

**TITLE 10
ELMORE COUNTY SUBDIVISION REGULATIONS
ZONING AND DEVELOPMENT ORDINANCE**

- CHAPTER 1 – SUBDIVISION REQUIREMENTS AND REGULATIONS**
- CHAPTER 2 – FARM DEVELOPMENT RIGHT**
- CHAPTER 3 – LETTER OF INFORMATION FOR DIVISION OF PROPERTY**
- CHAPTER 4 – PROPERTY BOUNDARY LINE ADJUSTMENT**
- CHAPTER 5 – PUBLIC AND PRIVATE ROADS**
- CHAPTER 6 – MASTER SITE PLAN**
- CHAPTER 7 – LANDSCAPING**
- CHAPTER 8 – COMMON DRIVEWAYS, DRIVEWAYS AND FLAG LOTS**
- CHAPTER 9 – CLUSTER SUBDIVISION**
- CHAPTER 10 – OPEN SPACE REQUIREMENTS**
- CHAPTER 11 – PLANNED COMMUNITY (PC) STANDARDS**
- CHAPTER 12 – PLANNED UNIT DEVELOPMENTS (PUD) STANDARDS**
- CHAPTER 13 – PLANNED UNIT DEVELOPMENT DISTRICT (PUDD)
STANDARDS**

CHAPTER 1– SUBDIVISION REQUIREMENTS AND REGULATIONS

Sections:

- 10-1-1: Purpose**
- 10-1-2: Applicability**
- 10-1-3: Process**
- 10-1-4: General Design Standards**
- 10-1-5: Blocks**
- 10-1-6: Lots**
- 10-1-7: Property and Access**
- 10-1-8: Alleys, Public, and Private**
- 10-1-9: Private and Common Driveways**
- 10-1-10: Public and Private Roads**
- 10-1-11: Drainage**
- 10-1-12: Easements**
- 10-1-13: Watercourses**
- 10-1-14: Flood Hazard Overlay**
- 10-1-15: Required Improvements and Owner's Responsibility**
- 10-1-16: Monument Requirements**
- 10-1-17: Streets and Other Improvements**
- 10-1-18: Preliminary Plat Specifications**
- 10-1-19: Final Plat Specifications**
- 10-1-20: Required Findings**
- 10-1-21: Vacation, Total or Partial, Of a Recorded Subdivision Plat**
- 10-1-22: Surety and Surety Agreement**
- 10-1-23: Land Divided by Judicial Court Division (Court Order)**

Section 10-1-1: Purpose:

The purpose of this Chapter is to provide uniform standards for the subdivision of property, to protect property, and to protect the health, safety, and general welfare of the people of Elmore County.

Section 10-1-2: Applicability:

- A. Subdivision in Unincorporated Areas: This Chapter shall apply to the subdivision of all property within the unincorporated area of Elmore County except as may be modified or exempted by this Ordinance.
 - 1. No plat or any instrument passing title to any portion of a plat shall be offered for recording unless approved in accordance with the regulations of this Ordinance; and

2. Within the General Agriculture/Grazing/Forest (AG), Recreation/Tourism District (Rec), and Rural Residential and Mixed use (RR/MU) the applicant may choose to do a cluster subdivision or standard subdivision; and
 3. Prior to application for a subdivision, a Conditional Use Permit must be approved allowing the division of the parcel.
- B. Unlawful: It shall be unlawful to make a subdivision of property until the requirements of this Ordinance are satisfied.
- C. Exceptions: The following divisions of property shall not constitute a subdivision:
1. A property boundary adjustment in accordance with the provisions and as defined by this Ordinance; and
 2. An approved one-time division in accordance with this Ordinance; and
 3. The division of property as a result of condemnation, as defined and allowed in Idaho Statute; and
 4. The expansion or acquisition of street rights of way by a public highway agency; and
 5. An approved farm development right in accordance with the regulations of this Ordinance; and
 6. Abutting parcels that qualify as an exception to the contiguous parcel regulation as set forth in this Ordinance.

Section 10-1-3: Process:

- A. Pre-application Conference: The applicant shall complete a pre-application conference with the Director prior to submittal of an application for a preliminary plat for the purpose of reviewing the proposed lot layout and discussing the procedures and requirements of this Ordinance. If the subdivision is under 5 lots with no new streets or public improvements the Director may, in his option, determine if Preliminary Plat and Final Plat can be submitted concurrently.
- B. Neighborhood Meeting: The applicant or owner shall conduct a neighborhood meeting according to the regulations outlined in this Ordinance prior to submittal of an application for a preliminary plat.

C. Application and Fees: All applications and fees, as set forth in this Ordinance, shall be submitted to the Director on forms provided by the Department.

1. The County Surveyor and/or Director may require a digital format of the plat, if requested one shall be provided; and
2. Preliminary plats shall concurrently submit a natural features analysis as set forth in this Chapter; and
3. Covenants, Conditions, and Restrictions (CC&Rs), shall be submitted concurrently with the preliminary plat application; and
4. The preliminary plat application for subdivisions in an overlay district shall contain any additional reports or materials required by this Ordinance; and
5. If an applicant or owner intends to complete the final platting of the subdivision in phases, the proposed phasing shall be submitted with the application; and
6. If an irrigation right exists to the property, the applicant shall submit an irrigation plan that is consistent with Idaho Statute § 31-3805.

D. Natural Features Analysis: The following features shall be mapped, described, or noted as not applicable in the natural features analysis:

1. 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; and
2. 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 the Elmore County Soils Survey (United States Department of Agriculture, Natural Resources Conservation Service); and
3. 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 based on a datum 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 and/or County Engineer; and

4. Vegetation: Analysis of existing vegetation of the site including, but not limited to: dominant tree, plant, and ground cover species; and
 5. 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 (State of Idaho Department of Fish and Game); and
 6. Historic Resources: Analysis of existing historic resources as identified on the Elmore County historic resources inventory; and
 7. 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; and
 8. Impact on Natural Features: The applicant shall provide a written statement explaining how the design of the plat protects or mitigates impacts on the natural features of the site; and
 9. 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; and
 10. Other Supplemental Data: Other supplemental data may be required by the County Engineer including, but not limited to, the following:
 - a. Approximate location of any areas of fill; and/or
 - b. The elevations of all corner points on the boundaries of the proposed plat.
- E. Proposed Plat: The Commission shall apply the design standards, required improvements, and findings listed in this Ordinance.

- F. Approved Preliminary Plat: If approved by the Commission, the preliminary plat for a phased subdivision shall include an approval period in which all final plats shall be completed.
- G. Preliminary Plat Final Decision: A decision of the Commission on a preliminary plat shall be final as to all matters set forth in said preliminary plat. This decision may be appealed under the regulations of this Ordinance.
- H. Final Plat Approval: Following Commission approval of a preliminary plat, the owner may cause the subdivision, or any phase thereof, to be surveyed and prepare a final plat for County approval. The Board shall approve a final plat or plats, in the approved preliminary plat boundary within twenty-four (24) months of the Commission's approval of the preliminary plat. Failure to meet this requirement or the approved phasing plan in which the Commission specified a specific date in which the final phase and plat shall be completed shall void and nullify the preliminary plat approval in whole or for partially final platted subdivisions, those portions not final platted.
- I. Recording Final Plat: The owner shall record the final plat and the CC&Rs with the Elmore County Recorder within thirty (30) days of Elmore County Treasurer signing the Final Plat and after the Board has approved and signed, otherwise, the approval shall become null and void. For phased subdivisions, the Board shall approve final plats for the phases of the subdivision in successive one (1) year intervals. The limits of the preliminary and final plat shall encompass the full extent of the owner's lot or "contiguous parcels", as herein defined. If platting in phases, no reserved parcels shall be allowed; all remainder areas shall be platted as lots that meet the minimum dimensional standards for the district in which they are located.
- J. Time Extension: The applicant or owner may apply for a time extension, as set forth in this Ordinance, if needed to extend the time allowed to approve the final plat or phase of a final plat, if applicable.
- K. Platted Lot: Any lot created through an approved subdivision application and duly recorded plat shall thereafter be considered a platted lot.
 - 1. No subdivision plat or dedication, or any instrument passing title to any portion thereof, shall be offered for recording unless approved in accordance with the regulations of this Ordinance.
 - 2. No building permit shall be issued on any property being considered in the subdivision process until:
 - a. The final plat has been recorded; and
 - b. Elmore County Assessor's parcel numbers have been assigned; and

- c. All required public improvements have been constructed and approved by the appropriate authority or a surety agreement and a performance bond has been submitted to and approved by the Director in compliance with the provisions of this Ordinance.

Section 10-1-4: General Design Standards:

- A. These standards shall be followed in all subdivisions regulated by this Ordinance. In addition to these standards, all subdivisions shall meet the design standards of the applicable zoning district.
- B. Any proposed subdivision in areas of the County where topographical slopes are greater than fifteen (15%) percent or where adverse conditions associated with slope stability, erosion, or sedimentation are present, as determined by the County Engineer, shall conform with the additional hillside regulations set forth in this Ordinance.
- C. Adequate means for eliminating unsuitable site conditions shall be approved by the County Engineer in order to develop property that has been designated in the applicable Comprehensive Plan, in the natural features analysis, or elsewhere, as being 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.
- D. The limits of the subdivision shall encompass the full extent of the owner's lot or "contiguous parcels", as herein defined in this Ordinance. If platting in phases, no reserved parcels shall be allowed; all remainder areas shall be platted as lots that meet the minimum dimensional standards for the district in which they are located.
- E. The decision-making body may require modifications to the plat where, in its opinion, believe the proposed site planning has not sufficiently addressed the existing natural features.

Section 10-1-5: Blocks:

- A. The length, widths, and shapes of blocks shall be determined with due regard to:
 - 1. Provision of adequate building sites suitable to the special needs of the type of use contemplated including the base zone requirements as to property sizes and dimensions; and
 - 2. Avoiding double front lots. If unavoidable, one of the frontages shall be restricted from access; and

3. Needs for convenient access, circulation, control, and safety of street traffic. The number of intersecting streets with arterials of all classes shall be held to a minimum; and
 4. The limitations and opportunities of topography.
- B. Residential block lengths should be between four hundred (400') feet and six hundred (600') feet.
 - C. Pedestrian access right-of-way not less than ten (10') feet wide may be required for walkways through or across a block when deemed desirable to provide circulation, or access to schools, playgrounds, shopping centers, transportation, and other community facilities. Said access right-of-way shall be a separate platted lot.

Section 10-1-6: Lots:

- A. The property size, width, depth, shape, and orientation, and the minimum structure setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- B. The minimum dimensional standards for all lots shall be in accordance with the applicable base zone. Corner lots in residential zoning districts shall be increased five (5%) percent above the minimum property size of the applicable base zone to permit appropriate front and street side setbacks.
- C. For a distance of fifty (50') feet, side property lines originating at the front of the lot shall be within twenty (20) degrees of right angles or radial to the street providing access.
- D. Through lots shall be avoided except to separate developments from arterial streets or to overcome topographic restrictions. A screening easement or common area lot having a minimum width of ten (10') feet shall be provided along the arterial streets. If unavoidable, one of the frontages shall be restricted from access.
- E. Frontage for lots on a cul-de-sac turnaround shall be measured fifty (50') feet back from the front property line along an arc parallel to the right of way of the cul-de-sac.
- F. Frontage for lots on a knuckle with a landscaped street island separating the through traffic, shall be measured fifty (50') feet back from the front property line along the arc parallel to the right of way of the knuckle.

Section 10-1-7: Property and Access:

- A. All lots shall have access that complies with the regulations of this Ordinance. The arrangement, character, extent, and location of all streets shall conform to the Comprehensive Plan or portions thereof, and shall be considered in their relation to existing and planned streets, topographic conditions, and in their appropriate relation to the proposed uses of the property to be served by such streets. All required public street improvements and additional design standards are subject to the jurisdiction of the applicable highway district.
- B. Where a subdivision borders a railroad right-of-way or limited access highway right-of-way, a street approximately parallel to such right-of-way, at a distance suitable for appropriate use of the intervening property may be required.
- C. Street layout shall be planned to facilitate future development of abutting areas and the entire neighborhood, and shall provide for adequate access opportunities to abutting lands.

Section 10-1-8: Alleys, Public and Private:

- A. Alleys may be provided in residential, commercial, and industrial-zoned districts as recommended by the Commission and approved by the Board.
- B. The width of an alley shall be not less than twenty (20') feet and shall be paved its entire width.
- C. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
- D. Dead-end alleys shall be prohibited.
- E. Private Alleys: Private alleys may provide frontage when:
 - 1. The private alleys are located on a lot; and
 - 2. The lots are owned and maintained by the lot owners whose property accesses and fronts on the private alley; and
 - 3. The alley access request shall be accompanied with a perpetual ingress/egress access easement which shall include a maintenance agreement, and shall be record prior to the issuance of any building permit for any lot utilizing the private alley; and

4. The CC&Rs shall also indicate ownership, maintenance, and administrative responsibilities of the private alley, which shall be reviewed and approved by the Director.
- F. When applicable, all private alleys shall comply with the minimum design/construction requirements of the applicable fire district or this Ordinance-whichever is more restrictive where applicable.

Section 10-1-9: Private and Common Driveways:

All private and common (shared) driveways shall comply with the minimum design/construction requirements of this Ordinance.

Section 10-1-10: Public and Private Roads:

- A. All private and public roads shall comply with the minimum design/construction requirements of this Ordinance. All subdivisions with public road, or a private road providing access to four (4) or more lots or parcels shall plan and construct the private road(s) to Collector or Local Residential Standards as set forth in the current edition of the Jurisdictional Highway District's Highway Standards and Development Procedures Manual and as required in this Ordinance.
- B. The roadway designation of "public" or "private" shall be declared and a typical roadway drawing shall be included on the Preliminary Plat designed to the minimum standards listed below:
1. Public Roads: Public Roads shall be constructed to meet the requirements of this Ordinance and the applicable highway district.
 2. Private Roads: Private roads shall be constructed to meet the requirements of this Ordinance and the applicable highway district.

Section 10-1-11: Drainage:

- A. All drainage studies and drainage plans as herein required shall be required and shall be with the preliminary plat.
- B. The drainage study shall be based upon estimates of peak and total discharges and shall provide the following:
1. The drainage study shall identify the essential elements, alignments, and functions of a drainage system; and
 2. The drainage study shall show the following site conditions:

- a. Details of existing site drainage and/or irrigation features including, but not limited to, ditches, watercourses, and drainage structures; and
 - b. The permeability and types of soils and geologic materials; and
 - c. The size of the drainage basin upstream; and
 - d. The topography, slope, and geometry of the site; and
 - e. The proximity of surface water within one hundred (100') feet; and
 - f. The proximity of potable water supply wells within one hundred (100') feet; and
 - g. The proposed use and potential contaminants; and
 - h. The past use and possible soil and/or ground water contamination.
3. Other supplemental data as required by the Director and/or County Engineer.
- C. Drainage Plan: Unless otherwise exempt, or not required as evidenced by a signed document from the County Engineer indicating the reasons a drainage plan is not required, a drainage plan shall be submitted to the Director for design approval by the County Engineer and Commission with the preliminary plat application and shall include the following:
1. The required drainage plan shall be drawn to scale and shall include, but not be limited to, the following:
 - a. All proposed grading to be done on the property; and
 - b. Essential elements, alignments, and functions of the proposed drainage system including, but not limited to, septic, sewers, storm drains, catch basins, pumps, and seepage beds; and
 - c. The drainage plan shall indicate by flow arrows, contours, spot elevations, or some other acceptable manner, where storm water will be routed for the property. It must show the location and size of any flows onto the site from outside the property boundaries as well as any discharges leaving the site; and
 - d. The proposed use and potential contaminants; and
 - e. When drainage courses and irrigation facilities exist on site, the owner and/or applicant shall provide documentary evidence of consent to

rerouting by all interested landowners and drainage and irrigation entities affected and having rights to, and in, such facilities; and

- f. Other supplemental required by the Director or County Engineer.

Section 10-1-12: Easements:

- A. There shall be easements provided for utilities, drainage, and irrigation abutting to all public street right-of-way and subdivision boundaries, and other easements when considered necessary as determined by the Director or Commission. Easements, shall where considered necessary be centered on the interior property lines. Said easements shall have a minimum width of ten (10') feet or greater as determined by the Director or Commission. There shall be a twelve (12') foot in width easement from the exterior of the property line for all property lines fronting a public or private road, street or prescriptive easement.
- B. Where a subdivision is traversed by a watercourse, appropriate easements shall be provided.
- C. Appropriate easements shall be provided for access to parks, trails, trail head parking shared driveways, private alleys and other easements when considered necessary as determined by the Director or Commission.

Section 10-1-13: Watercourses:

- A. There shall be a minimum structural setback of thirty (30') feet from the normal high-water line of all watercourses, whether covered or uncovered. For open watercourses, normal high-water line shall be as determined by a licensed surveyor or engineer.
- B. Only when required by the Commission or Board shall watercourses within an urban setting or district be covered or fenced, agricultural uses shall be exempt from this requirement. Fencing shall meet the following requirements:
 - 1. Proposed fences in a designated flood hazard area shall comply with the regulations of this Ordinance.
 - 2. Unless otherwise specified by this Ordinance, fences shall be a six (6') foot barrier that meets the barrier requirements for swimming pools as set forth in this Ordinance.
 - 3. Proposed covers or fences involving an irrigation distribution system shall have the prior approval of the affected irrigation district.

Section 10-1-14: Flood Hazard Overlay:

All proposed subdivisions in a flood hazard overlay shall comply with the requirements of Title 8 Chapter 2.

Section 10-1-15: Required Improvements and Owner's Responsibility:

The owner is responsible to complete the improvements required by this Ordinance and any additional improvements that may be required as a condition of approval.

Section 10-1-16: Monument Requirements:

The owner shall comply with the requirements of Idaho Statute §§ 50-1302, 50-1303, 54-1227, and 55-1608, and any work required shall be verified by the County Surveyor prior to certification of the plat. Monuments in the field shall agree with those shown on the plat at the time of inspection. The regulations of such Sections as to monuments, stakes, and other markings shall be considered minimum requirements, and the County Surveyor may establish higher standards.

Section 10-1-17: Streets and Other Improvements:

- A. Prior to acceptance and signing of any final plat the following requirements shall be satisfied as applicable:
1. Public streets shall be accepted by the applicable highway district.
 2. Approved private roads shall be completed in accordance with requirements of this Ordinance
 3. All new developments shall have adequate sewage facilities as required and provided for in this Ordinance and Idaho Statute.
 4. Storm water facilities and drainage improvements shall be constructed by the applicant or owner and approved by the County Engineer or Highway District, whichever is applicable.
 5. Streetlights shall comply with the lighting regulations set forth in this Ordinance or as may be required by the Director or Commission.

Section 10-1-18: Preliminary Plat Specifications:

- A. Drawing Specifications: All mapped information shall be prepared in a neat and legible manner and drawn to a scale of not more than one hundred (100') feet to the inch or as directed by the Director or County Engineer. A smaller

scale or different size may be used for large developments with prior written approval from the Director.

B. Drawing Continents and Limits: Limits of the drawing shall include an area not less than three hundred (300') feet beyond boundaries of the proposed development, and shall show:

1. The subdivision boundary shall be based on an actual field survey, and shall include the stamp and signature of a licensed professional land surveyor certifying that the boundary survey shown on the plan is accurate and correct. Boundary problems shall be resolved prior to submission and non-buildable remnant properties shall be prohibited. The certification, signature, and stamping of the plan by the professional land surveyor is intended to pertain only to the boundary survey; and
2. The name of the owner; and
3. The name of the person or firm responsible for the drawing; and
4. The name of the proposed subdivision in accordance with Idaho Statute § 50-1307; and
5. The date, graphic scale, true north arrow, vicinity map, Section, Township, and Range; and
6. Ties to all controlling corners; and
7. The names of neighboring subdivisions; and
8. The names of owners of neighboring properties as listed in the Assessor's files, and the boundaries of all neighboring properties; and
9. The name, location, width, direction of slope, centerline and right of way of all existing and proposed public streets and private roads; and
10. The proposed offsite improvements pertaining to streets, water supply, sanitary sewer systems, storm water systems, fire protection facilities, and proposed utilities; and
11. The lot layout with lot and block numbers, lot dimensions, and lot area in square feet; and
12. The minimum setbacks from the front, the side, and the rear property lines; and
13. Areas of special use, such as parks and schools, shall be appropriately

labeled; and

14. Other appropriate elements as required by the Director on a case-by-case basis.

C. Separation of Information: Information may be combined if the Director determines the information is legible. The Director may require separation of information to a separate drawing(s) to assist in delineation of specific information.

Section 10-1-19: Final Plat Specifications:

A. The final plat shall be prepared as provided by, and include the items required by, Idaho Statute § 50, Chapter 13 and related State law, and the following additional requirements:

1. The final plats shall be eighteen (18") inches by twenty-seven (27") inches in size, with a three and one-half (3 ½") inch margin at the left end for binding and a one-half (1/2") inch margin on all other edges. No part of the drawing or certificates shall encroach upon the margins. Signatures shall be in reproducible black ink. The sheet or sheets which contain the drawing or diagram representing the survey of the subdivision shall be drawn at a scale suitable to insure the clarity of all lines, bearings and dimensions. In the event that any subdivision is of such magnitude that the drawing or diagram cannot be placed on a single sheet, serially numbered sheets shall be prepared and match lines shall be indicated on the drawing or diagram with appropriate references to other sheets. The required dedications, acknowledgements and certifications shall appear on any of the serially numbered sheets. The letters, numbers, and notes shall be of such size and scale to clearly show on microfilm copies, reproducible copies, and prints of the recorded documents.
2. The drawing page(s) shall show exterior boundary and property lines, right of way lines, streets, street islands, existing and new easements, all accurately dimensioned with bearings to the nearest one second and distances to the nearest one-hundredth (1/100') of a foot. The dimensions shall provide a minimum lot and boundary survey closure of one to ten thousand (1:10,000). The drawing page(s) and owner's certificate shall show or contain all related curve data including radius, length, central angle, long chord, and long chord bearing.
3. Permanent monuments, magnetically detectable, marked with the license number of the surveyor, shall be set for all the following:
 - a. All lot corners and exterior boundary corners; and

- b. Street centerline angle points, point of curvatures, point of tangencies, intersecting street centerlines, and places where street centerline changes directions; and
 - c. Street islands, radius points for cul-de-sacs, and lot controlling corners that control the location of the boundary.
4. In places that are impossible or impractical to set the monument, a witness corner or reference monument shall be set and dimensioned accordingly. Such monument shall be of the same size and marking required for the monument it is replacing. A witness corner monument shall be set on the lot line or property line. A reference monument shall be set with a bearing and distance tie to the actual corner.
5. All monuments found, existing or accepted and used in the survey shall be marked with the license number of the surveyor.
6. Digital format may be required by the County Surveyor.
7. The final plat shall show:
 - a. Primary Control Points: At least two (2) primary control points, officially recognized by the County Surveyor and ties to such control points. Primary control points must be public land survey corners or officially recognized corners. Corner perpetuation and filing recording instrument numbers shall be shown; and
 - b. Approved Street Names: Street names shall be shown and approved by the Elmore County Street Naming Committee or their designee; and
 - c. Easements: Location, dimensions, and purpose of any easements; and
 - d. Monuments: Location, description, and size of monuments that are found; and
 - e. Ordinance, Subdivision Name, Description and Date: Ordinance, including subdivision name in accordance with Idaho Statute § 50-1307, and general location description and date; and
 - f. Owner's Certificate: Owner's certificate containing a statement of reservation of easements and private roads. Private roads may be shown as a lot or an easement; and
 - g. Right-of-Way Width: The right of way width from centerline of each street or other right of way; and

- h. Abutting Subdivisions: Name and location of abutting subdivisions. All other abutting properties shall be shown as "un-platted".
8. The following certificates and approvals shall appear on the final plat:
- a. Owner's certificate; and
 - b. Licensed land surveyor's certificate; and
 - c. Applicable highway district (if required); and
 - d. Central District Health; and
 - e. City or County Engineer (if applicable); and
 - f. City approval certificate (if applicable); and
 - g. County surveyor's certificate; and
 - h. Commission; and
 - i. County Assessor; and
 - j. County Treasurer; and
 - k. Board of County Commissioners; and
 - l. County Clerk and Recorder; and
 - m. Fire District, if applicable.

Section 10-1-20: Required Findings:

A. Preliminary Plat:

- 1. The design conforms to the standards established in this Ordinance; and
- 2. The design complies with the required improvements established in this Ordinance; and
- 3. If applicable, the proposed subdivision complies with the standards of an applicable overlay district as set forth in this Ordinance; and
- 4. The design conforms to the topography and natural landscape features analysis as required by this Chapter and the master site plan, where the

design demonstrates consideration for the location and function of land uses and structures to achieve this purpose; and

5. The development would not cause undue damage, hazard, or nuisance to persons or property in the vicinity; and
6. The internal street system is designed for the efficient and safe flow of vehicles and pedestrians without having a disruptive influence upon the activities and functions contained within the proposed subdivision, nor placing an undue burden upon existing transportation and other public services in the surrounding area; and
7. Community facilities such as parks, recreational, and dedicated open space areas are functionally related to all dwelling units and are easily accessible via pedestrian and/or bicycle pathways; and
8. The proposal complies with the dimension standards set forth in this Ordinance for the applicable zoning district; and
9. The overall plan is in conformance with:
 - a. The applicable Comprehensive Plan(s); and
 - b. The future acquisition maps; and
 - c. Any applicable Area of City Impact Ordinances including applicable subdivision regulations; and
 - d. Other pertinent Ordinances as applicable.

B. Final Plat:

1. The final plat is in substantial conformance with the preliminary plat; and
2. All conditions of the approved preliminary plat have been satisfied.

Section 10-1-21: Vacation, Total or Partial, Of a Recorded Subdivision Plat:

An applicant or owner may petition the Board for a total or partial vacation of a recorded subdivision plat, including platted easements. Vacation shall be processed in accordance with the regulations set forth in Idaho Statute § 50-1306A and recorded in accordance with the regulations set forth in Idaho Statute § 50-1324.

Section 10-1-22: Surety and Surety Agreement:

- A. In lieu of completion of the required minimum street and other improvements required by this Ordinance or any portion thereof, the owner may deposit a surety and surety agreement for completion of such improvements with the Director on forms provided by the Department and as specified in this Ordinance.
- B. Bonds for wastewater collection, wastewater treatment systems, and/or community water systems shall be deposited with the appropriate health authority in accordance with Idaho Statute § 50-1326.

Section 10-1-23: Land Divided by Judicial Court Division (Court Order):

- A. Land divided by a judicial order shall be considered an authorized land division.
- B. If the parcel being divided by court order has an administrative land available, the division by the court is the same as if the Department had approved it with an administrative land division, even if the resulting parcel sizes are not consistent with normal land division provisions. No application for an administrative land division is required.
- C. If the parcel being divided is eligible for a residential building permit, but does not have an administrative land available, the court order division creates a building permit for each parcel, but does not render any of the new parcels eligible for an administrative land division.
- D. If the parcel being divided does not have any building permits or administrative land divisions available, the parcels created by court order will not be eligible for building permits or administrative land divisions unless land use approval is granted in accordance with the provisions of this Ordinance.
- E. If the land division does not qualify as an exception under the subdivision standards of this chapter, then all regulations of this section shall apply.

CHAPTER 2 –FARM DEVELOPMENT RIGHT

Sections:

- 10-2-1: Purpose**
- 10-2-2: Farm Development Right**
- 10-2-3: Process**
- 10-2-4: Standards**

Section 10-2-1: Purpose

- A. The purpose of this Chapter is to describe the basic development rights associated with agricultural zoning on land within Elmore County.

Section 10-2-2: Farm Development Right

- A. Purpose: This regulation allows owners of a qualifying property as determined by the Director in the agricultural zoning district to create one (1) residential parcel for conveyance without platting. If the qualifying property is decreased below the minimum property size as a result of granting the farm development right, the remainder of the qualifying property shall still be considered a conforming property.
- B. Applicability: This regulation shall apply to any property that meets all of the following criteria:
 - 1. The property is within the agricultural zoning district;
 - 2. The property shall be a minimum of forty (40) acres of contiguous property under one ownership or control unless reduced by the result of a government action; and
 - 3. The property shall be approved to a maximum of one (1) farm development right.
 - 4. Parcels approved prior to the effective date of this Ordinance subject to the one (1) acre lot regulations or one (1) acre parcel regulations shall be considered farm development rights.

Section 10-2-3: Process

- A. Application: An application and fees shall be submitted to the Director on forms provided by the Department.

- B. Required Findings: The Director shall make the following findings in order to approve, or approve with conditions, the farm development right:
1. The proposed farm development right meets the applicability requirements of Section 10-2-2 subsection B; and
 2. The proposed farm development right complies with the standards listed in Section 10-2-4.
- C. Tentative Approval Requirements: Upon tentative approval of the application by the Director subject to the regulations of this Ordinance, the applicant or owner shall have one year to complete all of the following tasks:
1. Record with the Clerk and Recorder a record of survey; and
 2. Execute and record the necessary deeds to convey the farm development right parcel; and
 3. Obtain new tax parcel numbers from the Assessor; and
 4. Verify taxes have been paid from the Treasurer; and
 5. Provide copies of the recorded record of survey, recorded deeds, and the new tax parcel numbers to the Director.
- D. Final Approval Requirements: Upon determination by the Director that the farm development right is in conformance with the requirements outlined in the tentative approval letter and that all requirements were satisfied prior to the one (1) year expiration date, then the Director shall issue a letter stating that the farm development right has received final approval.

Section 10-2-4: Standards

- A. A farm development right parcel shall meet the following minimum standards:
1. The farm development right parcel is between one (1) acre and five (5) acres in size and meets the other required dimensional standards established by this Ordinance; and
 2. The farm development right parcel can provide adequate access and frontage as required by this Ordinance; and

3. If the qualifying property has more than one (1) permanent dwelling, the farm development right parcel shall contain one (1) of the extra dwellings. This standard shall not apply to temporary living quarters; and
 4. The proposed farm development right division shall maximize to the greatest extent possible the preservation of prime agricultural soils; and
 5. The farm development right parcel shall be located on the portion of the property that causes the least disruption of agriculture on the remainder of the qualifying property while still meeting the standards of this section.
- B. As part of the application, an applicant may request an increase in property size to a maximum of five (5) acres to accommodate one of the following:
1. Additional property is needed to support an individual wastewater treatment system; or
 2. The farm development right parcel separates an existing dwelling (either principal permitted or other) from the qualifying property and such dwelling cannot obtain proper street frontage or setback requirements unless granted a larger property size; or
 3. When the property under consideration for the farm development right parcel is separated by a barrier that prevents the use of the qualifying property as one (1) unit.
 4. The property will maintain the preservation of prime agricultural soils.
 5. Maintain certain agricultural exemptions on the farm development right.

CHAPTER 3 –LETTER OF INFORMATION FOR DIVISION OF PROPERTY

Sections:

- 10-3-1: Purpose**
- 10-3-2: Applicability**
- 10-3-3: Process**
- 10-3-4: Standards**
- 10-3-5: Required Finding**

Section 10-3-1: Purpose:

The regulations of this Chapter allow for the one-time division of a parcel into four (4) without being subject to the subdivision regulations as set forth this Ordinance.

Section 10-3-2: Applicability:

A. These regulations shall apply to:

1. Parcels created prior to January 20, 1994 that were of record in the Clerk and Recorder's office and the boundaries of which shall not have changed except for one or more of the following:
 - a. The parcel of record was reduced by governmental action as specified in this Ordinance; or
 - b. The parcel of record was reduced by the conveyance of property to a public utility for the purpose of constructing a public utility or infrastructure facility; or
 - c. The parcel of record received approval for a property boundary adjustment as specified in this Ordinance, and where the parcel of record met both the following standards:
 - (1) The parcel of record had sufficient acreage to accomplish the division prior to completion of the property boundary adjustment; and
 - (2) The property boundary adjustment did not diminish the size of the parcel of record such that it no longer has sufficient acreage to accomplish the division.

- B. Recorded platted lots, those recorded lots contained in a subdivision, shall not be eligible for a division of a lot into four (4) lots. Division of subdivided lots shall be subject to the subdivision regulations as set forth this Ordinance.

Section 10-3-3: Process:

- A. Application: An application and fees, as set forth in this Ordinance, shall be submitted to the Director on forms provided by the Department.
- B. Tentative Approval Requirements: Upon tentative approval of the application by the Planning and Zoning Commission subject to any applicable conditions of approval and the regulations of this Ordinance, the applicant/owner shall have one year to complete the following tasks:
 - 1. Survey the property and record a Record of Survey with the Elmore County Clerk's Office and
 - 2. Obtain new tax parcel numbers from the Assessor; and
 - 3. Verify taxes have been paid from the Treasurer; and
 - 4. Provide copies of the recorded Record of Survey, recorded new deeds, new legal descriptions and the new tax parcel numbers to the Director.
- C. Final Approval Recommendation: Upon determination by the Director that a division is in conformance with the requirements outlined in the tentative approval letter and that all requirements and conditions were satisfied prior to the one (1) year expiration date, then the Director shall set a date with the Planning and Zoning to recommend approval of the division to the Board of County Commissioners.
- D. Final Approval by the Board: Upon the approval of recommendation from, the Planning and Zoning Commission, the Director will present the project to the Board for final approval of the division of the parcel.

Section 10-3-4: Standards:

- A. The proposed division shall result in no more than four (4) parcels that comply with the design and dimensional standards of this Ordinance, except when the parcel of record has been diminished by governmental action. As a result of governmental action, the Director may approve a reduced property size on one of the resulting parcels, subject to other regulations of this Ordinance rendering the property as a legal non-conforming property.
- B. The proposed division is not a "subdivision" as defined in this Ordinance.

- C. If public improvements are required all improvements shall be completed prior to the Board issuing final approval.

Section 10-3-5: Required Finding:

- A. Required Findings: In order to grant a division of property, the Board shall make the following findings:
1. The division created no more than four (4) parcels; and
 2. The parcel or lot being divided was created prior to January 20, 1994 and was of record in the Clerk's office.
 3. The boundaries of the parcel or lot being divided have not changed except as specified in this Ordinance; and
 4. That if the property was reduced by governmental action that the property was in compliance with the minimum property size requirement of the applicable zoning district, overlay district and/or Ordinance prior to the decrease in property size; and the decrease in property size was caused by acquisition through prescription, purchase, or other means as defined by this Ordinance; and
 5. The subject property requesting a division is not a platted lot within a subdivision.
 6. The four (4) resulting parcels shall have the required frontage to an approved County road.

CHAPTER 4 - PROPERTY BOUNDARY ADJUSTMENTS

Sections:

- 10-4-1: Purpose
- 10-4-2: Applicability
- 10-4-3: Process
- 10-4-4: Standards
- 10-4-5: Required Finding

Section 10-4-1: Purpose:

The regulations of this Chapter allow for the adjustment of parcel lines or platted lot lines between existing legal, or nonconforming properties. A property boundary adjustment does not vacate the platted lot lines of a recorded subdivision.

Section 10-4-2: Applicability:

These regulations apply to existing lots and parcels in Elmore County.

Section 10-4-3: Process:

- A. Application: An application and fees, as set forth in this Ordinance, shall be submitted to the Director on forms provided by the Department.
- B. Tentative Approval Requirements: Upon tentative approval of the application by the Director subject to any applicable conditions of approval and the regulations of this Ordinance, the applicant or owner shall have one (1) year to complete the following tasks:
 - 1. Cause the property to be surveyed and a record of survey recorded; and
 - 2. Execute and record the necessary deeds to accomplish the property boundary adjustments as approved; and
 - 3. Verify taxes have been paid for both properties from the Treasurer; and
 - 4. Provide copies of the recorded record of survey, recorded deeds, and the new tax parcel numbers to the Director.
- C. Issuance of Approval Letter: Upon determination by the Director that the final property boundary adjustment is in conformance with this Ordinance, the Director shall issue a letter stating that the property boundary adjustment has received final approval.

Section 10-4-4: Standards:

- A. A property boundary adjustment shall not reduce the property size below the minimum dimensional standards prescribed by this Ordinance including regulations for individual wastewater treatment systems and wells as set forth this Ordinance and Idaho Statute respectively.
- B. If one or more of the properties is nonconforming as to the minimum dimensional standards prescribed by this Ordinance; the property boundary adjustment shall not increase the nonconformity.
- C. A property boundary adjustment shall not increase the original number of properties.
- D. A property boundary adjustment shall not change or move any public streets, private roads, easements, or publicly dedicated areas in any manner.
- E. The property boundary adjustment shall not constitute a relocation of a property. For the purpose of this Chapter, the “relocation of a property” shall be defined as relocating any property line greater than sixty (60%) percent of the properties width or length whichever is less restrictive as recorded or documented prior to the property boundary adjustment. Property line adjustments greater than sixty (60%) percent of the property width or length are only allowed to make nonconforming parcels conforming to dimensional standards of this Ordinance. Subsequent boundary requests shall be held to this standard as originally recorded or documented prior to the first property boundary adjustment.
- F. For platted lots, the property boundary adjustment shall be in substantial conformance to the recorded plat.

Section 10-4-5: Required Finding:

- A. In order to approve the application, the Director shall find that the proposed property boundary adjustment complies with the standards below:
 - 1. The property boundary adjustment does not reduce the property size below the minimum dimensional standards prescribed by this Ordinance including regulations for individual wastewater treatment systems and wells as required by this Ordinance; and
 - 2. The property boundary adjustment does not further increase the nonconformity of any nonconforming property; and

3. The property boundary adjustment does not diminish the minimum dimensional standards prescribed by this Ordinance or create a nonconforming property; and
4. The property boundary adjustment did not increase the original number of properties or lots; and
5. The property boundary adjustment did not change or move any public streets, private roads, easements, or publicly dedicated areas in any manner unless approved by the applicable highway district; and
6. The property boundary adjustment did not constitute a relocation of a property; and
7. For platted lots, the property boundary adjustment was in substantial conformance to the recorded plat, in terms of plan notes, setbacks, minimum lot sizes, easements, or any other specific plat requirement.

CHAPTER 5 - PUBLIC AND PRIVATE ROADS

Sections:

- 10-5-1: Purpose
- 10-5-2: Applicability
- 10-5-3: Process
- 10-5-4: Standards
- 10-5-5: Required Findings

Section 10-5-1: Purpose:

Elmore County will not approve development applications, land splits, or any type of zoning related application unless improved roads are provided to all properties. Public road development is encouraged. All public roads will be constructed to the public road standards of the applicable Highway District.

Section 10-5-2: Applicability:

- A. Private Roads may be requested on properties located outside an Area of City Impact.
- B. Private roads may be requested on properties inside an Area of City Impact where the private road is built to the applicable city standards street standard or as required by this Ordinance whichever is more restrictive.

Section 10-5-3: Process:

- A. Application: An application and fees shall be submitted to the Director on forms provided by the Department.
- B. Tentative Approval Requirements: Upon tentative approval of the application by the Director subject to any applicable conditions of approval and the regulations of this Ordinance, the applicant or owner shall have one year to complete the following tasks:
 - 1. Obtain approval from the Elmore County Roadway Naming Committee for a private road name; and
 - 2. Record a perpetual access easement with the Clerk for the private road from a public street to all applicable properties. If the private road is serving a subdivision more than four (4) lots the property must be dedicated as a common lot for the subdivision or dedicated to the applicable Highway District; and

3. After the private road is constructed and the street name sign is installed, schedule an inspection by a State of Idaho licensed civil engineer; and
 4. The applicant or owner shall provide and record with the Clerk documentation of a binding contract that establishes the party or parties responsible for the repair and maintenance of the private road including regulations for the funding thereof.
 5. The applicant or owner will have a State of Idaho licensed civil engineer fill out the Road Certification Letter obtained from the Department and return it to the Director.
- C. Completion and Final Approval: Upon completion of the items noted above, the Director shall issue a letter stating that the private road has been granted final approval. No building permit shall be issued for any structure using a private road for access until the private road has been approved.

Section 10-5-4: Standards:

- A. A property may take access from a private road, provided the private road is initiated from a public road, and the private road is located on a sixty (60') foot recorded easement or common lot, and the terminus of which shall be located within the property or a seventy (70') foot radius cul-de-sac located within the recorded right-of-way lot or easement:
1. If located on a seventy (70') foot radius cul-de-sac, the required lot frontage shall be thirty (30') feet.
 2. If located at the terminus of which shall be located within the property, the required frontage shall be sixty (60') feet, the width of the private road easement.
 3. Access from a private road to another private road shall be prohibited, unless approved by the County Engineer and Director, however an approved private road, with terminus on a public road containing a sixty (60') foot easement may be extended provided the conditions of this Chapter are complied with.
- B. Access shall be taken from the required frontage unless the property has frontage on an alley public or private or approved private road as required by this Ordinance.
- C. All roadways shall be constructed to these minimum standards; the minimum standards for private roads are as follows, unless specifically exempted in this Ordinance:

1. Clearing and Grubbing: Clearing and grubbing shall consist of the removal and disposal of all topsoil organics, debris, and other deleterious material from the roadway right-of-way; and
2. Subgrade: The subgrade shall consist of the natural materials remaining after completion of the clearing and grubbing and good construction material remains; and
3. Subbase and Ballast: The subbase and ballast shall be approved pit run material used for the ballast course or subbase course and shall have a minimum depth of ten (10") inches; and
4. Base Material: The base material shall consist of crushed aggregate and shall comply with the graduation standards set forth in the Jurisdictional Highway District's Highway Standards and Development Procedures Manual. The base material shall be a minimum depth of six (6") inches; and
5. Road Width: All roads shall have a minimum width of twenty-six (26') feet; and
6. Crown or Transverse Slope: All roads shall be a crown or transverse slope of two (2%) percent to drain water away from the travel way.
7. Surface Type: The surface shall be hot or cold mixed asphalt concrete except as noted on the standard drawings in the applicable Highway District's Highway Standards and Development Procedures Manual and shall have a minimum depth of three (3") inches.

D. Public and Private Roads:

1. All subdivisions with public road, or a private road providing access to five (5) or more lots or parcels shall plan and construct the public road(s) to Collector or Local Residential Standards as set forth in the current edition of the applicable Highway District's Highway Standards and Development Procedures Manual. Public roads within a platted subdivision of five (5) or more lots shall be placed within a common lot. All public roads providing access to five (5) or more lots shall be dedicated to the applicable Highway District.
2. Private roads providing access to four (4) or fewer lots or parcels shall be exempt from the requirement to utilize an asphalt concrete layer; all other requirements of that Section and Subsection shall apply. The improved surface shall conform to Highway District Standards for clearing and grubbing as approved by the County Engineer.

3. Private roads shall be constructed on a perpetual access easement or a single platted lot that originates from a public street and provides access to all applicable properties unless approved by the County Engineer and Director.
4. Any segment of a travel way of a private road greater than five (5%) percent grade shall be constructed and improved with asphalt or concrete paving and constructed as required in Section 10-5-4.
5. Private roads outside an Area of City Impact shall be designed, with an easement or platted lot, whichever applies, with a minimum of twenty-six (26') feet in width improved surface on a minimum of sixty (60') feet in width right-of-way easement or platted lot, whichever applies. Inside an Area of City Impact, conditions listed above shall apply.
6. The primary function of a private road located on a lot shall be to accommodate the private road. Minimum parcel size requirements contained in this Ordinance for private roads shall not apply.
7. All properties abutting an approved private road shall have the same minimum required street frontage as required by the applicable base zone, except: the required frontage shall be thirty (30') feet the width if the property abuts or access an approved turnaround. The entire turnaround shall be located within a private road easement or platted lot, whichever applies.
8. The applicable Highway District shall approve the point of connection of a private road to a public street.
9. Private roads shall terminate at a seventy (70') foot radius cul-de-sac or other Elmore County approved turnaround configuration.
10. A private road turnaround may be located in an area of the property other than where the private road enters the property.
11. If an alternate location and/or configuration for a private road turnaround, is proposed, then the following additional standards shall apply:
 - a. The applicant shall provide written approval of the alternate location and/or configuration for a private road turnaround from the appropriate fire district; and
 - b. The County Engineer shall review and approve the alternate location and/or configuration for a private road turnaround.

12. A private road shall not intersect a public road, except at its origination point, unless approved by the applicable Highway District, Director and County Engineer.
13. A private road shall not intersect another private road, unless approved by the Director and County Engineer.
14. No segment of the travel way of a private road shall exceed eight (8%) percent grade.
15. Upon review of the proposed private road design, the applicant shall be required to submit a drainage study prior to final action on the private road application.
16. For the purposes of this Ordinance, properties and corner properties that abut a private road shall be counted as taking access off the private road. Temporary dedicated open space lots created, as part of a subdivision shall also be counted as taking access off the private road.

E. Additional Regulations:

1. The Elmore County Engineer shall approve all private roadway construction plans prior to a final plat application being forwarded to the Commission for review.
2. Private roadways shall be constructed and certified as required by this Ordinance by a State of Idaho licensed civil engineer before any lot is sold or any Building Permit issued, except those buildings permits required to construct private roads.
 - a. Private roads shall be completed prior to any lot being sold or any Building Permit issued, except those buildings permits required for the construction of private road. The applicant/owner, may for good cause request a bond or surety agreement with the Department for such construction provided the road is constructed within twelve (12) months of bonding.
3. Public roadways shall be constructed and certified as required by the Highway District prior to any lot being sold or any Building Permit issued, except those buildings permits required to construct public roads.
 - a. Private roads shall be completed within two (2) years following the acceptance and approval of the roadway design by the Department. The roadway design and certification after construction will be submitted to the Department by a State of Idaho licensed civil engineer.

4. All Highway District Standards and Development Procedures and requirements shall be complied with. Highway District Standards and Development Procedures Manuals may be obtained directly from the jurisdictional Highway District.
 5. Travel Ways: All travel ways shall be constructed within the easement and shall have a minimum improved width as required by this Chapter and Title.
 6. The full length of the travel way to the turnaround shall maintain the required width of improved surface.
- F. Alternative Standards: Upon the recommendation of the County Engineer or the Director private road alternative design standards may be approved, or recommend for approval when the applicant can demonstrate that the proposed overall design meets or exceeds the intent of the required standards of this Ordinance and that the alternative design shall not be detrimental to the public health, safety, and welfare.
- G. Private Roads and Property Access Requirements shall comply with the Wildland Urban Interface requirements of this Ordinance.

Section 10-5-5: Required Findings:

- A. In order to approve a private road application, the Director shall find the following:
1. The design of the private road meets the requirements of this Chapter;
and
 2. Granting approval of the private road would not cause damage, hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity;
and
 3. The use and location of the private road shall not conflict with the applicable Comprehensive Plan and/or the County transportation plan.

CHAPTER 6 – MASTER SITE PLAN REQUIREMENTS

Sections:

- 10-6-1: Purpose
- 10-6-2: Applicability
- 10-6-3: Process
- 10-6-4: General Required Standards
- 10-6-5: Natural Features Analysis Standards
- 10-6-6: Other Required Standards
- 10-6-7: Required Findings

Section 10-6-1: Purpose:

The purpose of this Chapter is to promote efficient, high quality site designs; and preserve and protect natural and scenic resources to the greatest extent possible through master site planning and proper design that is sensitive to the environment while ensuring development is consistent with the goals and objectives of the Comprehensive Plan.

Section 10-6-2: Applicability:

A master site plan shall be submitted to the Department in compliance with this Ordinance. The master site plan shall be submitted concurrently with any other required applications in conformance with this Ordinance. Master site plans may be required for all development.

Section 10-6-3: Process:

- A. To be considered for approval the applicant shall submit to the Department in compliance with this Ordinance a master site plan prior to receiving any other required approvals as defined in this Ordinance. The master site plan shall comply with the following requirements 10-6-3 A.1. through 10-6-3 A.7. If clarity is maintained the following required items may be combined on the master site plan:
1. The master site plan will be submitted concurrently with any other required applications in conformance with this Ordinance; and
 2. The applicant shall concurrently submit a natural features analysis subject to the regulations of this Chapter; and

3. The applicant shall concurrently submit plans consistent with Sections 10-6-4: General Required Standards and 10-6-6: Other Required Standards; and
 4. If required by this Ordinance the applicant shall concurrently submit a parking plan subject to the regulations this Ordinance; and
 5. If required by this Ordinance the applicant shall concurrently submit a landscape and screening plan subject to the regulations of this Ordinance; and
 6. If any outdoor lighting is proposed or anticipated, the applicant shall concurrently submit a lighting plan subject to the regulations of this Ordinance; and
 7. If any signs are proposed or anticipated, the applicant shall concurrently submit a sign plan subject to the regulations of this Ordinance; and
- B. Upon determination by the Director that the master site plan is in conformance with the requirements outlined in the Ordinance and that all requirements were satisfied, then the Director shall issue approval or recommend approval, listing any specific conditions of approval.
- C. The Director may approve modifications to an approved master site plan when the proposed modification meets one or more of the following standards:
1. The modification represents an increase in the amount of landscaping and/or screening area or a reduction of ten (10%) percent or less when the request is also to reduce the following in compliance with this Ordinance:
 - a. The square footage of a building; or
 - b. Approved parking; or
 - c. Setback modifications.
 2. The modification represents a reduction in the square footage or height of a proposed building or an increase of ten (10%) percent or less of the square footage or height of a proposed building provided the requests complies with the dimensional standards of this Ordinance with additional landscaping to mitigate any negative effects; or
 3. The modification represents a reduction in the approved parking provided that a sufficient number of required parking and bicycle

spaces are retained or an increase of ten (10%) percent or less in parking spaces with additional landscaping to mitigate any negative effects; or

4. The modification represents a reduction or increase of ten (10%) percent or less in the approved lighting plan with additional landscaping to mitigate any negative effects; or
5. The modification request does not change a setback or other distance standard more than ten (10%) percent of the distance noted on the approved master site plan; or
6. The modification does not change dimensional standard or approved elements more than ten (10%) percent of the distance or approved elements as noted on the approved master site plan.

Section 10-6-4: General Required Standards:

In addition to the applicable design and dimensional standards of this Ordinance, the site development (as depicted by the master site plan) shall meet the following standards, as applicable to all proposed development listed in Subsection 10-6-3 (A) and/or any common or quasi-public facility or structure located within a subdivision or condominium project shall comply with the following:

A. Location of Structures on the Site:

1. The proposed placement of structures, location of parking areas and pedestrian walkways, method of screening, and quasi-public entrances shall facilitate pedestrian access to abutting residential properties and shall utilize new urbanism design principles; and
2. Structures shall have varied façades, setbacks and features within the same structure in addition to staggered and/or reversed unit plans to provide a more varied outward appearance of the structures; and
3. Multiple-family structures of similar character and façades shall be rotated, staggered, and/or reversed to vary the outward appearance of the structures.

B. Non-Vehicular Access and Internal Circulation:

1. Commercial, industrial, quasi-public, or common facilities structures shall have at least one pedestrian access on each side of the structure that faces a street. Each access shall comply with the Americans with

Disabilities Act (the “ADA”) or the Ordinance whichever is more restrictive;
and

2. For any proposed use that requires ten (10) or more parking spaces, as set forth in this Ordinance, the master site plan shall provide:
 - a. Safe and well-defined pedestrian walkways from structures to each parking space, from structures to the abutting streets, and among structures on the same site; and
 - b. Where a walkway is within ten (10’) feet of a street, it shall be separated from the street shoulder by curbs, intervening vegetation, and/or swales; and
 - c. Where a walkway is within a parking area and/or abuts driving aisles and/or parking spaces, the walkway shall be striped to indicate a pedestrian crossing and separated by curbs, and/or intervening vegetation, and/or wheel restraints; and
 - d. Where a walkway crosses a driving aisle, the crossing shall have a different paving texture and/or material or shall be striped to indicate a pedestrian crossing; and
 - e. All walkways, parking areas, crossings, and paths shall comply with the ADA or the Ordinance whichever is more restrictive; and
 - f. Handicapped parking spaces and facilities shall be located and situated as close to the main entrance of the structure as physically possible and shall comply with the ADA or building code whichever is more restrictive.
3. Where applicable, the master site plan shall provide safe non-vehicular circulation systems including, but not limited to:
 - a. Pedestrian and bicycle walkways that link abutting parks, schools, neighborhoods, and commercial areas to the greatest possible extent; and
 - b. Trails and bicycle routes that link to abutting trail networks as designated by the applicable pathways plan or the applicable Comprehensive Plan.

C. Automobile Access and Internal Circulation:

1. The master site plan shall provide for safe access to and egress from roadways; and

2. Off-street parking and loading areas on the master site plan shall be designed to preclude vehicles from backing out into a roadway; and
3. Where delivery vehicles are anticipated, the master site plan shall delineate a clear route for them, with appropriate geometric design to allow the vehicles to turn safely; and
4. The master site plan shall provide adequate internal circulation consistent with this Ordinance; and
5. The master site plan shall provide an adequate design of parking spaces and internal circulation, off street parking and loading facilities consistent with this Ordinance.

D. Additional Off-Street Parking Design Standards:

1. Off-street parking spaces shall not be located in any landscape area as required by this Ordinance; and
2. Parking stalls and driving aisles shall be designed in accordance with the standards of this Ordinance; and
3. All parking areas shall provide on-site turnarounds for all off-street parking spaces and loading facilities; and
4. The design of off-street parking areas shall not require moving any car to gain access to a required parking space. Tandem parking shall be prohibited.

Section 10-6-5: Natural Features Analysis Standards:

- A. Natural Features Analysis: The master site plan shall include the following features which, shall be mapped, and described, or noted as not applicable in the natural features analysis plan:
1. 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; and
 2. 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 the Elmore County

Soils Survey (United States Department of Agriculture, Natural Resources Conservation Service); and

3. 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 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; and
4. Vegetation: Analysis of existing vegetation of the site including, but not limited to, dominant tree, plant, and ground cover species; and
5. 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 (State of Idaho Department of Fish and Game). The site development shall minimize adverse impacts to sensitive plant and animal species through site design or approved mitigation programs; and
6. Historic Resources: Analysis of existing historic resources as identified on the Elmore County Historic Resources Inventory. The proposed development shall conserve identified historic resources to the greatest extent possible; and
7. 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; and
8. Impact on Natural Features: The applicant shall provide a written statement explaining how the design of the plan protects or mitigates impacts on the natural features of the site.

Section 10-6-6: Other Required Standards:

- A. Screening: The master site plan shall provide landscaping and screening consistent with this Ordinance, unless otherwise exempt.
- B. Drainage: An increase in an impervious surface area of one thousand (1,000') square feet or ten (10%) percent of the property area, whichever is less, shall require a drainage study. The master site plan shall incorporate natural watercourses and above grade drainage ways into the site design to minimize the need for culverts, pipe systems, and concrete channels.
- C. Water Supply and Sewage Disposal:
1. The master site plan shall provide adequate provision for water supply and sewage disposal in accordance with the regulations of this Ordinance; and
 2. The master site plan shall show all well locations and subsurface disposal areas for wastewater treatment systems; and
 3. The master site plan shall indicate the required firefighting resources, as evidenced by written certification by the appropriate fire authority. Such resources shall include, but are not limited to, proper access for fire trucks, fire flow hydrants, pumper access stations, and/or defensible space. If the subject development is not located within a fire district, then the requirements of the Wildland Urban Interface for this Ordinance and shall be complied with and the master site plan shall demonstrate compliance.
- D. Filling, Excavation, and Earthmoving: Filling, excavation, and earthmoving activity shall be carried out in a way that keeps erosion and sedimentation to a minimum and shall comply with the following:
1. Building design, parking lots, and other site development elements shall fit, respect and be oriented to existing topography and natural surroundings to the fullest extent possible in order to keep filling, excavation, and earthmoving activity to a minimum; and
 2. The area disturbed by stripping of vegetation, soil removal, and regrading shall be the minimum necessary at any one time; and
 3. The master site plan shall propose permanent soil erosion measures for all slopes and disturbed areas. Such stabilization measures shall be completed within fifteen (15) days after final grading has been completed; and
 4. Until a disturbed area is stabilized, sediment and runoff shall be trapped by the use of debris basins, sediment basins, silt traps, or other acceptable methods.

- E. Irrigation Services and Delivery Systems: The master site plan shall provide a detailed plan and documentation demonstrating that the preservation of gravity flow irrigation systems on site and downstream from the site shall be preserved and maintained and shall not be altered or modified without the written approval of the landowners that may be impacted and the applicable Irrigation District.
1. The proposed development shall not modify irrigation canals, ditches, laterals, and associated rights of way without written approval of the applicable Irrigation District and landowners affected; and
 2. When property is converted from an agricultural to a nonagricultural use, the applicant or owner shall provide a pressurized irrigation system or similarly efficient delivery system as approved by the Director.
- F. Utilities: The master site plan shall demonstrate that electrical, telephone, and other public utilities serving the site shall be placed in a manner that is not hazardous to any property and shall demonstrate that:
1. All utilities within the development shall be placed underground in a utility corridor or easement. The Director may waive this requirement if unique topographic or geological features of the site make it impractical; and
 2. Transformer boxes, meters, pumping stations, and other components of the utility system located aboveground shall be sited and buffered in accordance with the screening standards of this Ordinance.
- G. Maintenance:
1. The master site plan shall demonstrate that the applicant or owner shall have a continuous obligation to provide for security, trash collection, and any other nuisance that may be created on the site, and to maintain the site in a neat and orderly manner.
 2. The master site plan shall demonstrate that any proposed drainage system shall be maintained by the property owner, homeowners' association, or irrigation or drainage entity, as applicable.
- H. Supplemental Information, Modifications: The Director, County Engineer, Commission, and/or Board may require supplemental information or modifications to the master site plan where, in their opinion, the proposed site planning has not sufficiently addressed the existing natural features.
- I. Alternative Master Site Plan: The Director may approve, or recommend approval of, an alternative master site plan, when the overall design, as proposed by the applicant, meets the intent and the requirements of this

Ordinance and shall not be detrimental to the public health, safety, and welfare.

Section 10-6-7: Required Findings:

- A. In order to approve the master site plan, the Director shall find the following:
1. The master site plan complies with the applicable Comprehensive Plan; and
 2. When applicable, the master site plan complies with Section 10-6-4 General Required Standards; in regards to:
 - a. Location of Structures on the site; and
 - b. Non-Vehicular Access and Internal Circulation; and
 - c. Automobile Access and Internal Circulation; and
 - d. Additional Off-Street Parking Design Standards.
 3. The applicant has submitted a natural features analysis compliant with Section 10-6-5 indicating that the proposed development and master site plan sufficiently addresses:
 - a. Any natural constraints detected or observed; and
 - b. Historical and Cultural Resources; and
 - c. Sensitive Plant and Wildlife Species; and
 - d. Any Impacts on Natural Features.
 4. The master site plan complies with Section 10-6-6 Other Required Standards; in regards to:
 - a. Screening; and
 - b. Drainage; and
 - c. Water Supply and Sewage Disposal; and
 - d. Filling, Excavation, and Earthmoving; and
 - e. Irrigation Services and Delivery Systems; and

- f. Utilities; and
- g. Maintenance; and
- h. Supplemental Information; and
- i. Alternate Site Development.

CHAPTER 7 – LANDSCAPING AND SCREENING REQUIREMENTS

Sections:

- 10-7-1: Purpose
- 10-7-2: Applicability
- 10-7-3: Review Process
- 10-7-4: Landscape Design and General Standards
- 10-7-5: Environmental Design Considerations and Standards
- 10-7-6: New buildings And Paved Areas Design Considerations and Standards
- 10-7-7: Plant Material Standards
- 10-7-8: Guarantee of Installation
- 10-7-9: Maintenance Standards
- 10-7-10: Minimum Landscaping Requirements
- 10-7-11: Single-Family Residential Subdivision Development, Multi-Family, Mixed Use, Commercial and Industrial Development Minimum Requirements

Section 10-7-1: Purpose:

- A. The purpose of this Chapter is to ensure development is consistent with the goals and objectives of and Comprehensive Plan. To provide landscaping guidelines and policies that will enhance the aesthetic appearance of development sites, our streets, parking areas, and to provide guidelines that will adequately provide visual screening and buffer incompatible land uses.
- B. This Chapter will strive to preserve existing healthy trees and rare plants while encouraging the use of native species and drought tolerant landscape materials with the intent providing visually attractive landscaped area that conserve water, break up large areas of pavement, and provide shade in parking areas and around structures with the intent to promote energy conservation.

Section 10-7-2: Applicability:

- A. The standards in this Chapter shall apply to all projects requiring master site plan review unless otherwise exempt under Section 10-7-2 (B) this Ordinance.
- B. All development shall be required to comply unless specifically exempt as listed below:
 - 1. Principally permitted accessory uses with no specific requirements listed in this Ordinance; and

2. Any requirement of this Chapter may be waived or modified by the Director, Commission or Board for good cause; and
3. Single-family residences on individual lots or parcels that are not part of a multi-family or condominium developments shall be exempt from this Chapter; however, existing Multi-family or condominium developments when adding new or renovating landscaping within Elmore County shall comply with the intent of this Ordinance.

Section 10-7-3: Review Process:

- A. Landscaping plans shall be previewed in compliance with master site plan reviews and approval.
- B. The Director, Commission or Board may approve, or recommend approval of, alternative landscaping and screening standards, as set forth in this Chapter, when the following findings can be made:
 1. The overall design, as proposed by the applicant, meets or exceeds the intent and the requirements of this Chapter; and
 2. The existing conditions on or adjacent to the site including, but not limited to, differences in elevation, existing vegetation, or the location of existing structures or utilities would render application of the requirements of this Chapter ineffective; and
 3. That the alternative designs shall not be detrimental to the public health, safety, and welfare.

Section 10-7-4: Landscape Design and General Standards:

- A. General Provisions: All land development applications shall be accompanied by an appropriate landscape plan as herein defined. Building permit applications for individual single-family residences will not require landscape plans unless they are part of a multi-family or condominium development that is proposing new or renovated landscaping in which case a plan would be required. All plans shall comply with the intent of this Chapter:
 1. Site Landscape Design: Landscape improvements shall be designed to complement and enhance the character of the development and neighborhoods and shall follow these specific guidelines:
 - a. Landscaped areas shall be configured to maximize their interconnectivity within the site, the natural areas and existing landscaped areas abutting the site and in adjacent developments.

Small, isolated islands of landscaping should be avoided except as required in parking lots and for screening along roadways; and

- b. Enhance functional open space through the creation of outdoor rooms. This can be accomplished through a combination of plantings, fencing, berms and by using natural features on the site; and
 - c. Landscape improvements in all developments shall be consistent with the character of the proposed development and the surrounding area to reinforce neighborhood identity; and
 - d. Landscape design shall enhance natural features, drainage ways and environmental resources; and
 - e. All landscape improvements shall be designed for mature landscapes and shall provide appropriate visibility for cars and pedestrians; and
 - f. All landscape improvements shall preserve and frame views both into and out of the neighborhood; and
 - g. All landscape improvements shall incorporate the elements of gateway, path and destination into the design of landscapes; and
 - h. Landscaping shall be no more than thirty (30") inches high when located in a vision triangle of street intersections.
3. Water-efficiency in Landscape Design: Landscape improvements shall be designed with water-efficiency as a goal. Landscape water-efficiency shall be measured by an annual water budget to facilitate water conservation. Landscapes shall use xeriscape design principles to facilitate water conservation whenever possible or as directed by this Ordinance. The following guidelines shall apply to the design of all regulated landscapes, all landscape improvements shall:
- a. Have well-planned planting schemes; and
 - b. Appropriate turf selection to minimize the use of bluegrass; and
 - c. Use of mulch to maintain soil moisture and reduce evaporation; and
 - d. Zoning of plant materials according to their microclimatic needs and water requirements; and
 - e. Improvement of the soil with organic matter if needed; and
 - f. Efficient irrigation systems; and

- g. Proper maintenance and irrigation schedules; and
- h. Plants of any water need may be used in the landscape, providing the total annual water use does not exceed the water allowance (water budget), which shall be ten (10) gallons, per square foot, per season; and
- i. Plants having similar water use shall be grouped together in distinct hydrozones, which shall be shown on the Landscape Plan; and
- j. High hydrozones shall be separated from low and very low hydrozones by moderate hydrozones whenever possible; and
- k. Plants shall be selected appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the site. Protection and preservation of native species and natural areas is encouraged. The planting of trees is encouraged wherever it is consistent with the other provisions of this Ordinance; and
- l. Planting strips less than eight (8') feet wide shall be landscaped with low or very low drought tolerant plants that have low or very low water consumption requirements.
- m. All plantable areas not covered with turf shall be covered with a minimum of four (4") inches of a suitable mulch to retain water, and inhibit weeds. Exceptions for low and very low water consumption areas may be considered; and
- n. Soil preparation shall be suitable for the all plants. This generally means adding organic material for high and moderate water zones, but not for low and very low water zones. Soil preparation shall include scarification to six (6") inches, with organic or other planting soil as specified by the landscape designer or landscape architect.
- o. Recirculating water shall be used for decorative water features and
- p. Artificial plants, artificial grass, and other artificial plant material are discouraged as a means of achieving water-efficient landscapes.

Section 10-7-5: Environmental Design Considerations and Standards:

- A. All landscapes shall strive to maximize the use of native species. Where native material is not appropriate for the intended use or appearance, plant species that are regionally adapted and noninvasive may be used.

- B. Buildings and parking areas shall be located to preserve and promote the health of existing trees, environmental resources and natural drainage ways. This requirement is not intended to prevent the removal of unhealthy trees in conjunction with site development.
- C. Trees shall be located to provide summer shade and limit winter shade on walks and streets.
- D. A combination of plantings, berms, walls and fences shall be used as appropriate to buffer sensitive habitat.
 - 1. Use buffers to protect the physical integrity of riparian ecosystems. Try to preserve vegetation and trees in streamside zone and middle zone. Encourage grass and landscaping in outer zone to filter runoff from backyards, parking areas, roads, etc; and
 - 2. Plants shall be selected to blend with the native vegetation for projects at the interface between urban areas and natural open space (non-irrigated). Locally recognized invasive introduced plants shall be unacceptable. Plants with low fuel volume and/or low flammability shall be emphasized; and
 - 3. All areas disturbed by construction shall be reseeded to prevent erosion. Native, noninvasive grasses shall be used for re-vegetation where practical. Weed control is the responsibility of the landowner on all reseeded areas and all open-space preservation areas.

Section 10-7-6: New Buildings and Paved Areas Design Considerations and Standards:

- A. New buildings and paved areas shall include the following design standards:
 - 1. Anchor structures in the landscape through the use of trees, shrubs and groundcover. The size and intensity of plantings shall be appropriate to the size and context of the improvements; and
 - 2. Integrate adjacent land uses of different intensities through a combination of berming, plantings and fencing. Use opaque screening only when necessary to mitigate the impact of noise, light, unattractive aesthetics and traffic. A fence shall not be the only screening material used; and
 - 3. Use landscaping to provide a transition from developed, managed landscape to more natural vegetation; and
 - 4. Provide a tree canopy by installing shade trees within and adjacent to paved areas.

Section 10-7-7: Plant Material Standards:

- A. The minimum planting sizes on all required landscaping shall be two (2") inch caliper deciduous trees, one and one-half (1½) inch caliper ornamental trees, six (6') foot tall evergreen trees and five (5) gallon shrubs less than twenty-five (25%) percent may be one (1) gallon shrubs.
- B. Required plant materials shall be grown in a recognized nursery in accordance with proper horticultural practice. Plants shall be healthy, well-branched vigorous stock with a growth habit normal to the species and variety and free of diseases, insects and injuries.
- C. All plants shall conform to American Nursery Association specifications for measurements, grading, branching, quality, ball and burlapping.

Section 10-7-8: Guarantee of Installation:

Required landscape improvements shall be installed prior to issuance of a Certificate of Occupancy for all structures. If weather conditions prevent installation, the developer shall post a bond or surety in compliance with this Ordinance for the landscaping improvements. This guarantee shall be released upon completion of the installation of the landscaping.

Section 10-7-9: Maintenance Standards:

A regular maintenance schedule satisfying the following conditions shall be submitted as part of the landscape documentation package:

1. Landscapes shall be maintained to ensure water efficiency. A regular maintenance schedule shall include but not be limited to checking, adjusting, and repairing irrigation equipment; resetting the automatic controller; aerating and de-thatching turf areas (when needed); replenishing mulch; fertilizing; pruning, and weeding in all landscaped areas; and
2. Whenever possible, repair of irrigation equipment shall be done with the originally specified materials or their equivalents.

Section 10-7-10: Minimum Landscaping Requirements

- A. Groundcover: Live groundcover shall be provided as appropriate to the use and function of the area, including grass, trees, flowers, or shrubs. In commercial areas this area may be paved if it functions as pedestrian access to storefronts and is integrated into the overall design of the other improvements on the site.

B. Landscaping for required common open space: Common and open space areas such as pocket parks and trails shall be appropriate to the use and function of the area and shall include trees, shrubs, groundcover, irrigation (where necessary) and paving and shall include:

1. A mechanism for funding and long-term maintenance of common open space and arterial and collector street right-of-way landscaping in compliance with this Ordinance.

Section 10-7-11: Single-Family Residential Subdivision Development, Multi-Family, Mixed Use, Commercial and Industrial Development Minimum Requirements:

A. Multi-Family, Mixed Use, Commercial and Industrial Development in addition to the landscaping requirements listed in the Chapter shall provide:

1. Create pedestrian friendly commercial areas; and
2. Site Trees: A minimum of one (1) tree per one thousand (1,000') square feet of landscaped area distributed randomly and planted on the site. Planted trees shall be in conformance with the provisions of this Chapter; and
3. Shrubs: A minimum of one (1) shrub per one hundred fifty (150') square feet of landscaped area shall be planted in compliance with the provisions of this Chapter. Where possible, group shrubs and distribute throughout the site. Trees may be substituted for up to one-half ($\frac{1}{2}$) of the required nbbnshrubs at the rate of one (1) tree for ten (10) shrubs; and
4. Groundcover: Irrigated turf maintained to appropriate standards for active recreation in areas that would function for active recreation shall be planted. Where appropriate, use native grass for areas that will not function as active recreation areas. Native grass must be weed free and maintained at an appropriate height according to species; and
5. There shall be a minimum of fifty (50%) percent live materials between the front of the structure\house and the curb unless otherwise provided by this Ordinance; and
6. Landscape setback to parking lots: There shall be a landscape setback of thirty (30') feet from arterials or twenty-five (25') feet from other streets. The purpose of the setback is to provide a buffer between street parking areas; and
7. The parking lot shall be landscaped with planter strips and trees as

required by this Ordinance.

- C. Landscape and screening plans for the development listed in this Section shall be required as a component of a master site plan and shall meet the following requirements:
 - 1. The landscape and screening plan shall be prepared by a licensed landscape design professional and shall contain the following items:
 - a. The location, size, and type of all proposed landscaping and screening materials (including specific references as to the species of plant materials), and verification that minimum landscaping and screening requirements have been satisfied. All plants shall be shown at seventy-five (75%) percent mature growth; and
 - b. Existing vegetation to be saved shall be identified on the landscaping and screening plan along with protection measures to be used during grading and construction; and
 - c. If the proposed development project shall be completed in phases, the phases shall be noted on the landscape and screening plan; and
 - d. An irrigation plan in compliance with this Chapter; and
 - e. Any other requirements as required by this Ordinance.
- D. Noncompliance with the standards of this Chapter shall constitute a violation of the Ordinance.
- E. All development within the Wildfire Urban Interface (WUI) overlay district shall consider the WUI design standards and principles when developing a landscape plan in compliance with this Ordinance.

CHAPTER 8 – DRIVEWAYS, COMMON DRIVEWAYS AND FLAG LOTS

Sections:

- 10-8-1: Purpose
- 10-8-2: Applicability
- 10-8-3: Process
- 10-8-4: Requirements and Use Standards
- 10-8-5: Findings

Section 10-8-1: Purpose:

The regulations of this Chapter allow for the development of driveways, common driveways and the creation of flag lots from a common driveway subject to the regulations as set forth this Ordinance.

Section 10-8-2: Applicability:

These regulations shall apply to subdivision plats, all legal lots and/or parcels of record, and all legal non-conforming property as defined by this Ordinance.

Section 10-8-3: Process:

- A. Applications for common driveways and flag lots shall be reviewed as an administrative approval or as part of the subdivision review process. If reviewed through the subdivision process no administrative application shall be required. However, the design and dimensional requirements as required by this Ordinance shall apply. Private driveways shall conform with the International Fire Code for driveways, no application is required.
- B. Application: An application and fees, as set forth in this Ordinance, shall be submitted to the Director on forms provided by the Department.
- C. The Director shall apply the requirements and specific use standards and findings listed in this Ordinance to review the common driveway and flag lots.
- D. Tentative Approval Requirements: Upon tentative approval of the application by the Director subject to any applicable conditions of approval and the regulations of this Ordinance, the applicant/owner shall have one year to complete the required tasks or condition which may include:
 - 1. A survey the property; and/or
 - 2. Recordation of a record of survey with the Elmore County recorder showing the common driveway and required easements; and/or

3. Recordation of a perpetual ingress/egress access easement and maintenance agreement; and/or
 4. The posting of no-parking signs; and/or
 5. Other conditions as required by the Director.
- E. Final Approval Requirements: Upon completion of the required conditions of approval, the applicant shall provide evidence to the Director for review. Upon determination by the Director that the common driveway and flag lots are in conformance with the requirements outlined in the tentative approval letter and that all requirements were satisfied prior to the one (1) year expiration date, then the Director shall issue a letter stating that the common driveway and/or flag lots are have received final approval.
- F. For subdivisions, approval shall be granted with an approved preliminary plat in conformance with the provisions of this Ordinance.

Section 10-8-4: Requirements and Use Standards:

- A. Common driveways and flag lots shall meet the following requirements:
1. The common driveway provides access to no less than two (2) lots, and no more than four (4) lots, which are principally occupied with a structure that contains no more than one (1) single-family or townhouse dwelling unit per lot; and
 2. The length of the common driveway shall not exceed one hundred and fifty (150') feet, and shall not be less than twenty-five (25') feet wide for the entire length of the common driveway; and
 3. Parking shall be prohibited on the common driveway; and
 4. The street frontage requirement of each flag lot served by the common driveway shall be a minimum of five (5') feet in width with the provision that the edge of the common driveway will be superimposed on property line(s) in a practical manner, but the overall frontage of the common driveway or flag shall not be less than thirty (30') feet; and
 5. Unless limited by geographical features, all lots or parcels, which the common driveway intersects shall take access from the common driveway, and all individual private driveways shall originate from the common driveway and not from the public right-of-way; and
 6. A perpetual ingress/egress access easement shall be provided which

shall include:

- a. Provisions for maintenance of the common driveway including any required landscaping; and
 - b. The required easement and maintenance agreement shall be in place and record prior to the issuance of any building permit for any lot utilizing the common driveway. If a final plat or Record of Survey is associated with the creation of a common driveway, the easement area shall also be clearly depicted on the plat or survey.
7. Required off-street parking shall be setback a minimum of twenty (20') feet from the edge of the common driveway. Existing residences on parcels that will take access from a proposed common driveway shall provide or construct required off-street parking prior to any land division of parcels that will access the common driveway.

B. Subdivision Platting:

1. The subdivision plat shall meet the requirements as defined in Subsection 10-8-3 (A); and
2. In the case of a subdivision plat, the common driveway and utilities shall be constructed concurrently with all other public improvements.

C. Private Driveways:

1. Driveways shall provide a minimum unobstructed width of twelve (12') feet and a minimum unobstructed height of thirteen (13') feet six (6") inches. Driveways in excess of one hundred fifty (150') feet in length shall be provided with turnarounds. Driveways in excess of two hundred (200') feet in length and less than twenty (20') feet in width may require turnouts in addition to turnaround.
2. Turnarounds shall have an inside turning radius of not less than thirty (30') feet and an outside turning radius of not less than forty-five (45') feet.
3. Driveways shall be designed and maintained to support the imposed loads of local fire apparatus and shall be surfaced as to provide all weather driving capabilities.

Section 10-8-5: Findings:

1. The design of the common driveway and flag lots meet the requirements of this Ordinance; and

2. The use of the common driveway and flag lots benefits the design of the development and reduces the number of accesses onto the public street; and
3. The proposed common driveway and flag lots are not detrimental to the public health, safety, or welfare; and
4. The proposed common driveway and flag lots do not adversely affect or conflicts with abutting uses or impede the normal development of surrounding property.
5. Private driveways shall be built to the standards of this Ordinance.

CHAPTER 9 – CLUSTER SUBDIVISION REQUIREMENTS AND REGULATIONS

Sections:

- 10-9-1: Purpose**
- 10-9-2: Applicability**
- 10-9-3: Process**
- 10-9-4: Standards**

Section 10-9-1: Purpose:

The purpose of cluster subdivision development is to provide limited clustered urban type subdivision development and lots where it will be compatible with existing uses in the vicinity. Cluster development also allows for orderly infill development as urban services become available. The cluster development will provide a means of preserving prime agriculture ground, preserving open space, protecting critical areas and reducing the extension of roads and utilities to serve the residential development. The cluster subdivision development will give landowners the option to consider cluster subdivision development when subdividing land into parcels in a manner that constitutes an alternative to the zone base densities identified in this title.

Section 10-9-2: Applicability:

A. Cluster development shall apply to any property that meets the following criteria:

1. Property is located within an Ag, Rec or RR/MU zoning district; and
2. The property is a minimum of ten (10) acres of contiguous land; and
3. Is located outside of a negotiated area of city impact.

Section 10-9-3: Process:

All cluster subdivision development shall follow the subdivision process and regulations of this Ordinance.

Section 10-9-4: Standards:

- A. Base Density: The residential density identified in Chapter 8 of this Title. A zoning map amendment (rezone) may be considered where appropriate and in conformance with this Title and the Comprehensive Plan.

B. Cluster Subdivision Density: A density of twice the base district may be approved for cluster developments (example, an Ag district allows one (1) dwelling unit per forty (40) acres the Cluster Subdivision Density would allow two (2) dwelling units in lieu of one (1) dwelling unit.)

C. Density Bonus: A density bonus of four times the base district may be approved for a cluster development provided that: (example, an Ag district allows one (1) dwelling unit per forty (40) acres the Cluster Subdivision Density Bonus would allow four (4) dwelling units in lieu of one (1) dwelling unit.)

1. Connect to a community water and sewage disposal system.
2. Buildable lots will not reduce the open space requirements of this chapter.

D. Buildable Lot Configuration:

1. All buildable lots shall meet the dimensional standards as shown in Table 10-9-1 as established by this Chapter.
2. The balance of the property shall be platted as a lot used as open space.

E. Open Space Requirements:

1. The cluster subdivision development requires that a minimum of three-fourths (75%) of the total area of the cluster development be designated as set aside land to preserve open space, prime farm ground, protect wildlife habitat and/or critical areas. The required open space may not be developed until urban services become available.
2. The required open space shall either have a deed restriction, dedication, reservation, conveyance, association or other legal instrument. The means by which open space is preserved shall be approved by the Commission.
3. Open space shall be contiguous and should attempt to interconnect with adjacent lands open space or critical areas.
4. New residential building permits shall not be allowed on the open space lots. Existing and agriculture structures shall be allowed on open space lots.

F. Access and Roads:

1. Each lot shall have the required access as required by this Ordinance and Table 10-9-1 of this Chapter.

2. All roads shall comply with Title 10 Chapter 5 of this Ordinance.
3. Roads shall either be dedicated to applicable highway district or placed within a platted lot. Road lots and/or road dedication shall not be counted towards the required open space.

G. Use Exception: A use exception for C1 commercial uses and development may be requested for all cluster development when appropriate for needed services. A use exception request shall not exceed twenty (20%) percent of the proposed developed area, excluding open space and shall have adequate water and sewer facilities available and capable of supporting C1 uses.

H. Other Cluster Development Requirements:

1. Where prime agricultural soils are present on the property, the applicant shall designate the prime agricultural lands in the required open space; and
2. All hazardous areas including but not limited to steep unstable slopes, riparian areas and flood zones shall not be used for residential purposes but can be used in the required open space.
3. The clustered subdivision development design shall locate all developable lots in one (1) general location and developable lots shall be contiguous on the subject property; and
4. The proposed cluster subdivision development shall protect all existing gravity flow irrigation systems and drainage systems; and
5. Sewage disposal systems shall comply with local and state individual sewage disposal regulations; and
6. If the cluster subdivision is located with an agriculture zone a note shall be placed on the plat and on each deed recognizing the Idaho Right to Farm Act; and
7. A note shall be placed on the plat and on each deed indicating that the individual lot owner shall connect to a municipal sewage collection and treatment facility when available or requested to connect. If a Membrane Bio-reactor (MBR) or Sequencing Batch Reactor (SBR) type of system with filtration is incorporated into the development connection may not be necessary and exempt from this regulation a determined by the Director or Commission; and
8. All required improvements must be completed or bonded in compliance with this Chapter and Title prior to the sale of lots.

**Table 10-9-1
Cluster Development Setbacks, Lot, Frontage, and Height Requirements**

BUILDING SETBACKS IN FEET					LOT, FRONTAGE, AND HEIGHT				
Zoning District/ Cluster Development	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yard	Minimum Street Side	Minimum and Maximum Lot Size Ranges ⁽³⁾	Minimum Lot Frontage in Feet	Minimum Lot Width	Maximum Building Height in Feet	Minimum Lot Width to Depth Ration
Ag/Cluster Development	20	20	10	20	Min. 6,500 sq. ft.	30	70	35	1W to 3D ⁽⁵⁾
Rec /Cluster Development	20	20	10	20	Min. 5,500 sq. ft.	30	60	35	1W to 3D ⁽⁵⁾
Atlanta (4) Single story Two story	10 10	5 10	5 10	5 5	N/A	N/A	N/A	N/A	1W to 3D ⁽⁵⁾ 1W to 3D ⁽⁵⁾
RR/MU/ Cluster Development	20	20	5	20	Min. 4,500 sq. ft.	30	50	35	1W to 3D ⁽⁵⁾
C1/Cluster Development Mixed Use or Commercial Use Exception	20	20	0 or 10 ⁽¹⁾	20	Min. 1,000 ⁽²⁾ sq. ft.	30	30	35	1W to 3D ⁽⁵⁾

- (1) The side yard setback shall be ten (10) feet when abutting a residential use or district.
(2) The lot size shall be appropriately sized and configured to meet setback requirements and to provide for required off-street parking.
(3) The required open space lot shall be configured as one (1) lot making up the balance of the parcel not being developed. Maximum lot sizes may vary
(4) 20' for parking. Outbuilding/Accessory Structures Single story 200 sq ft or less 3' setback from rear, side and side yard.
(5) The Director may approve alternate width to depth ratios based on parcel configuration, but long "rifle lots" shall be prohibited.

CHAPTER 10 – OPEN SPACE STANDARDS AND DEVELOPMENT REQUIREMENTS

Sections:

- 10-10-1: Purpose**
- 10-10-2: Applicability**
- 10-10-3: General Regulations**
- 10-10-4: Design Standards**

Section 10-10-1: Purpose:

The purpose of this Chapter is to encourage well designed open space within new development, and to provide standards for dedicated open space areas and/or uses approved as part of a development application.

Section 10-10-2: Applicability:

These regulations shall apply to all new commercial, industrial, multi-family or condominium development and subdivision plats as defined in this Ordinance.

Section 10-10-3: General Regulations:

- A. Dedicated Open Space Plan: A dedicated open space plan shall include the following information shown on a map of an appropriate scale, as determined by the Director and shall be accompanied by any associated documents as may be necessary or required. The Dedicated Open Space Plan may be incorporated with any required Master Site Plan:
 - 1. A written plan with narrative and maps to include the following:
 - a. The boundary of all dedicated open space area shall be mapped along with all abutting properties within three hundred (300') feet of the open space boundary at a scale and size as required by the Director; and
 - b. A legal description; and
 - c. All existing distinctive natural characteristics contained within the proposed open space areas including, but not limited to, prime agricultural land and topographical elements shall be mapped and thoroughly discussed in the written plan; and

- d. All proposed uses and development including, but not limited to, structures, roadways, parks, and trails surfaces shall be mapped and thoroughly discussed in the written plan.
- B. The open space plan shall include narrative describing a perpetual funding mechanism for the maintenance and any proposed development of the open space. Funding options may include, but are not limited to transfer fees, private donations or CC&R dues.
- C. Required Dedicated Open Space:
1. Commercial and industrial development projects greater than forty (40) acres in size shall designate five (5%) percent of the acreage to be used exclusively for natural and/or developed open space as defined by this Ordinance and/or as approved by the Director, Commission and/or Board.
 2. Multi-Family or Condominium development projects shall designate ten (10%) percent of the acreage to be used exclusively for natural and/or developed open space as defined by this Ordinance and/or as approved by the Director, Commission and/or Board.
 3. Subdivision development projects of ten (10) acres or greater in size shall designate ten (10%) percent of the acreage to be used exclusively for natural and/or developed open space as defined by this Ordinance and/or as approved by the Director, Commission and/or Board.
 4. Minimum Amenity design standards:
 - a. Dedicated parks shall require a landscaping plan and park benches at a ratio of one (1) bench per one thousand (1,000') sq. ft. of park.
 - b. Tot lots shall be required to contain a minimum of three (3) individual play apparatuses or one (1) multi-functional play apparatuses.
 - c. Proposed clubhouses and/or swimming facilities shall be sized appropriately to accommodate the residents.
 - d. Barbecue area shall contain a minimum of two (2) barbecues and two (2) picnic tables.
 - e. Open space plans, where amenities are required, shall contain detailed plans and specification sheets for all proposed amenity fixtures such as tables, benches, barbecues, and play equipment, etc. Such fixtures shall be reviewed and approved by the Director and reviewed by the Commission and/or Board.

5. All required amenities shall be installed and fully operational prior to the first dwelling or unit receiving final occupancy or the issuance for the second dwelling or unit whichever is more restrictive. For good cause, the applicant/owner may provide a bond or surety for the required amenities with Director approval and in compliance with this Ordinance.
- E. Other Allowed Open Space Uses: Other allowed open space uses for residential development shall include, but not be limited to, the following:
1. Natural areas; and/or
 2. Agriculture; and/or
 3. Community garden plots for cultivation by residents; and/or
 4. Recreational areas designed for specific passive and/or active recreational uses, golf courses, tennis courts, football and ball fields; and/or
 5. Floodways identified on the adopted pathway plan; and/or
 6. Lawns or ground cover with or without trees; and/or
 7. Riding trails and common pasture; and/or
 8. Use associated with a historic structure.
- F. Required drainage areas, swales, or drainage retention areas shall not be used to house amenities.
- G. Required setback areas shall not be used in the calculation of required open space.
- H. Term and Form of Restrictions for Dedicated Open Space:
1. All development restrictions shall be noted and/or shown on the final plat and shall be recorded as either a deed restriction or a conservation easement prepared subject to the regulations of Idaho Statute Title 55, Chapter 21.
- I. Ownership: Dedicated open space shall be held in one or more of the following methods of ownership:
1. Condominium: If ownership of the proposed development is held as a condominium in conformance with Idaho Statute, Title 55, Chapter 15, the dedicated open space may be held as a common area of the condominium.
 2. All Other Development: The dedicated open space may be held in common ownership by an incorporated homeowners' or property owner's association.

- J. Maintenance Standards: All open space shall be maintained in good condition and shall not create any nuisance, fire hazards or be detrimental to the public health, safety, and welfare of those using the space and/or any other standards as imposed by this Ordinance.
- K. Maintenance Requirement: Failure to maintain any dedicated open space will constitute a violation of this Ordinance.
- L. Improvements: Required improvements include, but not limited to, landscaping and recreation facilities within the dedicated open space areas shall be provided by the applicant or owner. A surety agreement, as set forth in this Ordinance, may be required to cover costs of installation or maintenance of such improvements.

Section 10-10-4: Design Standards:

- A. Consistent with Adopted Plans: The design shall be consistent with any adopted regional or local open space plan, recreation plan and the Comprehensive Plan.
- B. Accessibility: The dedicated open space shall be easily accessible.
- C. Roadways: The number of private or public roadways that divide the dedicated open space shall be limited to those necessary for proper traffic circulation, and the roadways shall not detract from the efficient use of the open space.
- D. Structures: The dedicated open space shall be free of all structures, except those that enhance the use of the dedicated open space including, but not limited to, structures related to outdoor recreational use, well houses, and storm water retention basins.
- E. Storm Water Basins: Storm water retention or detention basins designed and approved as part of the storm water management system for the property may be located within the dedicated open space area but shall not be utilized for active amenities.
- F. Impervious Surface: No more than ten (10%) percent of the dedicated open space shall be impervious surface.
- G. Additional Standards for Dedicated Open Space in a Subdivision:
 - 1. Dedicated open space shall not be less than one hundred (100') feet in width at any point and not less than twenty thousand (20,000') square feet of contiguous area, except when part of a trail system or pathway network; and

2. The dedicated open space shall be connected to open space areas on neighboring properties wherever possible including provisions for pedestrian walkways to create linked walkway or pathway systems; and
 3. When children's play equipment, benches, barbecues or picnic tables are proposed, a minimum of two (2) shade trees shall be planted to shade the play equipment, benches, barbecues or picnic tabled on the west and southern exposures. Additional trees shall be at the discretion of the applicant.
- H. Alternative Open Space Plan: The Director, Commission and/or Board may approve, or recommend approval of an alternative open space plan when the overall design, as proposed by the applicant, meets or exceeds the intent and the requirements of this Chapter and shall not be detrimental to the public health, safety, and welfare.

CHAPTER 11– PLANNED COMMUNITY (PC) STANDARDS

Sections:

- 10-11-1: Authority
- 10-11-2: Provisions of Ordinance Declared to be Minimum Requirements
- 10-11-3: Purpose
- 10-11-4: Definitions
- 10-11-5: Applicability
- 10-11-6: Work Session and Noticing Requirements
- 10-11-7: Application Requirements
- 10-11-8: General Provisions, Process, and other Requirements
- 10-11-9: Action by the Board and Amendments
- 10-11-10: Periodic Evaluation
- 10-11-11: Area of City Impact
- 10-11-12: Process for Subsequent Development
- 10-11-13: Other Requirements
- 10-11-14: Zoning Ordinance Map and Text Amendments
- 10-11-15: Development Agreement
- 10-11-16: Subdivision Applications
- 10-11-17: Planned Community Application Required Findings
- 10-11-18: Fees

Section 10-11-1: Authority:

This Chapter for Planned Community Zoning Standards is adopted pursuant to authority granted by Title 67, Chapter 65 of the Idaho Statute, as amended or subsequently codified.

Section 10-11-2: Provisions of Ordinance Declared to be Minimum Requirements:

In its 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 of those imposing the higher standards shall govern.

Section 10-11-3: Purpose:

The purpose of this Ordinance 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.

Section 10-11-4: Definitions:

Definitions are found in Chapter 1 Title 7 of the Ordinance.

Section 10-11-5: 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 proposed PC is a minimum of forty (40) contiguous acres under common ownership or control.
 2. The proposed PC site shall be located outside existing area of city impact as well as the Airport Hazard Zone (AHZ), Public Airport Hazard Zone (PAZ), Air Base Hazard Zone (ABHZ), and Air Base Commercial Zone (ACZ) zoning classifications set forth on the adopted Elmore County Zoning Map.
 3. An application for a proposed 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 10-11-6: Pre-application Work Sessions and Neighborhood Meeting Requirements:

- A. The applicant shall complete a minimum of two (2) pre-application work sessions with Department 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 approved by the Board.
- C. The purpose of the required pre-application work sessions with Department staff, identified agencies, and neighboring land owners is to develop initial communication between staff, identified agencies, neighboring land owners and the applicant. (One (1) of the work sessions may include a site visit with Department staff, identified agencies and the applicant.)
- D. The applicant shall hold a minimum of one (1) neighborhood meeting where all property owners within one (1) mile 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 Ordinance.

Section 10-11-7: 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 adopted by the current Department fee schedule.

- 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, (the “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 Comprehensive Plan.

 - 2. A list of coordinated goals, and policies 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; agriculture; implementation; national interest electric transmission corridors; public airport facilities; commercial/industrial development; air quality; water quality and irrigation systems.

 - 3. A conceptual land use map, conceptual densities and intensities map showing the proposed general land use patterns and proposed general densities and intensities within the PC boundary by neighborhood and district. The map shall include proposed land uses districts in sufficient detail and 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 percentages of densities proposed for each land district. The 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. 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 to surrounding properties and public lands.
 - d. Trails, paths, parks and natural open space proposed.
 - 4. 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.
 - 5. 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.
- 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 Ordinance 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, the Planned Community Zoning Ordinance (the “PCZO”): The applicant shall submit a zoning ordinance text amendment that shall include, but not be limited to, elements 1-15 of this section.

1. Purpose statement.
2. Applicability (regulations apply in areas identified on official zoning map and PCCP 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.

- 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 Financing 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.
 - 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. Financing Plan: Plans to ensure construction of public facilities and long term operation and maintenance of the public services. The financing plan, at a minimum, shall include the following for each phase of the PC through build-out as follows:
 - a. A brief narrative description, including:
 - (1) Type of facility or facilities planned, including identification of any affected

public service provider;

- (2) Description of phasing, including facilities upgrades and expansion capacity, including timing of these steps, if applicable;
- (3) Description of the entities responsible for ongoing operation and maintenance of each identified facility, and the planned revenue sources anticipated to support facility operation in perpetuity.

b. A plan of construction costs and planned financing for each public facility by phase, including:

- (1) Total construction costs and share of costs borne by the owner and partners;
- (2) Funding sources by category, including fees, contribution(s) of owner and partners, and borrowing;
- (3) Annual cash uses, including facility construction and/or expansion, additional land acquisition, debt retirement, and interest; and
- (4) Total required funding.

c. A plan of operation and maintenance financing for each public service, including:

- i. Annual operation and maintenance costs;
- ii. Capital renewal and replacement costs (capital reserve account);
- iii. Estimated annual revenue, identified by sources;
- iv. Estimated annual private funding required, if any, to ensure continuation of public services; and
- v. Private funding sources, contribution (s) of owner and partners, and borrowing.

3. Phasing Plan: The phasing plan shall be developed in consideration of the financing plan and shall include at a minimum:

a. A map of anticipated phase line boundaries for the entire PC;

b. A map of each anticipated phase including:

- (1) Land use designations, including residential, mixed use, commercial, natural

open space and developed open space;

(2) Densities and nonresidential intensities;

(3) Anticipated internal street network, including arterials and collectors; and

(4) Regional anticipated internal trail system, including trail and trailheads.

c. A written assessment of the sequence of development including:

(1) Anticipated commencement and completion times of each phase;

(2) Distribution of land use designations;

(3) Total area of each phase and anticipated population;

(4) Implementation of public services by phase, including a transition plan if required;

(5) Description on how each final plat is a self-supporting unit as defined by this Ordinance;

(6) How nonresidential uses and recreational opportunities will be phased to keep pace with housing.

4. The Fiscal Impact Study shall adequately demonstrate the likely additional public infrastructure and service cost burden posed by the PC 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, The Planned Community Development Plan: 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, (the "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 throughout the site.
 - b. Soils: Analysis of types of soils present in the site area. 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 an established datum 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.
 - 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 (the "IDFG").
 - f. Historic/Cultural Resources: Analysis of existing historic resources as identified on the Elmore County historic resources inventory and other available sources including, but not limited to, the State Historic Preservation Office (the "SHPO").
 - g. Hazardous Areas: Location and identification of all potential hazardous areas.
 - 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. The plan shall describe the proposed quantity of building types and designs. 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 (1) 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 twenty-four (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 four hundred (400) living/dwelling units. 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 and Habitat Management Plan: The wildlife and habitat management plan shall utilize the natural resources and habitat inventory of the adopted PC comprehensive plan to add impact assessment and mitigation components and update it with the following information:
 - a. A narrative of potential direct, indirect, and cumulative impacts to natural resources, wildlife habitat within the project area, including potential secondary impacts to all land within one (1) mile of the exterior boundary of the PC;

- b. Method (information and /or calculations) used to evaluate impacts (e.g., buffers, mapping analysis, etc.)
 - c. Mitigation goals and measurable objectives with reference to the impacts(s) those goals are intended to mitigate;
 - d. A description of natural open space management;
 - e. A description of mitigation activities and implementation measures including actions and methods to meet goals, time line and estimated cost by development phase, management and monitoring plans, financing and funding sources, and alternative/adaptive management strategies; and
 - f. A description of federal and state permitting.
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. Phasing shall be accomplished so that the integrity of the PC 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.
10. Minimum Public Service Level Standards: Each PC shall provide all of the following categories for public services in accordance with the stated minimum standard for each:
- a. Electricity: Electricity service to every buildable property.
 - b. Telephone: Telephone service to every buildable property.

c. Water:

- (1) Drinking water service shall be provided to every buildable property within the PC by a municipality, a private water company regulated by the Idaho public utilities commission, or a water district established pursuant to Idaho Statute § 42-3201 et seq.
- (2) Drinking water service shall maintain compliance with all applicable federal, state and local rules and laws.
- (3) All residential lots shall have an automated irrigation sprinkler system to minimize water usage and waste.
- (4) All nonresidential lots shall have pressurized irrigation systems, using reclaimed water when available and permissible under all applicable federal, state and local rules and laws.
- (5) All irrigation systems and water uses shall comply with all applicable federal, state, and local rules and laws.

d. Wastewater treatment:

- (1) A centralized wastewater treatment and reuse service, or connection to an existing system shall be provided to every property with the PC by a municipality, a private sewer company, or a sewer district established pursuant to Idaho Statute § 42-3201 et seq.
- (2) Wastewater treatment and reuse service shall maintain compliance with all applicable federal, state and local rules and laws.
- (3) If treated wastewater will be used for irrigation then the irrigated area and the amount of treated wastewater used for irrigation shall be identified in the PC implementation plan, and shall comply with all applicable federal, state and local rules and laws.
- (4) For specific lots, board may waive or alter the centralized wastewater treatment requirement on a case by case basis where topography or other considerations centralized service feasible.

e. Law Enforcement: One (1) law enforcement officer per one thousand two hundred (1,200) residents.

f. Fire Protection:

- (1) Location within a fire district.

- (2) Fire protection shall be provided to all areas within the PC with a response time of five (5) minutes or less for the arrival of the first arriving engine company at a fire suppression incident, as measured from the time the unit acknowledges notification of the emergency. (National Fire Protection Association 1710 § 4.1.2.1 – 2004 edition)
- (3) If a new fire station is required for the PC to meet the response time then location of the new fire station should comply with the master siting plan of the fire district.

g. Paramedic services (EMS):

- (1) Five (5) minutes or less for the arrival unit with first responder or higher-level capacity at an emergency medical incident, as measured from the time the unit acknowledges notification of the emergency for ninety (90) percent of the anticipated population of the PC. (National Fire Protection Association 1710 § 4.1.2.1- 2004 edition.)
- (2) Nine (9) minutes or less for the arrival of an advanced life support (ALS) unit at the emergency medical incident, as measured from the time the unit acknowledges notification of the emergency for ninety (90) percent of the anticipated population of the PC. (National Fire Protection Association 1710 § 4.1.2.1- 2004 edition.)
- (3) If a new emergency services station is required for the PC to meet the applicable response time then location of the new emergency services station should comply with the maser siting plan of the district.

h. Schools:

- (1) Sufficient land shall be incorporated in the land use plan for elementary educational facilities to serve the PC according to the applicable school district standard.
- (2) Sufficient land shall be incorporated into the land use plan for middle school and high school educational facilities to serve the PC according the applicable school district standards.
- (3) Elementary school sites shall be within one and a half (1 ½) miles of fifty (50) percent of the elementary age residents of the PC.

i. Transportation:

- (1) PC shall be designed to have an internal trip capture of at least fifteen (15) percent, as

calculated using the methodology for estimating trip generation at multiuse sites in the latest edition of the ITE "Trip Generation Handbook" and/or any other methodology approved by the applicable highway district.

(2) The PC shall have a comprehensive transportation demand management program for the PC that will reduce weekday peak period single occupant vehicle trips compared to the forecasted trip generation for the project without transportation demand management strategies. At a minimum, the transportation demand management program shall include: street widths to accommodate transit service; internal street connectivity consistent with appropriate highway district's transportation land use integration plan; land for bus shelters (minimum of a five (5) foot x eight (8) foot pad, as appropriate); Americans with Disabilities act compliant sidewalks or pathways that are connected to the curb at bus stop locations as determined; carpool and vanpool parking designations at commercial centers; park and ride facilities; lighting; and bicycle facilities. Trip reduction rate generated due to a transportation demand management program shall not be used in the traffic impact study analysis submitted to the appropriate highway district.

(3) Level of service on all public roadways shall be determined by the jurisdiction having authority over the roadways.

j. Natural and developed space:

(1) A minimum of ten (10) acres per one thousand (1,000) population of developed open space based on two point five (2.5) persons per dwelling unit.

(2) A minimum of fifteen (15) percent of the total gross area of the PC shall be dedicated to natural space.

(3) A minimum of thirty (30) percent of the total gross area of the PC shall be dedicated to natural open space if the PC is in the foothills.

(4) All natural space and developed open space shall be accessible to the public and shall be created and evidenced by recorded easements and plat notes, or other recorded instruments.

k. Library: Sufficient space shall be incorporated into the land use plan for library services to serve the PC.

11. Additional Service Standards: Each PC must provide a minimum of six (6) of the following categories of additional services in accordance with the stated minimum standard for each:

a. Developed open space: A minimum of twelve (12) acres per one thousand (1,000) population based on two point five (2.5) persons per dwelling.

- b. Natural open space: A minimum of sixteen point five (16.5) percent of the total gross area of PC shall be dedicated to natural open space.
- c. Multi-family housing: A minimum of ten (10) percent of the total number of dwelling units.
- d. Workforce housing: A minimum of fifteen (15) percent of for sale housing (single-family and multi-family) priced for household earning one hundred twenty (120) percent of the Elmore County household median income or below.
- e. Rental housing: A minimum of thirty (30) percent of the total rental units for multi-family housing priced for households earning up to eighty (80) percent of the Elmore County household median.
- f. Green community:
 - (1) Water efficiency (e.g. low water plumbing fixtures in homes and building; primarily low water or xeric landscaping; limited turf).
 - (2) Energy efficiency (e.g. energy star homes or comparable standard).
 - (3) Materials efficiency (e.g. using less building materials than standard).
 - (4) Green infrastructure/design (e.g., application of reclaimed wastewater; groundwater recharge; less impermeable surface).
- g. Library:
 - (1) A minimum standing collection of three and one half (3 ½) volumes per resident.
 - (2) Provision of space at agreed upon stages of residential development consistent with one point twenty-five (1.25) square feet per resident.
 - (3) Staffing of 1 full time employee per 1,00 residents.
 - (4) One (1) public computer per one thousand (1,000) residents with a minimum of three (3) public computers in any library space.
- h. Schools:
 - (1) Donation of land for educational facility beyond that needed to primarily serve the PC population.
 - (2) Site size and location and donation requirements must be in accordance with

adopted school district standards.

- i. Mixed use district: Five thousand (5,000) square feet finished building space per one thousand (1,000) residents (approximately phased).
 - j. Employment: Office park, industrial park or other area sufficient for fifty (50) employees.
 - k. Walkability: Ninety percent (90%) of dwelling units located within ½ mile walking distance to neighborhood shops/services and/or developed open space.
 - l. Trip capture: At least fifteen point seventy percent (15.75%) internal trip capture as calculated using the methodology for estimating trip generation at multi-use sites in the latest edition of the ITE “Trip Generation Handbook” and/or any other methodology approved by the appropriate highway district.
 - m. Other: Must be approved by the director, planning and zoning or board.
- G. Element G, Additional Information Technical Reports: The applicant shall submit technical reports, signed and completed by qualified experts as defined by this Ordinance and any other information necessary to support the purposes of this Chapter, as determined by the Director, Commission, and/or Board, as applicable.
- H. Element H, Updating Information: The Director, Commission, and/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 10-11-9: Application Acceptance, Agency Workshop and Review, Action by the Commission:

- A. Application Acceptance:
 - 1. Application Acceptance: The date of the Director’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 application acceptance. Application acceptance shall be the date that establishes the applicable Ordinance and Comprehensive Plan. 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. Upon application acceptance, a complete copy of the application shall be transmitted by the Department 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 sixty (60) days of receiving 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) 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 Planning and Zoning 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 one hundred twenty (120) days after the initial ninety (90) day agency review period. The Planning and Zoning Commission shall have adequate time to review the PC application materials after the agency review period and prior to any scheduled public hearing.
- D. Abandonment or Indefinite Hold: In the event that a proposed PC has been placed on hold status for twelve (12) months with no public hearing set, the project will be considered abandoned and will be terminated after a thirty (30) day notice to the applicant. Any fees that are remaining at the time of termination will remain with the county.

Section 10-11-10: 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 (1) year requirement and accept a new application, where the subject property is affected by amendments to the applicable Comprehensive Plan or to the Ordinance.
- 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 approved by the Board as an amendment to the Elmore County Zoning Ordinance.
- F. Amendments to a PC: 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 with the current Ordinance. The request shall not be initiated prior to the third biennial review period.
- G. An amendment to a PCCP, PCZO or a Zoning Ordinance Map Amendment may 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.
 4. Any other applicable amendment procedure outlined in the Ordinance.

Section 10-11-11: 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 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.

- C. 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.
- D. 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 Statute and this Chapter.

Section 10-11-12: Area of City Impact:

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 Ordinance.

Section 10-11-13: 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 current 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 10-11-14: Other Requirements:

- A. All uses within the PC shall be served with a central wastewater collection and treatment facility 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 the approval of the applicable highway district and/or the County.
- 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 a property owner's association and retained as common open space for public safety, parks, recreation, and related public uses in compliance with this Chapter. Dedication to a property owner's association 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 10-11-15: Zoning Ordinance Map and Text Amendments:

- A. Zoning Ordinance amendments may be initiated by a PC Application or by action of the County in accordance with the Ordinance.
- B. Application and Review: The Board shall apply the standards listed in this Chapter and Ordinance 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 Statute § 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 and Ordinance.
- 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 Ordinance; 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 Ordinance; 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 Ordinance; and
 - d. 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 or adopted Comprehensive Plan.

Section 10-11-16: Development Agreement:

See Title 7 Chapter 10 for Development Agreement requirements.

Section 10-11-17: Subdivision Applications:

See Title 10 Chapter 1 for Subdivision requirements.

Section 10-11-18: Planned Community Application Required Findings:

- A. In order to approve a PC application, the Board shall make the following findings:
- 1. The Proposed PC complies with the Comprehensive Plan, including but not limited to the Land Use Section, titled Planned Communities.
 - 2. The proposed PC complies with local, state and federal laws and regulations.
 - 3. The proposed PC complies with all applicable county ordinances.
 - 4. The proposed PC provides the necessary development tools to accommodate compatible, mixed-use, small-town or urban-type development while promoting connectivity and walkability.

5. The proposed PC provides reasonable on-site commercial and community facilities and employment opportunities for its residents commensurate with its size.
6. The PCCP addresses all required components and establishes design concepts for all aspects of the development.
7. The PCDP complies with the zoning ordinance text amendment and follows the guidance of the PCCP.
8. The PCDP provides for a variety of housing types and designs, including single family attached and detached, and multi-family.
9. The wildlife mitigation plan adequately avoids, reduces or mitigates any adverse impact on wildlife.
10. 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.
11. The proposed PC shall not create excessive additional requirements at public cost for public facilities and services and the proposed PC shall not be detrimental to the economic welfare of the county.
12. The proposed PC shall be served adequately by public facilities such as highways, streets, police protection, fire protection, drainage structures and refuse disposal.
13. 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.
14. The proposed PC complies with overlay districts specified in the Ordinance.
15. The PC has adequate facilities and programs to promote the use of alternative transportation both within the PC and outside of the PC boundaries.
16. The PCDP has adequately demonstrated that the PC will be served by a central wastewater collection and treatment facility and a community water system.
17. The PC has provided open space and developed parks that meet or exceed the minimum requirements and are adequate to serve the anticipated population.

18. The proposed natural open space is adequate to preserve views, special sites, important natural features, riparian areas, wetland areas, wildlife habitat and rare plants.
19. The PC has phased non-residential uses and recreational opportunities that keep pace with housing.
20. 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.
21. The phasing plan for development within the PC ensures the integrity of the PC is maintained at the end of each phase.
22. The proposed PC provides adequate mitigation for all identified tax and/or fee revenue shortfalls and negative impacts to existing service providers.
23. The proposed PC shall not be hazardous or disturbing to existing neighboring uses or impede their normal development.
24. The proposed PC shall not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
25. The proposed PC shall not result in the destruction, loss or damage of a natural or scenic feature of major importance.

Section 10-11-19: Fees:

- A. Fees: All applications authorized by this Ordinance have fees adopted by the Board.
- 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 Department and accompanied by the 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 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 Ordinance.

CHAPTER 12– PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE

Sections:

- 10-12-1: Authority
- 10-12-2: Provisions of Ordinance Declared to be Minimum Requirements
- 10-12-3: Purpose
- 10-12-4: Regulations Establishing Permitted Uses
- 10-12-5: Applicability
- 10-12-6: Work Session and Noticing Requirements
- 10-12-7: Application Requirements
- 10-12-8: General Provisions and Process
- 10-12-9: Action by the Board and Amendments
- 10-12-10: Approval and Platting Timelines
- 10-12-11: Incorporation, Annexation, or Inclusion
- 10-12-12: Process for Subsequent Development
- 10-12-13: Zoning Ordinance Map Amendment and Development Standards (Exceptions/Modifications)
- 10-12-14: Development Agreement
- 10-12-15: Subdivision Applications
- 10-12-16: Subdivision Additional Required or Concurrent Applications
- 10-12-17: Planned Unit Development Application Required Findings
- 10-12-18: Fees

Section 10-12-1: Authority:

This Planned Unit Development Standards is adopted pursuant to authority granted by Title 67, Chapter 65 of the Idaho Statute, as amended or subsequently codified.

Section 10-12-2: Provisions of Ordinance Declared to be Minimum Requirements:

In its 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 lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive or those imposing the higher standards shall govern.

Section 10-12-3: Purpose:

The purpose of this Chapter is to provide standards for the review of Planned Unit Development applications, and the applicant's request, to allow for 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 or overlay district.

The proposed development shall comply with the specific goals and policies of the Comprehensive Plan and the goals and policies set forth herein.

Section 10-12-4: 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 PUD shall be compatible with existing and proposed land uses and shall provide more efficient, aesthetic and desirable use of open space and recreational opportunities.
2. A PUD application shall be required for any development or subdivision proposal that meet the requirements of this Chapter and where the applicant is requesting one or more of the following:
 - a. A mix of land uses that are not allowed as principal permitted or conditional uses in the same base district.
 - b. Clustering of land uses to achieve density transfer of residential units away from physical constraints or hazardous areas. Such constraints include, but are not limited to, the following: flood hazards, unstable geologic conditions, soil conditions, topography, identified high ground water areas, and other characteristics that could threaten public health and/or safety.
 - c. Modifications of dimensional standards to achieve dedicated open space and provide for amenities not found in traditional subdivisions.
3. All uses that may be allowed within the zoning district are permitted within the PUD. Use Exceptions of up to twenty (20%) percent of the gross land area may be directed to commercial, office, industrial, public and quasi-public uses that are not allowed within the zoning district with Board approval.
4. Residential development shall be considered compatible regardless of density or dwelling type. All types of residential development shall be allowed within a PUD, including but not limited to detached, semi-detached, attached, and multifamily or any combination thereof. Protection of residential development adjacent to non-compatible uses shall require buffering. Buffering techniques shall include but not limited to screen planting, open space and landscaping.
5. Planned Unit Developments are required to provide a minimum net density of six to eight (6 to 8) dwelling units per acre (DU/A). Higher density residential development greater than eight (8) DU/A and senior housing options are encouraged within the PUD. Densities greater than eight (8) DU/A are encouraged and shall be reviewed and approved based on their 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.

6. A combination of residential, commercial, office and industrial uses within the PUD are encouraged.
7. Non-residential uses permitted pursuant to Use Exception should serve primarily the residents of the PUD, the surrounding area, and shall be compatible and harmoniously incorporated into the design of the PUD.
8. All permitted uses shall be in conformance with the PUD Development Plan, PUD Development Standards, and Elmore County Zoning and Development Ordinance pursuant to the procedural and regulatory provisions of this Chapter.
9. The PUD shall be served by a central wastewater collection and treatment facility and a community water system.
10. All roads 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.
11. 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 Director approval.
12. 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.
13. Heavy Industrial uses shall be prohibited in a PUD.
14. Joint parking facilities for commercial, office or industrial uses shall be provided and shall provide common access points to public streets. Sufficient landscaping shall be provided for all parking, loading and outdoor storage areas.
15. 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.

16. 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, reduce thoroughfares, and through traffic.

Section 10-12-5: Applicability and Application Requirements:

- A. These regulations shall apply to applications for Planned Unit Development that meet the following minimum size and location standards:
 1. The PUD shall contain under one ownership or control a minimum of ten (10) contiguous acres, but shall be less than one hundred sixty (160) contiguous acres.
 2. The PUD shall be located within an existing area of city impact. The jurisdictional municipality shall be notified of all meetings, work sessions and any other activities concerning the PUD. The City representatives will be encouraged to become active participants in the process. The PUD may be located within multiple areas of city impacts provided the PUD boundary is contiguous. A portion of a contiguous PUD 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 involves less than thirty-three (33%) percent of the gross acreage being proposed by the PUD.
 3. The PUD shall not be located within the Air Base Hazard Zone (ABHZ), or Air Base Commercial Zone (ACZ) zoning classifications on the Comprehensive Plan Land Use Map.
 4. An application for a PUD shall be signed by the property owner(s) having a legal interest in the property to be included in the PUD or his/her/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 affidavits of legal interest giving such permission.

Section 10-12-6: Pre-application Work Sessions and Neighborhood Meeting Requirements:

- A. The applicant shall complete a minimum of two (2) pre-application work sessions with Department staff, or more as required by the Director. The Director encourages multiple work sessions with City officials, identified agencies, and landowners located within one thousand (1,000') feet of the proposed PUD boundary, or a greater distance determined by the Director, prior to submittal of an application for a PUD.

- B. 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 PUD. 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. The pre-application work session fee as approved by the Board.
- C. The purpose of the required pre-application work sessions with Department staff and identified agencies and neighboring landowners is to develop communication between staff, city officials, identified agencies, neighboring landowners and the applicant. One of the work sessions shall include a site visit with planning staff, city officials 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 PUD boundary, or a greater distance determined by the Director, are invited. The pre-application neighborhood meeting(s) shall comply with the requirements of this Ordinance.

Section 10-12-7: Application Requirements:

A PUD application shall be submitted to the Director with the appropriate fees, and shall contain all elements and sub-elements required by this Ordinance. 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 as adopted by the current Department fee scheduled adopted by the Board.
- B. Element B, Conceptual Densities and Intensities Map: The applicant shall submit a plan that includes elements 1-6 as listed, hereafter referred to as the "The PUD Intensities and Densities Map". This document shall provide sufficient information to evaluate development within the PUD.
 - 1. A conceptual land use map, densities and intensities map showing the proposed land use patterns within the PUD boundary by neighborhood and district. The applicable Comprehensive Plan Land Use Map should be considered in developing this map. The map shall include:
 - a. The circulation systems within the PUD boundary including proposed arterials and collectors, including connectivity systems and opportunities to surrounding properties and public lands.
 - b. Trails, paths and open space.
 - 2. A conceptual transportation and mobility plan demonstrating internal and external community connectivity. Illustrations depicting cross sections for all proposed

street, trail and path including the size and design proposed for each section. A key map indicating where each proposed arterial and collector street sections and trail and path sections would be used. The plan shall also address alternative transportation options for the PUD.

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

1. A draft development agreement that meets the requirements of this Ordinance shall be submitted with the zoning ordinance map amendment.
2. The Planned Unit Development Conceptual Densities and Intensities Map. This map shall govern the land use and development patterns within the PUD zoning ordinance map amendment.

D. Element D, Development Standards (Exceptions/Modifications): The applicant may request exceptions and/or modifications to the Elmore County Zoning and Development Ordinance. All exceptions and/or modifications for the PUD shall be submitted for review and approval. Exceptions and/or modifications shall be limited to those elements listed in 1-9 of this section. The adopted development standards (Exceptions/Modifications) shall be used to review and guide development within the PUD:

1. Applicability (regulations that apply in areas identified on the official Planned Unit Development Densities and Intensities Map.
2. Setback areas.
3. Structure height and bulk.
4. Structure and impervious surface coverage.
5. Property/Lot size.
6. Landscaping requirements, including but not limited to standards for as well as local beautification along state highways, arterials and collector streets, and local streets.
7. Street frontage and access requirements.
8. On and off-street parking requirements.
9. Standards for energy and water conservation.

- E. Element E, Planned Unit Development 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 Plan." These documents shall provide sufficient information to evaluate development within the PUD.
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 throughout the site.
 - b. Soils: Analysis of types of soils present in the site area. 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 by the Director or County Engineer.
 - d. Vegetation: Analysis of existing vegetation of the site.
 - 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 of Idaho Department of Fish and Game (the "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 (the "SHPO").
 - g. Hazardous Areas: Location and identification of all potential hazardous areas.

- 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 provide for a variety of housing options at a variety of price points, including, but not limited to, single family detached, multifamily, condominiums, apartments, live/work, or mixed use. The plan shall describe the proposed quantity of building types and designs. The plan shall also identify one or more commercial nodes, community gathering areas and developed parks designed and sized to meet the needs of PUD residents.
 3. A map showing existing land uses and current zoning within one (1) mile of the PUD perimeter.
 4. A narrative assessment of the public services available, proposed private services, and environmental/transportation impacts associated with the proposed PUD.
 5. A narrative describing the anticipated population and household demography of the PUD at build-out.
 6. Design Concepts:
 - a. Narrative and illustrative or pictorial examples of proposed central design concepts for all proposed development, including 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 with careful attention to the current 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 how 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 PUD; however, the PUD would be encouraged to connect to existing city services whenever possible.
 - c. Wastewater Collection Systems supplied by the PUD may be allowed, on a temporary basis, not to exceed twenty-four (24) months with Board approval, systems such as septic tanks and/or septic systems. Only MBR, SBR or existing municipal sewer systems shall be allowed when developed by the PUD. The community services and utilities plan shall also 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, 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.
 - d. Community Water System supplied by the PUD 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. An open space, parks and trail plan that contains a map showing overall dedicated open space, parks, and trails are required. 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 and Title. 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 PUD applicant shall suspend the PUD application review process until the appeal process has been exhausted. The plan shall demonstrate how the open space, developed parks and trails would be managed and maintained and how they will be protected from development into perpetuity. The plan shall include:

- a. A minimum of ten (10%) percent of the total gross area within the PUD shall be dedicated to natural open space, with additional natural open space adequate to address the protection of unique natural features.
 - b. A minimum of ten (10) acres per four hundred (400) living/dwelling units.
 - c. A narrative describing how dedicated open space, natural open space, developed parks and trails meet the intent of this Chapter and the needs of the PUD.
 - d. A description and map containing the types, sizes and locations of proposed parks. The plan shall ensure that the parks are located to provide a reasonable walking distance from residences.
 - e. 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.
9. 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. Phasing shall be accomplished so that the integrity of the PUD 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.

10. Storm Water Management:

- a. The applicant shall provide a narrative describing how the PUD 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 Ordinance, and any other information necessary to support the purposes of this Ordinance as determined by the Director, Commission or Board, as applicable.

Section 10-12-8: General Provisions and Process:

A. Neighborhood Meeting Requirements: See Chapter 4 for requirements.

B. Application Acceptance:

1. Application Acceptance: The date of the Director'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 application acceptance. Application acceptance shall be the date that establishes the applicable Ordinance and Comprehensive Plan. 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. Upon application acceptance, a complete copy of the application shall be transmitted by the Land Use and Building Department 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 PUD application and to provide comment to Elmore County regarding the proposed use.

C. Agency Workshop and Review: Within sixty (60) days of receiving 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 PUD and have sufficient staff present to answer specific questions regarding the proposed PUD. Notice shall be sent to all agencies and service providers ten (10) 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 Planning and Zoning 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 one hundred twenty (120) after the initial ninety (90) day agency review period. The Planning and Zoning Commission shall have adequate time to review the PC application materials after the agency review period and prior to any scheduled public hearing.

- E. Abandonment or Indefinite Hold: In the event that a proposed PC has been placed on hold status for twelve (12) months with no public hearing set, the project will be considered abandoned and will be terminated after a thirty (30) day notice to the applicant. Any fees that are remaining at the time of termination will remain with the county.

Section 10-12-9: 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 (1) year requirement and accept a new application where the subject property is affected by amendments to the applicable Comprehensive Plan or to this Ordinance.
- C. PUD Development Standards: The PUD Intensities and Densities Map, the Development Standards (Exceptions/Modifications), and the Planned Unit Development Plan, if approved, shall be by resolution of the Board, subsequent to a recommendation from the Commission and shall be used to guide and review development applications for the PUD.
- D. 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.

E. Amendments to a PUD:

1. Applications for amendment to the PUD Intensities and Densities Map, the Development Standards (Exceptions/Modifications), and the Planned Unit Development Plan, shall be processed substantially in the same manner as the original application and may be initiated by:
 - a. The original applicant, owner, or the owner's successors and/or assignees; or
 - b. Property owners owning eighty (80%) percent or more of the land area within the PUD.

Section 10-12-10: Approval and Platting Timelines:

- A. Approval; Reversal of Action: If the Board approves a zoning ordinance map amendment pursuant to a request from a PUD, the Board shall not subsequently reverse its action or otherwise change the zoning classification as set forth in IDAHO STATUTE § 67-6511(d).
- B. There shall be no time limit placed on the final platting of approved PUD preliminary plats as long as the applicant/developer shows progress by submitting a final plat for a portion of the approved preliminary plat every twelve (12) months and at least eighty percent (80%) of the approved preliminary plat must be finally platted within five (5) years. When less than eighty percent (80%) of the approved preliminary plat has not been finally platted within five (5) years, the non-final platted portion of the preliminary plat shall become null and void.

Section 10-12-11: Incorporation, Annexation, or Inclusion:

Any incorporation, annexation or inclusion of a PUD by a city shall be processed in accord with applicable state law.

Section 10-12-12: Process for Subsequent Development:

- A. Development within an approved PUD shall be governed by the regulations and requirements of the PUD Intensities and Densities Map, the approved Development Standards (Exceptions/Modifications), and the Planned Unit Development Plan. Where zoning issues arise that are not addressed in the PUD Development Standards (Exceptions/Modifications), this Chapter shall apply and govern. This Chapter shall only be repealed or amended by a specific ordinance repealing or amending this Chapter or specific amendment to other Elmore County ordinances required to enforce compliance with this Chapter.
- B. Each phase of the PUD shall comply with the general requirements of the approved PUD Intensities and Densities Map, the Development Standards

(Exceptions/Modifications), the Planned Unit Development Plan and the specific regulations adopted by the Board for that phase.

- C. Each phase shall not be approved unless all necessary essential public services for each phase are/have been provided, as specified in the approved PUD Development Standards (Exceptions/Modifications), and the Planned Unit Development Plan.
- 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.

Section 10-12-13: Zoning Ordinance Map Amendment and Development Standards (Exceptions/Modifications):

- A. Process: Zoning Ordinance Map Amendment and/or Development Standards (Exceptions/Modifications) initiated by a PUD application.
 - 1. Zoning Ordinance Amendments Initiated by the Board: The Board may propose to amend this Chapter, as provided herein.
 - 2. The applicant/owner shall complete all work sessions as required by this Ordinance prior to submittal of an application for a zoning ordinance map amendment or Development Standards (Exceptions/Modifications).
 - 3. Application; Review: The Board shall apply the standards listed in this Ordinance for map amendments and Development Standards (Exceptions/Modifications).
- B. Required Findings: Upon recommendation from the Commission, the Board shall make a full investigation and shall, at the public hearing, review the PUD application. In order to grant a Planned Unit Development Map Amendment and adopt Development Standards (Exceptions/Modifications) the Board shall make the following findings:
 - 1. Findings to approve a zoning ordinance map amendment:
 - a. The zoning ordinance map amendment, PUD complies with the regulations outlined for this Ordinance.
 - b. The zoning ordinance map amendment, PUD District is not materially detrimental to the public health, safety and welfare.
 - c. The development agreement meets the requirements of this Ordinance.
 - 2. Findings to approve Development Standards (Exceptions/Modifications):

- a. The Development Standards complies with the regulations outlined in this Ordinance.
- b. The Development Standards are not materially detrimental to the public health, safety and welfare.

Section 10-12-14: Development Agreement:

See Title 7 Chapter 10 for Development Agreement requirements.

Section 10-12-15: Subdivision Applications:

See Title 10 Chapter 1 for Subdivision requirements.

Section 10-12-16: 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 PUD application, provided the submitted application(s) meet the following requirements:
1. The applicant shall submit any additional application material(s) as required by Elmore County Ordinance with fees as shown on the current fee schedule adopted by the Board, prior to the PUD application receiving Final Application Acceptance.
 2. Final approval of additional required applications shall be contingent upon final approval of the PUD application, and execution of all development agreements.
 3. Subsequent preliminary plat or subdivision applications shall be subject to the provisions of the applicable PUD Ordinance and fee schedule contained in this Title 10 Chapter 1 of this Ordinance.

Section 10-12-17: Planned Unit Development Required Findings:

- A. Required Findings: In order to approve a PUD application, the Board shall make the findings:
1. The proposed PUD complies with the Comprehensive Plan, including but not limited to the Land Use Section, titled PUD.
 2. The proposed PUD provides for a variety of housing types and designs, including single family attached and detached, and multi-family.
 3. The proposed PUD provides for all essential public services which will be created and financed by the PUD or other agency or jurisdiction.

4. The proposed PUD provides for uses that will be served by a central wastewater collection and treatment facility and a community water system.
5. The proposed PUD provides for open space and developed parks that meet or exceed the minimum requirements and are adequate to serve the anticipated population.
6. The proposed PUD provides for path and trail linkages between parks, schools, neighborhoods and commercial centers; and provides connectivity with nearby public trails and public lands where appropriate.
7. The phasing plan ensures the integrity of the PUD is maintained at the end of each phase.
8. The proposed PUD complies with all applicable county, state, and federal plans and regulations.
9. The proposed PUD sets forth sufficient and adequate mitigation for the identified impacts on municipalities and other agencies and/or districts.
10. The proposed PUD provides land development and uses that will accommodate population growth within Elmore County.
11. The proposed PUD design and arrangement of uses conforms to the natural features analysis and identified constraints and opportunities.
12. The proposed PUD conforms to the requirements and standards of this Chapter.
13. The proposed PUD is compatible with abutting land uses.
14. The proposed PUD 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 proposed PUD contains appropriate modifications of dimensional standards to achieve dedicated open space, providing for amenities not found in traditional subdivisions.
16. The proposed PUD 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 proposed PUD non-residential uses allowed through a Use Exception were designed to serve primarily the residents of the PUD or the surrounding area, and are compatible and harmoniously incorporated into the design of the PUD.

18. The proposed roads within the PUD will be paved and roadway sections include sidewalks, bike lanes/paths in compliance with this Ordinance.
19. All utilities are designed to be installed underground including but not limited to telephone, cable and electrical systems in compliance with this Ordinance.
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 Ordinance.
21. Heavy Industrial uses are not proposed.
22. The proposed PUD provides for joint parking facilities for commercial, office or industrial uses with sufficient landscaping and screening and common access points to public streets.
23. The proposed PUD provides sufficient landscaping for all parking, loading and outdoor storage areas.
24. Commercial, office and industrial structures do not exceed a gross floor area of twenty thousand (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.
25. 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 10-12-18: Fees:

- A. Fees: The Board shall, by resolution, establish fees for all applications or petitions authorized by this Ordinance.
- B. All persons making application for permits and other items herein referred in this Ordinance shall be required to submit to the Director an application on forms provided by the Land Use and Building Department and accompanied by an application fee as adopted by the Board. No application shall be considered as accepted by the Director unless it is complete with all required information and fees.
- C. The date of acceptance shall be the date of the PUD application acceptance letter sent by the Land Use and Building Department notifying the applicant that the Director has received payment of the required fee and all of the required submittal information pursuant to this Ordinance.
- D. Fees shall be reviewed by the Director periodically to ensure that the fees charged adequately cover department expenses, salaries and cost of living increases.

CHAPTER 13– PLANNED UNIT DEVELOPMENT DISTRICT STANDARDS

Sections:

- 10-13-1: Authority
- 10-13-2: Provisions of Ordinance Declared to be Minimum Requirements
- 10-13-3: Purpose
- 10-13-4: Regulations Establishing Permitted Uses
- 10-13-5: Applicability
- 10-13-6: Work Session and Noticing Requirements
- 10-13-7: Application Requirements
- 10-13-8: General Provisions and Process
- 10-13-9: Action by the Board and Amendments
- 10-13-10: Approval and Periodic Evaluation
- 10-13-11: Incorporation, Annexation, or Inclusion
- 10-13-12: Process for Subsequent Development
- 10-13-13: Zoning Ordinance Map and Text Amendments
- 10-13-14: Development Agreement
- 10-13-15: Subdivision Applications
- 10-13-16: Subdivision Additional Required or Concurrent Applications
- 10-13-17: Planned Unit Development District Application Required Findings
- 10-13-18: Fees

Section 10-13-1: Authority:

This Planned Unit Development District Standards is adopted pursuant to authority granted by Title 67, Chapter 65 of the Idaho Statute, as amended or subsequently codified.

Section 10-13-2: Provisions of Ordinance Declared to be Minimum Requirements:

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 10-13-3: Purpose:

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 PUD and PUDD Development.

Section 10-13-4: 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 10-13-5: 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 10-13-6: Work Session and Noticing Requirements: The applicant shall complete a minimum of two (2) pre-application work sessions with Department 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 be approved and adopted by the Board.

- B. The purpose of the required pre-application work sessions with Department 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 may include a site visit with Department 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. The pre-application neighborhood meeting(s) shall comply with the requirements of this Ordinance.

Section 10-13-7: 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 according to the current fee schedule that has been approved and adopted by the Board.

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 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.
 - 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:

1. A legal description of the PUDD exterior boundaries.
2. A draft development agreement that meets the requirements of this Ordinance shall be submitted with the zoning ordinance map amendment. To the extent the provisions of this Ordinance conflict with the provisions of the Elmore County ordinances, the provisions of this Ordinance shall control.
3. 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 Ordinance. All technical reports and studies shall be prepared and signed by qualified experts as defined in this Ordinance in each relevant field. The analysis shall include:
 - a. Hydrology: Analysis of natural drainage patterns and water resources.
 - 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.
 - 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.
 - e. Sensitive Plant and Wildlife Species: Analysis of sensitive plant and wildlife species of the site.
 - f. Historic / Cultural Resources: Analysis of existing historic resources as identified on the Elmore County historic resources inventory or other available sources.
 - g. Hazardous Areas: Location and identification of all potential hazardous areas.
 - h. Map Features: The map shall show important features.
 - 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. 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.
- 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 Ordinance. 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 four hundred (400) living/dwelling units.
 - 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. 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. Phasing shall be accomplished so that the integrity of the PUDD 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.

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 Ordinance, 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 10-13-9: General Provisions and Process:

A. Neighborhood Meeting Requirements: See Title 7 Chapter 3 for requirements.

B. Application Acceptance:

1. Application Acceptance: The date of the Director'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 application acceptance. Application acceptance shall be the date that establishes the applicable Ordinance and Comprehensive Plan. 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. Upon application acceptance, a complete copy of the application shall be transmitted by the Land Use and Building 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 sixty (60) days of receiving 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) 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 Planning and Zoning 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 one hundred twenty (120) after the initial ninety (90) day agency review period. The Planning and Zoning Commission shall have adequate time to review the PUDD application materials after the agency review period and prior to any scheduled public hearing.
- E. Abandonment or Indefinite Hold: In the event that a proposed PC has been placed on hold status for twelve (12) months with no public hearing set, the project will be considered abandoned and will be terminated after a thirty (30) day notice to the applicant. Any fees that are remaining at the time of termination will remain with the county.

Section 10-13-9: 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 Ordinance.
 - 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, 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 10-13-10: 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 Idaho Statute § 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 Statute 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 recommendation by the Director.

Section 10-13-11: 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 10-13-12: 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 Ordinance shall apply and govern. This Ordinance shall only be repealed or amended by specific ordinance repealing or amending this Ordinance or specific amendment to other Elmore County ordinances required to enforce compliance with this Ordinance.
- 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 10-13-14: 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 Title 7 Chapter 3 of the Elmore County Zoning Ordinance.

- A. Zoning Ordinance Amendment Initiated by the Board: The Board may propose amend this title as provided by Title 7 Chapter 3 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 Ordinance.
 - 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 Ordinance.
- 2. Findings to approve zoning ordinance text amendment:
 - a. The zoning ordinance text amendment complies with the regulations outlined in this Ordinance.
 - b. The zoning ordinance text amendment is not materially detrimental to the public health, safety and welfare.

Section 10-13-15: Development Agreement:

See Title 7 Chapter 10 for Development Agreement requirements.

Section 10-13-16: Subdivision Applications:

See Title 10 Chapter 1 for Subdivision requirements.

Section 10-13-17: 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 accepted and adopted by the Board.

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 Ordinance.

Section 10-13-18: Planned Unit Development District Application Required Findings:

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

1. The proposed 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 proposed PUDD provides for a variety of housing types and designs, including single family attached and detached, and multi-family.
3. The proposed PUDD application demonstrated that all essential public services will be provided, created and financed by the PUDD or other agency or jurisdiction.
4. The proposed PUDD complies with applicable overlay districts specified in this Ordinance.
5. The proposed 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 proposed 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 proposed 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 proposed PUDD complies with all applicable county, state, and federal plans and regulations.

10. The proposed PUDD sets forth sufficient and adequate mitigation for the identified impacts on municipalities and other agencies and/or districts.
11. The proposed PUDD provides land development and uses that will accommodate population growth within Elmore County.
12. The proposed 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 proposed 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 proposed PUDD contains appropriate modifications of dimensional standards to achieve dedicated open space, providing for amenities not found in traditional subdivisions.
16. The proposed 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 proposed 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 Ordinance.
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 Ordinance.
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 proposed 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 proposed 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 10-13-19: Fees:

- A. Fees: All applications authorized by this Ordinance have fees adopted by the Board.
- 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 Department and accompanied by the 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 Department sends the 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 Ordinance.