

slopes shall not be located on natural slopes two to one (2:1) or steeper, or where fill slopes toe out within twelve feet (12') horizontally of the top of an existing or planned cut slope. Prior to placement of fill, the ground shall be prepared in accordance with I.C. Title 39, Chapter 41 Idaho Building Code Act, or as amended. Subsurface drainage shall be provided as necessary for stability.

- 5.14.B.4.e Tops and toes of cut and fill slopes shall be set back from property boundaries in accordance with the requirements of I.C. Title 39, Chapter 41 Idaho Building Code Act, or as amended. Tops and toes of cut and fill slopes shall be set back from structures in accordance with the requirements of I.C. Title 39, Chapter 41 Idaho Building Code Act, or as amended.
- 5.14.B.4.f The maximum horizontal distance of disturbed soil surface for roadways shall not exceed seventy-five feet (75').
- 5.14.B.4.g Cuts shall not be permitted solely for the purpose of obtaining fill material.

5.14.B.5 ROADWAY/STREET STANDARDS:

- 5.14.B.5.a Road alignments should follow natural terrain with no unnecessary cuts or fills to create additional lots or building sites and shall be designed to create the minimum feasible disturbance of the soil.
- 5.14.B.5.b One-way roads/streets are permitted and encouraged where appropriate for the terrain and where public safety will not be jeopardized.
- 5.14.B.5.c A pedestrian walkway plan shall be required where appropriate.

5.14.B.6 DRIVEWAY/PARKING STANDARDS:

- 5.14.B.6.a Shared private driveways, cluster parking areas and on-street parallel parking bays shall be used where feasible to minimize soil disturbance and stabilization requirements.

5.14.B.7 VEGETATION/RE-VEGETATION STANDARDS:

- 5.14.B.7.a With the preliminary plat application, the applicant shall submit a slope stabilization and re-vegetation plan which shall include a complete description of the vegetation to be removed, the vegetation to be planted and the method to be used in re-vegetation.
- 5.14.B.7.b Vegetation sufficient to stabilize the soil shall be established on all disturbed areas as each stage of grading is completed. Areas not contained within lot boundaries shall be protected with perennial vegetation after all construction is completed. Efforts shall be made to plant those species that tend to recover from fire damage and do not contribute to the rapid rate of fire spread.
- 5.14.B.7.c The applicant shall be fully responsible for any destruction of native vegetation proposed for retention. This responsibility shall include activities of his employees and for all subcontractors from the first day of construction until the notice of completion is filed. The applicant shall be responsible for re-placing such destroyed vegetation.

5.14.B.8 MAINTENANCE:

- 5.14.B.8.a The owner of any private property on which grading or other work has been performed pursuant to a grading plan approved for a building

permit granted under the provisions of this Ordinance shall continuously maintain and repair all graded surfaces and erosion prevention devices, retaining walls, drainage structures and other protective devices, plantings and ground cover installed or completed.

5.14.B.9 BUILDING ENVELOPES:

5.14.B.9.a The County Engineer may require the applicant to designate building envelopes identifying areas stable and safe enough for buildings.

SECTION 5.15 POLITICAL SUBDIVISIONS AND SCHOOLS:

5.15.A Prior to the granting and/or approval of a permit to subdivide land within Boise County, the Board shall determine if the proposed subdivision is likely to affect the ability of political subdivisions of the State, including School Districts, to deliver services without compromising the quality of service delivery to current residents or imposing substantial additional costs upon current residents to accommodate the proposed subdivision, as provided by I.C. §67-6513.

5.15.B If the Board determines that the proposed subdivision is likely to compromise the quality of service delivery to current residents, the Board, prior to subdivision approval, shall recommend the applicant develop a mitigation plan in consultation with the affected political subdivision or school district. A guideline document, "Development Agreements to Mitigate the Effect on Public Schools of New Developments in Boise County", is available from the Planning and Zoning Department. This document can be used as an instructive resource for the applicant and political subdivision or school district in developing a mitigation plan or determining the effects, if any, a new development may have.

5.15.C Procedures for determining mitigation of the effects of developments on county roads shall follow the procedures in Section 2.7.

SECTION 5.16 MINOR PLAT REVIEW:

Division of a parcel of land into four (4) or fewer parcels, each of which is a minimum of two (2) acres for the purpose of sale, lease or transfer of ownership. If an original parcel was subdivided per the "Subdivision Exception" process then any new parcel created by such a Subdivision Exception would be eligible for a Minor Subdivision, provided all criteria is met.

5.16.A MINOR REVIEW BY THE COMMISSION:

5.16.A.1 After all Application requirements have been met, the Administrator shall so notify the applicant and shall schedule the matter for a public hearing before the Commission per policies and procedures. Following the Commission public hearing and all required comment and review periods, the Commission shall provide the Board with a written recommendation for approval as presented, or approval with additional conditions, or disapprove the minor subdivision plat. Copies of the Commission's determination shall be promptly furnished to the applicant and to the project surveyor or engineer of record.

5.16.B MINOR REVIEW BY THE BOARD:

5.16.B.1 The Board shall hold a public hearing to review the recommendation of the Commission. All Board decisions shall be by majority vote and shall state the reasons for its determination to approve, conditionally approve, or disapprove the minor subdivision plat, or refer it for reevaluation or modification, in accordance with requirements of Idaho law, County Ordinances and any findings, conclusions and appropriate conditions, when applicable. Copies of the Board's determination

shall be promptly furnished to the applicant and to the project surveyor or engineer of record.

- 5.16.B.2 The Board's decision for the minor subdivision plat shall be considered a final decision and may be appealed.
- 5.16.B.3 Minor subdivision plat approval shall be valid for a period of one (1) year from the date of the Board signed approval.

SECTION 5.17 PRELIMINARY PLAT REVIEW SUBDIVISION:

All subdivision applications shall be subject to preliminary approval, typically yielding conditions that must be met prior to final plat approval. Preliminary approval requires at least two (2) public hearings.

5.17.A PLANNING AND ZONING COMMISSION HEARING:

- 5.17.A.1 After all application requirements have been met, the Administrator shall so notify the applicant and shall schedule the matter for a public hearing before the Commission at the earliest reasonable time. Following the Commission public hearing and all required comment and review periods, the Commission shall provide the Board with a written recommendation for approval as presented, or approval with additional conditions, or denial of the preliminary subdivision plat.

5.17.B BOARD HEARING:

- 5.17.B.1 The Board shall hold a public hearing to review the recommendation of the Commission. All Board decisions shall be by majority vote and shall state the reasons for its determination to approve, conditionally approve, or disapprove the preliminary subdivision plat, or refer it for reevaluation or modification, in accordance with requirements of Idaho law, County Ordinances and any findings, conclusions and appropriate conditions, when applicable. Copies of the Board's determination shall be promptly furnished to the applicant and to the project surveyor or engineer of record.
- 5.17.B.2 Approval of a preliminary subdivision plat shall not constitute approval of the final subdivision plat, which may require completion of additional conditions. Rather, it shall be deemed a conditional expression of approval.
- 5.17.B.3 The Board's decision for the preliminary subdivision plat shall be considered a final decision, and may be appealed.
- 5.17.B.4 Preliminary subdivision plat approval shall be valid for a period of two (2) years from the date of the Board approval. The approval of a preliminary subdivision plat shall become null and void, if an application for review of the final subdivision plat is not submitted and accepted for filing within two (2) years of such approval, unless an extension of time is applied for and granted by the Board.
- 5.17.B.5 Prior to expiration, upon written request to the Planning and Zoning Department, the Board may grant an extension for an additional one (1) year upon showing good cause. The original decision and written conditions of approval are based only upon the standards set forth in the ordinance in effect at the time of approval. During the extension period the application is subject to any changes or

amendments to this Ordinance. Development can be made in successive contiguous phases, as approved by the Board in the preliminary subdivision plat, if submitted in successive intervals not to exceed one (1) year, without resubmission for conditional approval of preliminary subdivision plat, unless otherwise extended by the approval of the Board.

SECTION 5.18 FINAL PLAT REVIEW SUBDIVISION:

Application for final plat review shall be submitted on forms provided by the Planning and Zoning Department within two (2) years of receiving Board approval for the preliminary full subdivision, subject to approved extension(s). The Administrator shall forward the final application to the County Engineer for review and recommendations. The application shall not be deemed accepted for filing, until the proposed final subdivision plat and all other supplementary requirements and County Engineer recommendations have been received and approved by the Administrator.

5.18.A SUBSTANTIAL CONFORMANCE:

A final plat shall be deemed to be in substantial conformance to a preliminary plat provided that the final plat represents no increase in the number of lots as approved for the preliminary plat and a twenty-five percent (25%) or less deviation of any dimensional standard shown on the preliminary plat is achieved. Unless required by a public highway agency, public utility, or federal or state agency, deviations greater than twenty-five percent (25%) or more of any dimensional standard shown on the preliminary plat shall not be deemed in substantial conformance.

The Administrator will then accept the application and issue a “Notice to Proceed to Public Hearing” to the applicant.

5.18.B PLANNING AND ZONING COMMISSION HEARING:

After all Application requirements have been met, the Administrator shall so notify the applicant and shall schedule the matter for a public hearing before the Commission per policies and procedures. Following the Commission public hearing and all required comment and review periods, the Commission shall provide the Board with a written recommendation for approval as presented, or approval with additional conditions, or denial of the final subdivision plat.

5.18.C BOARD HEARING:

5.18.C.1 The Board shall hold a public hearing to review the recommendation of the Commission. All Board decisions shall be by majority vote and shall state the reasons for its determination to approve, conditionally approve, or disapprove the final subdivision plat, or refer it for reevaluation or modification, in accordance with requirements of Idaho law, County Ordinances and any findings, conclusions and appropriate conditions, when applicable. Copies of the Board’s determination shall be promptly furnished to the applicant and to the project surveyor or engineer of record.

5.18.C.2 The Board’s decision for the final subdivision plat shall be considered a final decision and may be appealed.

5.18.C.3 Final subdivision plat approval shall be valid for a period of one (1) year from the date of the Board approval. The approval of a preliminary subdivision plat shall become null and void, if an application for review of the final subdivision plat is not submitted and accepted for filing within two (2) years of such approval, unless an extension of time is applied for and granted by the Board.

- 5.18.C.4** Prior to expiration, upon written request to the Planning and Zoning Department, the Board may grant an extension for an additional one (1) year upon showing good cause. The original decision and written conditions of approval are based only upon the standards set forth in the ordinance in effect at the time of approval. During the extension period the application is subject to any changes or amendments to this Ordinance. Development can be made in successive contiguous phases, as approved by the Board in the preliminary subdivision plat, if submitted in successive intervals not to exceed one (1) year, without resubmission for conditional approval of preliminary subdivision plat, unless otherwise extended by the approval of the Board.

SECTION 5.19 AMENDMENTS/VACATION OF SUBDIVISION PLATS OR PARTS THEREOF:

Any person desiring to amend or vacate an existing subdivision plat or any part thereof in whole lots or which otherwise requires County approval, shall apply to the Board. No portion of a lot or lot(s) may be vacated. Said person shall be the owner of record of the parcels proposed for vacation, or be authorized by the owner of record to petition the Board. Said application shall include and/or be subject to:

- 5.19.A** A statement of circumstances surrounding the issue as to why the plat, or portions thereof, should be vacated;
- 5.19.B** A legal description of the platted area or property to be vacated;
- 5.19.C** The names of all person affected by the vacation of the plat;
- 5.19.D** Filing of said application with the Administrator;
- 5.19.E** A public hearing held before the Board, including public notice requirements as required for a new subdivision application, as required by this Ordinance;
- 5.19.F** All publication costs shall be at the expense of the petitioner;
- 5.19.G** Prior to the approval of any application for subdivision plat vacation, the Board must confirm whether any public works, infrastructure projects or other development commitments were made or imposed on the original developer/subdivision project and whether such public works, infrastructure projects or other development commitments were completed. If applicable, the Board must also confirm whether financial reimbursement to the County is owing from the developer/subdivision project as a result of the County's financial participation in the public works, infrastructure projects or other development commitments. Any successive owners of the subdivision project, legal successors in interest, or the resulting property owners association of the subdivision shall remain liable for any financial reimbursement owed to the County as a result of the County's financial participation in the public works, infrastructure projects or other development commitments. No subdivision plat vacation shall be approved until all developer/subdivision project financial commitments to Boise County have been fulfilled.
- 5.19.H** The Board may deny or grant said petition with such conditions and/or restrictions as they deem necessary in the public interest.

CHAPTER 6

PLANNED UNIT DEVELOPMENT

SECTION 6.1 PURPOSE	139
SECTION 6.2 PROVISIONS GOVERNING PLANNED UNIT DEVELOPMENT.....	140
SECTION 6.3 OWNERSHIP REQUIREMENTS	140
SECTION 6.4 CHARACTERIZATION OF PLANNED UNIT DEVELOPMENT APPROVAL.....	140
SECTION 6.5 MINIMUM AREA.....	140
SECTION 6.6 INCREASED RESIDENTIAL DENSITY	140
SECTION 6.7 POTENTIAL MIXED USES.....	140
SECTION 6.8 DESIGN STANDARDS	140
SECTION 6.9 NON-RESIDENTIAL USE DESIGN	141
SECTION 6.10 COMMON OPEN SPACE	141
SECTION 6.11 UTILITY REQUIREMENTS	141
SECTION 6.12 PROCEDURES FOR A PLANNED UNIT DEVELOPMENT APPLICATION	141
SECTION 6.13 PRE-APPLICATION MEETING.....	142
SECTION 6.14 APPLICATION FOR PUD PRELIMINARY DEVELOPMENT PLAN	142
SECTION 6.15 COMMISSION RECOMMENDATION OF PUD PRELIMINARY DEVELOPMENT PLAN.....	143
SECTION 6.16 BOARD DECISION FOR PUD PRELIMINARY DEVELOPMENT PLAN.....	143
SECTION 6.17 APPLICATION FOR THE PUD FINAL DEVELOPMENT PLAN	143
SECTION 6.18 ACTION BY THE COMMISSION.....	144
SECTION 6.19 ACTION BY THE BOARD	145
SECTION 6.20 EXPIRATION AND EXTENSION OF APPROVAL PERIOD.....	145
SECTION 6.21 AMENDMENTS/VACATION OF PLANNED UNIT DEVELOPMENT PLANS OR PARTS THEREOF.....	146

SECTION 6.1 PURPOSE:

To guide developers of Planned Unit Developments (PUD) to achieve the following:

- 6.1.A** A choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre
- 6.1.B** A more useful pattern of open space and recreation areas
- 6.1.C** An appropriate location of accessory commercial/industrial uses and services;
- 6.1.D** A development pattern which preserves and utilizes natural topography and geologic features, wildlife corridors, scenic vistas, trees and other vegetation and prevents the disruption of natural drainage patterns;
- 6.1.E** A more effective use of land than is generally achieved through conventional development;

- 6.1.F A development pattern in harmony with land use density, transportation, community facilities, and objectives of this Ordinance and the Comprehensive Plan.

SECTION 6.2 PROVISIONS GOVERNING PLANNED UNIT DEVELOPMENT:

Whenever there is a conflict or difference between the provisions of this Section and those of the other Sections of this Ordinance, the provisions of this Section shall prevail. Subjects not covered by this Section shall be governed by the respective provisions found elsewhere in this Ordinance.

SECTION 6.3 OWNERSHIP REQUIREMENTS:

- 6.3.A Any application for a PUD may be filed by a property owner or a person having an existing interest in the property. The PUD application shall be filed in the name of the recorded owner or owners of property included in the development. However, the application may be filed by the holder of an equitable interest in such property.
- 6.3.B Before approval is granted to the final development plan, the entire project shall be under single ownership or control and single legal title must be presented with the Final Development Plan.

SECTION 6.4 CHARACTERIZATION OF PLANNED UNIT DEVELOPMENT APPROVAL:

For purposes of Idaho Code §67-6512, an approval of a Planned Unit Development application as provided in this chapter shall be deemed to be a “special use or conditional use permit.”

SECTION 6.5 MINIMUM AREA

A PUD shall contain an area of not less than ten (10) acres.

SECTION 6.6 INCREASED DENSITY:

To provide for an incentive for quality PUD’s the Board may authorize an increased residential or commercial density per acre of the entire PUD land area.

SECTION 6.7 POTENTIAL MIXED USES:

Mixed uses may be allowed provided there is a favorable finding by the Board of the following:

- 6.7.A That the uses are appropriate and compatible;
- 6.7.B That the uses are planned as an integral part of the PUD;
- 6.7.C That the uses are planned to be located and so designed as to provide direct access to a collector or an arterial street without creating congestion or traffic hazards;
- 6.7.D That each non-residential use shall require a separate Conditional Use Permit (CUP).

SECTION 6.8 DESIGN STANDARDS:

Each PUD shall integrate the various features of the development with each other and with the natural features of the site, using recognized principles of landscape architecture, design standards relative to the effects on fish and wildlife resources, and wildlife habitat preservation to the greatest possible extent. This integration shall take into account both natural and constructed features of the project including, but not limited to the following:

- 6.8.A Landscaping, including, for example, streetscapes, open spaces and plazas, use of existing landscape features, pedestrian-way treatment, recreational areas, wildlife corridors, etc.; and
- 6.8.B Siting, including, for example, visual focal points, use of existing physical features (topography, view, sun and wind orientation, circulation pattern, physical environment, etc.), variation in building setbacks and building grouping (such as clustering); and

- 6.8.C Design features, including, for example, street sections, architectural styles, harmonious use of materials, parking areas broken by landscaping features, varied use of building types, styles, and designs, etc.

The applicant shall document its consideration of architectural integration by providing the Administrator a report discussing the various architectural features, arrangements, amenities, and options considered and explaining the reasons for selecting those to be included in and/or excluded from the project. Depending on the size, complexity, and density of the project the Administrator may engage (at the developer's expense) an independent architect to review and critique this report.

SECTION 6.9 NON-RESIDENTIAL USE DESIGN:

PUD's may include non-residential uses if it can be shown that the use is compatible with surrounding uses.

- 6.9.A When PUD's include non-residential uses, non-residential buildings and/or establishments they shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations.
- 6.9.B Appropriate protective screening shall be provided on the perimeter of the areas abutting residential areas.
- 6.9.C The development plan shall provide for the integrated and harmonious design of buildings, traffic circulation, landscaping and other features to make the project attractive and efficient from the stand-point of the adjoining and surrounding noncommercial areas.
- 6.9.D All areas planned for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner at the expense of the developer and/or homeowners association.
- 6.9.E Non-residential uses shall be set back a distance appropriate for the applied use from any adjacent residential uses.

SECTION 6.10 COMMON OPEN SPACE:

- 6.10.A A minimum of ten percent (10%) of the gross land area in any PUD project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed.
- 6.10.B The required amount of common open space land reserved under a PUD shall either be held in corporate ownership by owners of the project area (e.g. HOA) for the use of each owner who buys property within the development or be dedicated to the public and retained as common open space for parks, recreation and related uses. Public watercourses and other similar channels are not acceptable for common open space dedication unless such land or right of way is usable as a trail or other similar purpose and approved by the Board.
- 6.10.C The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the Final Development Plan and any final plat of the development.

SECTION 6.11 UTILITY REQUIREMENTS:

Underground utilities are required. Any existing overhead utility lines may be exempted from the underground requirement. Appurtenances to these systems which can be effectively screened may be exempt from this requirement if a finding is made that such exemption will not violate the intent or character of the proposed PUD.

SECTION 6.12 PROCEDURES FOR A PLANNED UNIT DEVELOPMENT APPLICATION:

The procedure shall require:

- 6.12.A A pre-application meeting with the Planning and Zoning Administrator to review the proposed application(s).

- 6.12.B** The submission of an application and preliminary development plan with the appropriate fee; subsequent to a recommendation of the Administrator and negotiated by the Board. The negotiated fee for a Planned Unit Development application shall include all Boise County anticipated costs.
- 6.12.C** The Administrator shall review the application for completeness within 30 calendar days of submission. If the Administrator determines the application is incomplete the application shall be returned to the applicant. When the Administrator determines the application is complete, the applicant shall be notified.
- 6.12.D** Applicant shall provide additional copies of the complete application for agency review and notification purposes. The number of copies necessary will be determined by the Administrator. The acceptance date shall be the date the required copies and any additional fees or deposits are received by the Administrator. No action by the P&Z Department shall be taken prior to the acceptance date.
- 6.12.E** A public hearing before the Commission to review the PUD preliminary plan and make recommendations to the Board.
- 6.12.F** A public hearing before the Board for their review of the Commission recommendations and make a final decision on the PUD preliminary plan.
- 6.12.G** The submission of a Final Development Plan, with the required number of copies, as specified within this Ordinance with appropriate fee.
- 6.12.H** Review and public hearing of the Final Development Plan by the Commission, with recommendation being sent to the Board.
- 6.12.I** Review and public hearing of the Final Development Plan by the Board resulting in a final decision and any applicable Mitigation Contract.
- 6.12.J** Each subdivision phase of the PUD Final Development Plan shall proceed through the subdivision final plat approval process as outlined in this Ordinance.

SECTION 6.13 PRE-APPLICATION MEETING:

The developer shall meet with the Planning and Zoning Administrator prior to the submission of the preliminary development plan. The purpose of this meeting is to have informal, preliminary discussion regarding the criteria, standards and requirements of this Ordinance, as well as familiarizing the developer with the Comprehensive Plan and such other regulatory standards as deemed appropriate.

SECTION 6.14 APPLICATION FOR PUD PRELIMINARY DEVELOPMENT PLAN:

The application for the PUD Preliminary Development Plan shall contain, but not be limited to, the following information:

- 6.14.A** Name, address and phone number of applicant; and
- 6.14.B** Name, address and phone number of the legal owner; and
- 6.14.C** Name, address and phone number of registered surveyor, engineer or planner assisting in the preparation of the development plans; and
- 6.14.D** Legal description of the property; and
- 6.14.E** Description of existing use; and
- 6.14.F** Description of existing use on surrounding properties; and
- 6.14.G** A vicinity map at an easily readable scale, showing property lines, streets and other items to show the relationship of the PUD to existing community facilities and services; and
- 6.14.H** A Preliminary Development Plan showing topography, contour lines, location and type of residential, commercial and industrial land uses; layout, dimensions and names of existing and proposed streets; right-of-ways; utility easements; parks and community spaces; layout and dimensions of lots and building setback lines; preliminary improvement drawings showing water, sewer, drainage, electricity, telephone and other characteristics; and

- 6.14.I A written explanation of why phases should be developed in the proposed sequence and how the progress of each phase shall be measured and monitored by the Administrator and the applicant and/or owner. Phasing shall be accomplished so that the integrity of the Planned Unit Development is maintained at the end of any single phase; and
- 6.14.J Proposed schedule for the planned development and phasing of the project; and
- 6.14.K Evidence that the applicant has sufficient control over the land in the PUD application to start the proposed development plan within two (2) years; and
- 6.14.L A written statement by the developer setting forth the reasons why the PUD would be in the public interest and that it is consistent with the Comprehensive Plan; and
- 6.14.M Additional information or documentation as determined by the Administrator.

SECTION 6.15 COMMISSION RECOMMENDATION OF PUD PRELIMINARY DEVELOPMENT PLAN:

- 6.15.A Within the appropriate time period after the public hearing, the Commission shall review the PUD Preliminary Development Plan to determine if it is consistent with the intent and purpose of this Ordinance and of the Comprehensive Plan. Recommendation for approval of the PUD Preliminary Development Plan shall not be construed to endorse a precise location of uses, configuration of parcels, engineering feasibility or construction.
- 6.15.B The Commission shall consider the general standards applicable to conditional use permits and criteria for special uses before recommending approval of a PUD preliminary development plan.

SECTION 6.16 BOARD DECISION FOR PUD PRELIMINARY DEVELOPMENT PLAN:

- 6.16.A Within the appropriate time period after the receipt of the Commission recommendation on the PUD Preliminary Development Plan the Board shall review the PUD Preliminary Development Plan to determine if it is consistent with the intent and purpose of this Ordinance and of the Comprehensive Plan. Preliminary approval shall not be construed to endorse a precise location of uses, configuration of parcels, engineering feasibility, or construction.
- 6.16.B The Board shall consider the general standards applicable to conditional use permits and criteria for special uses before approving a PUD Preliminary Development Plan.

SECTION 6.17 APPLICATION FOR THE PUD FINAL DEVELOPMENT PLAN:

Upon approval of the PUD Preliminary Development Plan, an application for the PUD Final-Development Plan shall be filed with the Planning and Zoning Administrator by a property owner or a person having an existing interest in the property. The PUD application shall be filed in the name of the recorded owner or owners of property included in the development. The application shall include, but not be limited to, the following:

- 6.17.A Be signed by the owner; and
- 6.17.B Clearly state that the approval shall expire and may be revoked if construction on the project has not begun within two (2) years from the date of issuance of the approval; and
- 6.17.C Include a survey of the proposed development site, showing the dimensions and bearings of the property lines, area in acres, topography with contour lines, existing features of the development site including major vegetative areas, structures, streets, easements, utility lines and land uses; and
- 6.17.D Include all information required by the preliminary development plan; and
- 6.17.E Include the following schedule for the development of phases to be constructed:
 - 6.17.E.1 A description of the design principles for buildings and streetscapes; and
 - 6.17.E.2 Tabulation of the number of acres in the proposed project for various uses; and
 - 6.17.E.3 Number of housing units proposed by type; and

- 6.17.E.4 Estimated residential population; and
- 6.17.E.5 Anticipated timing for each phase with standards for unit height, open space, building density, parking areas, population density and public improvements.
- 6.17.F Include engineering feasibility studies and plans showing:
 - 6.17.F.1 Water; and
 - 6.17.F.2 Sewer; and
 - 6.17.F.3 Drainage; and
 - 6.17.F.4 Electricity and telephone installations; and
 - 6.17.F.5 Waste disposal facilities; and
 - 6.17.F.6 Street improvements; and
 - 6.17.F.7 The nature and extent of earth work required for site preparation and development.
- 6.17.G A site plan showing buildings, various functional use areas, circulation and their relationship; and
- 6.17.H A preliminary set of building plans, including floor plans and exterior elevations; and
- 6.17.I Landscaping plans; and
- 6.17.J Deed restrictions, protective covenants and other legal statements or devices to be used to control the use, development and maintenance of the land, and the improvements thereon, including those areas which are to be commonly owned and maintained; and
- 6.17.K Evidence that the applicant has a continuing legal interest over the land in question to initiate the proposed development plan within two (2) years from final approval; before approval is granted to the Final Development Plan, the entire project shall be under single legal title must be presented with the Final Development Plan; and
- 6.17.L Any other documents as determined by the Administrator, County Engineer, Commission, Board; or, as otherwise required by the PUD Preliminary Development Plan approval.

SECTION 6.18 ACTION BY THE COMMISSION:

The Commission shall recommend to the Board approval, approval with additional conditions, or denial of the PUD Final Development Plan. The Commission shall find that the facts submitted with the application and presented to them establish that:

- 6.18.A The proposed PUD Final Development Plan can be initiated within two (2) years of the date of Board approval of the PUD Final Development Plan; and
- 6.18.B Each phase of the development and the total development are reasonably phased; and
- 6.18.C Adequate assurance has been provided that project completion is attainable; and
- 6.18.D Proposed project will not be detrimental to present or potential surrounding uses; and
- 6.18.E The streets proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the PUD; and
- 6.18.F Any proposed use can be justified at the locations proposed and is warranted by the design and other amenities incorporated in the PUD Final Development Plan and any adopted policy of the Board; and
- 6.18.G The PUD is in general conformance with the Comprehensive Plan; and
- 6.18.H The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed; and
- 6.18.I The Commission shall specify:
 - 6.18.I.1 The Ordinance and standards used in evaluating the application; and
 - 6.18.I.2 The reasons for approval or denial; and
 - 6.18.I.3 The actions, if any, that the applicant could take to obtain a permit.

SECTION 6.19 ACTION BY THE BOARD:

- 6.19.A** Within the appropriate time period, after receipt of recommendations from the Commission on the application for the final planned unit development plan, the Board shall approve, approve with additional conditions or deny the PUD Final Development Plan.
- 6.19.B** The Board shall find that the facts submitted with the application and presented to them establish that:
 - 6.19.B.1** The proposed development can be initiated within two (2) years of the date of Board approval of the PUD Final Development Plan; and
 - 6.19.B.2** Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present or potential surrounding uses; and
 - 6.19.B.3** The streets proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the PUD; and
 - 6.19.B.4** Any proposed use can be justified at the locations proposed and is warranted by the design and other amenities incorporated in the PUD final development plan and any adopted policy of the Board; and
 - 6.19.B.5** The PUD is in general conformance with the Comprehensive Plan; and
 - 6.19.B.6** The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed; and
 - 6.19.B.7** All parcels comprising the PUD have been combined into a single legal title with one single taxing parcel number.
- 6.19.C** The Board shall specify:
 - 6.19.C.1** The Ordinance and standards used in evaluating the application; and
 - 6.19.C.2** The reasons for approval or denial; and
 - 6.19.C.3** The actions, if any, that the applicant could take to obtain a permit.
- 6.19.D** STANDARD CONDITIONS for approval, or approval with conditions, shall include, but not be limited to:
 - 6.19.D.1** If the application is either approved or approved with conditions, the Board shall:
 - 6.19.D.1.a** Direct the Planning and Zoning Department to issue building permits in accordance with the approved Final Development Plan and the supplementary conditions attached thereto; and
 - 6.19.D.1.b** Inform the applicant that each non-residential use shall require a separate conditional use permit application; and
 - 6.19.D.1.c** Require that no development shall be allowed prior to application, review, and approval of the phase in which the development is located; and
 - 6.19.D.1.d** Direct the applicant to provide a copy of the approved PUD Final Development Plan (Master Plan) to the Planning and Zoning Department in electronic form and a reduced (8 ½ x 11) copy for recording with the Boise County Recorder as a miscellaneous document.

SECTION 6.20 EXPIRATION AND EXTENSION OF APPROVAL PERIOD:

The approval of a Final Development Plan for a PUD shall be for a period not to exceed two (2) years to allow for preparation and recording of the required subdivision plat and the development of the project. If no construction has begun within two (2) years after approval is granted, the approval of the Final Development Plan shall be void. An extension of the time limit or modification of the approved Final Development Plan may be approved if the Board finds that such extension or modification is not in conflict with the public interest.

SECTION 6.21 AMENDMENTS/VACATION OF PLANNED UNIT DEVELOPMENT PLANS OR PARTS THEREOF:

Any person desiring to amend or vacate an existing PUD Final Development Plan or any part thereof in whole lots which requires County approval, shall apply to the Board. No portion of a lot or lot(s) may be amended or vacated. Said person shall be the owner of record of the parcels proposed for amendment or vacation, or be authorized by the owner of record to apply to the Board.

6.21.A Application to amend or vacate shall include and/or be subject to:

6.21.A.1 A statement of circumstances surrounding the issue as to why the PUD plan should be amended or vacated; and

6.21.A.2 A legal description of the platted area or property to be amended or vacated; and

6.21.A.3 The names of all person affected by the amendment or vacation of the PUD plan; and

6.21.A.4 Filing of said application with the County Clerk; and

6.21.A.5 A public hearing held before the Board, per this Ordinance.

6.21.B All publication costs shall be at the expense of the-applicant;

6.21.C Prior to the approval of any application for PUD plan amendment or vacation, the Board must confirm whether:

6.21.C.1 Any public works, infrastructure projects or other development commitments were made or imposed on the original developer/subdivision project; and

6.21.C.2 Such public works, infrastructure projects or other development commitments were completed; and

6.21.C.3 Financial reimbursement to the County is owing from the developer/subdivision project as a result of the County's financial participation in the public works, infrastructure projects or other development commitments.

6.21.D Any successive owners of the PUD project, legal successors in interest, or the resulting property owners association of the PUD shall remain liable for any financial reimbursement owed to the County as a result of the County's financial participation in the public works, infrastructure projects or other development commitments.

6.21.D.1 No PUD plan amendment or vacation shall be approved until all developer/subdivision project financial commitments to Boise County have been fulfilled.

6.21.D.2 The Board may approve, approve with conditions, or deny, said application as they deem necessary in the public interest.

6.21.D.3 If approved the applicant shall:

6.21.D.3.a Submit a copy of the approved Amended or Vacated Final Development Plan (Master Plan) to the Planning and Zoning Department in electronic form and a reduced (8 1/2 x 11) copy for recording with the Boise County Recorder as a miscellaneous document.

CHAPTER 7 PLANNED COMMUNITY

SECTION 7.1 PURPOSE	147
SECTION 7.2 PLANNED COMMUNITY REQUIREMENTS	147
SECTION 7.3 PRE-APPLICATION MEETINGS.....	147
SECTION 7.4 APPLICATION REQUIREMENTS.....	147
SECTION 7.5 PROCESS	150
SECTION 7.6 PROCESS FOR SUBSEQUENT DEVELOPMENT	151
SECTION 7.7 REQUIRED FINDINGS.....	151
SECTION 7.8 CHARACTERIZATION OF PLANNED COMMUNITY APPROVAL	151
SECTION 7.9 AMENDMENT/VACATION OF PLANNED COMMUNITY PLAN OR PARTS THEREOF	151

SECTION 7.1 PURPOSE:

To provide standards for the review of Planned Communities, which have a boundary that enhances the area's ability to incorporate or be annexed, and to implement the Planned Community goal and policies of the Boise County Comprehensive Plan. Specific Planned Community regulations shall be adopted by the Board of Commissioners.

SECTION 7.2 PLANNED COMMUNITY REQUIREMENTS:

Planned Communities shall meet the following requirements:

- 7.2.A** Be a minimum of three hundred twenty (320) contiguous acres within Boise County; and
- 7.2.B** The site is located outside an existing Area of City Impact; and
- 7.2.C** Has a boundary that enhances the area's ability to incorporate or be annexed.

SECTION 7.3 PRE-APPLICATION MEETINGS:

The applicant shall complete a series of pre-application meetings prior to submittal of an application for a Planned Community. The purpose of these meetings is to develop a common understanding between staff and the applicant regarding existing site conditions, project design, proposed zoning regulations, potential environmental impacts and mitigation measures, general consistency with local, state, and federal regulations, the Boise County Comprehensive Plan, and any other relevant issues of the proposed project.

SECTION 7.4 APPLICATION REQUIREMENTS:

An application for a Planned Community shall be submitted to the Administrator as specified in this Ordinance, and shall contain the elements required by this Section. The Administrator shall determine the number of copies of the application required for submittal.

7.4.A The applicant or owner shall submit the fee for the Planned Community application subsequent to a recommendation of the Administrator and negotiated by the Board. The negotiated fee for a Planned Community application shall include all Boise County anticipated costs.

7.4.B The applicant shall submit a detailed plan that includes the elements required by this subsection, hereafter referred to as the Specific Plan. These documents and drawings shall provide sufficient information to evaluate future development applications, including, but not limited to, the following:

- 7.4.B.1** A vision statement for the use and design of the subject site; and
- 7.4.B.2** A list of coordinated goals, objectives, and policies implementing the vision statement and addressing applicable residential, commercial, and industrial development, schools, air and water quality, recreation facilities, special or sensitive areas, the provision of essential public services and utilities, and irrigation delivery systems; and
- 7.4.B.3** General land use patterns on-site and within a minimum of one mile of the Planned Community perimeter; and
- 7.4.B.4** An Environmental Assessment Plan and Wildlife Mitigation Plan; and
- 7.4.B.5** A description of the density and/or intensity of land uses proposed within the Planned Community; and
- 7.4.B.6** A general land use map designating land use categories for the entire Planned Community area; and
- 7.4.B.7** Anticipated population of the Planned Community at completion.
- 7.4.B.8** An assessment of development and population trends documenting the justification for development of a Planned Community outside of existing areas of city impact; and
- 7.4.B.9** A public services and utilities plan describing and depicting the location and type of electric service, natural gas service, storm drainage and flood control systems, wastewater treatment and collection, water service, irrigation, telecommunication services, public safety services, schools, and other services as appropriate; and
- 7.4.B.10** Circulation plan depicting location, design, and dimensions for the various types of streets, roads, trails, and paths; and
- 7.4.B.11** Dedicated open space plan depicting both active and passive recreation areas and pedestrian, equestrian, bicycle trails, and wildlife corridors.
- 7.4.B.12** Essential public services and anticipated financing plan describing: a phased implementation program; the steps necessary to initiate and maintain each phase of development; the financial assurances provided, including cost of providing utilities, circulation, open space, landscaping, and any other public improvements; and mitigation of negative economic impacts beyond the normally expected incremental impacts of development on affected municipalities and other agencies and/or districts. Each phase shall include sufficient essential public services to serve the anticipated population of that phase, as well as provide for integration into the Planned Community; and
- 7.4.B.13** Description of central design concepts that create themes to guide land use development and to integrate a mixture of land uses. These concepts shall consider predevelopment site conditions, careful placement of public land uses, ample open space areas interconnecting all phases of development with appropriate landscaping, and provision of specific guidelines for construction and placement of improvements; and
- 7.4.B.14** A phasing plan indicating the sequence of development, general land uses, and anticipated commencement and completion times of each phase shall be provided, indicating land use types, total area contained, anticipated population levels, and essential public services. Essential public services adequate for the anticipated level of use of that phase shall be provided. The applicant shall also provide a written explanation of why phases should be developed in the proposed sequence and how the progress of each phase shall be measured and monitored by the Administrator and the applicant and/or owner. Phasing shall be accomplished so that the integrity of the Planned Community is maintained at the end of any single phase.

- 7.4.C** The applicant shall submit a Unified Land Use Ordinance amendment, as specified in Chapter 2 of this Ordinance, to identify the Planned Community boundaries and designation of the area as a Planned Community. The amendment shall include, but not limited to, the following:
- 7.4.C.1** Purpose statement; and
 - 7.4.C.2** Applicability (regulations apply in areas identified on Official Zoning Map and Specific Plan land use map); and
 - 7.4.C.3** Principal permitted, accessory, conditional, and prohibited uses; and
 - 7.4.C.4** Setback areas; and
 - 7.4.C.5** Structure height and bulk; and
 - 7.4.C.6** Structure and impervious coverage; and
 - 7.4.C.7** Property size; and
 - 7.4.C.8** Landscaping requirements; and
 - 7.4.C.9** Open space requirements; and
 - 7.4.C.10** Street frontage and access requirements; and
 - 7.4.C.11** Sign requirements; and
 - 7.4.C.12** On and off-street parking requirements; and
 - 7.4.C.13** Standards for energy and water conservation; and
 - 7.4.C.14** Grading requirements; and
 - 7.4.C.15** Design standards for structures and site improvements; and
 - 7.4.C.16** Administrative regulations for the implementation and/or revision of the Specific Plan, as well as subsequent development approvals required prior to construction; and
 - 7.4.C.17** Any other regulations necessary to implement the Specific Plan, including applicable fee schedules, financial assurances, and amendments.
- 7.4.D** The applicant shall submit a detailed economic impact analysis evaluating the impacts of the Planned Community upon existing infrastructure and any cost of new infrastructure that may be required to serve the Planned Community including, but not limited to, streets, schools, fire protection, water systems, wastewater collection and treatment systems, air quality programs, water quality programs, solid waste disposal, law enforcement, parks and open space, irrigation delivery systems, libraries and emergency medical services. The economic analysis shall demonstrate that the Planned Community shall develop in an economically sustainable and financially self-supporting manner. Written statements shall be solicited by the applicant from affected municipalities, agencies and/or districts, and other service providers commenting on the impact of the Planned Community upon existing infrastructure and the costs of providing new infrastructure needed to serve the project. All responses received by the applicant shall be submitted to the Administrator along with the required economic impact analysis.
- 7.4.E** The applicant shall submit a determination by the Community Planning Association of Southwest Idaho on whether the proposed planned community, or annexation to an existing planned community, shall necessitate an update to the adopted regional transportation plan. The Board may require the applicant to fund the cost of any necessary update to the regional transportation plan as a condition of a development agreement.
- 7.4.F** The applicant shall submit any other information necessary to support the purposes of this Chapter, as determined by the Administrator, Commission, or Board.

- 7.4.G** The Administrator, Commission, or Board may make a determination that substantial changes in conditions have occurred that may require updating, new analysis, or studies of specific issues.

SECTION 7.5 PROCESS:

- 7.5.A** The Specific Plan for a Planned Community shall be adopted by resolution of the Board subsequent to a recommendation from the Commission. The Administrator shall maintain two (2) complete copies of the adopted Specific Plan in the files of the Boise County Planning and Zoning Department.
- 7.5.B** The Planned Community zone chapter and map amendment shall be adopted by ordinance and shall be consistent with the regulations of this Ordinance.
- 7.5.C** Street names and addresses shall be obtained for the Planned Community in compliance with this Ordinance.
- 7.5.D** Once the Planned Community is approved, all persons and parties, their successors, heirs, or assigns, who own, have, or will have by virtue of purchase, inheritance or assignment, any interest in the real property within the Planned Community, shall be bound by the conditions of approval and the provisions of this Ordinance.
- 7.5.E** Amendments:
- 7.5.E.1** Applications for amendments to the Specific Plan, or to add additional property into the boundaries of a Planned Community, shall be processed substantially in the same manner as an original application and as provided in the this Ordinance.
- 7.5.E.2** An amendment to the Specific Plan of a Planned Community may be initiated by one of the following:
- 7.5.E.2.a** The original applicant, owner, or the owner's successors and assigns;
or
- 7.5.E.2.b** Property owners owning eighty percent (80%) or more of the land area within the Planned Community, whichever is greater.
- 7.5.F** In addition to other requirements, owner of property who want to include their contiguous lands into an existing Planned Community shall submit written approval of one of the following:
- 7.5.F.1** The original applicant, owner, or the owner's successors and assigns; or
- 7.5.F.2** Property owners owning 80 percent or more of the land area within the Planned Community, whichever is greater.
- 7.5.G** After the recordation of the first final plat in the Planned Community the applicant/owner shall provide a bi-annual report addressing the timing of completion and progress of the development to the Administrator. Administrator shall review the report and provide a recommendation to the Commission and the Board as to the progress and anticipated long-term viability of the Planned Community. The review shall continue until recordation of the final phase.
- 7.5.H** If the Board determines that the Planned Community has not developed in substantial accord with the Specific Plan, the Board may initiate public hearings to investigate such matters. At the conclusion of such hearings, the Board may adopt changes to the Specific Plan to mitigate adverse impacts or impose penalties pursuant to this Ordinance.

- 7.5.I** Any incorporation, annexation, or inclusion of a Planned Community within an area of city impact shall be processed in accord with applicable state law, the Boise County Comprehensive Plan, and Unified Land Use Ordinance.

SECTION 7.6 PROCESS FOR SUBSEQUENT DEVELOPMENT:

- 7.6.A** Development within an approved Planned Community shall be governed by the regulations and requirements of the approved Specific Plan and Planned Community zoning ordinance. If issues arise that are not addressed in the Planned Community approval, the Unified Land Use Ordinance shall apply.
- 7.6.B** Each phase of the Planned Community shall comply with the general requirements of the approved Specific Plan and the specific regulations for that phase.
- 7.6.C** Approval for successive phases shall be withheld if the necessary essential public services for said phase are not provided to support the development as it proceeds.
- 7.6.D** No development shall be allowed prior to application, review, and approval of the phase in which the development is located.

SECTION 7.7 REQUIRED FINDINGS:

In order to approve a Planned Community application, the Board shall make the findings for a Unified Land Use Ordinance amendment specified by this Ordinance and shall make the following additional findings:

- 7.7.A** The proposal complies with all applicable local, state, and federal rules and regulations; and
- 7.7.B** The proposed Planned Community provides a land development tool to accommodate population growth outside of existing areas of city impact; and
- 7.7.C** The proposal sets forth sufficient and adequate mitigation for the identified economic impacts beyond the normally expected incremental impacts on municipalities and other agencies and/or districts.
- 7.7.D** The proposal sets forth sufficient and adequate mitigation for identified impacts to fish and wildlife resources.

SECTION 7.8 CHARACTERIZATION OF PLANNED COMMUNITY APPROVAL:

For purposes of Idaho Code §67-6512, an approval of a Planned Community application as provided in this chapter shall be deemed to be a “special use or conditional use permit.”

SECTION 7.9 AMENDMENTS/VACATION OF PLANNED COMMUNITY PLAN OR PARTS THEREOF:


Any person desiring to amend or vacate an existing Planned Community plan or any part thereof in whole lots, in the unincorporated areas of the county which requires county approval, shall apply to the Board. No portion of a lot or lot(s) may be amended or vacated. Said person shall be the owner of record of the parcels proposed for amendment or vacation, or be authorized by the owner of record to apply to the Board.


- 7.9.A** Said application shall include and/or be subject to:
- 7.9.A.1** A statement of circumstances surrounding the issue as to why the Planned Community plat should be amended or vacated; and
- 7.9.A.2** A legal description of the platted area or property to be amended or vacated; and

- 7.9.A.3 The names of all person affected by the amendment or vacation of the Planned Community plat; and
 - 7.4.A.4 Filing of said application with the County Clerk; and
 - 7.9.A.5 A public hearing held before the Board, per this Ordinance; and
 - 7.9.A.6 All publication costs shall be at the expense of the petitioner.
- 7.9.B Prior to the approval of any application for Planned Community plan amendment or vacation, the Board must confirm whether:
- 7.9.B.1 Any public works, infrastructure projects or other development commitments were made or imposed on the original developer/subdivision project and whether such public works, infrastructure projects or other development commitments were completed; and
 - 7.9.B.2 Financial reimbursement to the County is owing from the developer/subdivision project as a result of the County's financial participation in the public works, infrastructure projects or other development commitments.
- 7.9.C No Planned Community plat vacation shall be approved until all developer/subdivision project financial commitments to Boise County have been fulfilled.
- 7.9.D The Board may approve, approve with conditions, or deny as they deem necessary in the public interest.
- 7.9.E If approved the applicant shall:
- 7.9.E.1 Submit a copy of the approved Amended or Vacated Final Development Plan (Master Plan) to the Planning and Zoning Department in electronic form and a reduced (8 ½ x 11) copy for recording with the Boise County Recorder as a miscellaneous document.

APPROVED and ADOPTED in Open Session this 25th day of SEPTEMBER 2018.

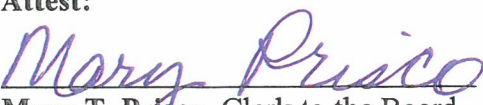
BOISE COUNTY COMMISSIONERS


 Alan D. Ward, Chair, District II


 Roger B. Jackson, Commissioner District I


 Laura L. Baker, Commissioner District III

Attest:


 Mary T. Prisco, Clerk to the Board