

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

CHAPTER 32– PLANNED UNIT DEVELOPMENT DISTRICT STANDARDS

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Section 6-32-1: Title:

- A. This Chapter shall be known as the Planned Unit Development District 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 6-32-2: Authority:

- A. This Planned Unit Development District 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 6-32-3: Provisions of Ordinance Declared to be Minimum Requirements:

- A. In their interpretation and application, the provisions of this Ordinance 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 ordinance conflict with the requirements of any other lawfully adopted rules, regulations, ordinances or resolutions, the most restrictive or those imposing the higher standards shall govern. To the extent the provisions of this Chapter conflict with the provisions of Elmore County Code, the provisions of this Chapter shall control.

Section 6-32-4: Purpose:

- A. The purpose of this Chapter is to provide standards for the review of Planned Unit Development District applications, and to, at the applicant's request, allow flexibility in land use, site design and dimensional standards to develop residential, commercial, office and/or light industrial uses not allowed individually within a specific zoning. These uses shall be implemented by the Planned Unit Development District Conceptual Development Pattern Maps, ordinance and development agreement. The proposed development shall be compliant with the specific goals and policies of the Comprehensive Plan, contained in Chapter 5 –PUD and PUDD Development.

Section 6-32-5: Regulations Establishing Permitted Uses, Applicability, Work Sessions and Application Requirements:

- A. Permitted Uses: Permitted uses are restricted to the following standards:
1. Uses within the Planned Unit Development District (PUDD) shall be compatible with existing and proposed land uses and shall provide more efficient, aesthetic and desirable use of open space and recreational opportunities. Those uses that may be allowed within the zoning district may be permitted within the PUDD. With Board approval, Use Exceptions up to thirty (30%) percent of the gross land area may be directed to residential, commercial, office, industrial, public and quasi-public uses that are not allowed within the zoning district.
 2. All types of residential development are compatible with residential development regardless of density or dwelling type. All types of residential development shall be allowed within a PUDD, including but not limited to detached, semi-detached, attached, and multi-family or any combination thereof. Protection of existing neighborhoods and non-compatible uses shall require buffering. Buffering techniques including but not limited to screen planting, open space and landscaping.

3. The goal of a PUDD is to provide a variety of housing options at a variety of pricing points. Higher densities provide for more affordable housing and transit options. PUDDs are required to provide a minimum net density of six to eight (6 to 8) dwelling units per acre (DU/A). There shall be no maximum DU/A density. Higher density residential development greater than eight (8) DU/A and senior housing options are encouraged within the PUDD. Higher density development shall be reviewed and approved based on its flexibility, imaginative and creative use and design, harmonious variety of housing opportunities proposed and the level of urban amenities coupled with the conservation of open space and developed parks.
4. PUDDs are a special form of development, and mixed-use development is encouraged. Uses such as residential, commercial, office and industrial uses within the PUDD are encouraged.
5. Non-residential uses allowed through a Use Exception are encouraged to be designed to serve primarily the residents of the PUDD and surrounding area; such uses shall be compatible with and harmoniously incorporated into the design of the PUDD.
6. PUDD development that excludes residential development may be allowed provided the applicant can demonstrate that the proposed PUDD is of such scale that it would provide needed services or jobs, and is sufficiently well designed to accomplish the intent of this Ordinance with respect to adjoining land uses both existing and anticipated.
7. All uses shall be in conformance with the PUDD Development Plan and Elmore County Zoning and Development Ordinance pursuant to the procedural and regulatory provisions of this Chapter and the PUDD Ordinance.
8. All uses within the PUDD shall be served by a central wastewater collection and treatment facility as well as a community water system.
9. All roads shall be paved; all roadway sections shall include sidewalks and bike lanes/paths. Variations to roadway sections may be allowed with recommendation from the Director approval of the Board.
10. All utilities shall be installed underground including but not limited to telephone, cable and electrical systems. Exceptions to this requirement may be granted for aboveground water storage reservoirs or other similar uses with recommendation from the Director approval of the Board.
11. 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.

12. Joint parking facilities for commercial, office or industrial uses shall be provided with sufficient landscaping and screening and shall provide common access points to public streets. Sufficient landscaping shall be provided for all parking, loading, and outdoor storage areas.
13. Commercial, office and industrial structures shall not exceed a gross floor area of twenty thousand (20,000) total square feet in any one building unless authorized by the Board. Sufficient landscaping, setbacks and buffering shall be provided when located adjacent to residential uses.
14. Commercial, office and industrial structures shall have common design themes and elements and shall be developed in a park-like setting, clustered wherever possible to preserve open space as well as reduce thoroughfares and through traffic.

Section 6-32-6: Applicability:

- A. The following regulations and standards shall apply to applications for Planned Unit Development Districts:
 1. The PUDD shall contain a minimum of one hundred sixty (160) contiguous acres under one ownership or control.
 2. The PUDD shall be located within an existing area of city impact. The jurisdictional municipality shall be notified of meetings, work sessions and any other activities concerning the PUDD. The City representatives will be encouraged to become active participants in the process. The PUDD may be located within multiple areas of city impacts provided the PUDD boundary is contiguous. A portion of a contiguous PUDD boundary may be outside an area of city impact within Elmore County provided that the portion outside the area of impact is contained within an existing legal parcel of record boundary or less than thirty-three (33%) percent of the gross acreage being proposed by the PUDD.
 3. The PUDD shall not be located in the Air Base Hazard Zone (ABHZ), or Air Base Commercial Zone (ACZ) zoning classifications as set forth on the Comprehensive Plan Land Use Map.

4. An application for a PUDD shall be signed by the property owner(s) having a legal interest in the property to be included in the PUDD 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 a signed affidavit of legal interest giving such permission.

Section 6-32-7: Work Session and Noticing Requirements: The applicant shall complete a minimum of two (2) pre-application work sessions with planning staff and city officials or more as required by the Director. The Director encourages multiple work sessions with identified agencies, city officials and landowners located within one thousand (1,000') feet of the proposed PUDD boundary, prior to submittal of an application for a PUDD.

- A. Prior to holding the first pre-application work session with the County, the applicant shall meet with the Director and city officials to discuss the proposed PUDD. The pre-application work sessions shall not commence until the applicant or owner submits the pre-application work session form and fee adopted by the Board upon the recommendation of the Director. The pre-application work session fee for a PUDD 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 expert consultant that the county deems necessary to process and consider the application.
- B. The purpose of the required pre-application work sessions with planning staff and identified agencies is to develop communication between staff, identified agencies, city officials and the applicant regarding existing site conditions, project design, current zoning regulations, potential environmental impacts, potential mitigation measures, general consistency with local, state and federal regulations and the Comprehensive Plan as well as any other relevant issues of the proposed project. One of the work sessions shall include a site visit with planning staff and the applicant.
- C. The applicant shall hold a minimum of one (1) neighborhood meeting where all property owners within one thousand (1,000') feet of the proposed boundary, or a greater distance determined by the Director, are invited. The pre-application neighborhood meeting(s) shall comply with the requirements of this Chapter.

Section 6-32-8: Application Requirements: The application for a PUDD shall be submitted to the Director with the appropriate fees and shall contain all elements and sub-elements required by this section. The Director shall determine the number of application copies required for submittal as well as the printed and electronic formats required.

- A. **Element A, Fees:** The applicant or owner shall submit the fee for the PUDD application subsequent to a recommendation of the Director and adoption by the

Board. The fee for a PUDD 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 Unit Development District Land Use Map and an Intensity and Density Map: The applicant shall submit land use maps as detailed below in sufficient detail where these maps and guidelines shall govern development within the PUDD. These maps shall be hereafter referred to as the "Planned Unit Development District Conceptual Development Pattern Maps".

1. A conceptual land use map showing the proposed general land use patterns within the PUDD boundary including any proposed Use Exceptions. When developing this map, the applicable Comprehensive Plan Land Use Map should be considered. The map shall include proposed land uses districts in sufficient detail to be the land use map for the PUDD. The land use map shall govern development within the PUDD utilizing the land use matrix, which indicate neighborhood(s) as well as the minimum and maximum percentage of densities proposed in each land use district, guided by the conceptual densities and intensities map. The land use map shall include:
 - a. A land use matrix indicating neighborhoods and the minimum and maximum percentage of residential densities proposed by each residential land use district.
 - b. The circulation system proposed within the PUDD boundary indicating proposed arterials and collectors, including connectivity systems and opportunities to surrounding properties and public lands.
 - c. Trails, paths and open space.
2. A conceptual densities and intensities map modeled after the conceptual land use map showing the proposed general densities and intensities within the PUDD boundary by neighborhood and district in sufficient detail to be used as a conceptual zoning map. The map shall include:
 - a. The circulation systems within the PUDD boundary including proposed arterials and collectors, including connectivity systems and opportunities to surrounding properties and public lands.
 - b. Trails, paths, and open space.

- c. A conceptual transportation and mobility plan demonstrating internal and external community connectivity. Illustrations depicting all proposed street, trail and path cross-sections including the size and design proposed for each section. A key map indicating where each proposed arterial and collector street sections as well as each trail and path sections would be used. The plan shall also address alternative transportation options for the PUDD.

C. Element C, Zoning Ordinance Map: The applicant shall submit a zoning ordinance map amendment to identify the PUDD boundaries and designate the area as “PUDD”. The map amendment application shall include a legal description of the PUDD exterior boundaries.

1. A draft development agreement that meets the requirements of this Chapter shall be submitted with the zoning ordinance map amendment. To the extent the provisions of this Chapter conflict with the provisions of the Elmore County ordinances, the provisions of this Chapter shall control.
2. The Planned Unit Development District Maps described by this section shall govern the land use and development patterns within the PUDD zoning ordinance map amendment.

D. Element D, Zoning Ordinance Text: The applicant shall submit a zoning ordinance text amendment that includes elements 1-13 of this section. The zoning ordinance text amendment shall govern development of the PUDD:

1. Purpose statement.
2. Applicability (regulations apply in areas identified on the official Planned Unit Development District Maps.)
3. Setback areas.
4. Structure height and bulk.
5. Structure and impervious surface coverage.
6. Property/lot size.
7. Landscaping requirements, including but not limited to standards for beautification along state highways, arterials, collector streets, and local streets.
8. Open space and developed park requirements with the minimum standards required by this Chapter.

9. Street frontage and access requirements.
10. On and off-street parking requirements.
11. Standards for energy and water conservation.
12. Grading requirements.
13. Process for subdivision development and approval.

E. Element E, Planned Unit Development District Plan: The applicant shall submit a development plan that includes sub-elements 1- 10 as listed below, hereafter referred to as the applicant's "Planned Unit Development District Plan." These documents shall provide sufficient information to evaluate development within the PUDD.

1. A natural features analysis as set forth in this Chapter. All technical reports and studies shall be prepared and signed by qualified experts as defined in this Chapter in each relevant field. The analysis shall include:
 - 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 United States Geological Survey 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 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 by ~~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.
- a. Narrative describing how the proposed uses are compatible. If Use Exceptions are requested, a narrative shall be required describing the proposed Use Exceptions and, if granted, how they would provide for flexibility, imaginative and creative land use and design that would benefit the PUDD and surrounding community.
 - b. The residential uses shall include a variety of housing options at a variety of pricing points, such as, but not limited to, single family detached, multifamily, condominiums, apartments, live/work, or mixed use. The narrative and the plan shall describe the proposed quantity of building types and designs, including proposed price points.

- c. Narrative describing commercial nodes if applicable and community gathering areas, parks and open space sized to meet the needs of the PUDD.
3. A map showing existing land uses and current zoning for all parcels abutting the PUDD perimeter.
4. A narrative assessment of the proposed land-use, public services available, private services proposed, environmental and transportation impacts associated with the proposed PUDD.
5. A narrative describing the anticipated population and household demography of the PUDD at build-out.
6. Design Concepts:
 - a. Narrative and illustrative or pictorial examples of proposed central design concepts for all proposed development to include residential, commercial and institutional development in sufficient detail to guide land use development and integrate the proposed mixture of land uses.
 - b. Narrative describing predevelopment site conditions, careful placement of public and quasi-public land uses, open space areas, developed parks and landscaping.
 - c. Narrative of construction and placement of all improvements indicating how it will utilize on-site materials to balance the fills and cuts, thereby limiting the need to truck material to the site from off-site locations.
 - d. Narrative demonstrating where the development footprint meets the existing grade, how visual impacts and natural features of the development will be enhanced by rounding finished grade contours to blend with the existing slopes, requiring that building pads be designed to follow the natural contours by requiring contour or landform designs, ensuring grading practices are designed to minimize visual impacts and requiring hillside and ridge side building foundations and designs to be stepped with the natural grade contours by minimizing cuts to improve visual aesthetics.
7. Community services and utilities plan:
 - a. Narrative describing the routing and the proposed points of connection for electric service, natural gas service, storm drainage and flood control systems, central wastewater treatment and collection facilities, community water

system, irrigation, telephone, internet, television cable, public safety services and public transportation services.

- b. Wastewater Collection Systems and Community Water Systems may be developed by the PUDD; however the PUDD would be encouraged to connect to existing city services whenever possible.
 - i. Wastewater Collection Systems supplied by the PUDD shall prohibit lagoon waste treatment facilities or systems, septic tanks and/or septic systems. MBR, SBR or existing municipal sewer systems shall be allowed when developed by the PUDD and only when a plan has been submitted describing how the proposed Wastewater Collection System will be managed by a professional company with specific details regarding the operation and management, accompanied by a financial plan that includes the initial construction costs, funding source, ongoing maintenance costs, operational costs, projected profit and loss. The Commission and Board may also consider wastewater treatment systems other than MBR or SBR systems provided the proposed systems are similar in design, water quality output or further advance wastewater treatment systems through technological advances. Community Water System supplied by the PUDD shall be accompanied by a plan describing how the proposed Community Water System will be managed by a professional company with specific details regarding the operation and management, accompanied by a financial plan that includes the initial construction costs, funding source, ongoing maintenance costs, operational costs, projected profit and loss.
8. Open space, parks and trail requirements: Open space and parks are required as indicated in this Chapter. Alternative options may be considered, such as but not limited to, contributing funds or land to enhance or further develop an existing regional park or a city park system or plan. Alternative options may be proposed for up to a fifty (50%) percent of the amount of open space or developed parks required by this Chapter. Alternative options shall be submitted to the Director for review and approval. The Director's decision shall be submitted to the applicant in writing within forty-five (45) days of receipt of said request. Appeals of the Director's decision by the PUDD applicant shall suspend the PUDD application review process until the appeal process has been exhausted.
 - a. A plan demonstrating how the open space, developed parks and trails would be managed and maintained and how they will be protected from development into perpetuity.
 - b. A minimum of ten (10%) percent of the total gross area within the PUDD shall be dedicated to natural open space, with additional natural open space adequate to address the protection of unique natural features.

- c. A minimum of ten (10) acres per one thousand (1,000) population of developed parks based on the proposed demographics per dwelling unit within the PUDD at build-out.
 - d. Narrative shall be submitted describing how dedicated open space, natural open space, developed parks and trails meet the intent of this ordinance and the needs of the PUDD.
 - e. A table listing the description of the types and sizes of parks and how the parks are located to provide a reasonable walking distance from residences.
 - f. A conceptual map showing the location of all parks keyed to the table of types and sizes proposed.
 - g. A conceptual trails plan that provides connectivity between neighborhoods, parks and other land uses where connectivity with adjoining or nearby public trails and public lands is considered
9. Phasing plan: Adequate essential public services shall be provided for each final plat within the 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. A phasing plan map and narrative shall be submitted indicating the sequence of development, anticipated commencement and completion times of each phase, by land use type(s), total area within each phase, anticipated population levels by phase, and essential public services required by each phase.
 - 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 and/or owner.
 - c. Narrative shall be provided demonstrating how the proposed phasing shall be accomplished so that the integrity of the PUDD is maintained at the end of any single phase.
 - d. Narrative shall also demonstrate how phased non-residential uses and recreational opportunities will keep pace with residential uses and community needs.
10. Storm Water Management:
- a. A generalized narrative shall be submitted illustrating how the PUDD will maintain natural runoff rates, reduce erosion and flood hazard and maintain

the area's water quality and recharge capabilities. Specific storm water management plans and details shall be required with each preliminary plat.

F. Element F, 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.

G. Element G, Updating Information: The Director, Commission, or Board may make a determination that material changes in conditions have occurred that may require updating information previously provided, and/or requiring additional analysis or study of specific issues identified

Section 6-32-9: General Provisions and Process:

A. Neighborhood Meeting Requirements: The purpose of the neighborhood meeting shall be to review the proposed Planned Unit Development District.

1. The 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.
2. The meeting shall be held at one of the following locations:
 - a. On the subject property;
 - b. At the nearest available public meeting place including, but not limited to, fire station, library, or community center; or
 - c. At an office or commercial space with suitable meeting facilities if such facilities are within five miles of the nearest public meeting place.
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.

B. 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 PUDD application and to provide comment to Elmore County regarding the proposed use.
- C. 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 PUDD and have sufficient staff present to answer specific questions regarding the proposed PUDD. 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.
- D. 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 6-32-10: 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. Resubmittal: 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 to this Chapter or as specified in this article and Title.
- C. PUDD Conceptual Development Pattern Maps: The Planned Unit Development District Conceptual Development Pattern Maps, if approved by the Board subsequent to a recommendation from the Commission, shall be adopted by resolution as an amendment to the Comprehensive Plan and used as a guide for the evaluation of each development application within the PUDD. The PUDD Plan shall be included as addenda to the Planned Unit Development District Conceptual Development Pattern Maps.
- D. PUDD Zoning Ordinance Text: The PUDD Zoning Ordinance, if approved by ordinance of the Board subsequent to a recommendation from the Commission, shall amend the Elmore County Zoning Ordinance and shall be used to regulate each development application within the PUDD as applicable.
- E. Amendments to Zoning Ordinance Map: 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 PUDD:
1. Applications for amendments to a PUDD, by the applicant/owner, or to add additional contiguous property into the boundaries of a PUDD, shall be processed and reviewed by the Board during the biennial review period.
 2. An amendment to a PUDD, PUDD Ordinance or PUDD Conceptual Development Pattern Maps may be initiated by one of the following:
 - a. The original applicant, owner or the owner's successors and/or assignees,
 - b. Property owners owning eighty (80%) percent or more of the land area within the PUDD,

- c. The Board pursuant to a recommendation of the Director during the biennial review hearing.

Section 6-32-11: Approval and Periodic Evaluation:

- A. Approval; Reversal of Action: If the Board approves a zoning ordinance map amendment pursuant to a request from a PUDD, the Board shall not subsequently reverse its action or otherwise change the zoning classification as set forth in I.C. § 67-6511(d).
- B. The applicant /owner shall submit a Biennial Review Application completed by a qualified planner with the appropriate fees to the Director requesting initiation of the biennial review of the PUDD within twenty-three (23) months after the recordation of the first final plat of the PUDD and every two years thereafter until the recordation of the final plat in the final phase of the PUDD or until further biennial reviews are waived by the Board.
- C. The Director shall prescribe the application and review requirements prior to the review period.
- D. The Director shall evaluate the Biennial Review Application and report to the Board, at a noticed public hearing, the progress of the PUDD and any request modifications to the approved PUDD application required by the Board to protect health, safety and welfare or requested or anticipated by the applicant.
- E. The Board, in the course of evaluating the PUDD development, pursuant to a request by the applicant and based on reliable information from the qualified planner and evidence contained in the Director's report may make a determination that the inclusion of contiguous land into the boundaries of a PUDD are warranted. The Board may also indicate that material changes in conditions have occurred that require updating of the PUDD boundary, PUDD Ordinance or PUDD Conceptual Development Pattern Maps, or the execution of new analyses or studies of specific issues.
- F. In the event that the Board determines, based on reliable information from the qualified planner and evidence contained in the Director's report, that the PUDD has not been developed in substantial conformance with the PUDD, PUDD Ordinance or PUDD Conceptual Development Pattern Maps, 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 the Idaho Code and the Elmore County Planning and Zoning Ordinance.

- G. There shall be no time limit placed on the final platting of approved PUDD preliminary plats as long as the applicant/developer shows progress by submitting a final plat for a portion of the approved preliminary plat every twenty-three (23) months and at least 80% of the approved preliminary plat must be finally platted within ten (10) years. When less than eighty (80%) percent of the approved preliminary plat has not been finally platted within ten (10) years, the non-final platted portion of the preliminary plat shall become null and void. The Board may grant a one (1) time, additional twenty-three (23) month extension during a biennial review, upon a recommendation by the Director.

Section 6-32-12: Incorporation, Annexation, or Inclusion:

- A. Any incorporation, annexation, or inclusion of a PUDD into a city shall be processed in accord with applicable state law.
- B. Applications for amendments to a PUDD, by the original applicant, owner or the owner's successors and/or assignees to add additional property into the boundaries shall be governed by this Chapter.

Section 6-32-13: Process for Subsequent Development:

- A. Development within an approved PUDD shall be governed by the regulations and requirements of the approved PUDD, PUDD Ordinance and PUDD Conceptual Development Pattern Maps. Where zoning issues arise that are not addressed in the PUDD zoning ordinance amendment, this Chapter shall apply and govern. This Chapter shall only be repealed or amended by specific ordinance repealing or amending this Chapter or specific amendment to other Elmore County ordinances required to enforce compliance with this Chapter.
- B. Despite any other regulations to the contrary, each phase of the PUDD shall comply with the general requirements of the approved PUDD Ordinance and PUDD Conceptual Development Pattern Maps as well as the specific regulations for that phase.
- C. Each phase shall not be approved unless all necessary essential public services for said phase are available, as specified in the approved PUDD application, PUDD Conceptual Development Pattern Maps, and related documents, to support the development as it proceeds.
- 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.

Section 6-32-14: Zoning Ordinance Map and Text Amendments:

Process: Zoning Ordinance amendments may be initiated by a PUDD Application or by action of the Board as provided by this Chapter and/or Chapter 1 of the Elmore County Zoning Ordinance.

- A. Zoning Ordinance Amendment Initiated by the Board: The Board may propose amend this title as provided by this Chapter and/or Chapter 1 of the Elmore County Zoning Ordinance
- B. The Applicant/owner shall complete all work sessions as required by this Chapter prior to submittal of an application for a zoning ordinance map or text amendment.
- C. Application; Review: The Board shall apply the standards listed in this Article for map and text amendments.

Required Findings: Upon recommendation by the Commission, the Board shall make a full investigation and following a public hearing, review the PUDD application. In order to grant a PUDD Map and/or Text Amendment, the Board shall make the following findings:

- 1. Findings to approve a zoning ordinance map amendment:
 - a. The zoning ordinance map amendment, PUDD District complies with the regulations outlined for this Chapter.
 - b. The zoning ordinance map amendment, PUDD District is not materially detrimental to the public health, safety and welfare. .
 - c. The development agreement meets the requirements of this Chapter.
- 2. Findings to approve zoning ordinance text amendment:
 - a. The zoning ordinance text amendment complies with the regulations outlined in this Chapter.
 - b. The zoning ordinance text amendment is not materially detrimental to the public health, safety and welfare.

Section 6-32-15: Development Agreement:

Purpose:

- A. Provide for the creation and administration of development agreements, as provided in I.C. § 67-6511.
- B. 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.

Applicability and Process:

- A. Applicability: All applications for a zoning ordinance map amendment to a PUDD district shall require a concurrent submission of a development agreement application.
- B. Process: An application and fees, as set forth in this Chapter, shall be submitted to the Director on forms provided by the Growth and Development Department. The application shall include the following materials:
 - 1. An affidavit by the property owner(s) agreeing to the submission of the development agreement.
 - 2. A legal description for the PUDD property boundary subject to the development agreement.
 - 3. A project description of the uses proposed for the property subject to the development agreement describing the following:
 - a. The specific uses proposed for the property.
 - b. The form and name if available, of the organization proposed to own and maintain any dedicated open space.
 - c. The proposed systems for water supply, sewage systems and storm water management.
 - d. 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.
 - e. 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 a development over a period of years, the periods within which application for final approval of each phase is intended to be filed.
 - f. Proposed financing of necessary public facilities with or without subsequent reimbursement over time.
 - g. Other terms and conditions related to the proposed project.
 - 4. A draft development agreement prepared by the applicant in conformance with a model agreement provided by the Director.

5. 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.
6. The Director shall forward the development agreement with the conditions of approval imposed by the Commission, if any, and the recommendation of the Commission, for review by the attorney of Elmore County before the Board acts on the final development agreement.
7. The applicant or owner may sign the development agreement prior to Board action on the final development agreement.
8. Upon approval by the Board, the development agreement shall be recorded in the office of the Elmore County Recorder. The PUDD Ordinance and PUDD Conceptual Development Pattern Maps shall be included as addenda to the development agreement.
9. Approval of the zoning ordinance map amendment by the Board shall be contingent upon approval and recordation of the final development agreement.

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 applicable ordinance and Comprehensive Plan 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 PUDD, 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 PUDD 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 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.

Required Findings.

In order to approve the development agreement application, the Board shall find that the proposed development agreement complies with this Article.

Periodic Review. The Director shall monitor the terms and conditions of the final development agreement as set forth in this Chapter and the final development agreement. A more frequent review may be undertaken in the Director's discretion or at the direction of 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 this agreement, the Director shall notify the applicant or owner of the failure of performance or compliance. If after ninety (90) days, the applicant or owner has not made a good faith effort toward compliance with the terms of this 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.

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 required finding as specified in this Article and Chapter for approval of an amendment to the final development agreement.

4. The Board may terminate a final development agreement if one of the following applies:

1. 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.
2. 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.
3. 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.
4. 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.

Section 6-32-16: Subdivision Applications:

- A. Preliminary Plat Applications: The first preliminary plat application of a proposed planned unit development district may be submitted and shall be reviewed concurrently with the PUDD application provided the submitted application meets the following requirements:
 1. The applicant shall submit a preliminary plat application with the applicable fees, subject to the fee schedule contained in this Chapter, prior to the PUDD application receiving final-application acceptance.
 2. The preliminary plat and required findings shall be reviewed for compliance using the proposed PUDD subdivision ordinance.
 3. Final approval of the preliminary plat application shall be subject to the applicant receiving final approval by the Board of the PUDD application.
- B. Subsequent Preliminary Plat or Final Plat Applications: Subsequent preliminary plat and final plat applications shall be subject to the provisions of the applicable PUDD subdivision ordinance.
 1. Subsequent subdivision applications shall be subject to the fee schedule contained in this Chapter.

Section 6-32-17: Subdivision Additional Required or Concurrent Applications:

- A. Additional Required or Concurrent Applications: Additional required applications may be submitted and shall be reviewed concurrently with the PUDD application provided the submitted application(s) meet the following requirements:
1. The applicant shall submit any additional application material as required by Elmore County Code and fees as shown on the fee schedule contained in this Chapter prior to the PUDD application receiving final-application acceptance.
 2. Final approval of additional required applications shall be contingent upon final approval of the PUDD application and executed development agreement.
 3. Subsequent preliminary plat or subdivision applications shall be subject to the provisions of the applicable PUDD ordinance and fee schedule contained in this Chapter.

Section 6-32-18: Planned Unit Development District Application Required Findings:

Required Findings: In order to approve a PUDD application, the Board shall make the findings:

1. The PUDD complies with Comprehensive Plan, Land Use Section, titled Planned Unit Development District and all other applicable local, state and federal plans and regulations.
2. The PUDD provides for a variety of housing types and designs, including single family attached and detached, and multi-family.
3. The PUDD application demonstrated that all essential public services will be provided, created and financed by the PUDD or other agency or jurisdiction.
4. The PUDD complies with applicable overlay districts specified in this Chapter.
5. The PUDD has an adequate plan that demonstrates the all uses would be served by a central wastewater collection and treatment facility and a community water system.
6. The PUDD has provided open space and developed parks that meet or exceed the minimum requirements and are adequate to serve the anticipated population.

7. The PUDD provides path and trail linkages between parks, schools, neighborhoods and commercial centers; and provides connectivity with nearby public trails and public lands where appropriate.
8. The phasing plan ensures the integrity of the PUDD is maintained at the end of each phase.
9. The PUDD complies with all applicable county, state, and federal plans and regulations.
10. The PUDD sets forth sufficient and adequate mitigation for the identified impacts on municipalities and other agencies and/or districts.
11. The PUDD provides land development and uses that will accommodate population growth within Elmore County.
12. The PUDD design and arrangement of uses conforms to the natural features analysis and identified constraints and opportunities.
13. The proposed PUDD is compatible with abutting land uses.
14. The PUDD design includes clustering of land uses to achieve density transfer of residential units away from physical constraints or hazardous areas while providing for aesthetic and desirable use of open space and recreational opportunities.
15. The PUDD contains appropriate modifications of dimensional standards to achieve dedicated open space, providing for amenities not found in traditional subdivisions.
16. The PUDD provides a variety of housing options at a variety of pricing points with a minimum net density of six to eight (6 to 8) dwelling units per acre.
17. The PUDD Non-residential uses allowed through a Use Exception were designed to serve primarily the residents of the PUDD or the surrounding area, and are compatible and harmoniously incorporated into the design of the PUDD.
18. The proposed roads within the PUDD will be paved and roadway sections will include sidewalks and bike lanes/paths, except as modified by the Director in compliance with this Chapter.
19. All utilities are designed to be installed underground including but not limited to telephone, cable and electrical systems, except as modified by the Director in compliance with this Chapter.

20. Dedicated open space, developed parks and trails are either held in a conservation easement with public access easements, managed and maintained by a professional company or dedicated to the public in compliance with this Chapter.
21. The PUDD provides for joint parking facilities for commercial, office or industrial uses with sufficient landscaping and screening and common access points to public streets.
22. The PUDD provides sufficient landscaping for all parking, loading and outdoor storage areas.
23. Commercial, office and industrial structures do not exceed a gross floor area of 20,000 total square feet in any one building unless authorized by the Board, and sufficient landscaping, setbacks, and buffering is provided when located adjacent to residential uses.
24. Commercial, office, and industrial structures shall have common design themes and elements and are developed in a park-like setting, clustered wherever possible to preserve open space, and reduce thoroughfares and through traffic.

Section 6-32-19: Fees:

Fees: The Board shall, by resolution, establish fees for all zoning applications or petitions authorized by this Chapter and Title. The Fees scheduled shall be titled Department of Growth and Development, Planned Unit Development District Fees.

- A. All persons making application for permits and other matters herein referred in this Chapter and Title 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 as set forth in this Chapter. No application shall be considered as accepted by the Director unless it is complete with all required information and fees.
- B. The date of final acceptance shall be the date of the PUDD final application acceptance letter sent by the Growth and Development Department notifying the applicant that the Director has received payment of the required fee and all of the required submittal information pursuant to this Chapter.
- C. Fees for Pre-application Work Sessions and PUDD Applications shall be negotiated by the Director with the Board, and approved by the Board of Elmore County pursuant to the provisions of this Chapter.
- D. Additional fees shall be established but not limited to: Floodplain Development, Vacations, Subdivisions (Preliminary/Final Plats), Biennial Reviews, Biennial Reviews with Annexation Request, Appeals, Subsequent Zoning Ordinance Text

Amendments, Subsequent Zoning Ordinance Map Amendments and Subsequent Development Agreement or Modification(s).

- E. Fees shall be reviewed by the Director periodically to ensure that the fees charged adequately cover department expenses, salaries and cost of living increases.