

BCC



Ravalli County Planning Department

215 South 4th Street, Suite F
Hamilton, MT 59840
406.375.6530 Fax 406.375.6531
OG-17-03-109

**SUBDIVISION EXEMPTION APPLICATION APPROVAL*
Agricultural-Use-Only Parcel (SEA-2017-21)**

Property Legal Description: Parcel 2, Certificate of Survey #5599-TR, located within Section 10, T3N, R21W (Parcel (Tax ID) #1117100).

March 29, 2017

Terry Nelson, P.L.S.
Applebury Survey, Inc.
529 "A" W. River Rd.
Hamilton, MT 59840

Dear Mr. Nelson:

Ravalli County has examined the subdivision exemption application you submitted on March 24, 2017, on behalf of Robert and Phyllis Parmenter, and Kaydell and Elaine Bowles, and has determined that the applicants can use the exemption on the above-described property to create one agricultural-use-only parcel, and one non-agricultural remainder parcel, as depicted on the application. The required Certificate of Survey will show the new configurations of the property described above.

AGRICULTURAL COVENANT

Use of the agricultural covenant allows you to create a parcel for agricultural purposes only, without having to meet all of the sanitation requirements for a septic system. Please be advised that in order to lift an agricultural covenant to allow for residential use of the property, the owner would be required to go through the subdivision review process. This would require the parcel to be reviewed as a minor subdivision, and go through the entire review process. The Board of County Commissioners will then make the final decision as to whether or not to approve the revocation of the agricultural covenant.

IMPORTANT NOTICE REGARDING SUBDIVISION EXEMPTIONS

A determination by Ravalli County that a proposal is exempt from subdivision review does not constitute a substantive review of the proposal. The lots created or altered by exemption might not have legal or physical access, might not be eligible for a County road access permit, might not be able to use previous private access easements, might not be eligible for County well or wastewater treatment (septic system) permits, might not have access to utilities, and might not have any usable building site or beneficial economic use or value at all.

CONDITIONS OF APPROVAL

The following conditions of approval are required, in order to complete the process of filing the survey with the Ravalli County Clerk and Recorder:

- **Survey**: Consult with a professional land surveyor to complete a survey, which all of the property owners will have to sign and have notarized. Be sure to quote the exemption language from subdivision review in its entirety on the final plat. The agricultural-use-only parcel requires a covenant running with the land, in accordance with 76-3-207(1)(c), MCA, and a signed and acknowledged recitation of the covenant on the face of the survey [ARM 24.183.1104(1)(f)(i)];
- **MDEQ**: Consult with the Ravalli County Environmental Health Department (RCEHD) at 375-6565 for instruction relative to the Montana Department of Environmental Quality (MDEQ) procedures for review of the lots (referred to as a Certificate of Subdivision Plat Approval), and/or provide a letter of approval from RCEHD for the exemption from MDEQ review quoted or used on this survey;
- **Covenants/Zoning**: Research the property for covenants and zoning (Clerk and Recorder's Office) to guarantee that the proposed agricultural parcel meets those restrictions;
- **Property Taxes**: Pay all property taxes that have been assessed and levied on the land (Note: If you submit your survey for filing after the tax notices have been mailed out (which is generally by the end of September of each year) you will need to pay for the entire year – first and second half); and
- **BCC Approval**: Submit evidence of BCC approval of the Agricultural Parcel creation, due to the possible conflict of interest with Applebury Survey.

RECOMMENDATION

The following are recommended, in order to help alleviate potential future concerns:

- **Consent to Plat**: A Consent to Plat form, signed and notarized by all owners of interest, if the applicant is not the underlying titleholder of the property;
- **Service Providers**: Applicants are encouraged to contact service providers, including irrigation districts/associations and utility providers, to determine what, if any, information should be provided to them independently of the subdivision exemption review to ensure that service provision continues;
- **GIS Department Review**: The completed survey must be reviewed by the Ravalli County Geographic Information Systems (GIS) Department, prior to filing with the Clerk and Recorder. To help expedite the process, it is recommended that the applicant email the survey to GIS Department Director Ken Miller at kmiller@rc.mt.gov. Please be advised that failure to submit the survey to GIS for

- review may delay its recording, as the Clerk and Recorder's Office would then need to submit the survey for review, as time permits; and
- **Road Names:** According to County Resolution # 503, recorded as Permanent File #7360 on August 30, 1989, road names are required to be issued for existing and proposed, private, unnamed roads that serve two or more residences or potential residences, where applicable, for identification purposes in the event of an emergency. Since the County GIS Department approves road name petitions, inquiries should be directed to GIS at 375-6622.

FILING THE SURVEY

When you're ready to file the survey, please bring the following to the Clerk and Recorder's Office:

- This original **approval letter**;
- The appropriate **filing fees**;
- The **survey** (one paper copy and one mylar copy);
- The original Certificate of Subdivision Plat Approval document from **MDEQ**, and/or a letter of approval from RCEHD for the exemption(s) from MDEQ review quoted on the survey. **Please ensure** that any lot layout diagram accompanying the MDEQ and/or RCEHD approval matches the proposed lot configurations;
- A **Consent to Plat** form, if needed, as set forth above;
- An approved **Road Name Petition** from the County GIS Department, as applicable, as set forth above;
- The completed **Declaration of Agricultural Covenant** form (blank form enclosed) for the agricultural-use-only parcel, to be completed, signed, and notarized by the applicant/owner of the property and the buyer. **Once this form is completed, please present to the Planning Department for review, prior to filing with the other required documents; and**
- **Evidence of BCC approval** of the Agricultural Parcel creation, due to the possible conflict of interest with Applebury Survey.

CONFLICT OF INTEREST STATEMENT

Terry Nelson of Applebury Survey, consultant and surveyor for this Agricultural Parcel project, is also the Ravalli County Planning Department Administrator. According to the application, Applebury Survey has performed multiple surveys on nearby parcels owned by International Paper Company since 1999, prior to Nelson's employment with the County, for testing and monitoring for any contamination from the old mill site in Darby. International Paper Company is now purchasing pasture land from the landowners of the subject property, for additional buffer and testing from the mill site, and wish to utilize Applebury Survey for this Agricultural Parcel project. As a County employee, Mr. Nelson has made no attempt to influence Planning Staff's decision on the project.

***PLEASE NOTE**

This Agricultural Parcel approval from the Planning Department will also require approval from the Ravalli County Board of County Commissioners (BCC), due to the possible conflict of interest with Applebury Survey noted above. A BCC meeting will need to be scheduled for review of the proposal. Evidence of BCC approval must be submitted with

the survey and other required documentation, as a condition of approval for creation of the Agricultural-Use-Only parcel.

APPROVAL PERIOD

The Planning Department and BCC approvals must be utilized within one (1) year of the date of this letter, the expiration being March 29, 2018, unless you provide a written request for a one-year extension of the approval period. The request must be submitted at least thirty (30) calendar-days prior to the approval period expiration.

Sincerely,



Kevin Waller
Planner

Enc: Blank Declaration of Agricultural Covenant Form

Cc: Project File – Subdivision Exemption Application (SEA – 2017– 21)
Ravalli County Environmental Health Department
Ravalli County Clerk & Recorder
Ravalli County Board of County Commissioners
Howard Recht, Ravalli County Attorney’s Office
Outgoing Mail File
Robert & Phyllis Parmenter, and Kaydell & Elaine Bowles (owners), 53 Coiner Ln., Salmon, ID 83467

BOUNDARY RETRACEMENT SURVEY
PARMENTER-BOWLES
 A PORTION OF LAND LOCATED IN THE S 1/4 OF S 17 OF T 12 N, R 12 E, S 10M, COUNTY OF KING, WASHINGTON.

COMMENCEMENT OF SURVEY NUMBER
 5599-1R

THE PROPERTY BEING SURVEYED IS SHOWN IN GREEN ON THE ATTACHED MAP AND IS BOUNDARY RETRACEMENT SURVEY NUMBER 5599-1R. THE PROPERTY IS SHOWN IN GREEN ON THE ATTACHED MAP AND IS BOUNDARY RETRACEMENT SURVEY NUMBER 5599-1R. THE PROPERTY IS SHOWN IN GREEN ON THE ATTACHED MAP AND IS BOUNDARY RETRACEMENT SURVEY NUMBER 5599-1R.

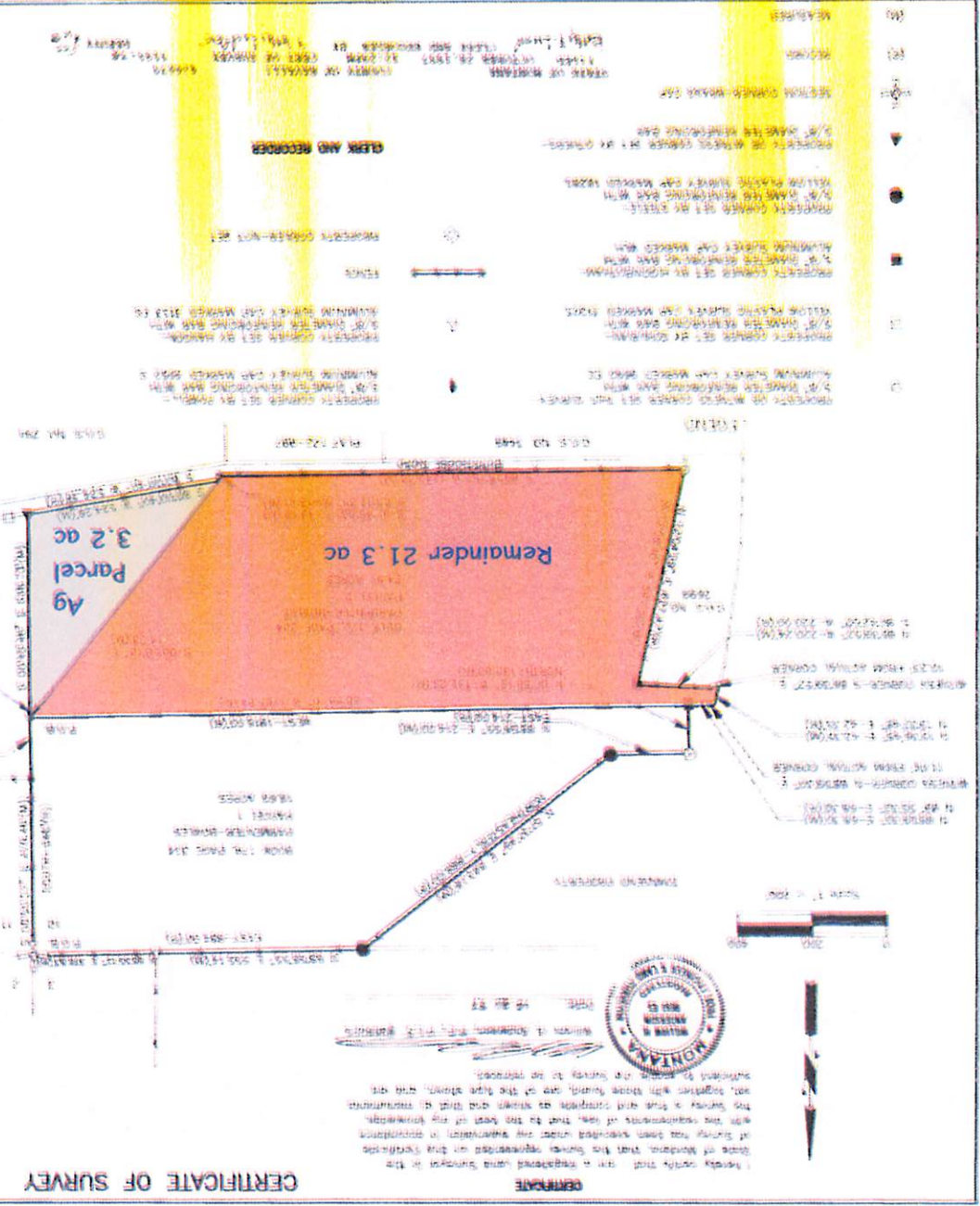
OWNER'S CERTIFICATION
 I, the undersigned, being the owner of the land described in the foregoing plat and being duly qualified to swear, depose and say that the purpose of this survey is to retrace the boundaries of the land described in the foregoing plat and to show the location of the corners and the location of the boundaries of the land described in the foregoing plat.

PURPOSE OF SURVEY
 This survey was completed to show the location of the boundaries of the land described in the foregoing plat and to show the location of the corners and the location of the boundaries of the land described in the foregoing plat.

CONDITIONALLY APPROVED

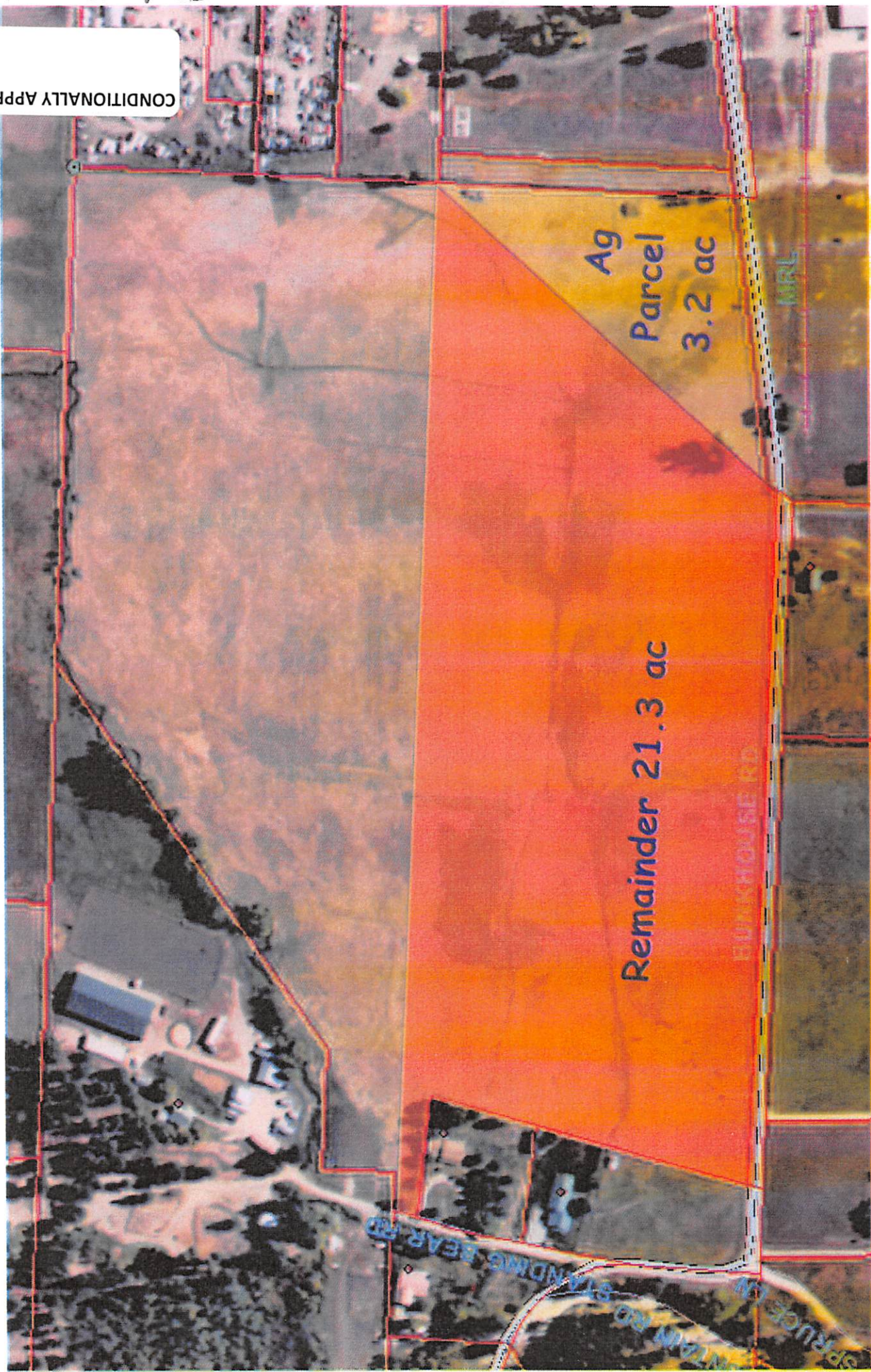
I hereby certify that the survey was conducted in accordance with the provisions of the laws of the State of Washington, and that the survey was conducted in accordance with the provisions of the laws of the State of Washington, and that the survey was conducted in accordance with the provisions of the laws of the State of Washington.

DATE: 06 28 23
 SURVEYOR: [Signature]



SEA-17-21

CONDITIONALLY APPROVED



10/1/21