

SECTION 5
SPECIAL DEVELOPMENT SUBDIVISIONS

A. PURPOSE AND SUMMARY OF PROVISIONS:

The purpose of this section is to identify various types of developments that normally pose special concerns to the elected officials when reviewing and acting upon subdivision requests. This section outlines the plan submittal requirements and design standards that shall be taken into consideration when acting on special developments.

B. SUPPLEMENTARY PROVISIONS:

The provisions of this section are in addition to the plan requirements, design standards and improvement standards that are required by sections 2, 3, and 4 of this title.

C. HILLSIDE SUBDIVISIONS:

1. PRESERVATION OF NATURAL FEATURES:

In order to preserve, retain, enhance and promote the existing and future appearance, natural topographic features, qualities and resources of hillsides, special consideration shall be given to the following:

- A. Skyline and ridge tops;
- B. Rolling grassy land forms, including knolls, ridges and meadows;
- C. Tree and shrub masses, grass, wild flowers and topsoil;
- D. Rock outcroppings;
- E. Stream beds, draws and drainage swales, especially where tree and plant formations occur; and
- F. Characteristic vistas and scenic panoramas.

2. DEVELOPMENT EVALUATION:

- A. All development proposals shall take into account and shall be judged by the way in which land use planning, soil mechanics, engineering geology, hydrology, civil engineering, architectural and landscape design are applied in hillside areas, including, but not limited to:
 - 1. Planning on development to fit the topography, soils, geology, hydrology and other conditions existing on the proposed site;
 - 2. Orientation of development on the site so that grading and other site preparation is kept to an absolute minimum;
 - 3. Shaping of essential grading to blend with natural land forms and to minimize the necessity of padding and/or terracing of building sites;
 - 4. Division of large tracts into smaller workable units on which construction can be completed within one construction season so that large areas are not left bare and exposed during the winter-spring runoff period;
 - 5. Completion of paving as rapidly as possible after grading;
 - 6. Allocation of areas not well suited for development because of soil, geology or hydrology limitations for open space and recreation uses;
 - 7. Minimizing and disruption of existing plant and animal life; and
 - 8. Consideration of the view from and of the hills.

- B. Areas having soil, geology or hydrology hazards shall not be developed unless it is shown that:
 - 1. Their limitations can be overcome;
 - 2. That hazard to life or property will not exist;
 - 3. That the safety, use or stability of a public way or drainage channel is not jeopardized; and
 - 4. That the natural environment is not subjected to undue impact.

3. ENGINEERING PLANS:

The developer shall retain a professional engineer(s) licensed in the State of Idaho to obtain the following information:

- A. Soils Report: For any proposed hillside development a soils engineering report shall be submitted with the preliminary plat. This report shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures, design criteria for corrective measures and opinions and recommendations covering the adequacy of sites to be developed.
- B. Geology Report: For any proposed hillside development a geology report shall be submitted with the preliminary plat. This report shall include an adequate description of site geology and an evaluation of the relationship between the proposed development and the underlying geology and recommendations for remedial remedies. The investigation and subsequent report shall be completed by a professional geologist registered in the state of Idaho.
- C. Hydrology Report: For any proposed hillside development a hydrology report shall be submitted with the preliminary plat. This report shall include an adequate description of the hydrology, conclusions and recommendations regarding the effect of hydrologic conditions on the proposed development, and opinions and recommendations covering the adequacy of sites to be developed.

4. GRADING PLANS:

- A. Preliminary Grading Plan: A preliminary grading plan shall be submitted with each hillside preliminary plat proposal and shall include the following information:
 - 1. Approximate limiting dimensions, evaluations or finish contours to be achieved by the grading, including all cut and fill slopes, proposed drainage channels and related construction;
 - 2. Preliminary plans and approximate locations of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs and other protective devices to be constructed; and
 - 3. A description of methods to be employed in disposing of soil and other material that is removed from the grading site, including the location of the disposal site.
- B. Final Grading Plan: A final grading plan shall be submitted with each final plat and shall include the following information:

1. Limiting dimensions, evaluations or finish contours to be achieved by the grading including all proposed cut and fill slopes and proposed drainage channels and related construction;
2. Detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs and other protective devices to be constructed; and
3. A schedule showing when each stage of the project will be completed, including the total area of soil surface which is to be disturbed during each stage together with estimated starting and completion dates. In no event shall the existing natural vegetative ground cover be destroyed, removed or disturbed more than fifteen (15) days prior to grading.

5. DEVELOPMENT STANDARDS:

A. Soils:

1. Fill areas shall be prepared by removing organic material such as vegetation and rubbish, and any other material which is determined by the soils engineer to be detrimental to proper compaction or otherwise not conducive to stability. No rock or similar irreducible material with a maximum dimension greater than eight inches (8") shall be used as fill material in fills that are intended to provide structural strength.
2. Fills shall be compacted to at least ninety five percent (95%) of maximum density, as determined by AASHTO99 and ASTM D698.
3. Cut slopes shall be no steeper than two (2) horizontal to one vertical. Subsurface drainage shall be provided as necessary for stability.
4. Fill slopes shall be no steeper than two (2) horizontal to one vertical and shall not be located on natural slopes two to one (2:1) or steeper, or where fill slopes toes out within twelve feet (12') horizontally of the top of an existing or planned cut slope.
5. Tops and toes of cut and fill slopes shall be set back from property boundaries a distance of three feet (3') plus one-fifth (1/5) of the height of the cut or fill but need not exceed a horizontal distance of ten feet (10'). Tops and toes of cut and fill slopes shall be set back from structures a distance of six feet (6') plus one-fifth (1/5) the height of the cut or fill, but need not exceed ten feet (10').
6. The maximum horizontal distance of disturbed soil surfaces shall not exceed seventy five feet (75').

B. Roadways:

1. Road alignments should follow natural terrain and no unnecessary cuts or fills shall be allowed in order to create additional lots or building sites.
2. One-way streets shall be permitted and encouraged where appropriate for the terrain and where public safety would not be jeopardized. Maximum paved width shall be seventeen feet (17').
3. The width of the graded section shall extend three feet (3') beyond the curb back or edge of pavement on both the cut and fill sides of the roadway. If sidewalk is to be installed parallel to the roadway, the graded section may be increased by the width of the sidewalk plus one foot (1').
4. Standard six inch (6") vertical curb and gutter may be installed along both sides of all paved roadways.

- C. Driveways and Parking: Combinations of collective private driveways, cluster parking areas and on street parallel parking bays shall be used to attempt to optimize the objectives of minimum soil disturbance, minimum impervious cover, excellence of design and aesthetic sensitivity.

6. VEGETATION AND REVEGETATION:

- A. The developer shall submit a slope stabilization and revegetation plan which shall include a complete description of the existing vegetation, the vegetation to be removed and the method of disposal, the vegetation to be planted and slope stabilization measures to be installed. The plan shall include an analysis of the environmental effects of such operations, including the effects on slope stability, soil erosion, water quality and fish and wildlife.
- 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 vegetal cover 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 a rapid rate of fire spread.
- C. The developer shall be fully responsible for any destruction of native vegetation proposed for retention. He shall carry the responsibility both for his own employees and for all subcontractors from the first day of construction until the notice of completion is filed. The developer shall be responsible for replacing such destroyed vegetation.

D. MASTER PLANNED COMMUNITIES (MPC):

The Master Planned Community Zone is intended to provide for mixed-use development. Uses must complement and be compatible with the orderly development of the project as well as surrounding land uses. The Master Planned Community Zone may be developed in distinct pods or can be integrated with a mix of uses being interspersed with one another, including multiple uses within the same structure. Master Planned communities shall be allowed in the Residential Zone (R-1) and the Agricultural Zone (A) using the density set in the Zoning Ordinance pertaining to the zone. Uses in the MPC shall be compliant with the requirements of the land use table in the Zoning Ordinance. The following conditions must be met to qualify for a MPC:

- 1. The proposed development must contain a minimum of 40 acres.
- 2. The minimum lot size must be one and one half (1 ½) acre in size.
- 3. A minimum of one of the following density bonuses must be applied to the development to qualify for a MPC.

a. DENSITY BONUSES

Greater residential densities than those allowed by the base zoning, may be granted for projects that provide more open space than the required minimum, or other project amenities and design features not otherwise required for project approval, as follows:

- 1. Community or Open Space up to 30% in with the required open space an increase of 10% of residential development.
- 2. Additional developed recreational facilities for public use, a percentage density increase of up to 20%, as determined by the City.

3. For identification of a permanent, non-City funding source to offset the annual operation and maintenance of open space areas, such as endowments, land trusts, or other mechanisms, a percentage density increase of up to 20%, as determined by the City.
4. With installation of central water the development may increase 10 % or installation of sewer the development may increase 10%.
5. The total of all density bonuses approved for a Master Planned Community (MPC) project may not exceed an additional 40% (i.e. a total of 140%) of the allowed density as outlined in the base zoning

1.- PRE-APPLICATION PROCEDURE

- a. - Intent - The intent of the Pre-Application process is to obtain a general awareness of the City's adopted zoning, the compatibility of the proposed Master Planned Community with existing and anticipated land uses in the vicinity, and a familiarity with the City's Master Planned Community procedures. This procedure allows the developer to determine the suitability of a proposed Master Planned Community procedure. This procedure allows the developer concerning the approval or construction of the proposed Master Planned Community.
- b. - Pre-Application Conference - Prior to the filing of an application for approval of a Master Planned Community, the prospective applicant may request of the Planning Commission one (1) informal meeting to discuss the development of the proposed Master Planned Community site in conjunction with the City's adopted zoning and its compatibility with existing and anticipated land uses in the vicinity. Said meeting may be a part of a regularly scheduled meeting, shall be open to the public, and included on their agenda in advance of the meeting. The Pre-Application conference is not mandatory nor does it require formal application fee, or filing of a Master Planned Community plat. However, the expenses incurred by the City as a result of any additional conferences in excess of the one (1) entitled conference with the Planning Commission to discuss the development of the proposed Master Planned Community site, within a period of one (1) year from the date of the initial Planning Commission conference on the said proposed Master Planned Community site, shall be paid for by the prospective applicant.
- c. - Pre-Application Document Review - Prior to the filing of an application for approval of a Master Planned Community, either before, after, or in lieu of the Pre-Application Conference, all prospective applicants shall review copies of the City of Swan Valley Land Use Plan, the Zoning Map, and the Master Planned Community Sections of this Ordinance, which are available for inspection at the Planning and Zoning Office. The Plan shall be evaluated by the petitioner in order to determine the consistency of the proposal with the City's adopted planning. The Zoning Map shall be reviewed to ascertain whether or not the proposal is likely to be compatible with existing and anticipated land uses in the vicinity of the proposal. The Master Planned Community

sections of this Ordinance shall be reviewed to insure familiarity with the City's Master Planned Community procedures. The applicant is required to sign a statement to the effect that the applicant has reviewed copies of the City of Swan Valley Land Use Plan, the Zoning Map, and the Master Planned Community Sections of this Ordinance at the time the Master Planned Community application is submitted for approval.

2.- PRELIMINARY PLAT PROCEDURE

- a. - Intent - It is the intent of the Preliminary Plat submission to obtain tentative approval from the City for the plans, design, and program that the petitioner contemplates compliance with. If the Preliminary Plat is approved, the petitioner can proceed to the Final Plat stage with reasonable assurance that the Final Plat will be approved if substantially in compliance with the Preliminary Plat. If the Preliminary Plat is submitted without the benefit of first completing the optional Conceptual Plat stage of the Master Planned Community procedure, a relatively detailed submission is required to assure the City that the proposed Master Planned Community Plat has already been submitted and approved, the submission of the Preliminary Plat either in stages or in total is expected to refine the originally approved concept. Any parcel of property may be eligible for consideration as a Master Planned Community using the Preliminary Plat procedure. However, each petitioner for Preliminary Plat approval should be aware that the objectives and standards for Master Planned Communities, as expressed in this Article, must be clearly integrated into the Master Planned Community submission. Failure to do so will result in disapproval.
- b. - Procedure - A request for approval of a Preliminary Plat, as a step in the Master Planned Community procedure, shall be submitted to the Office of the Zoning Administrator, which shall refer same to the Planning Commission for public hearing, review and recommendation. The required procedure for review of the Preliminary Plat shall be:
 - (1) Submission of the items required of a Preliminary Plat petitioner as identified under the "Submission Requirements" Section of this Article. Said submission requirements fall into two general categories:
 - (a) - Submission of data required at the time application is made for Preliminary Plat approval;
 - (b) - Submission of data required at the time of the first public hearing pertaining to the specific Preliminary plat.
 - (2) The Planning Commission shall hold a public hearing on the application for a Master Planned Community Preliminary Plat in accord with the procedures established for special uses in this Ordinance. If a public hearing was held on a Conceptual Plan for the subject Master Planned Community, a second public hearing is required with the submission of the Preliminary Plat. The sophisticated submission required at the time of the Preliminary Plat hearing is significantly different from that required at the Conceptual Plan stage. In the first stage concepts are being reviewed, at the Preliminary Plat stage precise plans and designs are the subject of scrutiny. The public has the right to witness and voice opinions at both stages.

- (3) Following the public hearing and review of the Preliminary Plat submission, the Planning Commission shall within thirty (30) days, unless an extension is requested by the petitioner, recommend approval, modification, or disapproval of the Preliminary Plat, and the reasons therefore, or indicate why a report and recommendation cannot be rendered to the City Council. In its communication to the City Council, the Planning Commission shall set forth "findings of fact," in accordance with the "Findings of Fact" section of this Article, on which the recommendation is based and describing how the Preliminary Plat meets the standards and objectives stated in this Article.
- (4) - The City Council, after receipt of the Preliminary Plat from the Planning Commission, shall approve, modify, or disapprove the Plat within sixty (60) days, unless an extension is requested by the petitioner. In the case of approval, or approval with modification, the City Council shall authorize the Plat Officer to sign the Preliminary Plat. If the Preliminary Plat is the first submission made as part of the Master Planned Community procedure, the City Council shall pass an ordinance for a change in the Official City Zoning Map indicating that the subject site is approved for a Master Planned Community and further allowing for any approved zoning amendments, variations, and/or special uses. The petitioner must submit subsequent Final Plat data in accordance with the schedule set forth in the "Revocation and Extension" Section of this Article. If same is not done, all map changes authorized by the City Council shall revert back to the original zoning designation affixed to the subject property in accordance with the same "Revocation and Extension" Section of this Article. The City Council may required such special conditions as it may deem necessary to ensure conformance with the objectives and standards established in this Article.

It is emphasized that no building or construction, excluding public improvements, may take place within the proposed Master Planned Community, and no permits may be issued, until the Final Plat and accompanying data has been submitted, approved, and recorded. Several projects or stages may compose the overall Master Planned Community. If this is the case, the Final Plat may be submitted and approved in several states in accordance with the agreed to development schedule processed with Preliminary Plat data. Permits shall be issued pursuant to the processing, approval, and recording of each separate stage of the overall Final Plat. Approval of a Preliminary Master Planned Community Plat shall not constitute approval of the Final Plat. Rather, it shall be deemed an expression of approval to the layout submitted on the Preliminary Plat and as a guide to the preparation of the Final Plat, which will be submitted for approval of the City and subsequent recording, upon the fulfillment of the requirements of these regulations and conditions of the preliminary approval, if any. The Final Plat shall be approved if it conforms to the Preliminary Plat.

The Preliminary and Final Plats may be filed and approved simultaneously.

3.- FINAL PLAT PROCEDURE

- a. - Intent - The purpose of the Final Plat is to designate with particularity the land subdivided into conventional lots as wells as the division of other lands, not so subdivided, into common open space and building sites. The Final Plat is intended as a document to be recorded. The Final Plat shows the exact location of facilities, while the Preliminary Plat shows the general location of the same facilities.
- b. - Procedure - The Final Plat shall be submitted as a Master Planned Community Plat and shall conform substantially to the Preliminary Plat as approved and, if desired by the petitioner, may be submitted in stages with each stage reflecting the approved Preliminary Plat which is proposed to be recorded and developed; provided, however, that each stage submitted conforms to all requirements of these regulations. The required procedure for approval of a Final Plat shall be:
 - (1) - Submission of the items required of a Final Plat petitioner as identified under the "Submission Requirements" Section of this Article. Said submission shall be made to the Zoning Administrator, for certification that the Final Plat is in conformance with Master Planned Community Regulations and in agreement with the approved Preliminary Plat.
 - (2) - The Planning Commission shall review the Final Plat data within thirty (30) days after submission. A public hearing is not required. After review of the Final Plat, the Planning Commission shall, within thirty (30) days, unless an extension is requested by the petitioner, recommend approval or disapproval, and the reasons therefore to the City Council.
 - (3) - The City Council, after receipt of the Final Plat from the Planning Commission, shall approve, or disapprove the Final Plat within a period of sixty (60) days, unless an extension is requested by the petitioner. In the case of approval, the City Council shall sign the Final Plat. Permits are issued only after the Final Master Planned Community Plat and any required supporting data have been recorded with the County Recorder and shall be issued in full conformance with the Master Planned Community. The construction authorized by the Building Permit shall be in full compliance with the Final Master Planned Community Plat, as recorded.

4.- SUBMISSION REQUIREMENTS

A. - CONCEPTUAL PLAN STAGE (OPTIONAL)

- a. - At the time application is made for Conceptual Plan approval, the following items must be submitted to the Office of the Zoning Administrator:
 - (1) - Application - A written application for a Master Planned Community on forms supplied by the Office of the Zoning Administrator.
 - (2) - Fee - A fee is established by the City Council that is suitable to cover costs incurred by the City for review of the specific proposal. If special planning, engineering, architectural or other consultants must be retained by the City for

review of the proposed Master Planned Community, the petitioner shall be so notified, and all costs for said consultants expended by the City - not covered by the filing fee - shall be reimbursed by the petitioner.

- (3) - Notification List - A list of the names and addresses of owners of all property that is situated within three hundred (300) feet of the property lines of the subject site. This list shall be current as of the date of submission. People appearing on said list will be sent notice of the public hearing in compliance with statutory requirements. In addition, the responsible fire protection district (if any), affected school districts, affected park districts, and affected sanitary and/or drainage district shall appear on a separate list of notification. The City Road and Bridge Department will also be notified. Additional parties, specified by the petitioner, may appear on the notification list. Interested community groups, such as homeowner's associations, may request notification for projects within adjoining areas. Failure to provide an accurate list of names and addresses of owners of all property that is situated within three hundred (300) feet of the property lines of the subject site shall be cause for immediate dismissal of the Master Planned Community application as well as forfeiture of all fees and expenses incurred.
 - (4) - Ownership - A state of present and proposed ownership of all land within the development.
 - (5) - Legal Description - A legal description of the subject site.
 - (6) - Taxes - Proof shall be furnished to indicate that there are no delinquent taxes constituting a lien on the whole or on any part of the property. Such proof may take the form of paid tax bills to the date of submission of the Master Planned Community application, a statement from the title insurance company indicating that no liens affect the subject site, or a letter from the County Assessor or Treasurer affirming that there are no delinquent taxes of the property.
- b. - At the time of the public hearing on the Conceptual Plan, twenty (20) copies of all subsequent listed information shall be submitted (with the exception of non-reproducible exhibits). Failure to submit any of the required information, without a specific written waiver from the Planning Commission, shall constitute grounds for dismissal of the Master Planned Community petition. Waiver of specific submission elements may be requested of the Planning Commission, in writing, at the time the Master Planned Community Conceptual Plan application is made. The Planning Commission will decide upon the waiver request at its next regularly scheduled meeting; the petitioner will be notified of the decision, and the public hearing will then be scheduled. Specific grounds for waiver must be stated by the petitioner. The Conceptual Plan submission shall include the following:

- (1) Concept Plan - A drawing of the Master Planned Community shall be prepared at a scale that provides for a clear understanding of the way in which the property is intended to be developed. The Plan shall indicate the concept of the development with refinements to indicate the overall land use pattern, general circulation system, open space or park system, and major features of the development. This Section does not require a detailed site plan of buildings, walks, etc. The Plan should include:
 - (a) - Boundary lines and dimensions of the subject site.
 - (b) - Existing and proposed easements – general location and purpose.
 - (c) - Streets on, adjacent, or proposed for the tract, including all rights-of-way and pavement widths.
 - (d) - Land use patterns proposed for the subject site.
 - (e) - Map data – name of development, name of site planner, north point, scale, date of preparation.

- (2) Site Data - A list of pertinent site data, including:
 - (a) - Description and quantity of land uses.
 - (b) - Acreage of site.
 - (c) - Number of dwelling units proposed and anticipated population.
 - (d) - Area of industrial, commercial, institutional, recreational, and circulation land uses proposed.
 - (e) - Densities of residential areas.
 - (f) - Bedroom mixes.

- (3) Objectives - A statement indicating how the proposed Master Planned Community corresponds to and complies with objectives for Master Planned Communities as previously stated in this Article.

- (4) Schedule - Development schedule indicating:
 - (a) - States in which project will be built with emphasis on area, density, use, and public facilities such as open space to be developed with each stage. Overall design of each stage shall be shown on the Plat and through supporting graphic material.
 - (b) - Approximate dates for beginning and completion of each stage.
 - (c) - If different land use types are to be included within the Master Planned Community, the schedule must include the mix of uses anticipated to be built in each stage.

- (5) Environmental Information - Data identifying existing natural and environmental site conditions, including:
 - (a) - Topography - A topographic map, if possible underlying the concept plan, at a minimum of one (1) foot contour intervals.
 - (b) - Flood Plain - Information from the most current source specified by the City indicating the location and extent of the regulatory flood plain.
 - (c) - Soils - Information from the most current U.S. Department of Agriculture - Soil Conservation Service Soils Catalog indicating the location and species of soils. If said information is not available, soil borings may be submitted.

- (d) - Location and extent of existing vegetation.
- (e) - A depiction of existing surface drainage patterns and proposed retention and detention areas.
- (6) Utilities - Statement indicating that sanitary sewer, storm sewer, and water are directly available to the site, or if well and septic systems are proposed, a statement from a licensed professional engineer indicating that the proposed development can be suitably served by such systems. If utilities are not directly available to the subject site, but can be made available in a manner consistent with the City's Comprehensive Plan, prudent engineering principles, and with utility capacity parameters, then utilities may be permitted to be extended to the site. If extension of utilities is proposed, the petitioner shall submit a statement indicating the estimated improvement costs and projected source of funding for the necessary improvements. The petitioner shall specify what proportion of the utility improvements made necessary as a result of the subject development, if any, s/he will pay for. For purposes of this Section, utilities shall be considered to be "not directly available" if located more than four hundred (400) feet from the boundaries of the subject site. This provision shall apply to the extension of sanitary sewer, storm sewer, and water utilities only.
- (7) Traffic Analysis - A study providing information on the existing road network, and adjunct vehicle volumes, and the effect the proposed Master Planned Community will have on the existing (or improved) road network. If traffic or roadway improvements external to the subject site are anticipated as a result of the proposed development, the petitioner shall submit a statement indicating the nature and extent of those contemplated improvements. Included in said statement shall be information pertaining to what proportion of the external traffic and roadway improvements made necessary as a result of the Master Planned Community, if any, the developer will pay for. All internal traffic and roadway improvements associated with the Master Planned Community shall be paid for by the developer.
- (8) Tax and School Impact - A study indicating the sources and amounts of revenue to be generated to various governmental jurisdictions as a result of the development, expected school-age children generation, and estimated cost of providing service to the development that will be absorbed by the City and the affected school districts.
- (9) Market Analysis - Depending upon the types of land uses proposed to be included in a Master Planned Community, information shall be provided from one (1) or more of the following categories:
- (a) Master Planned Communities proposed to contain any residential uses shall require submission of at least the following market data:

1. - Details about the proposal pertaining to: housing types, floor area of dwellings, estimated price ranges, number of bedrooms, densities, amenities included, etc.
 2. - An evaluation of the historical market pattern for the types of units proposed.. Building permit issuance trends and/or surveys of existing recently constructed residential developments shall be used in this evaluation.
 3. - Total anticipated demand in the City for the type of unit(s) proposed shall be estimated for the immediately subsequent five (5) year period. The percent of that demand which would be absorbed by the proposed Master Planned Community shall be identified. Methods used in determining the five (5) year demand shall be indicated.
- (b) Master Planned Communities proposed to contain any commercial uses shall require submission of at least the following market data:
1. - Details about the proposal pertaining to: number of users, floor area of each use area, bulk of buildings, price or rent ranges, floor area ratios, place of residence of prospective employees, etc.
 2. - Trade area which the commercial development is intended to serve.
 3. - Location of comparable commercial developments within the trade area.
 4. - Population and effective per capita buying income of the trade area.
 5. - Anticipated sales volume of the commercial development.
- (c) - Master Planned Communities proposed to contain any industrial uses shall require submission of at least the following market data:
1. - Details about the proposal pertaining to: number of users, floor area of each use area, bulk of buildings, price or rent ranges, floor area ratios, approximate number of employees, place of residence of prospective employees, etc.
 2. - Location of other industrial development within the community.
 3. - Market area for anticipated industries.
- (10) - Land Use and Zoning Exhibit - A graphic portrayal of existing land use and zoning patterns within a minimum of 1,320 feet of the subject site.

5 - PRELIMINARY PLAT STAGE

- a. - At the time application is made for Preliminary Plat approval, the following items must be submitted to the Office of the Zoning Administrator:
- (1) - If Preliminary Plat is the first Master Planned Community submission to be made - All six (6) items listed in submission requirement section of this Article. (Conceptual Plan submission requirements) shall be required to be submitted instead at the Preliminary Plat Stage.
 - (2) - If Conceptual Plan approval has been granted:

- (a) - A notarized letter submitted by the owner(s) or their agent indicating the intent to file a Preliminary Plat as soon as a public hearing can be scheduled by the Planning Commission. Said letter shall
 - (b) - Fee - A Preliminary Plat filing fee, established by the City Council to cover costs incurred by the City for review of the specific proposal. If special planning, engineering, architectural, or other consultants must be retained by the City for review of the proposed Master Planned Community, the petitioner shall be so notified, and all costs for said consultants expended by City- not covered by the filing fee - shall be reimbursed by the petitioner.
 - (c) - Notification List - A list of the names and addresses of owners of all property that is situated within threehundred (300) feet of the property lines of the subject site. This list shall be current as of the date of submission. People appearing on said list will be sent notice of the public hearing in compliance with statutory requirements. In addition, the responsible fire protection district (if any), affected school districts, affected park districts, and the affected sanitary and/or drainage district shall appear on a separate list of notification. The City Road and Bridge Department will also be notified. Additional parties, specified by the petitioner, may appear on the notification list. Interested community groups, such as homeowner's associations, may request notification for projects within adjoining areas. Failure to provide an accurate list of names and addresses of owners of all property that is situated within three hundred (300) of the property lines of the subject site shall be cause for immediate dismissal of the Master Planned Community application as well as forfeiture of all fees and expenses incurred.
- b. - At the time of the public hearing on the Preliminary Plat, twenty (20) copies of all subsequent listed information shall be submitted (with the exception of non-reproducible exhibits). Failure to submit any of the required information, without a specific written waiver from the Planning Commission, shall constitute grounds for dismissal of the Master Planned Community petition. Waiver of specific submission elements may be requested of the Planning Commission, in writing, at the time the Master Planned Community Preliminary Plat application is made. The Planning Commission will decide upon the waiver request at its next regularly scheduled meeting; the petitioner will be notified of the decision, and the public hearing will then be scheduled. Specific grounds for waiver must be stated by the petitioner. The Preliminary Plat submission shall include the following:
- (1) - All ten (10) items listed (Conceptual Plan Submission requirements) shall be required to be submitted at the Preliminary Plat Stage, if the Preliminary Plat is the first Master Planned Community Submission to be made; however, item number (1). If Conceptual Plan approval has been granted, these items need not be resubmitted.
 - (2) - Detailed Plan - A drawing of the Master Planned Community shall be prepared at a scale of not less than 1" = 50' unless approved at another scale by the City appointed Engineer and shall show such designations as proposed streets (public and private), all

buildings and their use, common open space, recreation facilities, parking areas, service areas, and other facilities to indicate the character of the proposed development. The submission may be composed of one (1) or more sheets and drawing, and must include:

- (a) - Boundary lines and dimensions of the subject site.
 - (b) - Existing and proposed easements - general purpose and width.
 - (c) - Streets on, adjacent, or proposed for the tract.
 - (d) - Utility extensions of water lines, sanitary sewers, and storm sewers.
 - (e) - Land use designations for the subject site.
 - (f) - Retention and detention areas.
 - (g) - Residential lots (average lot size and minimum lot size shall be specified).
 - (h) - General location, purpose and height, in feet or stories, of each building other than single-family residences.
 - (i) - Map Data - name of development, name of site planner, north point, scale, date of preparation.
- (3) - Architectural Plans - Preliminary architectural plans for all primary buildings shall be submitted in sufficient detail to permit an understanding of the style of the development, the design of the buildings, and the number, size and type of dwelling units. Also provide floor area of building types and total ground coverage of buildings.
- (4) - Adjacent Property Information - Topography of property within two hundred fifty (250) feet of the subject site, at a minimum of five (5) contour intervals, with natural drainage patterns indicated and with the subject site's topography and drainage patterns depicted. The location, size, and invert elevation of adjacent, or the closest sanitary sewer, storm sewer, and watermain, as well as documentation of these facilities' points of origin.
- (5) - Community Benefit Statement - A written statement comparing the relative benefits that will accrue to the community as a result of this site being developed under Master Planned Community provisions as opposed to conventional zoning.

C. - FINAL PLAT STAGE

At the time the Final Plat is filed with the Planning Commission for review and recommendation, the following items must be submitted:

a. - Final Detailed Plan - A final Master Planned Community Plat, suitable for recording with the County Recorder shall be prepared. The purpose of the Final Plat is to designate with particularity the land subdivided into conventional lots as well as the division of other land, not so treated, into common open areas and building areas. The Final Plat shall include:

- (1) - An accurate legal description of the entire area under immediate development within the planned development.

- (2) - A Master Planned Community Plat of all lands which are a part of the Final Plat being submitted, and meeting all the requirements for a Final Plat. If lands which are a subject of the Final Plat are to be subdivided, then a subdivision plat is also required.
 - (3) - An accurate legal description of each separate unsubdivided use area, including common open space.
 - (4) - Designation of the location of the building pads, or areas, or setback lines or setback standards for all buildings to be constructed.
 - (5) - Certificates, seals, and signatures required for the dedication of lands, and recording the document.
 - (6) - Tabulation of separate unsubdivided use area, including land area, number of buildings, number of dwelling units, number of bedrooms, and dwelling units per acre.
- b. - Common Open Space Documents - All common open space shall be either conveyed to a municipal or public corporation, conveyed to a not-for-profit corporation or entity established for the purpose of benefiting the owners and residents of the Master Planned Community, or retained by the developer with legally binding guarantees, in a form approved by the City Attorney, verifying that the common open space will permanently be preserved as open area. All land conveyed to a not-for-profit corporation or like entity shall be subject to the right of said corporation to impose a legally enforceable lien for maintenance and improvement of the common open space.
- c. - Final Systems Plans - Final plans, with all required detail, shall be submitted, including:
- (1) - Engineering plans showing how the site is to be serviced with sewer, water, well, and/or septic systems (as agreed to during the Preliminary Plat Stage).
 - (2) - Lighting plans.
 - (3) - Drainage and storm water retention and detention plans.
 - (4) - Road plans, including curbs and gutters, on-site/off-site signalization, acceleration, deceleration lanes, etc.
 - (5) - Sidewalk, paths, and cycle trails.
 - (6) - Landscape Plans showing the type and location of plant material, berms, and other aesthetic treatments.
- d. - Public Facilities - All on-site and/or off-site public facilities and improvements made necessary as a result of the Master Planned Community shall be either constructed in advance of the approval of the Final Plat or subdivider's bond or approved letters of credit posted to guarantee construction of the required improvements. The subdivider's bond or approved letters of credit, payable to City of Swan Valley, shall be sufficient to cover the full cost of the improvements plus ten (10) percent. Detailed construction plans shall be submitted for all public facilities to be built.

- e. - Construction Plans - Detailed plans shall be submitted for the design, construction, or installation of site amenities; including buildings, landscaping, lakes, and other site improvements.
- f. - Construction Schedule - A final construction schedule shall be submitted for that portion of the Master Planned Community for which approval is being requested.
- g. - Guarantee Deposit - A deposit shall be made to the City in cash, letter of credit approved by the City Council in a form acceptable to the City Attorney, for a maintenance bond equal to one hundred and fifty (150) percent of the estimated cost of public facility installations. The deposit shall be a guarantee of satisfactory performance of the facilities constructed within the Master Planned Community and shall be held by the City for a period of eighteen (18) months from the date of acceptance of the facilities by the City. After such eighteen (18) months, the deposit shall be refunded if no defects have developed, or if any defects have developed, then the balance of such deposit shall be refunded after reimbursement for amounts expended in correcting defective facilities.
- h. - Delinquent Taxes - A certificate shall be furnished from the appropriate official that no delinquent taxes exist and that all special assessments constituting a lien on the whole or any part of the property of the Master Planned Community have been paid.
- i. - Covenants - Final agreements, provisions, or covenants which will govern the use, maintenance and continued protection of the Master Planned Community shall be approved by the City and recorded at the same time as the Final Master Planned Community Plat.

6. CHANGES IN THE MASTER PLANNED COMMUNITY

The Master Planned Community shall be developed only according to the approved and recorded Final Plat and all supporting data. The recorded Final Plat and supporting data together with all recorded amendments shall be binding on the applicants, their successors, grantees, and assigns and shall limit and control the use of premises and location of structures in the Master Planned Community project as set forth therein.

Changes to the recorded Master Planned Community may be made as follows:

A. - MAJOR CHANGES

Changes which alter the concept or intent of the Master Planned Community including increases in density, changes in the height of buildings, reductions of proposed open space, changes in total bedroom counts of more than five (5) percent, changes in bedroom mixes of more than five (5) percent, changes in the development schedule, changes in road standards, or changes in the final governing agreements, provisions, or covenants, or any other change determined to be a material change, may be approved only by submission and reconsideration of a new Preliminary and/or Final Master Planned Community Plat, or relevant portion thereof, and supporting data and following the Preliminary or Final Plat procedure.

If the major change alters data or evidence submitted during the Conceptual Plan or Preliminary Plan or Preliminary Plat stage, then the resubmission must begin at the Preliminary Plat stage. If only Final Plat evidence or data is altered as a result of the major change, then the resubmission shall begin at the Final Plat stage.

If major changes are proposed, a new public hearing shall be required during resubmission of the Preliminary or Final Plat.

All changes to the "original" Final Plat shall be recorded with the City Recorder of Deeds as amendments to the Final Plat or reflected in the recording of a new "corrected" Final Plat.

B. - MINOR CHANGES

The City Council may, in accordance with procedures established in their rules, approve minor changes in the Master Planned Community which do not change the concept or intent of the development.

C.- REVOCATION AND EXTENSION

A Master Planned Community special use shall become null and void and the subject property shall thereupon be rezoned to its most appropriate district classification, as deemed suitable by the City Council, in any case where said Master Planned Community has:

1. - Received Conceptual Plan approval and where the Preliminary Plat of said Master Planned Community, or the first phase of the Preliminary Plat if construction is to take place in phases, has not been submitted for approval within two (2) years after the date of approval of said Conceptual Plan:
2. - Received Preliminary Plat approval and where the Final Plat of said Master Planned Community, or the first phase of the Final Plat if construction is to take place in phases, has not been submitted for approval within one (1) year after the date of approval of said Preliminary Plat; or
3. - Received Final Plat approval and where the construction of said Master Planned Community, as authorized by the issuance of a building permit, has not begun within (1) year after the date of approval of said Final Plat dealing with such construction.

Further, if construction of a Master Planned Community falls more than two (2) years behind the building schedule filed with the Final Plat of said Master Planned Community, the City Council shall either extend said schedule or initiate action to revoke the Master Planned Community special use. In doing so, one (1) year extensions in the building schedule filed with the Final Plat of a Master Planned Community may be granted by the City Council. If the City so stipulates when acting favorably on a Master Planned Community, the Planning Commission may be delegated the authority of granting such one (1) year extensions in said building schedule of said Master Planned Community.

D.- APPLICATION OF PROVISIONS:

In addition to the requirements of this section, planned development and condominium developments shall also be subject to requirements set forth in the City of Swan Valley Zoning Ordinance.

E.- FINDINGS OF FACT

The Planning Commission shall, after the public hearing, set forth to the City Council the reasons for the recommendation, and said recommendation shall set forth with particularity what respects the proposal would be in the public interest, including but not limited to findings of fact on the following:

1. - In what respects the proposed plan is consistent with the stated purpose of the Master Planned Community regulations and with the Objectives stated in Section 9.1 herein.
2. - The extent to which the proposed plan meets the standards of the Master Planned Community regulations.
3. - The extent to which the proposed plan departs from the zoning and subdivision regulations otherwise applicable to the subject property, including but not limited to density, dimension, area, bulk, and use, and the reasons why such departures are deemed to be in the public interest.
4. - The method by which the proposed plan makes adequate provision for public services, provides adequate control over vehicular traffic, provides for and protects designated common open space, and furthers the amenities of light and air, recreation and visual enjoyment.
5. - The relationship and compatibility of the proposed plan to the adjacent properties and neighborhood.
6. - The desirability of the proposed plan as regards physical development, tax base and economic well-being of the City.
7. - The conformity with City objectives.

F.- CONDITIONS AND GUARANTEES

Prior to the granting of any Master Planned Community, the Planning Commission may recommend, and the City Council may stipulate, such conditions and restrictions upon the establishment, location, design, layout, height, density, construction, maintenance, aesthetics, operation, and other elements of the Master Planned Community as deemed necessary for the protection of the public interest, improvement of the development, protection of the adjacent area and to secure compliance with the specified standards. In all cases in which Master Planned Communities are granted, the City Council may require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection with the approval of the Master Planned Community are being, and will be, complied with the LLUPA and City Zoning Ordinance.

G. -CONTROL DURING DEVELOPMENT, TIME LIMIT:

Single ownership or control during development shall be required and a time limit may be imposed to guarantee the development is built and constructed as planned.

H.- LARGE SCALE DEVELOPMENT SUBDIVISIONS, REQUIRED INFORMATION:

Due to the impact that a large scale development would have on public utilities and services, the developer shall submit the following information along with the preliminary plat:

- A. Identification of all public services that would be provided to the development including, but not limited to, fire protection, police protection, central water, central sewer, road construction, parks and open space, recreation, maintenance, schools and solid waste collection;
- B. Estimate of the public service costs to provide adequate service to the development;
- C. Estimate of the tax revenue that will be generated from the development; and
- D. Suggested public means of financing the services for the development if the cost for the public services would not be offset by tax revenue received from the development.

I.- CEMETERY SUBDIVISIONS:

- A. Submission Of Proposed Function: The developer of any cemetery subdivision shall provide the Commission with written documentation that will sufficiently explain the functions of the proposed cemetery for either human or animal remains.
- B. Compliance With State Law: The developer of any cemetery subdivision shall submit a written statement that has been prepared by an attorney that adequately assures the compliance of the proposed cemetery with the procedural management requirements that are outlined in title 27, Idaho Code.

J.- SUBDIVISION WITHIN A FLOOD PLAIN:

In addition to the provisions of this title, any subdivision within the designated flood plain of the City shall comply with all applicable provisions of the flood plain regulations of the City as now in effect or as may hereafter be amended.

K.- SUBDIVISION WITHIN AN AREA OF CRITICAL CONCERN:

1. Designation Of Areas Of Critical Concern: Hazardous or unique areas may be designated as an area of critical concern by the City Council or by the state of Idaho. Special consideration shall be given to any proposed development within an area of critical concern to assure that the development is necessary and desirable and in the public interest in view of the existing unique conditions. Hazardous or unique areas that may be designated as areas of critical concern are as follows:
 1. Earthquake location;
 2. Unstable soils;
 3. Unique animal life;
 4. Unique plant life;
 5. Scenic areas;
 6. Historical significance;
 7. Flood plain;
 8. Areas within the area of City impact zone but outside City boundaries;
 9. Wetlands;
 10. Stream corridors; and
 11. Other areas of critical concern.
2. Environmental Assessment Plan: The developer shall prepare and submit an environmental assessment along with the preliminary plat application for any development that is proposed within an area of critical concern. The content of the

environmental assessment shall be prepared by an interdisciplinary team of professionals that shall provide answers to the following questions:

1. What changes will occur to the area of environmental concern as a result of the proposed development?
 2. What corrective action or alternative development plans could occur so as not to significantly change the area of environmental concern?
 3. What changes in the area of environmental concern are unavoidable?
 4. What beneficial or detrimental effect would the development have on the environment including, but not limited to, animal life, plant life, social concerns, economic, noise, visual, available farm land and ground water.
3. Areas Of Critical Concern: The following areas are specifically identified as areas of critical concern:
1. Snake River Flood Plain: