

**TITLE 6
ELMORE COUNTY
ZONING AND DEVELOPMENT ORDINANCE**

CHAPTER 30– PLANNED COMMUNITY (PC) STANDARDS

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Section 6-30-1: Title:

- A. This Chapter shall be known as the Planned Community Zoning Standards of Elmore County, Idaho. The title "Board" refers to the Elmore County Board of County Commissioners. The title "Commission" refers to the Elmore County Planning and Zoning Commission.

Section 6-30-2: Authority:

- A. This Planned Community Zoning Standards is adopted pursuant to authority granted by Title 67, Chapter 65 of the Idaho Code and Article 12, Section 2 of the Idaho Constitution, as amended or subsequently codified.

Section 6-30-3: Provisions of Ordinance Declared to be Minimum Requirements:

- A. In its interpretation and application, the provisions of this Chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Whenever the requirements of this Chapter conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive of those imposing the higher standards shall govern.

Section 6-30-4: Purpose:

- A. The purpose of this Chapter is to provide standards for the review of Planned Community (PC) applications, and to implement the Planned Community Comprehensive Plan (PCCP), Planned Community Zoning Ordinance (PCZO) and Development Agreement and the specific goals and policies of the Comprehensive Plan, contained in Chapter 5, of the Elmore County Zoning Ordinance titled Land Use, Planned Community Development and the goals and policies set forth therein.

Section 6-30-5: Definitions:

- A. Definitions are found in Chapter 2 of this Title.

Section 6-30-6: Applicability and Application Requirements:

- A. Applicability: These regulations shall apply to applications for planned communities that meet the following minimum size and location standards:
1. The PC is a minimum of forty (40) contiguous acres under common ownership or control.
 2. The PC site shall be located outside existing area of city impact as well as the Airport Hazard Zone (AHZ), Public Airport Hazard Zone (PAZ), and Air Base Hazard Zone (ABHZ), and Air Base Commercial Zone (ACZ) zoning classifications set forth on the Elmore County Zoning Map.
 3. The PC shall be located within General Agriculture/Grazing/Forest (Ag) land use classification set forth on the Comprehensive Plan Land Use Map.
 4. An application for a PC shall be signed by the property owner(s) having a legal interest in the property to be included in the PC or their representative(s).

Permission to make an application may be granted by the property owner(s) to a representative by providing Elmore County with signed affidavit of legal interest giving such permission.

Section 6-30-7: Pre-application Work Sessions and Neighborhood Meeting Requirements:

- A. The applicant shall complete a minimum of two (2) pre-application work sessions with planning staff, or more as may be required by the Director. The Director encourages work sessions with identified agencies, and landowners located within one (1) mile, or a greater distance as determined by the Director, of the proposed PC prior to submittal of a PC application.
- B. Prior to holding the first pre-application work session with the County, the applicant shall meet with the Director to discuss the proposed PC. The pre-application work sessions shall not commence until the applicant or owner submits the pre-application work session form and fee as recommended by the Director and thereafter adopted by the Board by resolution. The pre-application work session fee for a PC application shall include estimates for the amount of Elmore County administrative time required for work sessions, costs of copying and mailing, and fees for the county's consultants, including any consultant that the county deems necessary to process and consider the application.
- C. The purpose of the required pre-application work sessions with planning staff, identified agencies, and neighboring land owners is to develop initial communication between staff, identified agencies, neighboring land owners and the applicant regarding existing site conditions, project design, current zoning regulations, potential environmental impacts, mitigation measures, general consistency with local, state and federal regulations and any other relevant issues raised by the proposed project. One of the work sessions shall include a site visit with planning staff, identified agencies and the applicant.
- D. The applicant shall hold a minimum of one (1) neighborhood meeting where all property owners within one thousand (1,000) feet of the proposed PC boundary, or a greater distance determined by the Director, are invited. Pre-application neighborhood meetings shall comply with the requirements of this Chapter.
- E. Neighborhood Meeting Requirements: The purpose of the neighborhood meeting shall be to review the proposed PC:
 - 1. The neighborhood meeting shall be held on a weekend between ten o'clock (10:00) A.M. and seven o'clock (7:00) P.M. or on a weekday between six o'clock (6:00) P.M. and eight o'clock (8:00) P.M. The meeting shall not be on a holiday, a holiday weekend, or the day before a holiday or holiday weekend; and

2. The neighborhood meeting shall be held at one of the following locations:
 - a. On the subject property, if public access is available; or
 - b. At the nearest available public meeting place including, but not limited to, fire station, library, or community center; or
 - c. An office space or private meeting space with suitable facilities if such facilities are within ten (10) miles of the nearest public meeting place or other location approved by the Director.
3. The neighborhood meeting shall be conducted prior to initial application acceptance. The neighborhood meeting shall not be conducted more than six (6) months prior to initial-application acceptance.
 - a. The application materials shall include a written verification of the neighborhood meeting.

Section 6-30-8: Application Requirements:

A PC application shall be submitted to the Director with appropriate fees, and shall contain all elements and sub-elements required by this section. Prior to submittal, the Director shall determine the number of application copies required, and the printed and electronic formats required.

- A. Element A, Fees: The applicant or owner shall submit the fee for the Planned Community application as recommended by the Director and adopted by the Board. The fee for a PC application shall include estimates for the amount of Elmore County administrative time required to process the application, costs of copying and mailing, and fees required for the county's consultants to conduct independent studies, including all experts that the county determines to be necessary to process and evaluate the application.
- B. Element B, Planned Community Comprehensive Plan: The applicant shall submit a plan that includes elements 1- 6 as listed below, hereafter referred to as the "Planned Community Comprehensive Plan, (PCCP)". This document shall provide sufficient information to evaluate development within the PC.
 1. A vision statement for the PC that is consistent with the Planned Community Goals and Policies contained in the Land Use Chapter, Planned Community Development Section of the Comprehensive Plan.
 2. A list of coordinated goals, and policies consistent with the Planned Community Goals and Policies contained in the Land Use Chapter, Planned Community Development Section of the Comprehensive Plan implementing the vision

statement and addressing: private property rights; population; school facilities and transportation; economic development; land use; natural resources; hazardous areas; public/private services, facilities and utilities; transportation; recreation; special areas or sites; housing; community design; commercial/industrial development; air quality; water quality and irrigation systems.

3. A conceptual land use map showing the proposed general land use patterns within the PC boundary. The map shall include proposed land uses districts in sufficient detail to be the land use map for the PCCP. The land use map shall govern development within the PC utilizing the land use matrix, which indicates residential neighborhood development as well as the minimum, and maximum percentage of densities proposed in each land use district. The conceptual land use map shall include:
 - a. A land use matrix indicating neighborhoods and the minimum and maximum percentage of densities proposed by each residential land use district.
 - b. The location of one or more town centers or village centers equal to or greater than three point five (3.5%) percent of the gross acreage of the PC. The town center or village shall include commercial nodes and community gathering areas sized to meet the needs of PC residents. The Town Center shall also include a mix of uses, including commercial, retail, office, and civic uses. Churches, religious centers and high-density/clustered residential may also be allowed.
 - c. The circulation system proposed within the PC boundary indicating proposed arterials and collectors, including connectivity systems and opportunities to surrounding properties and public lands.
 - d. Trails, paths, parks and natural open space proposed.

4. A conceptual densities and intensities map, modeled after the conceptual land use map, showing the proposed general densities and intensities within the PC boundary by neighborhood and district. This conceptual map shall indicate the proposed densities and intensities and be in sufficient detail to aid in the development of the land use matrix, which indicates residential neighborhood development as well as the minimum and maximum percentage of densities proposed in each land use district. The conceptual densities and intensities map shall include:
 - a. The circulation systems within the PC boundary indicating proposed arterials and collectors, including connectivity systems and opportunities to surrounding properties and public lands.
 - b. Trails and paths.

5. A transportation and mobility plan demonstrating internal and external community connectivity. Illustrations depicting the cross-sections for all proposed streets, trails and paths including the size and design proposed for each section. The transportation and mobility plan shall include:
 - a. A key map indicating where each proposed arterial and collector street, trail and path by section type would be used.
 - b. A narrative addressing alternative transportation options for the PC, including options and/or alternatives to reduce external vehicle trips, with the goal of keeping trip generation below the Elmore County average, as determined by the Director or the appropriate agency.
6. Narrative with illustrative or pictorial examples of proposed central design concepts for residential, commercial and institutional development in sufficient detail to guide land use development and integrate the proposed mixture of land uses. Hilltop and ridge top structures shall be prohibited.
 - a. The central design concepts shall consider predevelopment site conditions, careful placement of public and quasi-public land uses, ample open space areas, appropriate landscaping and guidelines, and provision of specific design guidelines for construction and placement of all improvements.
 - b. Narrative shall also indicate how on-site materials will be used to balance any proposed fills and cuts thereby limiting the need to truck material to the site from off-site locations.
 - c. Narrative and illustrative or pictorial examples shall demonstrate how the development footprint meets the existing grade and show how visual impacts and natural features of the development would be enhanced by rounding finished grade contours to blend with the existing slopes.
 - d. Narrative and illustrative or pictorial examples shall include building pads that are designed to follow the natural contours by requiring contouring or landform designs. These concepts shall ensure grading practices are designed to minimize visual impacts. Hillside and ridge side building foundations and designs shall be stepped with the natural grade contours to minimize cuts in order to improve visual aesthetics. Hilltop and ridge top structures shall be prohibited. This prohibition shall be contained in the PCCP and the PCZO.
- C. Element C, Zoning Ordinance Map: The applicant shall submit a zoning ordinance map amendment to identify the PC boundaries and designation of the area as "Planned Community (PC)." The map amendment application shall include a legal description of the PC exterior boundaries.

1. A draft development agreement that meets the requirements of this Chapter and Title shall be submitted with the zoning ordinance map amendment. .
 2. The PCCP and the PCZO shall govern development within the PC boundary and designation of the area as “Planned Community (PC).”
- D. Element D, Zoning Ordinance Text, Planned Community Zoning Ordinance (PCZO):
The applicant shall submit a zoning ordinance text amendment that shall include, but not be limited to, elements 1-16 of this section.
1. Purpose statement.
 2. Applicability (regulations apply in areas identified on official zoning map and Planned Community Comprehensive Plan land use map).
 3. Principal permitted, accessory, conditional, and prohibited uses.
 4. Setback areas.
 5. Structure height and bulk.
 6. Structure and impervious surface coverage.
 7. Property size.
 8. Landscaping requirements, including but not limited to standards for, as well as local beautification along, state highways, arterials and collector streets.
 9. Open space requirements.
 10. Street frontage and access requirements.
 11. Sign requirements.
 12. On and off-street parking requirements.
 13. Standards for energy and water conservation.
 14. Grading requirements.
 15. Design standards for structures and site improvements, including but not limited to standards for beautification along state highways, arterials and collector streets, as well as local streets.
 16. Process for subdivision development and approval.

- E. Element E, Economic Studies: The applicant shall submit an Economic Feasibility Study, an Infrastructure and Financing Plan, and a Fiscal Impact Study prepared by a Qualified Economist and including the sub-elements listed below. The Plan and studies shall demonstrate that the applicant will mitigate all identified tax and/or fee revenue shortfalls and negative impacts to existing service provision levels to all directly affected municipalities and other agencies or districts.

The Economic Feasibility Study, the Infrastructure and Financing Plan, and the Fiscal Impact Study must clearly and concisely document all of the following to allow independent verification by the County and affected service providers: methodological assumptions and rationale including distinction of whether a fiscal impact average cost or marginal cost methodology was utilized; data sources utilized for study purposes, including internet URL/address(es) as necessary; specific calculations estimated for analytical purposes, such as service cost factors, ratios, service levels, enrollment rates, growth rates and other necessary factors; informational interviews and discussions with officials from affected jurisdictions, service providers, local planning organizations and other persons that provide first-person informational resources to the study process and a bibliography containing appropriate citations to all data sources and resources employed for the impact study as outlined immediately above.

1. The Economic Feasibility Study for the proposed PC shall adequately demonstrate that all residential and commercial phases of the project are consistent with economic and market conditions in Elmore County and applicable neighboring counties. The study shall specifically demonstrate reasonable market and economic support for the following:
 - a. Planned unit counts, build-out/absorption and occupancy by phase.
 - b. Expected household demographics, including household size, household age and incidence of school-aged children.
 - c. Likely price ranges suitable for development in the PC as a function of prevailing market conditions and likely target households.
 - d. Planned commercial buildings, gross space and build-out/absorption by phase.
 - e. Probable commercial retail and service uses reasonably supported by locally-captured community resident spending.
 - f. Probable commercial retail and service uses supported by capture of spending by visitors and other non-residents of the PC.

- g. Probable annual employment and wage levels for employment occurring in commercial retail/services space in the PC.
 - h. Probable industries, annual employment and wage levels for employment occurring in non-retail commercial development, including office, business park, industrial or other similar development types.
2. The Infrastructure and Financing Plan shall document estimated phasing and cost of both private infrastructure solely borne by the applicant and any share of public facilities expansion borne by the applicant as a result of mitigation agreements, where applicable, and set reasonable timeline and method for financing such improvements. The financing plan will include the following:
- a. Documentation of the extent to which infrastructure serving the PC will be funded by the applicant, the timing of construction and the financial assurances for funding that infrastructure.
 - b. Proposed Project Financing Plan for each phase and component of the PC, with financial assurances from the applicant regarding uncertainty of future phases, to maintain the integrity of the entire planned project.
3. The Fiscal Impact Study shall adequately demonstrate the likely additional public infrastructure and service cost burden posed by the Planned Community and the tax and fee revenues generated by the community; and shall demonstrate any potential for fiscal tax or fee shortfalls and any diminishment of existing public service levels, whether short-term or long-term. The fiscal impact study shall include the following:
- a. Annual, incremental public service need due to the PC, as appropriate, in terms of nature, incidence and timing of provision for all personnel need, equipment needs as well as replacement.
 - b. Resulting annual, incremental public cost estimates for service provision, personnel and equipment.
 - c. Annual, incremental growth in assessed property value at the PC and resulting property tax revenues for each affected jurisdiction or service provider given that jurisdiction's or service provider's existing levies, including operations and maintenance levies and bond levies.
 - d. Annual, incremental growth in service fee revenues generated by the PC, including but not limited to emergency medical service, libraries and other similar public service provision.

- e. An annual, incremental estimate of net fiscal impacts calculated as the reconciliation of tax revenues and fees generated by the development with on-going public service maintenance and operation costs in each year of build-out.
 - f. In years where net fiscal impacts are calculated as likely negative, identification of appropriate mitigation for the affected public service jurisdiction to be the responsibility of the applicant.
- F. Element F, Planned Community Development Plan, (PCDP): The applicant shall submit a plan that includes sub-elements 1- 9 as listed below, hereafter referred to as the applicant's "Planned Community Development Plan, (PCDP)." This document shall provide sufficient information to evaluate and guide development within the PC.
- 1. A natural features analysis as set forth below. All technical reports and studies shall be prepared and signed by qualified experts in each relevant field. In addition, analyses shall be included in the technical reports, including but not limited to a constraints analysis and a description of the impact of the project on area air quality, area water quality, slopes, and views. The following features and studies shall be mapped, described, or noted as applicable:
 - a. Hydrology: Analysis of natural drainage patterns and water resources including an analysis of streams, natural drainage swales, ponds or lakes, wetlands, floodplain areas or other areas subject to flooding, poorly drained areas, permanent high ground water areas, and seasonal high ground water areas throughout the site.
 - b. Soils: Analysis of types of soils present in the site area including delineation of prime agricultural soil areas, aquifer recharge soil areas, unstable soils most susceptible to erosion, and soils suitable for development. The analysis of soils shall be based on a soils survey; reports completed by the United States Department of Agriculture, Natural Resources Conservation Service or any other qualified agency or other Elmore County soils report.
 - c. Topography: Analysis of the site's terrain including mapping of elevations and delineation of slope areas greater than twenty five (25%) percent, between fifteen (15%) percent and twenty-five (25%) percent, between eight (8%) percent and fifteen (15%) percent, and less than eight (8%) percent. Contour lines shall be based on USGS datum of 1988 with intervals of not more than five (5') feet for properties with a general slope of greater than five (5%) percent, or intervals of not more than two (2') feet for properties with a general slope of less than or equal to five (5%) percent. Contour lines shall extend a minimum of three hundred (300') feet beyond the proposed development boundary. If a drainage channel borders the proposed development, the contour lines shall extend the additional distance necessary

to include the entire drainage facility, as determined or required by the Director or County Engineer.

- d. Vegetation: Analysis of existing vegetation of the site including, but not limited to, dominant tree, plant and ground cover species.
 - e. Sensitive Plant and Wildlife Species: Analysis of sensitive plant and wildlife species of the site including, but not limited to, those species listed in the Idaho Conservation Data Center sponsored by the Idaho Department of Fish and Game (IDFG).
 - f. Historic/Cultural Resources: Analysis of existing historic resources as identified on the Elmore County historic resources inventory or other available sources including, but not limited to, the State Historic Preservation Office (SHPO).
 - g. Hazardous Areas: Location and identification of all potential hazardous areas including, but not limited to, land that is unsuitable for development because of flood threat, poorly drained areas, high ground water, steep slopes, rock formation, buried pipelines, or other similar conditions likely to be encountered.
 - h. Map Features: The map shall show important features, including, but not limited to, the following: outline of existing structures, watercourses, wetlands, power lines, telephone lines, railroad lines, airport influence areas, any existing easements, municipal boundaries, and section lines.
 - i. Geological Reconnaissance: A map showing the basic geological conditions, features, opportunities and constraints of the site.
 - j. Preliminary wetland delineation, if applicable.
2. A narrative describing the proposed land uses and the design of the subject site. The plan shall include a variety of housing options at a variety of price points, including but not limited to single family detached, multifamily, apartments, live/work, or mixed use. The plan shall describe the proposed quantity of building types and designs, including proposed price points. The plan shall also identify one or more commercial nodes and community gathering areas and developed parks designed and sized to meet the needs of PC residents.
 3. A map showing existing land uses and current zoning within one mile of the PC perimeter.
 4. A narrative description of development and population trends in Elmore County and neighboring counties, if appropriate, that includes an assessment of the land-

use, public service, environmental and transportation impacts associated with the proposed PC. This narrative shall also describe the anticipated population of the PC at build-out.

5. A community services and utilities plan, containing maps or diagrams where appropriate describing the proposed routing and points of connection for electric and natural gas service; storm drainage and flood control systems; central wastewater treatment and collection facilities; community water system; irrigation system; telephone, internet and television cable service, public transportation services; libraries and schools. Lagoon waste treatment facilities may be allowed on a temporary basis not to exceed 24 months, with Board approval. Systems such as well as septic tanks and septic systems shall not be permitted in the proposed PC. The community services and utilities plan shall describe how the proposed wastewater collection system and community water system will be managed, identify a professional company that will operate and manage the wastewater and community water systems and be accompanied by a financial plan that includes, at a minimum, initial construction costs, funding sources, ongoing maintenance costs, operational costs, projected profits and losses.
6. An open space parks and trails plan that contains a map showing overall dedicated open space, including natural open space, developed parks and trails. The plan shall be developed in conjunction with the wildlife mitigation plan and shall include:
 - a. A minimum of ten (10%) percent of the total gross area within the PC dedicated to natural open space, with additional natural open space adequate to address the protection of unique natural features as indicated by the natural features analysis.
 - b. A minimum of ten (10) acres per one thousand (1,000) population of developed parks based on two point five (2.5) persons per dwelling unit. The open space plan shall emphasize water conservation in the design and implementation of developed parks.
 - c. A description of the types, sizes and locations of proposed parks. The open space plan shall ensure that open spaces are within a reasonable walking distance from residences.
 - d. A trails plan that provides connectivity between neighborhoods, parks and commercial centers. This plan shall also demonstrate connectivity with nearby public trails and public lands.
 - e. An analysis of potential impacts to adjacent public lands and mitigation for identified adverse impacts; and

- f. An analysis, including an illustrative map, of the walkability pattern and options within the proposed PC.
7. Wildlife Mitigation Plan: A wildlife mitigation plan prepared and signed by a Qualified Biologist in conformance with the model Elmore County Wildlife Assessment and Mitigation Plan Outline provided by the Director. The plan shall be monitored by a Community Conservation Director (CCD) employed by the PC and approved by the county and shall include:
 - a. Where applicable, a wetlands mitigation plan.
 - b. A noxious weed abatement plan.
 - c. A management plan developed in conformance with the Federal Migratory Bird Treaty Act of 1972.
 - d. A detailed mitigation action table that shall include: mitigation goals, specific actions to meet mitigation goals, implementation timelines, cost associated with each mitigation action, phasing map if phasing is proposed, monitoring methods (duties and responsibilities), possible alternative mitigation actions, a detailed financing plan with funding sources and a detailed plan regarding implementation and enforcement of the wildlife mitigation plan.
 - e. The applicant shall demonstrate how they will provide/hire a CCD. The CCD shall prepare monitoring and progress reports to be delivered to the Director. The reports shall detail the implementation status of the wildlife mitigation plan, noxious weed abatement plan, and a wetlands mitigation plan, if applicable. The reports shall be filed every year or as directed by the Director and shall be submitted simultaneously with a Wildlife Mitigation Review Application and applicable fees. The Director may decide that the report shall be submitted on a biannual or biennial basis or may suspend the reporting requirement when deemed no longer necessary based on the recommendations of the Wildlife and Habitat Mitigation Advisory Committee discussed in subsection g below.
 - f. A plan indicating how the CCD will monitor and enforce the wildlife mitigation plan.
 - g. A plan indicating how the CCD will establish a working Wildlife and Habitat Mitigation Advisory Committee (WHMAC). The WHMAC shall meet at least once per year, or more frequently as determined by the Director, to review the progress of the wildlife mitigation plan, noxious weed abatement plan, and wetlands mitigation plan, if applicable. The WHMAC shall, when necessary make recommendations to the Director for proposed modifications of the approved Wildlife Mitigation Plan to overcome shortfalls. All

recommendations shall be included in the report to the Director. Any request or recommendation for amendment shall be submitted on the appropriate application and with applicable fees. The WHMAC shall be comprised of the following members: one (1) Elmore County representative, Elmore County may elect not to participate, but shall receive written notice of all meetings fifteen days prior to all meetings; the Community Conservation Director/Firm provided by the applicant; one (1) Idaho Department of Fish and Game (IDFG) representative, the Idaho Department of IDFG may elect not to participate, but shall receive written notice of all meetings fifteen days prior all meetings; one (1) Homeowners Association (HOA) representative, when available; one (1) Conservation Easement representative if applicable; and one (1) Owner/Developer Representative.

8. A phasing plan shall be developed indicating the sequence of development, general land uses, and anticipated commencement and completion times of each phase. Adequate essential public services shall be provided for each Final Plat within each proposed phase prior to the issuance of any building permits, except those building permits required for the direct development of infrastructure, essential public services and associated grading.
 - a. The phasing plan shall include a narrative describing land use types, total area contained, anticipated population levels and essential public services. Essential public services adequate for the anticipated level of use of each phase shall be provided.
 - b. The applicant shall also provide a narrative explaining why phases should be developed in the proposed sequence and how the progress of each phase shall be measured and monitored by the Director and the applicant/owner. Phasing shall be accomplished so that the integrity of the Planned Community is maintained at the end of any single phase.
 - c. The phasing plan shall demonstrate how phased non-residential uses and recreational opportunities will keep pace with housing.
 9. A generalized storm water management plan and narrative that describes how the PC will maintain natural runoff rates, reduce erosion and flood hazard and maintain the area's water quality and recharge capabilities. A specific storm water management plan will be required with each preliminary plat.
- G. Element G, Additional Information Technical Reports: The applicant shall submit technical reports, signed and completed by qualified experts as defined by this title and any other information necessary to support the purposes of this Chapter, as determined by the Director, Commission, or Board, as applicable.

H. Element H, Updating Information: The Director, Commission, or Board may make a determination that material changes in conditions have occurred that may require the applicant/owner update information previously provided or provide additional analysis or study of specific issues identified.

Section 6-30-9: Application Acceptance, Agency Workshop and Review, Action by the Commission:

A. Application Acceptance:

1. Initial-Application Acceptance: The date of Elmore County's letter to the applicant indicating that all required elements are substantially complete in form, but not necessarily in compliance with this ordinance, shall be the date of initial-application acceptance. Initial-application acceptance shall be the date that establishes the applicable ordinance and Comprehensive Plan. Initial application acceptance does not indicate that the application requirements are approved or that positive findings can be made based on the application as submitted.
2. Final Application Acceptance: The date of Elmore County's letter to the applicant indicating that all required elements are deemed substantially complete for form and content and all fees have been paid shall be the date of final-application acceptance. Final application acceptance does not indicate the application requirements are approved or that the application will be granted approval in the future based on the application as submitted.
3. Upon final-application acceptance, a complete copy of the application shall be transmitted by the Growth and Development to the appropriate agencies and service providers as determined by the Director. Elmore County shall ask those agencies and service providers to review the proposed PC application and to provide comment to Elmore County regarding the proposed use.

B. Agency Workshop and Review: Within thirty (30) calendar days of receiving final-application acceptance, the applicant shall hold a workshop with the transmitted agencies and service providers as determined by the Director where the applicant shall provide a complete overview of the proposed PC and have sufficient staff present to answer specific questions regarding the proposed PC. Notice shall be sent to all agencies and service providers ten (10) calendar days prior to the workshop. Agencies and service providers are encouraged to attend but not required. Agencies are encouraged to comment within ninety (90) days. Agencies may provide written comment or oral testimony at anytime.

C. Action by the Commission: The Commission shall conduct a public hearing for a Comprehensive Plan amendment, zoning ordinance map amendment, zoning

ordinance text amendment and development agreement. The hearing shall be scheduled after the initial ninety (90) day agency review period.

Section 6-30-10: Action by the Board and Amendments:

- A. Action by the Board: After receipt of the final recommendation of the Commission, the Board shall after reviewing application materials and agency submittals, conduct a public hearing for a Comprehensive Plan amendment, zoning ordinance map amendment, zoning ordinance text amendment and development agreement. Following such hearings the Board may approve, approve with conditions, deny the application, send the application back to the Commission for more information, and stay the proceedings to obtain more information from the applicant, agency or others, conduct additional hearings or take such other actions as to be determined by the Board. Upon granting or denying the application, the Board shall specify:
1. The Ordinance and standards used in evaluating the application.
 2. The reasons for approval or denial.
 3. The actions, if any, that the applicant could take to obtain approval.
- B. Re-submittal: No application that has been denied by the Director, the Commission, or the Board shall be resubmitted, in the same form for the same use, within one year from the date of denial. The Director may waive the one-year requirement and accept a new application, where the subject property is affected by amendments to the applicable Comprehensive Plan or to this Title or as specified in this Chapter and Title.
- C. Planned Community Comprehensive Plan: The Planned Community Comprehensive Plan, (PCCP), if approved, shall be adopted as an amendment to the Comprehensive Plan and shall be used as a guide for the evaluation of each development application within the PC. The Planned Community Development Plan (PCDP) shall be included as addenda to the PCCP.
- D. Planned Community Zoning Ordinance: Planned Community Zoning Ordinance (PCZO), if approved by the Board, shall be used to regulate each development application within the PC.
- E. Zoning Ordinance Map Amendment The zoning ordinance map amendment, if recommended by the Commission, shall be adopted by the Board as an amendment to the Elmore County Zoning Ordinance.
- F. Amendments to a Planned Community: Applications for amendments to a PC by the applicant/owner, to add additional property into the boundaries of a PC, shall be

processed substantially in the same manner as an original application. . The zoning ordinance map amendment request shall not be granted prior to the third biennial review period.

1. The zoning ordinance map amendment request shall only be accepted when the qualified planner can demonstrate continued sustainability, and ensure that all potential impacts will be addressed and mitigated.
 2. The zoning ordinance map amendment request shall be submitted by the applicant/owner on the appropriate application form with fees and completed by a qualified planner with the biennial review application and fee.
 3. Noticed in compliance with this Chapter.
 4. Development of the additional property shall comply with the PCCP and PCZO.
 5. Development of the additional property shall contain the required open space and developed parks as directed by the ordinance that governed their original approval.
 6. The Board shall approve, approve with supplementary conditions, or deny the zoning ordinance map amendment request to add additional property in to the existing PC boundary during the biennial review as specified in this Chapter, titled Periodic Evaluation.
- G. An amendment to a PCCP, PCZO or a Zoning Ordinance Map Amendment shall only be initiated by one of the following:
1. The original applicant, owner, or the owner's successors and/or assignees.
 2. Property owners owning eighty (80%) percent or more of the land area within the PC.
 3. The Board pursuant to a recommendation of the Director or Commission.

Section 6-30-11: Periodic Evaluation:

- A. The applicant/owner shall submit a Biennial Review Application with the appropriate fees to the Director requesting initiation of the biennial review of the PC within twenty-four (24) months after approval of the PC and every two years thereafter until recordation of the last final plat in the final phase of the PC or until further biennial reviews are waived by the Board.

- B. The applicant/owner shall hold one (1) community meeting with the property owners and residents within the PC prior to preparing the report. The Director shall prescribe the application and review requirements prior to the review period.
- C. The Director shall evaluate the Biennial Review Application and recommendations and requests of the applicant/owner and report to the Board, at a noticed public hearing, the progress and anticipated long-term viability of the PC and any amendments or modifications required by the Board to protect health, safety and welfare or requested or anticipated by the applicant.
- D. The Board, in the course of evaluating the PC during the biennial review, pursuant to a request by the applicant and based on reliable information and evidence contained in the Director's report, may make a determination that material changes in conditions have occurred require updating of the PCCP, PCDP, PCZO, Planned Community Zoning Map, or the execution of new analyses or new studies of specific issues.
- E. In the event that the Board determines, based on reliable information and evidence contained in the Director's report, that the PC has not developed in substantial conformance with the PCCP, PCDP, or PCZO, or has caused undue adverse economic impacts on affected municipalities, or other agencies and/or districts, the Board may initiate hearings to investigate such matters and may, at the conclusion of such hearings, require the applicant to mitigate such undue adverse economic impacts. All such public hearings shall be scheduled and conducted in conformance with Idaho Code and this Chapter.

Section 6-30-12: Area of City Impact:

- A. Any incorporation, annexation, or inclusion of a PC within an Area of City Impact shall be processed in accord with applicable state law, the Comprehensive Plan and this Chapter. It is the intent of this Chapter to continue the implementation of the approved PCCP, PCDP and PCZO as a part of any inclusion of a PC within an area of city impact boundary.

Section 6-30-13: Process for Subsequent Development:

- A. Development within an approved PC shall be governed by the regulations and requirements of the approved PCCP and PCZO. Where zoning issues arise that are not addressed in the PCZO, the Elmore County Zoning Ordinance shall apply and govern.
- B. Despite any other regulations to the contrary, each phase of the PC shall comply with the general requirements of the approved PCCP, PCZO, and any specific regulations for that phase.

- C. Each phase shall not be approved unless the necessary essential public services for said phase, as specified in the approved PCCP and related documents, are provided to support the progress of the development, including said phase.
- D. No development shall be allowed prior to application, review, and approval of the final plat for the specific phase in which the development is located except as allowed by this Chapter or as specified by the PCZO.

Section 6-30-14: Other Requirements:

- A. All uses within the PC shall be served with a central wastewater collection and treatment facility utilizing an MBR, SBR, or other comparable system, and a community water system.
- B. All roads within the PC shall be paved; all roadway sections shall include sidewalks as well as bike lanes/paths. Variations to roadway sections may be allowed with Director approval and the approval of the applicable highway district.
- C. All utilities lines shall be installed underground including but not limited to telephone, cable and electrical systems. Exceptions to this requirement may be granted with Director approval.
- D. Dedicated open space, developed parks and trails shall be either held in a conservation easement with public access easements, managed and maintained by a professional company or dedicated to the public and retained as common open space for public safety, parks, recreation, and related public uses in compliance with this Chapter. Dedication to the public shall require Board approval with specific development timelines for parks and trails. In any event, the developer shall be responsible for the development or funding and maintenance of all required developed parks, open space and trail systems as required by this Chapter. Agreements may be considered by the Board to assign management and/or maintenance to a public municipality.

Section 6-30-15: Zoning Ordinance Map and Text Amendments:

- A. Zoning Ordinance amendments may be initiated by a PC Application or by action of the Board as provided by this Chapter and/ or Chapter 1 of the Elmore County Zoning Ordinance.
- B. Application and Review: The Board shall apply the standards listed in this Chapter to zoning ordinance map and text amendments.

1. Approval; Reversal of Action: If the Board approves a zoning ordinance map amendment pursuant to a request from a PC, the Board shall not subsequently reverse its action or otherwise change the zoning reclassification as set forth in Idaho Code § 67-6511(d).
 2. Final approval of a zoning ordinance map amendment and zoning ordinance text amendments shall be contingent upon an executed and recorded development agreement in compliance with this Chapter.
- C. Required Findings: Upon recommendation from the Commission, the Board shall make a full investigation and shall, at the public hearing, review the PC application. In order to amend the zoning ordinance map and zoning ordinance text based on the PC application, the Board shall make the findings set forth in the following subsection:
1. Findings to approve a zoning ordinance map amendment:
 - a. The proposed map amendment complies with the regulations outlined for this Chapter; and
 - b. The proposed map amendment shall not be materially detrimental to the public health, safety and welfare; and
 - c. The development agreement meets the requirements of this Chapter; and
 - d. The proposed map amendment does not conflict with the adopted Comprehensive Plan.
 2. Findings to approve zoning ordinance text amendment:
 - a. The proposed text amendment complies with the regulations outlined in this Chapter; and
 - b. The proposed text amendment shall not be materially detrimental to the public health, safety and welfare; and
 - c. The proposed Zoning Ordinance text amendment does not conflict with the PCCP.

Section 6-30-16: Development Agreement:

- A. Purpose:

1. Provide for the creation and administration of development agreements, as provided in I.C. § 67-6511A.
2. Provide for the application of conditions on zoning ordinance map amendments where such conditions shall satisfy the findings of fact and conclusions of law for zoning ordinance map amendments required by this Chapter.

B. Applicability and Process:

1. Applications for a zoning ordinance map amendment following a PC application shall require the concurrent submission of a development agreement application.
2. Process: An application and fees shall be submitted to the Director on forms provided by the Growth and Development Department. The application shall include the following materials:
 - a. An affidavit from the property owner(s) agreeing to the submission of the development agreement.
 - b. A legal description of the PC property subject to development agreement.
 - c. A project description of the uses proposed for the property subject to the development agreement describing the following:
 - i. The specific uses proposed for the property.
 - ii. The form and name, if available, of the organization proposed to own and maintain any dedicated open space.
 - iii. The proposed systems for water supply, sewage systems, and storm water management.
 - iv. The substance of the covenants, grants, easements or other restrictions proposed to be imposed upon the use of property and structures including any proposed easements for public utilities.
 - v. A project schedule and phasing plan showing the proposed times when all other applications subject to the development agreement are intended to be filed, or in the case of a plan which provides for development over a period of years, the periods within which application for final approval of each phase is intended to be filed.
 - vi. Proposed financing of necessary public facilities with or without subsequent reimbursement over time.
 - vii. Other terms and conditions related to the proposed project.
 - d. A draft development agreement prepared by the applicant in conformance with a model agreement provided by the Director.
 - e. The Director shall initially review the draft development agreement and forward it to the Commission. The Commission shall review the draft development agreement, make recommendations and attach conditions of approval as deemed necessary.

- f. The Director shall forward the development agreement, together with any recommendations and conditions of approval imposed by the Commission, to the Elmore County Prosecuting Attorney's Office for review before submission to the Board.
- g. The applicant or owner may sign the development agreement prior to submission to the Board for final action on the agreement.
- h. Upon approval by the Board, the development agreement shall be recorded in the office of the Elmore County Recorder. The PCCP, PCDP and PCZO shall be included as addenda to the development agreement.
- i. Approval of the zoning ordinance map amendment by the Board shall be contingent upon approval and recordation of the final development agreement.

C. General Regulations.

- 1. The Board is hereby authorized to adopt, by resolution, rules governing the creation, form, recording, modification, enforcement and termination of development agreements.
- 2. The allowed uses, densities and standards for develop agreements shall be those in effect on the date of initial-application acceptance as defined by this Chapter.
- 3. A development agreement shall not prevent the Board, in subsequent actions applicable to the PC, from adopting new ordinances, resolutions, and regulations that conflict with those ordinances, resolutions and regulations in effect at the time the agreement is made, except that any subsequent action by the Board shall not prevent the development of the PC as set forth in the approved development agreement.
- 4. The Board may suspend the issuance of any permits after a noticed public hearing if it finds that a clear and imminent danger to the public health, safety, or welfare requires the suspension or as otherwise directed by this Chapter.
- 5. In the event that state or federal laws or regulations, enacted after a development agreement has been entered into, prevent or preclude compliance with one or more regulations of the development agreement, such agreement may be amended or terminated pursuant to this Chapter, as may be necessary to comply with the new state or federal laws or regulations.

D. Required Findings. In order to approve the development agreement application, the Board shall find that the proposed development agreement complies with this Article and Title.

- E. **Periodic Review.** The Director shall periodically monitor the terms and conditions of the final development agreement. The time for review lies in the Director's discretion or as directed by the Board.
1. As part of the review, the applicant, owner or successor in interest shall be required to demonstrate good faith compliance with the final development agreement.
 2. If the Director finds that the applicant or owner has failed to perform or comply with the terms of the development agreement, the Director shall notify the applicant or owner of the failure of performance or compliance. If after ninety (90) calendar days, the applicant or owner has not made a good faith effort toward compliance with the terms of the agreement, the Director shall forward a notice of default in the conditions of the development agreement to the Board for review and action.
 3. If the Board finds and determines, on the basis of substantial evidence, that the applicant, owner or successor in interest has not complied in good faith with the terms and/or conditions of the final development agreement, action may be taken to terminate the agreement by the Board.
- F. **Amendment or Termination of Final Development Agreement.**
1. A final development agreement may be amended or terminated in whole or in part, by either a request of the parties to the agreement, or their successors in interest, with approval by the Board or by action initiated by the Board as set forth in this section.
 2. Notice of intention to amend or terminate any portion of the final development agreement shall be in accord with this section.
 3. To amend a development agreement, the Board shall make the findings required for amendment of the zoning ordinance map and/or text as set forth in this Chapter.
 4. The Board may terminate a final development agreement if one of the following applies:
 - a. The termination is requested by the parties to the agreement or their successors in interest, and the Board determines that the termination would not be materially detrimental to the general public, health, safety, and welfare of the county.

- b. The Board determines that the parties to the agreement, or their successors in interest, have failed to comply with the terms of the development agreement, and the Board determines that termination serves the interests of the general public, health, safety and welfare of the county.
5. The termination of a development agreement shall result in the reversal of the zoning ordinance map amendment approval and applicable development approval for any undeveloped portion of property subject to the development agreement. The undeveloped property subject to the development agreement shall be rezoned to the base district classification in effect prior to approval of the development agreement.
 6. The clerk of the Board shall record any action by the Board to amend or terminate a previously recorded development agreement in the office of the Elmore County Recorder.
- G: Recordation: Upon approval by the Board, the development agreement shall be recorded in the Elmore County recorder's office in compliance with this Title, and Chapter 29, Development Agreement (DA) Standards and Requirements, and the Planned Community Comprehensive Plan (PCCP), Planned Community Development Plan (PCDP), and Planned Community Zoning Ordinance (PCZO) shall be included as addenda to the Development Agreement.
- H. Final Approval: Approval of the zoning ordinance map amendment by the Board shall be contingent upon approval and recordation of the final development agreement.

Section 6-30-17: Subdivision Applications:

- A. Preliminary Plat Applications: The first preliminary plat application of a proposed PC may be reviewed concurrently with the PC application, provided the submitted application meets the following requirements:
1. The applicant shall submit a complete preliminary plat application with the applicable fees prior to the PC application receiving final-application acceptance.
 2. The preliminary plat and required findings shall be reviewed for compliance using the proposed PC subdivision ordinance.
 3. Final approval of the preliminary plat application shall be subject to the applicant receiving final approval by the Board of the PC application.

- B. Subsequent Preliminary Plat or Final Plat Applications: Subsequent review and approval of preliminary plat applications shall be subject to the provisions of the applicable PC subdivision ordinance.

Section 6-30-18: Additional Required or Concurrent Applications:

- A. Additional Required or Concurrent Applications: Any additional required application(s) may be submitted and shall be reviewed concurrently with the PC application provided the submitted application(s) meet the following requirements:
1. The applicant shall submit the additional application material and fees as required by this ordinance and approved by the Board prior to the PC application receiving final application acceptance.
 2. Final approval of additional required applications shall be contingent upon final approval of the PC application and an executed and recorded development agreement.

Section 6-30-19: Planned Community Application Required Findings:

- A. In order to approve a PC application, the Board shall make the following findings:
1. The proposal complies with the Comprehensive Plan, with special attention to the Land Use Section, titled Planned Communities and also complies with all other applicable local, state and federal laws and regulations.
 2. The proposed PC provides the necessary development tools to accommodate compatible, mixed-use, small-town or urban-type development while promoting connectivity and walkability.
 3. The proposed PC provides reasonable on-site commercial and community facilities and employment opportunities for its residents commensurate with its size.
 4. The PCCP addresses all required components and establishes design concepts for all aspects of the development.
 5. The PCDP complies with the zoning ordinance text amendment and follows the guidance of the PCCP.
 6. The PCDP provides for a variety of housing types and designs, including single family attached and detached, and multi-family.

7. The wildlife mitigation plan adequately avoids, reduces or mitigates any adverse impact on wildlife.
8. The financial plan provided by the applicant demonstrates that essential public services will be provided, created and financed by the PC or other agency or jurisdiction.
9. The PCDP and economic analysis demonstrate that upon build out, the PC contributes to the area's jobs-to-housing balance and places higher density housing near commercial centers.
10. The proposed PC complies with overlay districts specified in this Chapter and Title.
11. The PC has adequate facilities and programs to promote the use of alternative transportation both within the PC and outside of the PC boundaries.
12. The PCDP has adequately demonstrated that the PC will be served by a central wastewater collection and treatment facility and a community water system.
13. The PC has provided open space and developed parks that meet or exceed the minimum requirements and are adequate to serve the anticipated population. The proposed natural open space is adequate to preserve views, special sites, important natural features, riparian areas, wetland areas, wildlife habitat and rare plants. Phased non-residential uses and recreational opportunities will keep pace with housing.
14. The PC provides path and trail linkages between parks, schools, neighborhoods and commercial centers. The PC provides connectivity with nearby public trails and public lands where appropriate.
15. The phasing plan for development within the PC ensures the integrity of the PC is maintained at the end of each phase.
16. The proposed PC Planned Community provides adequate mitigation for all identified tax and/or fee revenue shortfalls and negative impacts to existing service providers.

Section 6-30-20: Fees:

- A. Fees: The Board shall establish fees, by resolution, for all zoning applications or petitions authorized by this Chapter.

- B. All persons making application for permits and other matters herein referred in this Chapter shall be required to submit to the Director an application on forms provided by the Growth and Development Department and accompanied by an application fee. No application shall be considered as accepted by the Director unless it is complete with all required information and fees.
- C. The date of final acceptance shall be the date the Growth and Development Department sends the final-application acceptance letter, notifying the applicant that the Director has received payment of the required fee and all of the required submittal information pursuant to this Chapter. Final acceptance does not guarantee application approval or that the application is compliant with this Chapter.
- D. Fees for pre-application work sessions and PC applications shall be negotiated by the Director with the Board, and approved by the Board by resolution.
- E. Additional fees shall be established, by resolutions, including, but not limited to: Floodplain Development, Vacations, Subdivisions (Preliminary/Final Plats), Wildlife Mitigation Reviews, Wildlife Mitigation Revisions, Biennial Reviews, Biennial Reviews with request to add additional property into the boundaries of a PC, Appeals, Subsequent Comprehensive Plan Map Amendments, Subsequent Comprehensive Plan Text Amendments, Subsequent Zoning Ordinance Text Amendments, Subsequent Zoning Ordinance Map Amendments, and Subsequent Development Agreement or Modification(s).
- F. Fees shall be reviewed by the Director periodically to ensure that the fees charged adequately cover department expenses, salaries and cost of living increases.