

COUNCIL RESOLUTION NO. 16-9

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF THE PIZZA RANCH MINOR SUBDIVISION - EXPEDITED REVIEW 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 January 27, 2016 consider the Final Plat of the Pizza Ranch Minor Subdivision - Expedited Review; and

WHEREAS, the Planning Department, after due consideration of all written and oral testimony, did recommend conditional approval of the Final Plat of the Pizza Ranch Minor Subdivision - Expedited Review; and

WHEREAS, the Butte-Silver Bow Council of Commissioners did, on February 3, 2016, consider the Final Plat of the Pizza Ranch Minor Subdivision - Expedited Review; 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 both for
4 and against said subdivision, along with the Planning Department's recommendation,
5 finds the Final Plat of the Pizza Ranch Minor Subdivision - Expedited Review to be in
6 compliance with the State of Montana Subdivision and Platting Act, the Butte-Silver
7 Bow Subdivision Regulations and the public interest of the citizens of Butte-Silver
8 Bow, State of Montana.

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

11 SECTION 1: That the Final Plat for the Pizza Ranch Minor Subdivision - Expedited Review be
12 accepted and approved subject to the following conditions:

- 13 1. Addresses will be assigned to the new lots by the Planning Department after filing of the
14 final plat at the Butte-Silver Bow Clerk and Recorder's office.
- 15 2. The final plat shall conform to the requirements of the Butte-Silver Bow Subdivision
16 Regulations and the requirements of the Montana Subdivision and Platting Act and any
17 deficiencies noted in Section 2 of this report.

18 This includes certification by the Treasurer that taxes are paid and current.

- 19 3. Easements shall be provided as requested by the utility companies and shown on the face of
20 the final plat.

21 In addition, the following statement shall be located on the face of the final plat, "The
22 undersigned hereby grants unto each and every person, firm or corporation, whether public
23 or private, providing or offering to provide telephone, telegraph, electric power, gas,
24 television, water or sewer service to the public, the right to the joint use of an easement for
25 the construction, maintenance, repair and removal of their lines and other facilities, in,
26 over, under and across each area dedicated on this Plat an 'Utility Easement' to have and to

1 hold forever.”

2 4. The applicant will be required to file the airport covenant with this subdivision. The airport
3 covenant will include height restrictions as required by the airport. The airport covenant
4 reads as follows: “Owners and prospective buyers are notified that this parcel is located
5 near the Bert Mooney Airport, the primary commercial airport serving the Butte-Silver
6 Bow Community. Owners and buyers are further notified that airports are conducive to
7 bright lights, noise and other similar aviation related activities.”

8 5. As required by the Butte-Silver Bow Subdivision Regulations, Section 11-N, a weed
9 control plan shall be approved by the Weed Board.

10 Also, the applicant’s must submit a bond equal to the amount of money necessary to
11 implement the approved weed control plan. This bond may be in the form of cash, surety
12 bond, certified check, or some other guaranteed negotiable instrument.

13 6. Any new approaches or the widening of approaches on Harrison Avenue will require an
14 approach permit from the Montana Department of Transportation.

15 7. The applicant shall be required to secure all applicable permits that may be necessary to
16 make improvements in or near designated wetlands or surface water bodies, including but
17 not limited to: storm water discharge construction permit from Montana Department of
18 Environmental Quality (MDEQ) Storm Water Program, a floodplain permit from Butte-
19 Silver Bow County, a 310 permit (streambed and land preservation) from the Mile High
20 Conservation District, and a 404 permit (Clean Water Act) from the U.S. Army Corps of
21 Engineers.

22 8. This preliminary plat is good for three (3) years. At the end of this period, the Governing
23 Body may, at the request of the subdividing entity, extend this time frame.

24 SECTION 2: REPEALER: That all resolutions or parts of resolutions in conflict herewith are hereby
25 repealed.
26

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

3
4 PASSED this _____ day of _____, 2016.

5
6 _____
7 CINDI SHAW
8 CHAIRMAN OF THE COUNCIL OF COMMISSIONERS

9
10 APPROVED this _____ day of _____, 2016.

11
12 _____
13 MATT S. VINCENT
14 CHIEF EXECUTIVE

15 ATTEST:

16 _____
17 SALLY J. HOLLIS
18 CLERK & RECORDER

19 APPROVED AS TO FORM:

20
21 _____
22 EILEEN JOYCE
23 COUNTY ATTORNEY

24 _____
25 DAVID WALKER
26 CHAIRMAN, JUDICIARY COMMITTEE