



Planned Unit Developments

Attachment B - Addendum #1

Pursuant to the Blaine County Code, §10-3-1, the applicant for a **Planned Unit Development** (PUD) shall also present written responses to standards of evaluation for PUDs prior to certification by the Administrator. Referencing each finding, attach your typed responses and supporting documentation which demonstrates how the proposed subdivision complies with item numbers 1 through 13.

Pursuant to the Blaine County Code, §10-6-8(A), the following shall be used in evaluating a PUD proposal.

A. Basic Conditions: Approval of a PUD is contingent upon the Board's determination that all the following are true:

1. Construction of the proposed PUD can be initiated within two (2) years of the date of approval.
2. That each individual phase of the development as well as the total development can exist independently in a stable manner.
3. That uses proposed within the PUD will not be detrimental to present and potential surrounding uses.
4. That transfer of density from A-20 to R-5 or R-10 land for the purposes of a PUD will not locate residential units in close proximity to productive agricultural fields or sensitive natural resource areas such as wetlands or critical wildlife habitat. Adequate separation is required.
5. That transfer of density from A-20 to R-5 or R-10 land will not increase the density to more than double the base density for that district.
6. That a PUD located on R-5 or R-10 land to which density has been transferred from A-20 land, will not require uneconomical extension of County services.
7. That any proposed commercial development can be justified at the location proposed pursuant to subsection 10-6-2B of this chapter.
8. That exceptions from standard district requirements are warranted by the superior design and amenities incorporated into the PUD.

A. Basic Conditions Cont.:

9. That the developer will finance the improvement of the road network outside of the PUD where traffic generated by the PUD's increased densities make such improvement necessary.
10. That the PUD will conform to the Comprehensive Plan.
11. That the PUD will contain a gross land area of at least five (5) acres.
12. That only those uses that are in conformity with the Final Development Plan are allowable.
13. If the applicant or landowner with respect to an application for a planned unit development under this chapter is the State of Idaho, or any agency, board, department, institution, or district thereof, the Commission or the Board, in addition to all other applicable standards and criteria hereunder, shall take into account the plans and needs of the State, or any agency, board, department, institution or district thereof, as required by Idaho Code §67-6528.
14. That the PUD will not adversely affect potable water source(s).

Pursuant to the Blaine County Code, §10-6-8(B), the Board may attach the following conditions and any others it deems necessary to protect the public health, safety and welfare.

1. Water and sewer facilities shall be installed by the developer and shall comply with the standards of the Idaho Department of Environmental Quality and the South Central Health District.
2. Setbacks necessary to provide adequate access, fire protection, ventilation, airspace and snowmelt space between buildings may be required.
3. Uses of least intensity and greatest compatibility with adjacent uses must be arranged around the perimeter of the PUD. Planted buffer zones, fences or screening may be required where no natural buffers exist.
4. Storage space adequate for the anticipated number of boats, campers and travel trailers which the residents will own must be provided and adequate visitor parking may be required.
5. No lot shown on the final development plan may be further subdivided.
6. Distance in feet separating any residential unit from a productive agricultural field may be specified.
7. The Board may impose reasonable conditions of approval to protect the surface and/or groundwater from contamination, including without limitation, the installation by the applicant of monitoring wells and the granting of easements relating to such wells.

Pursuant to the Blaine County Code, §10-6-7, all planned unit developments shall comply with the provisions of this chapter unless specifically modified pursuant to subsection B.

A. Open Space:

1. **Minimum Area:** A minimum of twenty percent (20%) of the PUD's gross acreage shall be reserved for common open space or land dedicated to public use. Public utility and similar easements are not acceptable for common open space unless it is usable for recreation purposes by the owners. The developer may retain ownership of all other land within the PUD from which density is transferred in R-5, R-10 and A-20 zones only. The following minimum percentage of the PUD's gross acreage shall be reserved for common open space or land dedicated to public use:
 - a. Twenty percent (20%) minimum for lands in the R-2 1/2, R-2, R-1, R-.4, and R-1/4 zoning districts.
 - b. Fifty percent (50%) minimum for lands in the R-5, R-10, and A-20 zoning districts.
2. **Design:** The usefulness of the common open spaces to the residents should be maximized in the design of the development. Open space areas should be integrated with each other rather than existing as unrelated, isolated fragments.
3. **Bond for Construction:** The developer shall be required to provide a surety bond, cash deposit, certified check, negotiable bond or other acceptable financial guarantee in the amount of one hundred fifty percent (150%) of estimated construction costs of improvements for open space area. This cost shall be provided by the project engineer and checked by the county engineer. If the prosecuting attorney finds the bond acceptable, it shall be filed with the county recorder. If the improvements are completed in accordance with the approved plan, the bond shall be released. Bonds must be renegotiated every two (2) years as long as those bonded improvements are not completed.
4. **Maintenance Responsibility:** The owner/developer is required to maintain common open space and facilities until sixty percent (60%) of the proposed lots have been sold. Maintenance responsibility after this period of time must be specified by the developer before approval of the final development plan.
5. **Failure to Adequately Maintain:**
 - a. **Deficiencies:** In the event that the owner or homeowners' association shall at any time after establishment of the PUD fail to maintain the common open space in reasonable order and condition in accordance with the final development plan, the county may serve written notice upon such individual or organization documenting the reasons for which maintenance has been judged unsatisfactory, itemizing means by which deficiencies can be rectified and the deadlines for doing so. Said notice shall also state the date and place of a hearing concerning this matter.

A. Open Space Cont.:

b. Maintenance by County: After the hearing, the county may modify the terms of the original notice, and/or extend deadlines specified. If the deficiencies cited originally or as modified by the hearing are not rectified within thirty (30) days of the final deadline, the county may maintain the common open space for a period of one year in order to preserve the taxable values of the properties within the PUD.

c. Tax Lien: The cost of such maintenance shall be assessed ratably against the properties within the PUD, and shall become a tax lien on such properties. Said entry and maintenance shall not vest in the public any rights to use the common open space beyond those voluntarily dedicated by the owners.

d. Continued Maintenance: Before the expiration of said year, the county shall hold a public hearing, after giving notice to the owners, to determine whether the county shall continue its maintenance role through private assessment or whether the owner or homeowners' association can resume its responsibilities as enumerated in the final development plan.

B. Modification or Waiver of Development Standards:

For any PUD, the board may approve of modifications or waivers of base district standards and other standards in title 9 (zoning) of this code and this title (subdivision) if it determines that such modifications are warranted by superior design and amenities and substantial public benefits including, but not limited to, recreational amenities, buffering of neighboring uses, access to public lands, and the provision of affordable housing incorporated into the PUD or offered by the applicant. However, the following standards shall not be subject to modification or waiver:

1. Floodplain regulations and riparian setbacks ([title 9, chapter 17](#) of this code).
2. Wetlands setbacks ([title 9, chapter 19](#) of this code).
3. Wildlife protection regulations ([title 9, chapter 20](#) of this code).
4. Hillside regulations ([title 9, chapter 21](#) of this code).
5. Avalanche ([title 9, chapter 22](#) of this code).