

1 COUNCIL RESOLUTION NO. 16-22

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

7 WHEREAS, the Butte-Silver Bow Planning Board did, on April 27, 2016, consider the Final
8 Plat of the Hondo Acres Minor Subdivision; and

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

12 WHEREAS, the Butte-Silver Bow Council of Commissioners did, on May 4, 2016, consider
13 the Final Plat of the Hondo Acres Minor Subdivision; and

14 WHEREAS, the Council of Commissioners, did on May 4, 2016 receive and review all written
15 and oral testimony from all interested parties, both for and against said
16 subdivision, along with the Planning Board's recommendation; and

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

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

2 7. Easements for utilities;

3 8. Legal and physical access; and

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

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

13 SECTION 1: That the Final Plat for the Hondo Acres Minor Subdivision be accepted and
14 approved subject to the following conditions:

- 15 1. Addresses will be assigned to the new lots by the Planning Department after
16 filing of the final plat at the Butte-Silver Bow Clerk and Recorder's Office.
17 2. The proposed road names are subject to the approval of the Butte-Silver Bow
18 Addressing Coordinator.

19 In order to properly identify all roads for emergency services personnel, the
20 applicants are required to place a road identification sign at the beginning of
21 each road and at the intersections of each road with another road. The signage
22 shall be installed in accordance with the Butte-Silver Bow regulations. Purchase
23 of road identification signs is the responsibility of the applicant.

- 24 3. Prior to filing the final plat the applicant shall submit the required
25 documentation for review and secure written approval from the Butte-Silver
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1 Bow Public Works Department for the following public infrastructure.

2 a. Prior to filing the final plat the applicants shall install the new public
3 access roads built to the specifications of the B-SB Public Works
4 Department or enter into a Subdivision Improvement Agreement. The
5 agreement shall stipulate which type of security arrangements the
6 subdivider elects to use and the time schedule proposed to accomplish the
7 required improvements.

8 The security guarantee shall be equal to the amount of the cost estimate
9 to construct the roads plus twenty-five percent (25%). The guarantee
10 must be submitted to the Planning Department prior to filing the final
11 plat with the Butte-Silver Bow Clerk and Recorder. This guarantee may
12 be in the form of cash, surety bond, certified check, or some other
13 guaranteed negotiable instrument.

14 The final plat and each instrument of conveyance shall contain the
15 following statement: "The purchaser and/or owner of this lot or parcel
16 understands and agrees that road construction, maintenance and snow
17 removal shall be the obligations of the owner, homeowners' association,
18 of Rural Improvement District and that the consolidated City and County
19 of Butte-Silver Bow, State of Montana, is in no way obligated until the
20 Council of Commissioners accept the roads as dedicated to the public use
21 and agree to maintain said roads."

22 b. Compliance with all sections of Chapter 13.30, Storm Water
23 Management, of the Butte-Silver Bow Municipal Code, including the
24 Butte-Silver Bow Municipal Storm Water Engineering Standards;

25 4. This preliminary plat is good for three (3) years. At the end of this period, the
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1 Governing Body may, at the request of the subdivider extend this time frame.

2 5. The final plat shall conform to the requirements of the Butte-Silver Bow
3 Subdivision Regulations and the requirements of the Montana Subdivision and
4 Platting Act.

5 This includes certification by the Treasurer that taxes are paid.

6 6. As required by the Butte-Silver Bow Subdivision Regulations, Section 11-N, a
7 weed control plan shall be approved by the Weed Board, prior to filing the final
8 plat with the Clerk and Recorder.

9 7. Also, the applicant will be required to post a bond equal to the amount of money
10 necessary to implement the weed control plan.

11 8. Prior to the filing for final plat application, the applicant shall have a fire
12 mitigation plan, as outlined in Appendix A of the B-SB Subdivision Regulations,
13 that has been reviewed and approved by the B-SB Fire Department.

14 9. The Hondo Acres Minor Subdivision will require a statement to be placed on
15 the final plat stating; "All lots must be reviewed by the Butte-Silver Bow Health
16 Department and meet the Health Department's wastewater rules and regulations
17 prior to constructing any structures requiring a septic system."

18 10. The applicant shall incorporate in the covenants, conditions and restrictions the
19 major provisions of the Montana Fish Wildlife and Parks "Living with Wildlife
20 Covenants."

21 11. Prior to filing the final plat, the applicant shall file a relocation of common
22 boundary Certificate of Survey for the Henry Klobucar property in the SW ¼ of
23 Section 2.

24 12. The final plat shall refer to the correct Certificate of Survey Numbers.

25 13. The applicants shall be required to secure all applicable permits that may be
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1 necessary to make improvements in or near designated wetlands or surface
2 water bodies, including but not limited to: storm water discharge construction
3 permit from Montana Department of Environmental Quality (MDEQ) Storm
4 Water Program, a floodplain development permit from Butte-Silver Bow
5 County, a 310 permit (streambed and land preservation) from the Mile High
6 Conservation District, and a 404 Permit (Clean Water Act) from the U.S. Army
7 Corps of Engineers.

8 **SECTION 2: REPEALER:** That all resolutions or parts of resolutions in conflict herewith are
9 hereby repealed.

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

12
13 PASSED this _____ day of _____, 2016.

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16 _____
17 CINDI SHAW
18 CHAIRMAN OF THE COUNCIL OF COMMISSIONERS

19 APPROVED this _____ day of _____, 2016.

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22 MATT VINCENT - CHIEF EXECUTIVE
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ATTEST:

**SALLY J. HOLLIS
CLERK & RECORDER**

APPROVED AS TO FORM:

**EILEEN JOYCE
COUNTY ATTORNEY**

**DAVID WALKER
CHAIRMAN, JUDICIARY COMMITTEE**