

**MADISON COUNTY PLANNING DEPARTMENT
SUBDIVISION REPORT # EPP-21-01
NORTH FORTY PHASE 6 SUBDIVISION AND PUD
JULY 22, 2021**

I. GENERAL INFORMATION

A. Project Personnel

i. Owner

Josh Vujovich
North 40 Development Company, Inc.
PO Box 1570
Ennis, MT 59729

ii. Technical Representative

Stahly Engineering and Associates, Inc.
851 Bridger Dr., Suite 1
Bozeman, Montana 59715

B. Project Description

The request is for approval of the Preliminary Plat and Planned Unit Development (PUD) of North 40 Subdivision Phase 6, which would subdivide three existing blocks/lots on 7.01 acres into eighteen 18 single family residential lots and fifteen multi-family residential lots to be developed with 10 duplex and 5 triplex structures for a total of fifty-three (53) residential units on thirty-three (33) lots. The multifamily buildings are anticipated to be declared as condominiums whereby independent units may be owned and conveyed separately. All lots are proposed to be served by existing municipal water and wastewater systems. Existing Parks 1 and 4 of North Forty Subdivision would be slightly modified. Accessed via Otis Ave., Hutchins Lane, Laura Lane, and Mountain View Rd. from US Hwy 287, the site is located in the 'Residential-Town Density' zoning district within the Town of Ennis.

Planned Unit Development

Seeking certain modifications to the applicable design standards the project is proposed as a Planned Unit Development (PUD). The PUD's proposed modifications regard Sections IV-A-5-(d)(e)&(i) of the Madison County Subdivision Regulations (MCSR), to allow vehicular access/loading from alleys, customize 'alley' easements, and to allow for 'through lots'. The PUD and its proposed modifications will be addressed specifically in Section IV-C of this report.

C. Legal Description

The subject property is legally described as Blocks 1, 4, and 6 of the North 40 Subdivision Plat (Bk. 2 Pg. 268) in the SW 1/4 of Section 33, Township 5 South, Range 1 West, P.M.M., Madison County, Montana.

D. Location

Within the Town of Ennis, the subject property is located approximately 500 feet west of MT Hwy 287 along Otis Avenue between Hutchins Lane and the intersection of Mountain View Rd and Otis Ave.

E. Application Review Dates

1. Planning Board

The Madison County Planning Board will hold a public hearing on the proposed subdivision on July 26, 2021 and make a recommendation to the Ennis Town Commissioners.

2. Ennis Town Commission

In accordance with the provisions of the Interlocal Agreement between Madison County and the Town of Ennis (Madison County Resolution 11-2009, Town of Ennis Resolution No. 452-2009), the Ennis Town Commissioners will review this proposal after the public hearing conducted by the Madison County Planning Board and prior to September 29, 2021 which is the end of the 80 working day statutory review period.

II. SITE CHARACTERISTICS

A. Location

Within the Town of Ennis, the subject property is located approximately 500 feet west of Mt. Hwy 287 along Otis Avenue between Hutchins Lane and Mountain View Rd.

B. Subdivision Design

- 1. **Total Subdivision Acreage:** 7.01 acres
- 2. **Acreage in Lots:** 6.86 acres
- 3. **Acreage in Roads:** 2592 ft² (Yogi Street)
- 4. **Open Space Acreage:** none proposed
- 5. **Easements**

The preliminary plat indicates existing and proposed access and utility easements to serve the subdivision. In addition to the 60-foot Otis Ave and the western 20-foot alley easement which are both established and dedicated to the Town of Ennis, the plat depicts various proposed utility easements. An additional 5-foot alley access easement is proposed along the west subdivision boundaries to accommodate two-way traffic upon a 24-foot driving surface within the proposed combined 25-foot access and utility easement called Vujo Ave.

C. Site Description and Current Land Use

Relatively flat uncultivated ground vegetated with native grass, the subject property was developed to its current state with the platting of the original North Forty Subdivision (1/29/07). Otis Avenue, Hutchins Lane, Laura Lane, and Mountain View Road are paved with curb and gutter, and the Town of Ennis park areas 1, 2, 3, and 4 were previously established along Otis Avenue. The alley on the west side of the subdivision is presently comprised of a single gravel traffic lane. Water and sewer mains are in place in Otis Avenue. There are two stormwater retention ponds situated on the Lot 4 of Block 6 and within Park 1 which are shown on the plat within retention pond easements.

D. Surrounding Uses

North: Park 1 of North 40 Subdivision
South: Platted residential lots of North Forty Subdivision Phase 5
East: Blocks 2, 3, 5, and 7 of North Forty Subdivision zoned C-CR
West: Ball fields of Ennis School District No. 52; Vacant open land of Ennis Rodeo grounds

E. Applicable Zoning

The subject property is currently zoned R-TD Residential Town Density with the purpose to accommodate a mix of homes and apartments close to the town's core area at a density of no more than one dwelling unit per one-eighth (1/8) acre (5,445 square feet). Bordering the subject property to the west is land zoned R-LD Residential Low Density, to the east is land zoned C-CR Core Commercial-Residential. Note, prior C-CR zoning on Blocks 4 and 6 of the subject property previously underwent a zoning map amendment to the current applicable R-TD Residential Town Density zoning.

F. Utilities and Services

- 1. **Water** – Town of Ennis Municipal/Public Water System
- 2. **Wastewater** – Town of Ennis Municipal/Public Wastewater Treatment system
- 3. **Electricity** - Northwestern Energy
- 4. **Natural Gas** – Northwestern Energy
- 5. **Solid Waste** – Madison County Transfer site
- 6. **Telephone Service** – Three Rivers Telephone Co-op
- 7. **Fire District(s)** – Madison Valley Rural Fire District
- 8. **Police** –Town of Ennis Police department, Madison County Sheriff

III. COMMENTS RECEIVED

A. Agency Comments

The submitted application includes a list of the various agencies contacted regarding the proposal, and also includes a copy of the agency referral letter and attachments sent on October 30, 2020.

The following is a summarized list of agency comment received as of the date of the completion of this staff report:

- Ennis Public Schools – 3/2/21
 - The subdivision could impact enrollment by adding at least twenty students to Ennis Schools. School classrooms are beginning to experience crowding and the District is planning a school facility expansion to be completed by Fall 2022.
- Ennis Ambulance Service – 12/22/20
 - The letter suggests various measures to promote sufficient service.
- Ennis Public Works Director, Kelly Elser – 7/19/20
 - Public works recommends water and sewer be required to be ‘stubbed’ to each separate lot and all roads and curbing be required to be repaired including all other phases of the North 40 development.
- Montana state Historic Preservation Office – 12/17/20
 - No previously recorded cultural sites within the project area, and a cultural resource inventory is unwarranted.
- Madison County Weed Board - 6/20/19
 - The submitted noxious weed management plan has been approved.

B. Public Comments

In accordance with Section II-E(1)f of the Madison County Subdivision Regulations (MCSR), adjacent property notification was mailed to adjoining property owners of the proposed subdivision on July 8, 2021 and legal notice was published in the Madisonian on July 8 and 15, 2021.

As of the date of the completion of this staff report, no public comments or additional agency comments have been received regarding the proposal. Any written comments received following the completion of this report will be provided to members of the Planning Board and Ennis Town Commissioners and summarized during the public hearing.

IV. LOCAL GOVERNMENT REVIEW

A. Review Criteria and Staff Findings

Findings in this portion of the report are applicable to the impacts of the proposed subdivision on the review criteria listed in Section 76-3-608(3) MCA and the review procedure outlined in Section II-E(3) of the Madison County Subdivision Regulations (MCSR), effective March 2, 2018.

1. Impact on Agriculture

According to submitted materials the subject property and immediate surrounding area is not used for agricultural.

Finding #1 – There would be minimal impact on agriculture as a result of the proposed subdivision because the property and neighboring properties are not used or particularly suitable for agriculture.

2. Impact on Agricultural Water User Facilities - There are no shared agricultural water works, canals, irrigation ditches, or pump houses on the property. The property is not located within an agricultural water district or area.

Finding #2 – There would be no impact on agricultural water user facilities as a result of the proposed subdivision because the property has no irrigation infrastructure on site, is not in an

irrigation district, is not party to any irrigation agreements, and the property is not currently used for agriculture.

3. **Impact on Local Services**

1. **Water and Wastewater Services**

The proposed public water and sewer connections for the subdivision are depicted on sheet 2 of the submitted Preliminary Plat. Regarding water and wastewater services, the proposal generally entails extending individual service connections from the existing water and sewer mains of the Ennis Municipal/Public Water and Sewer system to serve all of the residential lots and units within the subdivision.

Ennis Public works has requested water and sewer be required to be ‘stubbed’ to each separate lot so that subsequent development of individual service connections doesn’t necessitate curb-cuts and excavation/patching the paved surfaces of the roads which have been dedicated to the Town.

The plat identifies several 20-ft water & sewer easements to provide utility connections to a majority of lots, including those to be developed with duplex and triplex multifamily buildings. It is recognized that individual service connections and the extensions from the existing utility mainlines which would occur in easements situated on Lots and not within dedicated streets should be maintained by the Lot owners or via CC&R’s and the Homeowners Association, and that responsibility for maintenance of the service extensions is not the responsibility of the Town of Ennis Public Works Department.

All water and wastewater utility infrastructure should be installed and constructed in accordance with the Town of Ennis Public Works Department standards and requirements established in Title 10 of the Ennis Town Code prior to final plat approval.

Finding #3 - Piecemeal lot development necessitating separate excavations and connection of private individual service lines to public utility mains existing within constructed and paved road and utility easements is recognized as being inefficient and impacting to local services. In order to not impact local services the Town of Ennis Public Works Department has requested water and sewer services be stubbed onto each lot prior to final plat as a requirement of preliminary plat approval.

Finding #4 - It is recognized that maintenance of individual utility service connections and multi-user service line extensions located on Lots and not within public utility easement/right-of-way is the responsibility of the Lot owners and/or the Homeowners Association as applicable, and that responsibility for maintenance of the service extensions outside of public utility easement/right-of-way is not the responsibility of the Town of Ennis Public Works Department.

Finding #5 – The subdivision would have minimal impact on water and wastewater services because the subdivision would connect to existing public systems in accordance with applicable state permitting requirements and ordinance and permitting requirements of the Town of Ennis.

2. **Solid Waste Disposal**

There is no solid waste collection within Ennis. Removal of solid waste to the Madison County transfer site in Ennis will be the responsibility of the lot owner or their tenant.

Finding #6 – The plan for solid waste management appears acceptable because solid waste would be disposed of offsite at the Madison county Solid Waste Transfer Site.

3. **Transportation**

Primary access to the subdivision is from Otis Avenue off of Mt Hwy 287 from the south

and from either Laura Lane or Hutchins Lane off of US Highway 287 from the east, all of which are paved public roads. The streets in the North 40 Subdivision were designed to accommodate the anticipated traffic demands under full development as indicated in the submitted Montana Department of Transportation (MDT) approach permits, which distribute the anticipated traffic generated from the entire North 40 Subdivision development eastward to US Hwy 287 via Laura Avenue and southward to MT Hwy 287 via Otis Avenue. The application includes a Traffic Impact Study update which indicates no unacceptable impact to offsite roads and no required offsite improvements as a result of the anticipated traffic generated by the current proposed subdivision.

Otis Avenue is built with curb and gutter, and most of the proposed lots would use the proposed 24-foot wide alley access of Vujo Avenue on the west side of Blocks 1, 4, and 6 for direct vehicle access. Serving the duplex structures on Lots 3-5 of Block 6, Yogi Street is proposed to be 20-feet wide and the modified easement width is subject of a requested PUD modification which will be addressed in Section IV-C of this report. The Environmental Assessment suggests the proposed division would generate approximately 377 daily trips of additional traffic. Based on the estimated traffic at full buildout, the common 'alley' access of Vujo Avenue should be required to be paved, as proposed, per Section IV-A-10(l) MCSR, equipped with appropriate gutter to direct storm drainage to the retention pond on Block 6 and Block 1 per Section IV-A-13(c) MCSR, and the intersections of Vujo Avenue with Laura Lane and Mountain View Road should be required to be equipped with appropriate traffic control signage per Section IV-A-10(j) MCSR.

Finding #7 – Pursuant to Sections IV-A-10(l), IV-A-13(c), and IV-A-10(j) MCSR Vujo Avenue should be required to be constructed and paved to the applicable 24-foot paved road standard, and with approval of the requested PUD Yogi Street should be required to be constructed and paved 20-feet wide. Both roads should be equipped with appropriate signage and curb and gutter directing storm water to planned retention facilities as the roadways would provide direct vehicular access to multiple lots to be developed with single and multifamily residential uses and the road is intended to serve two-way traffic vehicular traffic accommodating substantial average daily vehicular trips at full build-out.

Finding #8 - The proposal would not result in adverse impacts to area roads and the transportation network because the existing paved internal subdivision roads are designed and constructed to comply with applicable standards, proposed Vujo Avenue and Yogi Street can be designed and built to applicable road standards and modified standards found acceptable through approval of the requested PUD, and impacts to offsite roads providing compliant primary legal and physical access would be minimal and acceptable as the estimated traffic generated by the subdivision is based on residential density consistent with the original 2006 North 40 Subdivision traffic impact study, approach permits issued by Montana Department of Transportation for the development at full build-out, and the 2021 Traffic Impact Study update which specifically evaluated the intersection of Laura Lane and MT Hwy 287.

4. **Fire/Emergency/Medical Services**

Emergency services would be provided by the Madison Valley Rural Fire District with Station #1 being located approximately 1 road mile from the subject property. The Madison Valley Hospital/Clinic is located nearly adjacent to the site across US Hwy 287 from the Clark Ave intersection with the highway. It is presumed the proposal would have no impact on the emergency services as the subdivision infrastructure includes existing and proposed fire hydrants and is in close proximity to those services.

Finding #9 – The proposal would not adversely impact services of the Madison Valley Rural Fire District because the location is in close proximity to a fire station, the site would be developed with fire hydrants to aid in fire suppression, and adequate access may be provided for emergency vehicles.

5. **Schools**

Both Ennis Elementary School and Ennis High School are located in close proximity to the proposed subdivision. A comment from the Town of Ennis Schools Superintendent indicates the proposed subdivision could impact enrollment by adding at least twenty students to Ennis schools and the district is planning a facility expansion to accommodate area growth.

6. **Parks/Recreation**

With the platting of the original North 40 Subdivision, six parks totaling 2.42 acres were dedicated to the Town of Ennis. No additional parkland dedication is currently proposed, and the application indicates the reasoning is that the original parkland dedication was applicable to the anticipated density of the entire North 40 subdivision development. Subsequent North 40 Subdivision Phases reviewed since the original plat have either not re-calculated or have waived additional parkland dedication.

The requirement for parkland dedication is based on requirements outlined in 76-3-621 MCA and the matter of applicability of the provision is codified in Section IV-A-17 MCSR. Applicable calculations of the proposed lots and their acreages indicate that North Forty Phase 6 would trigger an applicable 0.697 acres of parkland requirement. However, the original North 40 Subdivision platted 2.42 acres of dedicated parkland which was 1.1 acres more than the 1.32 acres of parkland that would have technically been required based on lot sizes of the subdivision shown on that plat. Considering the extra dedicated parkland and that which would be applicable to Phase 6, there is still a remaining surplus of 0.403 acres within the overall North 40 development. Based on this it is recognized that the applicable parkland requirement has been adequately met and no additional parkland dedication is required in conjunction with this particular subdivision.

7. **Other Utilities**

Electric, telephone, and cable/internet utilities are proposed to be placed underground within the existing and proposed utility easements to serve the units within the subdivision. No utility providers have indicated any issues with providing service.

Finding #10 -Effects of the proposed subdivision on local services would be minimal with imposed conditions because necessary utilities are currently available to the property within access and utility easements, emergency service providers would have adequate access to the subdivision, the area is served by public schools which have adequate capacity to accommodate additional students from the subdivision, there is sufficient open space/parkland areas, and the proposal would not adversely impact public water and wastewater services with conditions of approval requiring compliance with the Town of Ennis Public Works Department standards and requirements established in Title 10 of the Ennis Town Code.

4. **Impact on the Natural Environment**

1. **Water Quality**

The property is essentially level with no open water located on or near it. All proposed lots and dwelling units would be served by connection to a public wastewater treatment system which treats the wastewater offsite. The project includes a plan to manage stormwater which would prevent runoff from discharging offsite and adversely impacting other area surface waters, adjacent properties, and area roads through development of an

onsite system of drainage and retention features. Montana DEQ and Town of Ennis Public Works Department approval of the stormwater plans would be required prior to final plat approval.

2. **Flora**

The subject property is vegetated primarily with a mix of grasses including smooth brome, wheatgrass species, and 'quack grass'. The property appears generally free of noxious weeds, however site disturbance may encourage weed propagation if not managed properly. The application includes an approved Noxious Weed Management Plan which would be required to be implemented as a standard condition of approval.

3. **Riparian/Wetland Areas**

The subject property and directly adjacent areas contains no wetland or riparian areas, and none of these land cover types would be impacted by the proposed subdivision.

4. **Floodplain**

The subject property has no identified flood prone areas, and is not located in an area mapped and regulated by FEMA as a special flood hazard area per FIRM 3000440001E, effective June 16, 2011.

5. **Historical Features**

The Environmental Assessment and comment from the Montana State Historic Preservation Office indicate there are no known historic, archeological, or cultural sites on the subject property.

Finding #11 - Impacts to water quality as a result of the proposed subdivision are anticipated to be acceptable because no surface waters or wetlands occur within the subdivision boundaries, all residential units would be served by public water and wastewater treatment systems, the stormwater drainage plan would effectively manage runoff onsite, and the proposed water, wastewater, and drainage systems will be required to undergo review and receive approval from the Town of Ennis Public Works Department and the Montana Department of Environmental Quality, as applicable.

Finding #12 – Adverse effects of the proposed subdivision on the natural environment would be minimal and acceptable with the imposition of conditions because the developer can take necessary steps to minimize impact to area surface waters, manage noxious weeds on site, and stabilize disturbed soils.

5. **Impact on Wildlife**

The property is located within the Town of Ennis and was previously used as an airstrip. Deer and pronghorn are known to occupy the site and general vicinity, and small mammals such as ground squirrels, voles, mice, badger, fox, and coyote may be present. Raptors and ground-nesting birds such as killdeer may be present. No sensitive, threatened, or endangered species are known to be present on the property.

Finding #13– Some impacts on general wildlife such as pronghorn and other small mammals and birds are anticipated because the proposed subdivision would be a dense compact residential development resulting in general displacement and transition of open area currently used by area wildlife.

6. **Impact on Wildlife Habitat**

The site land-cover is that of a flat grassland and provides habitat consistent with prairie-grassland areas. While the property is adjacent to larger undeveloped grassland area to the west, the subject property is not considered prime or particularly important habitat because it is

located within the Town of Ennis, was previously used as an airstrip, and is adjacent to existing residential neighborhoods and highway commercial uses.

Finding #14 – While some limited impacts on wildlife habitat from the proposed subdivision are anticipated, the proposed subdivision is not anticipated to introduce adverse impacts to wildlife habitat because the property is not considered prime or particularly important habitat due to its location within the Town of Ennis and proximity to existing residential neighborhoods and highway commercial uses.

7. **Impact on Public Health and Safety**

1. **Water and Wastewater Treatment**

All proposed residential lots and condominium/townhouse units are proposed to be served by a connection to existing public water and sewer services. The proposed use of public systems for water and sewer are subject to high levels of monitoring which ensure safety for users. All extensions and connections to the water and wastewater systems would be required to be reviewed and approved by the Town of Ennis Public Works Department and the Montana Department of Environmental Quality, as applicable.

2. **Storm Water Drainage**

The submitted application includes a plan for stormwater management which includes specific measures to manage stormwater onsite within retention features located on Lot 4 Block 6 and in a retention pond easement within Park 1 along the northern perimeter of the subdivision boundary. Direct access to most lots is proposed by Vujo Avenue located along the west perimeter of the subject property. The plat indicates Vujo Avenue would be constructed with curb and gutter to sufficiently direct runoff to the proposed retention ponds. In the event more than one acre of ground is disturbed through the installation of subdivision improvements, it is anticipated the developer will be required to obtain a General Permit for Stormwater Discharges Associated with Construction Activity issued by the MDEQ.

3. **Road Network and Access**

Legal and physical access to the North 40 Subdivision is from Otis Avenue off of Mt Hwy 287 from the south and Laura Lane, which are constructed and paved 24 feet wide within 60-foot access and utility easements. While MDT has issued approach permits specific to the Hwy 287 intersections with Laura Avenue and Otis Avenue, the additional use of Hutchins Lane and Mountain View Road to the north will serve to further disperse the overall cumulative traffic impacts which MDT has planned for and permitted at the Hwy 287 intersections with Laura Avenue and Otis Avenue.

4. **Fire/Emergency Medical Services**

Fire, emergency, and medical services within the subdivision would be provided by the Madison Valley Rural Fire District, the Town of Ennis Police Department, and the Madison County Sheriff's Department. The subdivision is equipped with multiple existing fire hydrants with one additional planned to provide adequate emergency fire flow. The road network provides multiple options for emergency ingress and egress and response times for emergency services are anticipated to be 7-15 minutes which is considered acceptable.

5. **Geologic Hazards**

Based on submitted information, the site is comprised of Scravo soils found which have few limitations for building. Due to the consistent flat planar topographic character of the subject property, a requested waiver from the requirement for a geotechnical report was made by the applicant and granted by the Planning Board on January 25, 2021.

6. **Police Services**

The proposed subdivision is located in the Town of Ennis and law enforcement is provided primarily by Town of Ennis Police Department and Madison County Sheriff's Department in the event of extenuating circumstances.

7. **High Voltage Electric Lines/High Pressure Gas Lines**

There are no high voltage electric lines or high pressure gas lines on the subject property and no risk from these to residents of the subdivision is anticipated.

8. **Avalanche Hazard**

The proposal is situated in an area with no avalanche hazard.

9. **Airport Influence Areas**

The subject property is not within the Ennis Big Sky Airport Affected Area.

Finding #15 – Impacts of the proposed subdivision on the area road network and internal access appear to be acceptable because the submitted application materials indicate the good capability of the road network to safely accommodate the new traffic of the proposed subdivision in addition to traffic already using the area roads.

Finding #16 - Minimal and acceptable risks to public health and safety are anticipated with the imposition of conditions because the site is served by fire and emergency services; is not located in a special flood hazard area; the proposal for water, wastewater, and stormwater will be required to be reviewed and approved prior to installation of the proposed new facilities; all lots and condo/townhouse units have adequate legal and physical access; there are no unmitigated hazards associated with high voltage electric or high pressure gas lines on or around the subject property, and; there are no identified apparent hazards associated with geologic conditions, avalanche, or airport influence areas.

8. **Effect on other resources in the county and the Town of Ennis**

Finding #17 – The proposed subdivision would not adversely impact other resources in the county or Town of Ennis such mining and agricultural operations because mineral deposits are not known to exist on the subject property, mining exploration or mining of mineral resources is not anticipated, the site on the subject property is not directly adjacent to public lands, and the property is zoned for its intended residential use.

9. **Effect on the local economy**

The application indicates the project would provide reasonable priced lots for housing and would benefit businesses by providing additional housing that employees may be able to afford.

Finding #18 – The proposed subdivision would not adversely impact the local economy because it would contribute to the construction, real estate, and service sectors of the local economy.

10. **Effect on public services provided by other entities in the county and Town of Ennis**

While the roads, sewer and water mains, electric service and telephone lines are substantially installed, certain improvements are anticipated to be installed or extended as part of the project. The developer should be responsible for installation of all water and sewer utilities planned in easements to serve multiple lots and multifamily structures. Future Lot owners and the HOA would be responsible for maintenance of service connections to their individual properties and/or units, and would be responsible for sidewalk development and boulevard landscaping along the frontage of Otis Avenue. Onsite roads, 'alleys', and common area maintenance will continue to be the responsibility of the Owner's Association.

The proposed subdivision would increase capacity demands of the Ennis public water and sewer services, and at full build-out traffic generated by the subdivision would contribute to

typical wear and tear of road infrastructure. Those types of impacts are offset by applicable fees and taxes. As proposed, all residential units would be responsible to haul their own household solid waste to the Madison County Transfer site. Based on the relatively high density of the proposed subdivision, the plan for individual haul appears reasonable in the short-term but potentially problematic at full build out at which time subsequent arrangements for contracted garbage collection/hauling would provide a more dependable and consistent standard for solid waste management.

Finding #19 – There would be minimal adverse impacts on public services provided by other entities in the county and Town of Ennis because impacts to common infrastructure and public water and sewer services would be adequately offset by fees, taxes, and Home Owner’s Association responsibilities, and impacts regarding solid waste management could be improved over time with subsequent private arrangements for contracted garbage collection/hauling.

B. Compliance with Survey Requirements of 76-3-401 through 76-3-406 M.C.A.

Finding #20– The final plat would conform to the provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet Montana state survey requirements, which would be determined when it is reviewed by the governing body prior to final plat approval.

C. Compliance with the Madison County Subdivision Regulations

Planned Unit Development (PUD)

As described in Section IV-B-7 MCSR the purpose of a PUD is *to allow flexibility in design and development standards, in cases where the subdivider proposes a creative concept which clusters development to promote the efficient provision of services and the preservation and enhancement of open space and other natural or cultural features. The PUD concept supports the planned development of an individual tract for either a single land use such as residential, or for a harmonious combination of land uses, such as a mixture of residential and commercial.*

The applicant has requested approval of a PUD in conjunction with the requested preliminary plat approval of North 40 Subdivision Phase 6 in order to propose three modifications to the applicable design standards as follows:

1) Proposed modification to Section IV-A-5(d) MCSR

d. Each lot shall have legal access. Alleys may not be used to provide the primary means of access to a lot.

The current proposal is for the majority of lots to be accessed via the previously platted ‘alley’ located on the west side of the subdivision. Proposed Vujo Avenue would provide access by a twenty-foot wide alley which was platted with the original North Forty Subdivision, with an additional 5-foot easement resulting in a 25-foot easement accommodating the paved 24-foot wide two-way drivable surface of the road within the ‘alley’. The applicant notes that alley loading is a very common practice in many locations, it encourages front doors facing the street instead of driveways and garages, which promotes a neighborhood feel and western character which is in accord with the Ennis Growth Policy.

2) Proposed modification to Section IV-A-5(e) MCSR

e. Each lot shall have physical access, according to the road design and development standards outlined in this Chapter.

The road design and development standards outlined in Chapter IV are outlined in Table IV-1, and do not include a standard for alleys, but instead offer standards for roads based on general terrain classification and building density. The current subdivision regulations include the applicable standard of a 24-foot wide paved road within a 60-foot wide easement.

- In the case of Vujo Avenue the applicant has proposed a 24-foot wide travel surface within a 25-foot ‘alley’ easement with an additional 10-foot of utility easement located adjacent on the interior side of the alley to accommodate installation of power and fiber-optic utilities.
- In the case of Yogi Street which would provide access to six dwelling units upon Lots 3-5 of Block 6, the applicant has proposed a 20-foot wide paved travel surface within a 108-foot X 24-foot easement with no cul-de-sac or T-turn feature for egress. The proposed intent is the residents on Yogi Street would use their individual driveways for purpose of backing/turning and egress onto the road system. The applicant notes that Yogi Street is short, would have approximately 23 total vehicle trips per day, and with the front doors facing Otis Ave or Laura Lane, emergency services would park on those roads to access the lots in event of emergencies.

** Staff notes the source reference to 23 trips is not cited or substantiated in the application and seems low for the actual trips anticipated to be generated by six households, and the notion that emergency services and other visitors would approach the lots via Otis Ave or Laura Lane is impractical for Lot 3 Block 6. While the applicant refers to Vujo Avenue as an ‘alley’, for all practical purposes it would be a two-way road constructed and paved 24-foot wide and suitable for access by vehicles large and small and for all purposes including emergency services.

While neither Vujo Avenue or Yogi Street would comply with the development standards outlined in Chapter IV the applicant indicates there is ample room for placement of utilities and roads would have slow and safe driving speeds. Emergency service providers were notified and solicited for comments however no comments or concerns have been received or raised as of the date of this report.

3) Proposed modification to Section IV-A-5(i) MCSR

i. Through lots. Through lots are prohibited except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography or orientation.

The submitted preliminary plat includes three ‘through lots’ defined as “*a lot with frontage on two non-intersecting roads.*” The PUD modification requests an allowance for ‘through lot’ configuration of Lot 2 Block 4 and Lots 5 & Block 1. Of note, Otis Avenue is developed with concrete curb-and-gutter and not driveway curb cuts which discourages vehicular access by Otis Avenue, and the applicant has indicated lot access from Otis Avenue will be permitted only for lots which don’t have alley access within the formal disclosure documents for the subdivision.

The applicant’s discussion on the applicable PUD review criteria is located in the submitted application.

In addition to the standard application package requirements discussed in Chapter II of these regulations, a PUD subdivision application must demonstrate a clustered development design and include the following information in narrative form:

(1) A description of proposed open space and recreational facilities, roads and any other public improvements;

- The submitted discussion addresses these topics, noting the parks shown on the plat and describing roadway and public improvements.

(2) A description of plans for the long-term management of open space, whether commonly owned or not;

- The submitted discussion addresses this topic noting the open space (parks) are currently owned and maintained by the Town of Ennis.
- (3) *A description of plans for the long-term management of common facilities or property;*
- The submitted discussion addresses this topic, noting there are no other common facilities or properties.
- (4) *A schedule for installing proposed road and utility improvements;*
- The submitted discussion addresses this topic noting Otis Ave is already installed, water and sewer mains are already installed, service lines and roads shall be improved as soon as practical in fall of 2021 and summer of 2022.
- (5) *A description of any proposed modifications from the design and development standards outlined in this Chapter; and*
- The submitted discussion addresses this topic as described above.
- (6) *A statement of how the proposed PUD would accomplish any or all of the following purposes:*
- (a) *Preserve to the maximum extent possible, the natural characteristics of the land including topography, vegetation, streams, and other bodies of water.*
- The PUD appears to accomplish this purpose as the applicant notes the land is flat with little topographic change resulting from the subdivision, impact to vegetation is not substantial as the property is generally unproductive for most agricultural use, and there are no surface waters impacted by the subdivision development.
- (b) *Provide economies in the provision of roads and other public improvements.*
- The PUD appears to accomplish this purpose as the applicant notes the design expands the current platted alleys making them more usable and compliant with the applicable 24-foot roadway standard while still maintaining adequate buildable area on each lot.
- (c) *Preserve productive agricultural lands, wildlife habitat, or other significant open space.*
- The PUD appears to accomplish this purpose in that the subdivision development will not detract from productive agricultural lands, wildlife habitat, or other significant open space.
- (d) *Protect important historic sites or structures.*
- The subdivision and PUD would not detract from important historic sites or structures as none exist on or near the property.
- (e) *Provide development facilities for recreational purposes.*
- While there are four small parks adjacent to the subdivision, the subdivision and PUD would not provide development of facilities for recreational purposes as none are proposed.

A PUD project must advance three or more of the five purposes outlined in (6)(a)-(e) above.

- The proposed PUD appears to ‘advance’ three of the five purposes outlined (a,b, and c).

A PUD does not have to adhere to all of the design and development standards outlined in earlier subsections of this chapter. The planning board shall consider any request for modified standards as a part of its overall review of the proposed PUD. Such request for modifications shall not be treated as a variance request, as described in Section V-B, of these regulations.

Finding #21 – The requested North 40 Subdivision Phase 6 PUD includes three proposed modifications from the design and development standards of the regulations. The proposed PUD narrative demonstrates a dense Block style residential development with compliant interspersed parkland and adequately addresses the applicable special requirements established in Section IV-B-7(b) MCSR.

Condominiums

The application identifies fifteen lots which are proposed as multi-family duplex and triplex lots which may potentially be developed as residential condominiums or townhouses (Duplex: Lots 7-10 Block 1; Lots 1-2 Block 4; Lots 2-5 Block 6. Triplex: Lots 5-6 Block 1; Lots 1,6,and 7 Block 6). The plat appears to indicate each of the multi-family lots contain adequate area to meet applicable specifications regarding intended use, square footage, utilities, access, and parking to satisfy the special requirements of Sections II-D-3(a) and IV-B-6(b) MCSR. The applicant has indicated condominium building placement shall be compliant and approved by building permit reviewed and issued by the Town of Ennis Public Works Department. Development of the condominiums is subject to compliance with the applicable provisions of the Unit Ownership Act Sections 70-23-102 through 70-23-703 MCA. Per Appendix 19 MCSR, a copy of original bylaws required for the condominium association created at time of subdivision would be required to be submitted with the final plat application for North 40 Subdivision Phase 6.

Finding #22 – The proposal for fifteen (15) multi-family lots (Duplex: Lots 7-10 Block 1; Lots 1-2 Block 4; Lots 2-5 Block 6. Triplex: Lots 5-6 Block 1; Lots 1,6,and 7 Block 6) to be developed with duplex and triplex multifamily residential condominium or townhouse units appears reasonable because the submitted application and preliminary plat contain information regarding intended use, square footage, utilities, access, and parking to demonstrate compliance with the special requirements of Section II-D-3(a) and IV-B-6(b) MCSR.

Finding #23 - With approval of the requested PUD and its proposed modifications to Section IV-A-5(d, e, and i) MCSR allowing alleys to provide legal and physical access, narrower easement widths specific to Vujo Avenue and Yogi Street, and three ‘through lots’, the proposed subdivision is in general compliance with the Madison County Subdivision Regulations, effective March 2, 2018 as compliant legal and physical access would be provided, potential impacts to the primary review criteria appear able to be adequately addressed by imposition of conditions of approval, and specific provisions for condominiums have been addressed within the submitted application.

D. Compliance with the Madison County Subdivision Regulations Review Procedure

- **Pre-application Conference Date** – January 25, 2021 (valid for 1 year)
- **Application Submittal Date** –April 14, 2021; May 17, 2021
- **Completeness Date** – April 21, 2021
- **Sufficiency Date** – June 7, 2021
- **Agency Referral Requests Mailing Date** - July 7, 2021
- **Adjacent Property Notification Mailing Date** – July 7, 2021
- **Legal Notice Publication Date** – July 8 and 15, 2021

Finding #24 - The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section II-E of the Madison County Subdivision Regulations effective March 2, 2018.

E. Compliance with the Montana Subdivision and Platting Act

Finding #25 - As the proposal has been reviewed in accordance with statutory criteria and standards outlined in Section II-E of the Madison County Subdivision Regulations effective March 2, 2018 the preliminary plat and subdivision application appear to comply with the intent and requirements of the Montana Subdivision and Platting Act.

F. Provision of Easements for the Location and Installation of Planned Utilities

Finding #26 - The preliminary plat identifies adequate easements for utilities to serve the subdivision. All other easements associated with this subdivision and the subdivided property shall

be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Madison County Subdivision Regulations.

G. Provision of Legal and Physical Access to Each Parcel

Finding #27 - Otis Avenue, Laura Lane, Vujo Avenue and Yogi Street would provide legal and physical access to the subdivision and all Lots as depicted on the preliminary plat. Road names, including the alleys should be specifically approved/verified by the Town of Ennis and Madison County GIS Department as applicable prior to final plat.

H. Review of Applicable Plans

The subdivision appears consistent with the Town of Ennis Growth Policy 2014 as follows:

Goal #1: Maintain Adequate Infrastructure

- Water System – Subdivision will connect to the town system. Town Zoning and Building Permit assesses each building to connect the system, which offsets any impact on the system from the development. Acceptable as proposed.
- Wastewater System - Subdivision will connect to the town system. Town Zoning and Building Permit assesses each building to connect the system, which offsets any impact on the system from the development. Acceptable as proposed.
- Stormwater Drainage System - Stormwater will be directed to landscaping and existing retention. Vujo Avenue and Yogi Street should include appropriate gutters to convey run-off to the retention ponds.
- Roads - Uses existing roads and improves previously platted alley through expanding the easement to 25-feet and improving driving surface, drainage, and signage. Roads not maintained by the town will be maintained by North 40 Residential Owner’s Association.
- Sidewalks – Sidewalks will be installed along Otis Avenue by the future lot owners.
- Parks – Parkland was previously dedicated to the Town of Ennis with the initial North 40 Subdivision, and no additional parkland appears warranted based on density/lot size calculations involved in this proposal.
- Public Buildings – No Public Buildings exist on or around the proposed subdivision.
- Community Facilities –No Community Facilities exist on or around the proposed subdivision.

Goal #2: Protect Natural and Cultural Resources

- No natural or cultural resources exist on or near the proposed subdivision. Land is non-productive, vacant, and flat with no trees or water features.

Goal #3: Attract New Businesses

- Subdivision will provide residential lots at relatively affordable prices, making it more practical for residents and local employees to find housing and stay in the area.

Goal #4: Occupy Vacant Downtown Buildings - Not Applicable

Goal #5: Increase Affordable Housing

- Subdivision will provide residential lots that are smaller and less expensive than larger lots typical in the vicinity of Ennis, which should lead to an increase in affordable housing.

Goal #6: Improve Quality of Life

- Subdivision will have boulevard trees and is connected to sidewalks and walking trails, including Otis Avenue, Main Street, and along US 287 from Main Street north to Madison Foods contributing to a pedestrian friendly and walkable community.

Finding #28 - The proposed subdivision substantially complies with the 2014 Ennis Growth Policy as it is compatible with five of the six Community Goals and Objectives, and the proposal generally complies with the Madison County Growth Policy because the review of the preliminary plat has

demonstrated the proposal is compliant with the Madison County Subdivision Regulations which are adopted pursuant to the Growth Policy.

I. Compliance with Local Zoning

Finding #29 - The proposal for a total of 53 residential units on 7.01 acres complies with the applicable R-TD Residential Town Density zoning in terms of use and density because the district allows single and multi-family residential use at a density of no more than one dwelling unit per one-eighth (1/8) acre, and each lot appears to contain adequate space to construct residential structures in adherence to applicable yard setbacks.

V. SUMMARY OF FINDINGS

(Impact on Agriculture)

1. There would be minimal impact on agriculture as a result of the proposed subdivision because the property and neighboring properties are not used or particularly suitable for agriculture.

(Impacts on Agriculture Water User Facilities)

2. There would be no impact on agricultural water user facilities as a result of the proposed subdivision because the property has no irrigation infrastructure on site, is not in an irrigation district, is not party to any irrigation agreements, and the property is not currently used for agriculture.

(Impact on Local Services)

3. Piecemeal lot development necessitating separate excavations and connection of private individual service lines to public utility mains existing within constructed and paved road and utility easements is recognized as being inefficient and impacting to local services. In order to not impact local services the Town of Ennis Public Works Department has requested water and sewer services be stubbed onto each lot prior to final plat as a requirement of preliminary plat approval.
4. It is recognized that maintenance of individual utility service connections and multi-user service line extensions located on Lots and not within public utility easement/right-of-way is the responsibility of the Lot owners and/or the Homeowners Association as applicable, and that responsibility for maintenance of the service extensions outside of public utility easement/right-of-way is not the responsibility of the Town of Ennis Public Works Department.
5. The subdivision would have minimal impact on water and wastewater services because the subdivision would connect to existing public systems in accordance with applicable state permitting requirements and ordinance and permitting requirements of the Town of Ennis.
6. The plan for solid waste management appears acceptable because solid waste would be disposed of offsite at the Madison county Solid Waste Transfer Site.
7. Pursuant to Sections IV-A-10(l), IV-A-13(c), and IV-A-10(j) MCSR Vujo Avenue should be required to be constructed and paved to the applicable 24-foot paved road standard, and with approval of the requested PUD Yogi Street should be required to be constructed and paved 20-foot wide. Both roads should be equipped with appropriate signage and curb and gutter directing storm water to planned retention facilities as the roadways would provide direct vehicular access to multiple lots to be developed with single and multifamily residential uses and the road is intended to serve two-way traffic vehicular traffic accommodating substantial average daily vehicular trips at full build-out.
8. The proposal would not result in adverse impacts to area roads and the transportation network because the existing paved internal subdivision roads are designed and constructed to comply

with applicable standards, proposed Vujo Avenue and Yogi Street can be designed and built to applicable road standards and modified standards found acceptable through approval of the requested PUD, and impacts to offsite roads providing compliant primary legal and physical access would be minimal and acceptable as the estimated traffic generated by the subdivision is based on residential density consistent with the original 2006 North 40 Subdivision traffic impact study, approach permits issued by Montana Department of Transportation for the development at full build-out, and the 2021 Traffic Impact Study update which specifically evaluated the intersection of Laura Lane and MT Hwy 287.

9. The proposal would not adversely impact services of the Madison Valley Rural Fire District because the location is in close proximity to a fire station, the site would be developed with fire hydrants to aid in fire suppression, and adequate access may be provided for emergency vehicles.
10. Effects of the proposed subdivision on local services would be minimal with imposed conditions because necessary utilities are currently available to the property within access and utility easements, emergency service providers would have adequate access to the subdivision, the area is served by public schools which have adequate capacity to accommodate additional students from the subdivision, there is sufficient open space/parkland areas, and the proposal would not adversely impact public water and wastewater services with conditions of approval requiring compliance with the Town of Ennis Public Works Department standards and requirements established in Title 10 of the Ennis Town Code.

(Impact on Natural Environment)

11. Impacts to water quality as a result of the proposed subdivision are anticipated to be acceptable because no surface waters or wetlands occur within the subdivision boundaries, all residential units would be served by public water and wastewater treatment systems, the stormwater drainage plan would effectively manage runoff onsite, and the proposed water, wastewater, and drainage systems will be required to undergo review and receive approval from the Town of Ennis Public Works Department and the Montana Department of Environmental Quality, as applicable.
12. Adverse effects of the proposed subdivision on the natural environment would be minimal and acceptable with the imposition of conditions because the developer can take necessary steps to minimize impact to area surface waters, manage noxious weeds on site, and stabilize disturbed soils.

(Impact on Wildlife)

13. Some impacts on general wildlife such as pronghorn and other small mammals and birds are anticipated because the proposed subdivision would be a dense compact residential development resulting in general displacement and transition of open area currently used by area wildlife.

(Impact on Wildlife Habitat)

14. While some limited impacts on wildlife habitat from the proposed subdivision are anticipated, the proposed subdivision is not anticipated to introduce adverse impacts to wildlife habitat because the property is not considered prime or particularly important habitat due to its location within the Town of Ennis and proximity to existing residential neighborhoods and highway commercial uses.

(Impact on Public Health and Safety)

15. Impacts of the proposed subdivision on the area road network and internal access appear to be acceptable because the submitted application materials indicate the good capability of the road network to safely accommodate the new traffic of the proposed subdivision in addition to traffic already using the area roads.
16. Minimal and acceptable risks to public health and safety are anticipated with the imposition of conditions because the site is served by fire and emergency services; is not located in a special

flood hazard area; the proposal for water, wastewater, and stormwater will be required to be reviewed and approved prior to installation of the proposed new facilities; all lots and condo/townhouse units have adequate legal and physical access; there are no unmitigated hazards associated with high voltage electric or high pressure gas lines on or around the subject property, and; there are no identified apparent hazards associated with geologic conditions, avalanche, or airport influence areas.

(Effect on Other Resources)

17. The proposed subdivision would not adversely impact other resources in the county or Town of Ennis such mining and agricultural operations because mineral deposits are not known to exist on the subject property, mining exploration or mining of mineral resources is not anticipated, the site on the subject property is not directly adjacent to public lands, and the property is zoned for its intended residential use.

(Effect on Local Economy)

18. The proposed subdivision would not adversely impact the local economy because it would contribute to the construction, real estate, and service sectors of the local economy.

(Impact on Other Public Services)

19. There would be minimal adverse impacts on public services provided by other entities in the county and Town of Ennis because impacts to common infrastructure and public water and sewer services would be adequately offset by fees, taxes, and Home Owner's Association responsibilities, and impacts regarding solid waste management could be improved over time with subsequent private arrangements for contracted garbage collection/hauling.

(Compliance with Surveying Requirements)

20. The final plat would conform to the provisions of the Montana Subdivision and Platting Act if it contains all elements required to meet Montana state survey requirements, which would be determined when it is reviewed by the governing body prior to final plat approval.

(Compliance with Subdivision Regulations)

21. The requested North 40 Subdivision Phase 6 PUD includes three proposed modifications from the design and development standards of the regulations. The proposed PUD narrative demonstrates a dense Block style residential development with compliant interspersed parkland and adequately addresses the applicable special requirements established in Section IV-B-7(b) MCSR.
22. The proposal for fifteen (15) multi-family lots (Duplex: Lots 7-10 Block 1; Lots 1-2 Block 4; Lots 2-5 Block 6. Triplex: Lots 5-6 Block 1; Lots 1,6, and 7 Block 6) to be developed with duplex and triplex multifamily residential condominium or townhouse units appears reasonable because the submitted application and preliminary plat contain information regarding intended use, square footage, utilities, access, and parking to demonstrate compliance with the special requirements of Section II-D-3(a) and IV-B-6(b) MCSR.
23. With approval of the requested PUD and its proposed modifications to Section IV-A-5(d, e, and i) MCSR allowing alleys to provide legal and physical access, narrower easement widths specific to Vujo Avenue and Yogi Street, and three 'through lots', the proposed subdivision is in general compliance with the Madison County Subdivision Regulations, effective March 2, 2018 as compliant legal and physical access would be provided, potential impacts to the primary review criteria appear able to be adequately addressed by imposition of conditions of approval, and specific provisions for condominiums have been addressed within the submitted application.

(Compliance with Review Process and MSPA)

24. The proposal has been reviewed as a major subdivision in accordance with statutory criteria and standards outlined in Section II-E of the Madison County Subdivision Regulations effective March 2, 2018.

25. As the proposal has been reviewed in accordance with statutory criteria and standards outlined in Section II-E of the Madison County Subdivision Regulations effective March 2, 2018 the preliminary plat and subdivision application appear to comply with the intent and requirements of the Montana Subdivision and Platting Act.

(Compliance with Provision for Easements for Utilities)

26. The preliminary plat identifies adequate easements for utilities to serve the subdivision. All other easements associated with this subdivision and the subdivided property shall be clearly located on the Final Plat to satisfy applicable requirements of the Montana Subdivision and Platting Act and the Madison County Subdivision Regulations.

(Compliance with Provision for Legal and Physical Access)

27. Otis Avenue, Laura Lane, Vujo Avenue and Yogi Street would provide legal and physical access to the subdivision and all Lots as depicted on the preliminary plat. Road names, including the alleys should be specifically approved/verified by the Town of Ennis and Madison County GIS Department as applicable prior to final plat.

(Consistency with Applicable Plans and Zoning)

28. The proposed subdivision substantially complies with the 2014 Ennis Growth Policy as it is compatible with five of the six Community Goals and Objectives, and the proposal generally complies with the Madison County Growth Policy because the review of the preliminary plat has demonstrated the proposal is compliant with the Madison County Subdivision Regulations which are adopted pursuant to the Growth Policy.

29. The proposal for a total of 53 residential units on 7.01 acres complies with the applicable R-TD Residential Town Density zoning in terms of use and density because the district allows single and multi-family residential use at a density of no more than one dwelling unit per one-eighth (1/8) acre, and each lot appears to contain adequate space to construct residential structures in adherence with applicable yard setbacks.

VI. CONCLUSION

In accordance with Madison County Resolution No. 11-2009, Town of Ennis Resolution No. 452-2009, and the provisions of Section II-E of the Madison County Subdivision Regulations, a review and evaluation of the major subdivision and PUD application has been completed. The proposed subdivision appears to generally comply with the applicable design standards and subdivision review criteria, pursuant to the Findings of Fact stated above, or can be mitigated with conditions of approval. Should the Planning Board forward a recommendation of approval of this PUD and Subdivision to the Ennis Town Commission, the following conditions should be considered to supplement that recommendation.

VII. CONDITIONS OF APPROVAL

Based on the Findings of Fact staff recommends the Planning Board recommend approval of the proposed North 40 Phase 6 Subdivision and PUD to the Ennis Town Commission subject to the following Conditions of Approval:

Planned Unit Development (PUD) modified design and development standards: The North 40 Phase 5 Subdivision PUD includes modifications to Sections IV-A-5(d)(e)&(i) MCSR providing special allowances for primary lot access via alleys, and ‘through lots’ for specific lots described in the PUD evaluation in the body of the staff report.

A. Standard Conditions

1. Any and all adopted State and County requirements and standards which apply to this proposed subdivision must be met unless otherwise waived for cause by the governing body. II-H and Chapter IV, MCSR 3/2018; 76-3, MCA
2. An original, notarized declaration of “Right to Farm” and “Emergency Services Information” (Appendix R of 2006 Madison County Subdivision Regulations) shall be filed with the final plat. II-H.2 and II-H.4. (a)-(c) MCSR 3/2018; 76-3-611 MCA
3. The final plat must be accompanied by a certification by a licensed title abstractor showing the owners of record, the names of any lien holders or claimants of record against the land, and the written consent to the subdivision from any lien holders or claimants of record against the land. II-G(c) and Appendix K, MCSR 3/2018; 76-3-612, MCA
4. All subdivision road and utility easements (or rights-of-way) shall be clearly shown and labeled on the final plat. II-G and Appendix K, MCSR 4/2015; Uniform Standards for Final Subdivision Plats (8.94.30003, ARM); 76-3-504 and 76-3-608, MCA
5. Future modification of any elements shown on the plat may not be made without Town of Ennis Commission review and approval. IV-A.14 and 19, MCSR 3/2018; Section 27-30-101, MCA
6. The final plat shall include a statement whereby lot or unit owners waive their right to protest any rural improvement district (RID) designated by the Town of Ennis specifically intended to protect public health and safety on public roads leading to or within the subdivision. IV-A.9.a-h. MCSR 3/2018; 76-3-608, MCA
7. Prior to final plat approval a street addressing plan, including route map showing street address ranges, driveway location distance from intersection, and specifying street to serve corner lots, shall be submitted to and approved by Madison County Planning and GIS Departments in accordance with Madison County’s rural addressing and Emergency 911 system. Individual address signs may be installed as each Lot is developed. IV-A.9.k(2) MCSR 3/2018; 76-3-608 MCA
8. Where the aggregate total disturbed area of any infrastructure construction in the proposed subdivision as defined in A.R.M. 17.30.1102(28) is equal to, or greater than one acre; or where when combined with subsequent construction of structures such disturbed area will be equal to, or greater than one acre, a Montana State Department of Environmental Quality (DEQ) General Permit for Stormwater Discharges Associated with Construction Activity (General Permit) shall be obtained prior to any site disturbance or construction and a copy of the DEQ confirmation letter shall be provided to the Madison County Planning & Zoning office prior to final plat approval. [17.30.1115 Administrative Rules of Montana (A.R.M.)]
9. All required improvements shall be completed in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the Town of Ennis Commission. II-H.3.b, MCSR 3/2018; 76-3-608 MCA
10. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. II-H.4.b, MCSR 3/2018; 76-3-608 MCA
11. Preliminary plat approval is valid for three years. The final plat shall be filed prior to the expiration of the three years. Extension requests to the preliminary plat approval shall be made in accordance with the applicable regulations and following associated timeline(s). II-E.1.h, II-F.2.d MCSR 3/2018; 76-3-608 MCA

B. Project Specific Conditions

12. All areas disturbed during development of the subdivision shall be re-vegetated in accordance with an approved Noxious Weed Management Plan, and a letter from the Madison County Weed Board stating that the Plan has been approved shall be submitted with the final plat. *IV-A.10.g, IV-A.18 MCSR 3/2018; 76-3-608, MCA* (Mitigates Impacts associated with Findings #9 and # 10)
13. The proposed water, wastewater treatment, and stormwater drainage systems for the subdivision shall be reviewed and approved by the Town of Ennis Public Works Department and the Montana Department of Environmental Quality, as applicable, prior to either final plat approval or release of any financial guarantee funds associated with this project. *IV-A.13.b, IV-A.16 MCSR 3/2018; 76-3-608, MCA* (Mitigates Impacts associated with Findings #3 through #10, #11, and #16)
14. Design and construction of the internal roadways shall include engineer designed and certified drainage facilities adequate to convey calculated stormwater runoff to the stormwater retention ponds on Lot 4 Block 6 and on Park 1 located north of Block 1 as shown on the preliminary plat. *IV-A.9, IV-A.10, IV-A.13 Table IV-1, MCSR 3/2018; 76-3-608, MCA* (Mitigates Impacts associated with Findings #7, #11, #16)
15. The Block 1, Block 4, and Block 6 alley easements/rights-of-way collectively referred to as Vujo Avenue shall be shown 25-feet in width and labeled as Vujo Avenue on the final plat, and Yogi Street shall be shown 20-feet in width and labeled on the final plat. *IV-B.7, IV-A.9, IV-A.10, IV-A.12 Table IV-1 MCSR 3/2018; 76-3-608, MCA* (Mitigates Impacts associated with Findings #7, #8, #15, #26, and #27)
16. Vujo Avenue shall be constructed and paved 24-feet in width, and Yogi Street shall be constructed and paved 20-feet in width in accordance with the preliminary plat and submitted application materials. Design and construction of the internal roadways shall be certified by a licensed engineer in accordance with the Madison County Subdivision Regulations and applicable Town of Ennis Public Works Department road standards. *IV-A.9, IV-A.10, Table IV-1, MCSR 3/2018; 76-3-608, MCA* (Mitigates Impacts associated with Findings #7, #8, #15, #26, and #27)
17. The intersections of Otis Avenue and Laura Lane, Laura Lane and Vujo Avenue, Vujo Avenue and Yogi Street, and Vujo Avenue and Mountain View Road shall be equipped with appropriate traffic control signage consistent with MDT's "Manual on Uniform Traffic Control Devices". *IV-A.10 MCSR 3/2018; 76-3-608, MCA* (Mitigates Impacts associated with Findings #7, #8, #15, #16, and #27)
18. The review and approval of Big Springs Village Phase 2 Subdivision has expressly contemplated the proposal of fifty (50) attached single-family residential condominiums as described in the application submittal and depicted on the submitted Preliminary Plat. Development of the condominiums is subject to compliance with the applicable provisions of the Unit Ownership Act Sections 70-23-102 through 70-23-703 MCA. A copy of the draft Declaration of Unit Ownership documents and of the original bylaws required for the condominium association created for the approved condominium units at time of preliminary plat approval shall be submitted prior to or with the final plat application. *II-D-3(a), IV-B-6(a)(2), IV-B-6(b), Appendix 19 MCSR, 76-3-203, 76-3-608, 70-23-102 MCA* (Mitigates Impacts associated with Finding #19 , # 20, #22, #23, #24, #25, and #29)