

NOTICE OF WEED PLAN

This notice serves to inform all property owners in said subdivision that they are subject to an approved weed plan on file in the Weed Board Office.

Furthermore, the undersigned, for and on behalf of successors and assigns, agrees and consents to the specific actions required for implementing the weed plan created for the benefit of the real property.

This notice is independent from all other agreements, shall run with the land and shall be binding upon the undersigned, and all successors and assigns, and shall be recorded in the Office of the County Clerk & Recorder of Sanders County, Montana. All instruments of transfer for this property shall contain a reference to this notice.

The real property, subject to the weed plan, is more particularly described as follows:

Mountain Springs Lot 4 Amended:
SW 1/4, NW 1/4, Section 22 T.21N., R.29W. P.M.M.

Signed and dated this 4th day of December, 2008

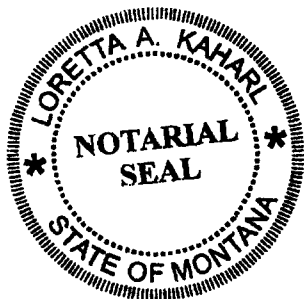
By *Ronald Rahn*

STATE OF MONTANA)

County of Sanders)

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IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal this 4th day of December, 2008.



Loretta A. Kahari
Notary Public for the State of Montana
Residing at _____, Montana.
My commission expires _____.

LORETTA A. KAHARI
NOTARY PUBLIC for the State of Montana
Residing at Thompson Falls, Montana
My Commission Expires Oct. 2, 2011

Mountain Springs
#5082 COS 2245 MS

246120

I received and filed
this instrument for record on the 12th
day of Apr 20 02
at 11:10 o'clock A.M

Pat Ingraham
Sanders County Clerk & Recorder

By [Signature]
Deputy

Fee: 5.00

Declaration of Conditions, Covenants and Restrictions For Mountain Springs

DECLARANT is the owner of certain property located in a portion of GOV'T LOT 4 in the NW $\frac{1}{4}$ and a portion of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 22 and a portion of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 21, all in Township 21 North, Range 29 West, PMM, in Sanders County, Montana, which is more particularly described as Mountain Springs.

The Declarant does hereby declare that the subdivision above described shall be sold and conveyed subject to the following easements, restrictions, covenants and conditions, all of which are for the purpose of enhancing and protecting the value, desirability and attractiveness of the real property, and shall be binding on all parties having or acquiring any right, title or interest in the described properties, and shall inure to the benefit of each owner thereof. The word "parcel" as used herein shall refer to each parcel of the subdivision.

Compliance with Health Regulations: No activity on any parcel shall be conducted in violation of any Montana State Law, Montana State regulation or local ordinance or regulation with respect to water supply, sewage disposal, sanitation, and air pollution.

Road Access: The roads used to access the parcels in Mountain Springs will also be used to access additional parcels in the future in Sections 20, 21, & 16 in T. 21N, R. 29W, and those future parcel owners will also have a right to use these same roads for ingress, egress, & utilities.

Waste Material: No building site shall be used or maintained as a dumping or storage area for rubbish, trash, garbage, brush or other waste. All trash, junk, garbage and other waste shall be kept in sanitary and rodent-proof containers. No automobiles, automobile bodies, motor vehicles or parts thereof, may be left exposed to view from other parcels in an inoperative condition, except during a period not to exceed two months while repairs are being made to such vehicle.

Setbacks: No residential building, nor any appurtenance or outbuilding, shall be less than fifteen (15) feet from any adjoining parcel line, nor any closer than fifteen (15) feet to Cherry Creek Road easement or any other subdivision road easements. In addition to these setbacks, the leading edge of any residential building, roof or outbuilding shall be at least fifty (50) feet from the north-south access road easement running south of Cherry Creek Road and adjacent to Lots 1 and 2.

Construction Standards:

Foundation: Each permanent residence must have a permanent continuous perimeter foundation to the frost free level.

Construction: Residences may be of frame or log construction or a modular home (built to UBC/CABO codes). No structure commonly known as a "trailer" or "mobile home" or "doublewides," or "singlewides," or "manufactured homes," (those homes built to HUD codes) shall be placed or remain on any lot. RV's including travel trailers are permissible but can be lived in no more than 6 months out of a year.

Roofs: Metal roofs shall be permitted only if they shall have been painted during the course of their manufacture. Bare aluminum, steel, galvanized surfaces or other metallic, unpainted-at-factory surfaces shall not be permitted.

Animals: No dog may run at large or endanger wildlife. No animal feed lot will be permitted on any parcel. No animals are to become an annoyance or a nuisance to the neighborhood. Offensive odors caused by inadequately cleaned animal facilities are strictly prohibited. Livestock and fowl shall be limited to one (1) animal unit per one (1) acre of land. All animals shall be contained within the confines of the owner's lot.

Permitted Livestock

Livestock Animal Units

Cow – Mature	1.00 units per each animal
this means you could have 1 cow or 1 horse for every acre you own, etc.	
Cow with Calf	1.00
Calf (Weaned or Under 6 months)	1.00
Steer	1.00
Heifer	1.00
Horse or Mule	1.00 each
Horse with Colt	1.50 for the pair
Colt (Weaned)	1.00
Llama	1.00
Sheep, Goats, or Hogs will be counted at	3.00 units per each animal
which means you may have only 1 sheep, goat, or hog on 5 acres of land.	

Permitted Fowl

Fowl Animal Units

Hens, Roosters, Ducks, Geese	.25 each units per each animal
Turkeys	.50 each
Peacocks	1.00 each

In addition to the above regulations, animals defined as "Project Animals" may be allowed. A "Project Animal" is an animal raised exclusively for participation in programs such as FFA, 4-H, or other similar types of programs, by residents of the parcels only.

Offensive Activity: No noxious or offensive activity shall be carried on or permitted upon any parcel, nor shall anything be done which may be or may become a nuisance or annoyance to the neighborhood; nor shall any premises be used in any way for any purpose which shall endanger the health, safety or welfare of residents or unreasonably disturb the residents living on any parcel, including noise, vibration, glare, fumes, odors, hours of operation, traffic, electrical interference, etc.

Garbage Disposal: Garbage shall be stored in insect and rodent proof containers and shall be hauled at regular intervals to the Thompson Falls Refuse Site or another Sanders County designated disposal site. Grounds and outbuildings shall be kept in a neat and orderly manner.

Utilities: Each parcel owner will be responsible, at their own expense, for driveways from Cherry Creek Road and all other road systems, drilling of wells for domestic water, and utility installation, including power and telephone.

Road Maintenance: Lot owners living within the subdivision shall be responsible for maintaining the roads that access their property. The owners requiring access during the winter months shall be responsible for snow removal. As additional lots are accessed by these roads, those new lot owners shall

Declaration of Conditions, Covenants and Restrictions

Mountain Springs

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