

1 COUNCIL RESOLUTION NO. 17- 32

2 A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE AMENDED PLAT
3 OF LOT 5A-2 - BUTTE INDUSTRIAL PARK ADDITION OF THE CITY AND COUNTY
4 OF 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 June 22, 2017, consider the
8 Amended Plat of Lot 5A-2 - Butte Industrial Park Addition ; and

9 WHEREAS, the Planning Board, after due consideration of all written and oral testimony,
10 did recommend conditional approval of the Amended Plat of Lot 5A-2 - Butte
11 Industrial Park Addition; and

12 WHEREAS, the Council of Commissioners, did on July 5, 2017, 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 Amended Plat of Lot 5A-2 – Butte Industrial Park
4 Addition to be in compliance with the State of Montana Subdivision and Platting
5 Act, the Butte-Silver Bow Subdivision Regulations and the public interest of the
6 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 Amended Plat of Lot 5A-2 – Butte Industrial Park Addition 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. The final plat shall conform to the requirements of the Butte-Silver Bow
15 Subdivision Regulations and the requirements of the Montana Subdivision and
16 Platting Act.
17 This includes certification by the Treasurer that taxes are paid and current.
- 18 3. As required by the Butte-Silver Bow Subdivision Regulations, Section 11-N, a weed
19 control plan shall be approved by the Weed Board, prior to filing the amended plat
20 with the Clerk and Recorder.

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

- 25 4. The applicant will be required to show the location of all utility easements as
26 outlined in Section 11 of the B-SB Subdivision Regulations on the final plat prior to

1 filing with the Butte-Silver Bow Clerk and Recorder.

2 In addition to showing the location of the utility easements on the Final Plat with
3 dashed lines, the following statement shall be on the final plat: "The undersigned
4 hereby grants unto each and every person, firm or corporation, whether public or
5 private, providing or offering to provide telephone, telegraph, electric power, gas,
6 television, water or sewer service to the public, the right to the joint use of an
7 easement for the construction, maintenance, repair and removal of their lines and
8 other facilities, in, over, under and across each area dedicated on the Plat an 'Utility
9 Easement' to have and to hold forever."

- 10 5. Prior to filing the final plat the applicant shall submit the required documentation for
11 review and secure written approval from the Butte-Silver Bow Public Works
12 Department for the following public infrastructure:
- 13 a) Compliance with all sections of Chapter 13.32, Storm Water Management, of
14 the Butte-Silver Bow Municipal Code, including the Butte-Silver Bow
15 Municipal Storm Water Engineering Standards;
- 16 6. Prior to filing the final plat, the plat shall be submitted to the Butte-Silver Bow Land
17 Records Administrator for review and approval by the Examining Land Surveyor.
- 18 7. The applicant shall be required to secure all applicable permits that may be
19 necessary to make improvements in or near designated wetlands or surface water
20 bodies, including but not limited to: storm water discharge construction permit from
21 Montana Department of Environmental Quality (MDEQ) Storm Water Program, a
22 floodplain development permit from Butte-Silver Bow County, a 310 permit
23 (streambed and land preservation) from the Mile High Conservation District, and a
24 404 permit (Clean Water Act) from the U.S. Army Corps of Engineers.

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

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

3
4 PASSED this _____ day of _____, 2017.

5
6
7 _____
8 JOHN P. MORGAN
9 CHAIRMAN OF THE COUNCIL OF COMMISSIONERS

10 APPROVED this _____ day of _____, 2017.

11
12 _____
13 DAVE PALMER, CHIEF EXECUTIVE

14 ATTEST:

15
16
17 _____
18 SALLY J. HOLLIS
19 CLERK & RECORDER

20 APPROVED AS TO FORM:

21 _____
22 EILEEN JOYCE
23 COUNTY ATTORNEY

24
25 _____
26 SHERYL RALPH
CHAIRMAN, JUDICIARY COMMITTEE