

COUNCIL RESOLUTION NO. 15-49

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

WHEREAS, the Butte-Silver Bow Planning Department did, on December 10, 2015, consider the Final Plat of the Aspen Lane Minor Subdivision; and

WHEREAS, the Planning Department, after due consideration of all written and oral testimony, did recommend conditional approval of the Final Plat of the Aspen Lane Minor Subdivision; and

WHEREAS, the Butte-Silver Bow Council of Commissioners did, on December 16, 2015, consider the Final Plat of the Aspen Lane Minor Subdivision; and

WHEREAS, the Council of Commissioners, did receive and review all written and oral testimony from all interested parties, both for and against said subdivision, along with the Planning Department's recommendation; and

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

1. Effects on agriculture;
2. Effects on local services;
3. Effects on natural environment;
4. Effects on wildlife habitat;
5. Effects on public health and safety;
6. Compliance with the survey requirements of the Montana Subdivision and Platting Act and the regulations and review procedures of the Butte-Silver Bow Subdivision Regulations;

- 1 7. Easements for utilities;
- 2 8. Legal and physical access; and

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

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

12 SECTION 1: That the Final Plat for the Aspen Lane Minor Subdivision be accepted and
13 approved subject to the following conditions:

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

1 every person, firm or corporation, whether public or private, providing or offering to
2 provide telephone, telegraph, electric power, gas, television, water or sewer service
3 to the public, the right to the joint use of an easement for the construction,
4 maintenance, repair and removal of their lines and other facilities in, over, under and
5 across each area dedicate on this Plat an 'Utility Easement' to have and to hold
6 forever."

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

1 Montana Department of Environmental Quality (MDEQ) Storm Water Program, a
2 floodplain development permit from Butte-Silver Bow County, a 310 permit
3 (streambed and land preservation) from the Mile High Conservation District, and a
4 404 permit (Clean Water Act) from the U.S. Army Corps of Engineers.

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

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

9
10 PASSED this _____ day of _____, 2015.

11
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13 _____
14 CINDI SHAW
15 CHAIRMAN OF THE COUNCIL OF COMMISSIONERS

16 APPROVED this _____ day of _____, 2015.

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18 _____
19 MATT VINCENT, CHIEF EXECUTIVE

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22 ATTEST:

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24 _____
25 SALLY J HOLLIS
26 CLERK & RECORDER

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APPROVED AS TO FORM:

EILEEN M JOYCE
COUNTY ATTORNEY

DAVID WALKER
CHAIRMAN, JUDICIARY COMMITTEE