

1 COUNCIL RESOLUTION NO. 15-22

2 A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY
3 PLAT OF THE ASPEN LANE MINOR SUBDIVISION OF THE CITY AND COUNTY OF
4 BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF
5 ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH AND PROVIDING FOR AN
6 EFFECTIVE DATE HEREIN.

7 WHEREAS, the Butte-Silver Bow Planning Board did, on August 27, 2015 consider the
8 Preliminary Plat of the Aspen Lane Minor Subdivision; and

9 WHEREAS, the Planning Board, after due consideration of all written and oral testimony,
10 did recommend conditional approval of the Preliminary Plat of the Aspen Lane
11 Minor Subdivision; and

12 WHEREAS, the Council of Commissioners, did on September , 2015, receive and review all
13 written and oral testimony from all interested parties, both for and against said
14 subdivision, along with the Planning Board's recommendation; and

15 WHEREAS, in accordance with Section 76-3-608 (2), M.C.A., the Council of
16 Commissioners did carefully consider the following written findings of fact:

- 17 1. Effects on agriculture;
- 18 2. Effects on local services;
- 19 3. Effects on natural environment;
- 20 4. Effects on wildlife habitat;
- 21 5. Effects on public health and safety;
- 22 6. Compliance with the survey requirements of the Montana Subdivision
23 and Platting Act and the regulations and review procedures of the Butte-
24 Silver Bow Subdivision Regulations;
- 25 7. Easements for utilities;
- 26 8. Legal and physical access; and

1 WHEREAS, the Council of Commissioners, after reviewing all written and oral testimony
2 both for and against said subdivision, along with the Planning Board's
3 recommendation, finds the Preliminary Plat of the Aspen Lane Minor
4 Subdivision to be in compliance with the State of Montana Subdivision and
5 Platting Act, the Butte-Silver Bow Subdivision Regulations and the public
6 interest of the citizens of Butte-Silver Bow, State of Montana.

7 NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF COMMISSIONERS OF
8 THE CONSOLIDATED CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF
9 MONTANA:

10 SECTION 1: That the Preliminary Plat for the Aspen Lane Minor Subdivision be accepted
11 and approved subject to the following conditions:

- 12 1. Addresses will be assigned to the new lots by the Planning Department after
13 filing of the final plat at the Butte-Silver Bow Clerk and Recorder's office.
- 14 2. This preliminary plat is good for three (3) years. At the end of this period, the
15 Governing Body may, at the request of the subdivider, extend this time frame.
- 16 3. The final plat shall conform to the requirements of the Butte-Silver Bow
17 Subdivision Regulations and the requirements of the Montana Subdivision and
18 Platting Act. This includes certification by the Treasurer that taxes are paid and
19 current.
- 20 4. The applicant will be required to show the location of all utility easements as
21 outlined in Section 11 of the B-SB Subdivision Regulations on the final plat prior to
22 filing with the Butte-Silver Bow Clerk and Recorder. In addition to showing the
23 location of the utility easements on the Final Plat with dashed lines, the following
24 statement shall be on the Final Plat: "the undersigned hereby grants unto each and
25 every person, firm or corporation, whether public or private, providing or offering to
26 provide telephone, telegraph, electric power, gas, television, water or sewer service

1 to the public, the right to the joint use of an easement for the construction,
2 maintenance, repair and removal of their line and other facilities in, over, under and
3 across each area dedicated on this Plat an ‘Utility Easement’ to have and to hold
4 forever.”

- 5 5. Each residence shall be required to install a Residential Fire Sprinkler system, at the
6 time of construction, to meet the requirements of Appendix A Fire Protection
7 Standards of the Butte-Silver Bow Subdivision Regulations.
- 8 6. Each lot owner shall install a SepticNet system on each site. It will be the low
9 owner’s responsibility – in compliance with the requirements of the B-SB Health
10 Department and the Montana Department of Environmental Quality – to submit an
11 application for review and approval for sanitation if they choose to utilize a different
12 Level II septic system.
- 13 7. The Montana Department of Natural Resources and Conservation has reinstated the
14 1987 Rule defining a “combined appropriation” of two or more “exempt” wells. As
15 such, the subdivision covenants or a note placed on the final plat shall advise the lot
16 owners that the wells on the property must comply with DNRC rules and guidelines.
- 17 8. In approving the preliminary plat for the subdivision the Planning Board further
18 recommends the approval of the variance to Section 12 C 1b Sidewalks with the
19 condition that the variance is for this subdivision only and all future divisions of the
20 property shall meet the sidewalk requirement. The applicant shall also include a
21 Variance Title Block on the face of the final plat.
- 22 9. The applicants shall be required to secure all applicable permits that may be
23 necessary to make improvements in or near designated wetlands or surface water
24 bodies, including but not limited to: storm water discharge construction permit from
25 Montana Department of Environmental Quality (MDEQ) Storm Water Program, a
26 floodplain development permit from Butte-Silver Bow County, a 310 permit

1 (streambed and land preservation) from the Mile High Conservation District, and a
2 404 permit (Clean Water Act) from the U.S. Army Corps of Engineers.

3 SECTION 2: REPEALER: That all resolutions or parts of resolutions in conflict herewith are
4 hereby repealed.

5 SECTION 3: EFFECTIVE DATE: This Resolution shall be in full force and effect
6 immediately from and after its passage and approval.

7
8 PASSED this _____ day of _____, 2015.

9
10 _____
11 CINDI SHAW
12 CHAIRMAN OF THE COUNCIL OF COMMISSIONERS

13 APPROVED this _____ day of _____, 2015.

14
15 _____
16 MATT VINCENT, CHIEF EXECUTIVE

17 ATTEST:

18 _____
19 SALLY J HOLLIS
20 CLERK & RECORDER

21 APPROVED AS TO FORM:

22 _____
23 EILEEN JOYCE
24 COUNTY ATTORNEY

25 _____
26 BUD WALKER
CHAIRMAN, JUDICIARY COMMITTEE