

COUNCIL RESOLUTION NO. 17-56

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE CALLAGHAN 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 Board did, on August 24, 2017, consider the Preliminary Plat of the Callaghan Minor Subdivision; and

WHEREAS, the Planning Board, after due consideration of all written and oral testimony, did recommend conditional approval of the Preliminary Plat of the Callaghan Minor Subdivision; and

WHEREAS, the Council of Commissioners, did on September 6, 2017, receive and review all written and oral testimony from all interested parties, both for and against said subdivision, along with the Planning Board'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;
7. Easements for utilities;
8. Legal and physical access; and

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

- 12 1. Addresses will be assigned to the new lots by the Planning Department after filing
13 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 Subdivision
17 Regulations and the requirements of the Montana Subdivision and Platting Act. This
18 includes certification by the Treasurer that taxes are paid and current.
- 19 4. Each residence shall be required to install a Residential Fire Sprinkler system, at the
20 time of construction, and meet the requirements of A-10.4.2, Appendix A, Fire
21 Standards of the B-SB Subdivision Regulations to meet the subdivision's fire protection
22 requirement.
- 23 5. Prior to installation of any driveway approaches, the applicant shall submit to the Butte-
24 Silver Bow Public Works Road Division for review and approval a detailed engineering
25 plan (including asphalt paving) of the improvements to the driveway approach and
26 receive an approach permit.

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

4 Also, as required, the applicant's must submit a bond equal to the amount of money
5 necessary to complete the approved weed control plan. This bond may be in the form of
6 cash, surety bond, certified check, or some other guaranteed negotiable instrument.

7 7. Prior to filing the final plat with the Butte-Silver Bow Clerk and Recorder, this
8 subdivision is subject to review and approval by the Montana Department of
9 Environmental Quality (DEQ) for compliance with the Montana Sanitation in
10 Subdivision Act.

11 8. The Montana Department of Natural Resources and Conservation has reinstated the
12 1987 Rule defining a "combined appropriation" of two or more "exempt" wells. As
13 such, the subdivision covenants or a note placed on the final plat shall advise the lot
14 owners that the wells on the property must comply with DNRC rules and guidelines.

15 9. In approving the preliminary plat for the subdivision the Planning Board further
16 recommends the approval of the variance to Section 12C 1b Sidewalks with the
17 condition that the variance is for this subdivision only and all future divisions of the
18 property shall meet the sidewalk requirement.

19 The applicant shall also include a Variance Title Block on the face of the final plat.

20 10. Prior to filing the final plat, the plat shall be submitted to the Butte-Silver Bow Land
21 Records Administrator for review and approval by the Examining Land Surveyor.

22 11. The applicant shall be required to secure all applicable permits that may be necessary to
23 make improvements in or near designated wetlands or surface water bodies, including
24 but not limited to: storm water discharge construction permit from Montana Department
25 of Environmental Quality (MDEQ) Storm Water Program, a floodplain development
26 permit from Butte-Silver Bow County, a 310 permit (streambed and land preservation)

1 from the Mile High Conservation District, and a 404 permit (Clean Water Act) from the
2 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 _____, 2017.

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11 _____
12 JOHN P. MORGAN
13 CHAIRMAN OF THE COUNCIL OF COMMISSIONERS

14 APPROVED this _____ day of _____, 2017.

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17 _____
18 DAVE PALMER, CHIEF EXECUTIVE

19 ATTEST:

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21 _____
22 SALLY J. HOLLIS
23 CLERK & RECORDER

24 APPROVED AS TO FORM:

25 _____
26 EILEEN JOYCE
COUNTY ATTORNEY

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SHERYL RALPH
CHAIRMAN, JUDICIARY COMMITTEE