

**ORDINANCE ESTABLISHING STANDARDS FOR PLANNED UNIT
DEVELOPMENT DISTRICTS****CHAPTER 6- PLANNED UNIT DEVELOPMENT DISTRICT STANDARDS****ARTICLE I-6 TITLE, INTERPRETATION AND ENACTMENT**

Section A.1-6 Title. This Ordinance shall be known as the Planned Unit Development District Zoning Ordinance of Elmore County, Idaho. The title "Board" refers to the Elmore County Board of County Commissioners. The title "Commission" refers to the Elmore County Planning and Zoning Commission.

Section B.1-6 Authority. This Planned Unit Development District Ordinance is adopted pursuant to authority granted by Title 67, Chapter 65 of the Idaho Code and Article 12, Section 2 of the Idaho Constitution, as amended or subsequently codified.

Section C.1-6 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 Article and Chapter shall control.

Section D.1-6 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 district. These uses shall be implemented by the Planned Unit Development District Conceptual Development Pattern Maps, ordinance and development agreement. The proposed development should be compliant with the specific goals and policies of the Elmore County Comprehensive Plan, contained in Chapter 5 – PUD and PUDD Development.

ARTICLE II-6 DEFINITIONS

Applicant: Any person or persons making an application to Elmore County.

Agency: A public or independent public body corporate and politic or public official of the county, city, school district, municipal corporation, district, public health district, political subdivision, or any agency thereof, or any committee of a local agency, or any combination thereof, or any state agency.

Area of City Impact (AOD): Those unincorporated areas of Elmore County surrounding each incorporated city as identified on the Elmore County Land Use Map, in accord with Idaho Code section 67-6526.

DU/A: Dwelling Units per Acre.

Duplex: A structure containing two (2) dwelling units attached by a common wall, where both dwelling units are located on the same property.

Dwelling, Multi-Family: A structure, or portion thereof, containing two (2) or more dwelling units or apartments, attached by a common wall where all such units are located on the same parcel or individual parcels. For the purposes of planned communities and this title, a multi-family dwelling shall be deemed multi-family development.

Dwelling Or Dwelling Unit: Any structure, or portion thereof, providing independent living facilities for one "family" as herein defined, including provisions for living, sleeping, eating, cooking, and sanitation.

Dwelling, Single-Family Attached: A structure containing two (2) dwelling units attached by a common wall or walls, where each dwelling unit is located on a separate property.

Dwelling, Single-Family Detached: A detached structure that accommodates a single dwelling.

Dwelling, Townhouse: A structure containing three (3) or more dwelling units attached by common walls where each dwelling unit is located on a separate property.

Easement: A grant by the owner of the use of a parcel of land by the public, corporation, or persons for specified use and purposes.

Irrigation Facilities: Includes canals, laterals, ditches, conduits, gates, wells, pumps, and allied equipment necessary for the supply, delivery, and drainage of irrigation

Lagoon Waste Treatment Facility or System: An earthen structure designed to treat liquid manure/waste through biodegradation by bacteria.

Local Highway District, (LHD): That Local Elmore County Highway District (Mountain Home, or Glenss Ferry, or Atlanta) having jurisdiction over the public right-of-way.

Multi-Family Development: Development where there are three (3) or more dwelling units or apartments located on the same or separate property in a Planned Unit Development District. A multi-family dwelling may or may not be present on the property.

Open Space: Land or water left in an undisturbed natural condition, except as otherwise specified in this title or approved through a Planned Community (PC), or Planned Unit Development (PUD) or Planned Unit Development District (PUDD) application.

Open Space, Dedicated: An area that has been designated as permanent open space.

Qualified Planner: An individual or firm where the principal(s) have a minimum of 5 years experience in a planning field and hold a graduate level degree in urban planning or regional planning from an accredited university or college. An accredited university or college is those institutes recognized by the American Planning Association.

Septic Wastewater Treatment System: An installation that collects and treats domestic wastewater through subsurface disposal of effluent and conforms to the rules, regulations, and adopted plans of the health authority.

Roadway: That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of sidewalks, shoulders, berms, and other portions of the public right-of-way.

Street: A street, public road, thoroughfare, alley, highway or a right of way that may be open for public use and is subject to the jurisdiction of a public highway agency.

Street, Alley: A public or private means of secondary access to abutting property that is not for general traffic circulation or street frontage.

Street, Arterial Route: A general term including expressways, major and minor arterial streets' and interstate, state or county highways having regional continuity.

Street, Collector: A street that provides for traffic movement within neighborhoods of the appropriate Local Highway District, (LHD) and between major streets and local street and for direct access to abutting property.

Street, Cul-De-Sac: A dead end street provided with a turnaround at its terminus.

Street, Local: A street used primarily for access to abutting properties, that provides for direct access to residential, commercial, industrial, or other abutting land for local traffic movements and connects to collector and/or arterial streets.

Street, Private: A street, road, alley, not subject to the jurisdiction of a public highway agency, but privately owned and maintained.

Use Exceptions: Use Exceptions to the Zoning Ordinance and/or the Comprehensive Plan Land Use Map may be allowed pursuant to this Chapter. All uses that may be allowed within the zoning district may be permitted within a PUD or PUDD. Uses not allowed within a zoning district may be permitted through a Use Exception up to a specific percentage of the gross acreage within the PUD or PUDD. A Use Exception may be directed to residential, commercial, office, light industrial, public and quasi-public uses that are not allowed within the zoning district with Board approval. The Board shall consider the requirements set forth in this Chapter when reviewing Use Exceptions.

- 3.A.3-6 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 6 to 8 dwelling units per acre (DU/A). There shall be no maximum DU/A density. Higher density residential development greater than 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.A.3-6 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.A.3-6 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.A.3-6 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.A.3-6 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.A.3-6 All uses within the PUDD shall be served by a central wastewater collection and treatment facility as well as a community water system.
- 9.A.3-6 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 and approval of the Board.
- 10.A.3-6 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 and approval of the Board.

- 4.B.3-6 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 C.3-6 Work Session and Noticing Requirements. The applicant shall complete a minimum of two (2) pre-application work sessions with planning staff, or more as required by the Director. The Director encourages multiple work sessions with identified agencies and landowners located within 1000 feet of the proposed PUDD boundary, prior to submittal of an application for a PUDD.

- 1.C.3-6 Prior to holding the first pre-application work session with the County, the applicant shall meet with the Director 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 recommendation of the Director. The pre-application work session fee for a PUDD application shall include estimates for the amount of Elmore County administrative time required for work sessions, costs of copying and mailing, and fees for the county's consultants, including any expert consultant that the county deems necessary to process and consider the application.

- 2.C.3-6 The purpose of the required pre-application work sessions with planning staff and identified agencies is to develop a common understanding between staff, identified agencies 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 Elmore County Comprehensive Plan as well as any other relevant issues of the proposed project. One of the work sessions shall include a site visit with planning staff and the applicant.

- 3.C.3-6 The applicant shall hold a minimum of one (1) neighborhood meeting where all property owners within 1000 feet of the proposed boundary, or a greater distance determined by the Director, are invited. The pre-application neighborhood meeting(s) shall comply with the requirements of this Chapter.

Section D.3-6 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.

1. D.3-6 **Element A, Fees:** The applicant or owner shall submit the fee for the PUDD application subsequent to a recommendation of the Director and adoption by the Board. The fee for a PUDD application shall include estimates for the

- 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 section as well as each trail and path section would be used. The plan shall also address alternative transportation options for the PUDD.

3. D.3-6

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

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

4. D.3-6

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.

(5%), or intervals of not more than two feet (2') for properties with a general slope of less than or equal to five percent (5%). Contour lines shall extend a minimum of three hundred feet (300') beyond the proposed development boundary. If a drainage channel borders the proposed development, the contour lines shall extend the additional distance necessary to include the entire drainage facility, as determined by the Director or County Engineer.

- d. Vegetation: Analysis of existing vegetation of the site including, but not limited to, dominant tree, plant and ground cover species.
 - e. Sensitive Plant and Wildlife Species: Analysis of sensitive plant and wildlife species of the site including, but not limited to, those species listed by the Idaho Conservation Data Center sponsored by the Idaho Department of Fish and Game (IDFG).
 - f. Historic/Cultural Resources: Analysis of existing historic resources as identified on the Elmore County historic resources inventory or other available sources including, but not limited to, the State Historic Preservation Office (SHPO).
 - g. Hazardous Areas: Location and identification of all potential hazardous areas including, but not limited to, land that is unsuitable for development because of flood threat, poorly drained areas, high ground water, steep slopes, rock formation, buried pipelines or other similar conditions likely to be encountered.
 - h. Map Features: The map shall show important features including, but not limited to, the following: outline of existing structures, watercourses, wetlands, power lines, telephone lines, railroad lines, airport influence areas, any existing easements, municipal boundaries and section lines.
 - i. Geological Reconnaissance: A map showing the basic geological conditions, features, opportunities and constrains 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

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 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 System supplied by the PUDD shall prohibit lagoon waste treatment facilities or systems, septic tanks and/or septic systems. Only MBR or SBR 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.
 - ii. 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.

development of infrastructure, essential public services and associated grading.

- a. A phasing plan map and narrative shall be submitted indicating the sequence of development, anticipated commencement and completion times of each phase, by land use type(s), total area within each phase, anticipated population levels by phase and essential public services required by each phase.
- b. The applicant shall also provide a narrative explaining why phases should be developed in the proposed sequence and how the progress of each phase shall be measured and monitored by the Director and the applicant and/or owner.
- c. Narrative shall be provided demonstrating how the proposed phasing shall be accomplished so that the integrity of the PUDD is maintained at the end of any single phase.
- d. Narrative shall also demonstrate how phased non-residential uses and recreational opportunities will keep pace with residential uses and community needs.

10. Storm Water Management:

- a. A generalized narrative shall be submitted illustrating how the PUDD will maintain natural runoff rates, reduce erosion and flood hazard and maintain the area's water quality and recharge capabilities. Specific storm water management plans and details shall be required with each preliminary plat.

6. D.3-6 **Element F, Additional Information/Technical Reports:** The applicant shall submit technical reports, signed and completed by qualified experts, as defined by this title and any other information necessary to support the purposes of this Chapter, as determined by the Director, Commission or Board, as applicable.

7. D.3-6 **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.

ARTICLE IV-6 GENERAL PROVISIONS AND PROCESS

Planned Unit Development District and provide comment to Elmore County regarding the proposed use.

Section C.4-6 Action by the Board and Amendments.

1. C.4-6 Action by the Board: Within sixty (60) days after receipt of the final recommendation of the Commission, the Board shall approve, approve with supplementary conditions or disapprove the application as presented. 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; and
 3. The actions, if any, that the applicant could take to obtain approval.
2. C.4-6 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 article or as specified in this article.
3. C.4-6 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 Elmore County 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.
4. C.4-6 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.
- 5 C.4-6 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.
- 6 C.4-6 Amendments to a PUDD:

Ordinance or PUDD Conceptual Development Pattern Maps, or the execution of new analyses or studies of specific issues.

6.D.4-6 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 Idaho Code and the Elmore County Planning and Zoning Ordinance.

7.D.4-6 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 80% 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 E.4-6 Incorporation, Annexation or Inclusion.

1. E.4-6 Any incorporation, annexation or inclusion of a PUDD into a city shall be processed in accord with applicable state law, the Elmore County Comprehensive Plan, and this Chapter.

2. E.4-6 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 F.4-6 Process for Subsequent Development.

1. F.4-6 Development within an approved PUDD shall be governed by the regulations and requirements of the approved PUDD, PUDD Ordinance and PUDD Conceptual Development Pattern Maps. Where zoning issues arise that are not addressed in the PUDD zoning ordinance amendment, this Chapter shall apply and govern. This Chapter shall only be repealed or amended by a specific ordinance repealing or amending this Chapter or specific amendment to other Elmore County ordinances required to enforce compliance with this Chapter.

2. B.5-6 Findings to approve zoning ordinance text amendment:
1. The zoning ordinance text amendment complies with the regulations outlined in this Chapter.
 2. The zoning ordinance text amendment is not materially detrimental to the public health, safety and welfare.

ARTICLE VI-6 DEVELOPMENT AGREEMENT

Section A.6-6 Purpose.

1. A.6-6 Provide for the creation and administration of development agreements, as provided in I.C. § 67-6511A.
2. A.6-6 Provide for the application of conditions on zoning ordinance map amendments where such conditions shall satisfy the findings of fact and conclusions of law for zoning ordinance map amendments required by this Chapter.

Section B.6-6 Applicability and Process.

1. B.6-6 All applications for a zoning ordinance map amendment to a PUDD shall require concurrent submission of a development agreement application.
2. B.6-6 Process: An application and fees, as set forth in this Chapter, shall be submitted to the Director on forms provided by the Growth and Development Department. The application shall include the following materials:
 1. An affidavit by the property owner(s) agreeing to the submission of the development agreement.
 2. A legal description for the PUDD property boundary subject to the development agreement.
 3. A project description of the uses proposed for the property subject to the development agreement describing the following:
 - a. The specific uses proposed for the property.
 - b. The form, and name if available, of the organization proposed to own and maintain any dedicated open space.
 - c. The proposed systems for water supply, sewage systems and storm water management.

2. C.6-6 The applicable ordinance and comprehensive plan shall be those in effect on the date of initial-application acceptance as defined by this Chapter.
3. C.6-6 A development agreement shall not prevent the Board, in subsequent actions applicable to the PUDD, from adopting new ordinances, resolutions and regulations that conflict with those ordinances, resolutions and regulations in effect at the time the agreement is made, except that any subsequent action by the Board shall not prevent the development of the PUDD as set forth in the approved development agreement.
4. C.6-6 The Board may suspend the issuance of any permits after a noticed public hearing if it finds that a clear and imminent danger to the public health, safety or welfare requires suspension or as otherwise directed by this Chapter.
5. C.6-6 In the event that state or federal laws or regulations, enacted after a development agreement has been entered into, prevent or preclude compliance with one or more regulations of the development agreement, such agreement may be amended or terminated pursuant to this Chapter, as may be necessary to comply with the new state or federal laws or regulations.

Section D.6-6 Required Findings.

1. D.6-6 In order to approve the development agreement application, the Board shall find that the proposed development agreement complies with this Article.

Section E.6-6 Periodic Review. The Director shall monitor the terms and conditions of the final development agreement as set forth in this Chapter and the final development agreement. A more frequent review may be undertaken in the Director's discretion or at the direction of the Board.

1. E.6-6 As part of the review, the applicant, owner or successor in interest shall be required to demonstrate good faith compliance with the final development agreement.
2. E.6-6 If the Director finds that the applicant or owner has failed to perform or comply with the terms of this agreement, the Director shall notify the applicant or owner of the failure of performance or compliance. If after ninety (90) days, the applicant or owner has not made a good faith effort toward compliance with the terms of this agreement, the Director shall forward a notice of default in the conditions of the development agreement to the Board for review and action.
3. E.6-6 If the Board finds and determines, on the basis of substantial evidence, that the applicant, owner or successor in interest has not complied in good faith

AFFIDAVIT OF PUBLICATION

County of Elmore }
State of Idaho }ss.

SUMMARY OF ORDINANCE 2008-5

AN ORDINANCE PROHIBITING PERSONS FROM CONGREGATING ON, LOTTERING ON OR JUMPING FROM COUNTY BRIDGES FOR THE PURPOSE OF PROTECTING THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROHIBITIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PERMITTED CONDUCT; PROVIDING FOR SEVERABILITY; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

The following is a list of sections contained in the Ordinance. A copy of the entire Ordinance is available upon request at the Recorder's Office, Elmore County Courthouse, 150 South 4th East, Mountain Home, Idaho.

SECTION 1: TITLE
SECTION 2: PURPOSE
SECTION 3: DEFINITIONS
SECTION 4: PROHIBITIONS
SECTION 5: ENFORCEMENT RESPONSIBILITY & AUTHORITY
SECTION 6: VIOLATIONS
SECTION 7: PERMITTED CONDUCT
SECTION 8: SEVERABILITY CLAUSE
SECTION 9: EFFECTIVE DATE

Passed, at a regular meeting of the Elmore County Board of Commissioners, on August 25, 2008. This Ordinance will be in full force and effect from and after its passage, approval and publication.


ELMORE COUNTY COMMISSIONERS
ARLIE SHAW, Chairman
CONNIE CRUSER, Commissioner
LARRY E. ROSE, Commissioner
ATTEST: MARSA GRIMMETT,
Clerk of the Court and the
Elmore County Board of Commissioners
One Publication: September 10, 2008.

I, **Coleen W. Swenson**, do solemnly swear that I am the Publisher of the:

Mountain Home News

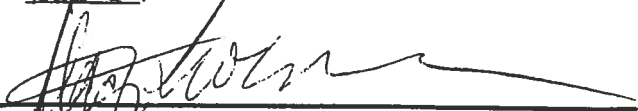
A weekly newspaper of general circulation, published once a week, in Mountain Home, Idaho, that the notice attached hereto which is a part of publication thereof, was published in said newspaper for 1 consecutive weeks, the first publication having been made on the 10th day of Sept, 2008, and the last publication having been made on the 10th day of Sept, 2008; every Wednesday issue of the paper during the period and time of publication and that the notice was published in the paper proper and not in a supplement thereof.

And I further swear that the said Mountain Home News has been continuously and uninterruptedly published in said Elmore County during the period of 78 consecutive weeks prior to the first publication of the attached notice.



Publisher

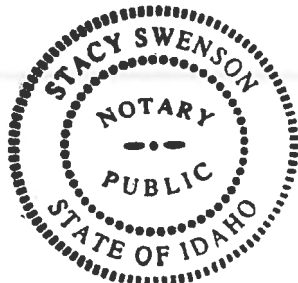
Subscribed and sworn to me this 10th day of Sept, 2008.



Notary Public

Residing in Mountain Home, Elmore County, Idaho.

My commission expires **11-17-2011**.



concurrently with the PUDD application provided the submitted application meets the following requirements:

1. A.7-6 The applicant shall submit a preliminary plat application with the applicable fees, subject to the fee schedule contained in this Chapter, prior to the PUDD application receiving final-application acceptance.
2. A.7-6 The preliminary plat and required findings shall be reviewed for compliance using the proposed PUDD subdivision ordinance.
3. A.7-6 Final approval of any preliminary plat application shall be subject to the applicant receiving final approval by the Board of the PUDD application.

Section B.7-6 Subsequent Preliminary Plat and Final Plat Applications. Subsequent preliminary plat and final plat applications shall be subject to the provisions of the applicable PUDD subdivision ordinance.

1. B.7-6 Subsequent subdivision applications shall be subject to the fee schedule contained in this Chapter.

ARTICLE VIII-6 ADDITIONAL REQUIRED OR CONCURRENT APPLICATIONS

Section A. 8-6 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. A.8-6 The applicant shall submit the additional application material as required by Elmore County Code and fees as shown on the fee schedule contained in this Chapter prior to the PUDD application receiving final-application acceptance.
2. A.8-6 Final approval of additional required applications shall be contingent upon final approval of the PUDD application and executed development agreement.
3. A.8-6 Subsequent preliminary plat or subdivision applications shall be subject to the provisions of the applicable PUDD ordinance and fee schedule contained in this Chapter.

ARTICLE IX-6 PLANNED UNIT DEVELOPMENT DISTRICT REQUIRED FINDINGS

Section A.9-6 Required Findings. In order to approve a PUDD application, the Board shall make the findings:

14. A.9-6 The PUDD design includes clustering of land uses to achieve density transfer of residential units away from physical constraints or hazardous areas while providing for aesthetic and desirable use of open space and recreational opportunities.
15. A.9-4 The PUDD contains appropriate modifications of dimensional standards to achieve dedicated open space, providing for amenities not found in traditional subdivisions.
16. A.9-6 The PUDD provides a variety of housing options at a variety of pricing points with a minimum net density of 6 to 8 dwelling units per acre.
17. A.9-6 The PUDD Non-residential uses allowed through a Use Exception were designed to serve primarily the residents of the PUDD or the surrounding area, and are compatible and harmoniously incorporated into the design of the PUDD.
18. A.9-6 The proposed roads within the PUDD will be paved and roadway sections will include sidewalks and bike lanes/paths, except as modified by the Director in compliance with this Chapter.
19. A.9-6 All utilities are designed to be installed underground including but not limited to telephone, cable and electrical systems, except as modified by the Director in compliance with this Chapter.
20. A.9-6 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. A.9-6 The PUDD provides for joint parking facilities for commercial, office or industrial uses with sufficient landscaping and screening and common access points to public streets.
22. A.9-6 The PUDD provides sufficient landscaping for all parking, loading and outdoor storage areas.
23. A.9-6 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. A.9-6 Commercial, office, and industrial structures shall have common design themes and elements and are developed in a park-like setting, clustered

Dated this 3 day of December 2007.


Larry Rose
Chairman, Board of Commissioners

✓ ATTEST:

MARSA GRIMMETT
Elmore County Clerk


Clerk/Deputy Clerk



If submitting concurrent applications a fee for each application shall be submitted in accordance with the fee schedule above.

Refunds

Applications are eligible for full refund of application fee if withdrawn within seven (7) days of acceptance. No refunds are allowed past this seven (7) day period.

Fee Waiver Or Reduction

The Board of Elmore County Commissioners may waive or reduce the fees listed herein upon recommendation of the Director of Growth and Development. Requests for fee waivers or reductions must be made prior to or at the time of application.

Administrative Fees

Compact Disc	\$10.00	Per disc
Copies	\$.25	Per page
Color Copies	\$.50	Per page
Maps 11 X 17 or smaller	Current cost to produce	
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