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## **Staff Report**

**Meeting Date:** P&Z Public Hearing Date: 03 March 2022, 6:30p, City Hall

**To:** P&Z (Planning and Zoning Commission)

**From:** Amy Woodruff, P.E., Zoning Official  
Lee C. Belt, Assistant Zoning Official

**Applicant:** Royal Pro-C, LLC  
1020 E. Homedale Road  
Caldwell, ID 83607

**How to Use this Document:** City Staff has produced this document to provide summary, analysis, materials, and recommendations to both the City's Planning and Zoning Committee (P&Z) and the City Council, and as a process aid for both P&Z and Council. P&Z and Council are encouraged to pay particular attention to and discuss their Commission / Council Code-directed Actions and Conditions item-by-item on the record when deliberating in public meeting before making final decisions on this application.

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**Requested Actions:**

- Annexation of 48.43 Acres, R-5 residential zoning requested
- Planned Unit Development (PUD) Preliminary Plat for Commercial (7.19 Acres) plus mixed density residential (48.43 Acres)
- PUD open space requirement reduction from 20% to 10.7%

**Location:**

The site is located south of SH19, east of Friends, and slightly to the West (Across SH19 from Brown Street) from City Hall. The front portion (7.19 acres) of the site are already annexed into the City with a Commercial Zone Designation. The balance of the site is proposed to be annexed and a part of the Planned Unit Development to be known as “Royal Ridge.” Royal Ridge is proposed to have a commercial frontage on SH19 and residential element on the largest portion of the property, with larger view lots near the ridge at the east area of the parcel and a mix of lot sizes ranging from just under half an acre down to a few smaller lots at 8,000 ft².

Canyon County tax parcels:

r3626000000      r3626001200      r36260012A0      r3626100000  
 r3627000000

**List of Correspondence / Attachments:**

- Concept Meeting Notes 01 Jul 2020
- Concept Meeting Notes 12 Jan 2021
- Planning Meeting Notes 08 Jul 2021
- Public Notice Information
- Public Notice Written Responses

<b>Development Data:</b>	<b>Zoning:</b>	Mixed Commercial with some Civic Overlay and Residential
	<b>Lot Size:</b>	Varies, Residential less than 5 per Acre

<b><i>Lot Size Distribution</i></b>	
Minimum Residential Lot	5775 ft <sup>2</sup>
Maximum Residential Lot	26111 ft <sup>2</sup>
<b><i>Size Range</i></b>	
<i>Lots Smaller than 5775 (Common Lots Only)</i>	6 Lots
5775 to 8000 ft <sup>2</sup>	17 Lots
8000 to 10000 ft <sup>2</sup>	1 Lots
10000 to 15000 ft <sup>2</sup>	59 Lots
15000 to 20000 ft <sup>2</sup>	27 Lots
Larger than 20000 ft <sup>2</sup>	17 Lots
<b><i>Average Lot Size</i></b>	
<b><i>Residential Lots</i></b>	<b>13641 ft<sup>2</sup></b>
<b><i>Qualifying Green Space</i></b>	
Total Common Lot Square Footage	209252 ft <sup>2</sup>
Proportion of Total Development	10.7%
<b><i>Total NET Project Acreage</i></b>	
Commercial	235888 ft <sup>2</sup>
Residential	1723386 ft <sup>2</sup>
<b><i>Total Gross Project Acreage 55.94 Ac (Less ROW)</i></b>	
Commercial	7.91 Acres
Residential	48.0 Acres
<b><i>Gross Density (Residential Only)</i></b>	
Residential	2.31 DU/Acre
Total ROW Dedication	11.0 Acres

**Required Setbacks:** Per Commercial, Civic Overlay, and R-5 standards

**Public Notice Information:** Please see attached for copy of public notice and written responses received by agencies and the public.

**Applicable Comprehensive Plan Sections:** This is a complex application which took much time to prepare. The application's written narrative contains analysis of the project against the 2020 Comprehensive Plan and 2020 Future Land Use Planning Map.

The 2040 Comprehensive Plan (adopted by Resolution #203 on 04 May 2021) was in force before the application was declared complete, but not available when the applicant began work on the application. As of the date of this Staff Report the 2020 Future Land Use Planning Map is still in effect, with the city currently working through process for an updated 2040 Future Land Use Planning Map.

**2040 Comprehensive Plan Applicable Section Excerpts and Analysis**  
(analysis in *green bold italics*):

**2040 Comprehensive Plan Vision Statement:** Greenleaf is a quiet, small-town within a rural farm setting and has a strong sense of belonging; A traditional Idaho community focused on preserving its' agricultural roots and values. As the region experiences the pressures of population growth, the community of Greenleaf will strive to create a safe and active community environment for future generations, encourage well laid-out suitable infrastructure, and preserve the rural character of the community.

*Analysis:*

*The application does not appear to be in conflict with this vision for the community.*

**2040 Comprehensive Plan discussion of Rural Character of the Community:**

#### RURAL CHARACTER OF THE COMMUNITY

The city's Idaho Smart Growth award-winning Comprehensive Plan dated 25 October 2006 repeatedly used language referring to the rural character of the community, the small-town rural atmosphere of the community, etc. This theme continues to permeate this edition of the Comprehensive Plan, and is reflected in the Vision Statement added in the 2020 Comprehensive Plan update with recognition of the community as a rural small-town.

Those with a planning background often see "rural community" as a contradiction in terms, making an understanding of this term beyond a vague "I'll-know-it-when-I-see-it" necessary for effective land use planning.

Rural is often defined as a lack of urban population, with connotation of being an agricultural area. For example, the US Census Bureau's brief "Defining Rural at the United States Census Bureau" on page three discusses population thresholds and urban-rural classification defining 'Urbanized Areas' as with population of 50,000 or more, 'Urban Clusters' as with population of at least 2,500 and less than 25,000, and 'Rural' as population, housing, and territory not included within an urban area.

The Dowagiac River Watershed Project "Watershed Resource paper #4 – Preserving Rural Character" on page one states that, "Preserving the rural character is important since it was for this reason that many people moved to this area. Existing open spaces help maintain the feeling of openness and tranquility prized by area residents. Careful open space planning can also enhance the ability... to limit traffic impacts and environmental problems associated with more intensive development."

New Hampshire's "Preserving Rural Character Through Agriculture – A Resource Kit for Planners" includes comment on page two that, "When communities frame master plans around preserving rural character, people are seeking to hold onto and promote traditional rural or small-town values of family, community, independence, responsibility, self-government, conservation, entrepreneurship, and strong work ethic in a fast-changing world".

On page two the "Watershed Resource paper #4" concludes that, "Rural character is as much a perception as reality. That perception is gained from two principal viewpoints. The first viewpoint, and the one that affects the most people on a day to day basis, is from the roadway. The second, and most personal, is the view that someone may have from their own property to their neighbor's property. Preserving rural character in this context involves the design of a development."

Thus the challenge for city government in a town with expressed desire to be a "rural community" becomes moving beyond the "rural character of the community" as a values statement to determining and defining what specific land use design elements appropriately reflect the features desired in the community that support residential density, yet retain a rural 'look and feel' in general appearance.

To the extent economically reasonable as form follows function, *the most important design element for new development to preserve rural character as it is visible from the street is continuation of the current community's wide variety of mixed residential housing.* The current community includes lot sizes varying from smaller than .20 acre to multi-acre parcels, housing styles varying from a 1900's Sear's catalog home through current housing trends, and home sizes from less than 1,000 square feet to the 3,000+ square foot 3-story residence.

Other applicable design elements to continue rural character may include:

- Preservation of roadside rural character, including:

- Prevention or discouragement of 'same-ness' in street appearance from one property / building to the next
- Discouraging long, narrow residential lots with houses placed close to the road
- Use of setback requirements to promote an open feeling from the road
- Encouragement of accessory dwelling units (ADUs) as a way to increase density / infill and utility of property with low impact to city infrastructure and minimal affect on visible characteristics of the neighborhood
- Encourage new development with through streets for connectivity and parallel routes of travel and discourage blind cul-de-sac development.
- Tree lined streets, encouragement of tree planting, and tree preservation
- Woodland and preservation of undeveloped areas
- “Dark Sky” lighting policy to preserve visibility of the night sky
- Streets without traditional curb, gutter, and sidewalk in favor, where applicable, of alternative attached or detached pathways and trails
- Preservation of open space, wildlife habitation, and watershed protection
- Preservation of farmland, especially in the County outside the city limits
- Variety in urban development
- Open spaces
- Allowing responsible animal ownership, including livestock, with mitigation of impact to residential neighbors
- Support for urban agriculture and gardening
- Requiring design elements to help prevent urban crime, utilizing Crime Prevention Through Environmental Design (CPTED) principles
- Investigation of opportunities to develop transfer of development rights (TDR) with the County to preserve agricultural use in the County and increase density in the city
- Effective implementation of nuisance ordinances which protect the peaceful enjoyment of residential property, while at the same time allowing property to be utilized without undue interference from city regulation
- Encouraging in-fill along existing City streets to help preserve farmland

*Resources cited:*

“Defining Rural at the U.S. Census Bureau – American Community Survey and Geography Brief” by Michael Ratcliffe, Charlynn Burd, Kelly Holder, ad Alison Fields, Issued December 2016

[http://www2.census.gov/geo/pdfs/reference/ua/Defining\\_Rural.pdf](http://www2.census.gov/geo/pdfs/reference/ua/Defining_Rural.pdf)

12 February 2020 1:29p MDT

Dowagiac River Watershed Project “Watershed Resource paper #4 – Preserving Rural Character” [https://www.swmpc.org/downloads/drw/resourcepapers/drw\\_rural.pdf](https://www.swmpc.org/downloads/drw/resourcepapers/drw_rural.pdf)

04 June 2020 1:30p MDT

“Preserving Rural Character Through Agriculture – A Resource Kit for Planners”  
[https://extension.unh.edu/resources/files/Resource000023\\_Rep23.pdf](https://extension.unh.edu/resources/files/Resource000023_Rep23.pdf)  
04 June 2020 1:35p MDT

Please note that application of the design element guidelines given above regarding the Rural Character of the Community are referenced as an action item under Chapter 13 (Community Design).

*Analysis:*

*Please bear in mind that the design element guidelines given above are only guidelines which may be included to preserve rural character, not a requirement check-list in which all design elements must be utilized. Not all guidelines may be applicable or desirable in all PUD applications, and each application must be evaluated on it’s own unique location, functional goals, and feature sets.*

*The application attempts to address preservation of roadside rural character through mixing lot sizes in the development to increase variety in street appearance. Long narrow residential lots are not proposed. In this manner, variety in urban development has been addressed.*

*Current City Code addresses setbacks to promote an open feeling from the road, and encourages accessory dwelling units. Current code also addresses “Dark Sky” lighting policy, encouraging responsible animal ownership, urban agriculture, and gardening.*

*The design provides through streets for connectivity and parallel routes of travel, with no cul-de-sacs and access to both SH-29 and Friends Road.*

*The landscaping plan submitted provides for trees along streets and in open space.*

*The application does not appear to preserve undeveloped areas for wildlife habitation, but the property does not include topographic features such as a drain or wooded area that is obvious wildlife habitat, and open space is provided. Traditional curb, gutter, and sidewalk are favored over alternatives, which may be considered applicable and appropriate. Crime Prevention Through Environmental Design (CPTED) principles are not formally discussed in the application, but the proposal does not include alleys and pathway open-spaces appear to provide good visibility which is the underlying basis for CPTED.*

*The application does not appear to be in conflict. The following have been added to the zoning staff recommendations for development agreement discussion:*

- Use of varied setback requirements to vary ‘same-ness’ in street appearance in balance with promoting open feeling from the road (and adequate setback for off-street parking)*
- Encouragement of the developer to make residential builders aware of city code provisions for accessory dwelling units and administrative lot splits that may be beneficial if considered in the initial design of lots to add density / infill with low impact to city infrastructure and minimal affect on visible characteristics of the neighborhood.*
- Discussion regarding preservation of undeveloped areas for wildlife habitation – This may or may not be deemed appropriate for this development.*

#### 2040 Comprehensive Plan Chapter 1 – Property Rights – Existing Conditions:

##### Property Rights

Land Use Regulations or Actions: Land use regulations or actions cannot be so restrictive that this causes a “taking” of landowner’s property without just compensation. In a land use control contest, the argument is that if the ordinance, regulation, or decision is so restrictive as to deprive the owner of economically viable use of the property, then the property has for all practical purposes been taken by “inverse condemnation”.

##### *Analysis:*

*The PUD process, including development agreement, is designed to allow negotiation between the developer and the city for an economically viable project which also meets the needs of the surrounding community.*

#### 2040 Comprehensive Plan Chapter 2 – Population – Future Conditions:

##### Future Conditions

The comprehensive plan for the City of Greenleaf is intended to protect the quality of life of our residents. The City must be able to provide for adequate public health and safety. This includes, but is not limited to, provision for roads and streets, potable drinking water, waste-water treatment (sanitary sewer), irrigation water, and solid waste service (garbage), either directly or through franchise agreement. The City must



also be able to work effectively with other agencies to represent the community and provision of law enforcement, fire protection, and public health services.

Managed growth is needed to ensure these goals. As future development is encountered, the community's residents expect the City of Greenleaf to anticipate and plan for the future in a way that maintains the City's small town, rural atmosphere, yet also provides plenty of opportunities and services.

*Analysis:*

*The application does not appear to be in conflict, and could be considered a managed growth proposal which addresses both commercial and residential needs in the community, while broadening the customer base for proprietary water and sewer utilities without requiring significant upgrades to these utility systems.*

*The following have been added to the zoning staff recommendations for development agreement discussion:*

- Discussion of population growth demand increase on both utility services (water, sewer, roads, garbage) and services provided to the general public and funded through the general fund and property taxes, including law enforcement services (city funded through contract with the City of Wilder), fire protection (separate taxing district - Caldwell Rural Fire Protection District), emergency medical services (separate taxing district - Canyon County Paramedic District), the city park system (city funded but extremely limited at this point in time), and public library service (currently not funded and not available) in light of property tax restrictions imposed by the 2021 Idaho Legislature under HB389.*

2040 Comprehensive Plan Chapter 3 – School Facilities – Future Conditions:

Future Conditions

Future population growth and workforce labor requirements are expected to lead to increased demand for education. As the population of Greenleaf and the surrounding area grows, the need for cost-effective, quality education opportunities will increase. Fiber-optic, broadband internet will be critical for delivery of education in the future.

*Analysis:*

*The application does not appear to be in conflict.*

*The following has been added to the zoning staff recommendations for development agreement discussion:*

- *Discussion of fiber-optic broadband internet provision*

2040 Comprehensive Plan Chapter 4 – Economic Development – Future Conditions:

Future Conditions

Greenleaf has opportunity to become a desirable “bedroom” residential community for the greater Treasure Valley, as a preferred location to reside, raise a family, or retire because of the rural character of the community.

*Analysis:*

*The application does not appear to be in conflict.*

2040 Comprehensive Plan Chapter 5 – Land Use – Future Conditions:

Future Conditions

As the community expands, housing density needs to be planned to utilize features of the land and compatibility with existing uses.

As the community expands natural habitat for wildlife is disappearing. Land needs to be set aside to allow wildlife to continue to inhabit the area. Land needs to be set aside for parks and recreation to accommodate the need for public space that comes with growth.

Agricultural land needs to be preserved and protected. The “right to farm” allowing for all aspects of agricultural business, needs to be maintained.

New land uses and their impact need to take existing land uses and ground water protection and availability of water into consideration.

Residents of the City of Greenleaf and it’s Impact area have a strong desire to maintain the rural “feel” of the community. Future land use policies that are compatible with the current character of the City should be encouraged. Commercial establishments now in the City should be protected. Future commercial development should be encouraged to be on or near the Highway 19 corridor or Peckham Road Greenleaf to Wilder Corridor, or along Notus Road connecting these two corridors.

*Analysis:*

*The application does not appear to be in conflict. Land features appear to have been taken into account with larger lots on view-shed opportunity along east portion of the property, and commercial along SH-19 is congruent with current commercial along the SH19 corridor.*

*The following has been added to the zoning staff recommendations for development agreement discussion:*

- Discussion regarding preservation of undeveloped areas for wildlife habitation – This may or may not be deemed appropriate for this development.*
- Discussion of community recreation needs and land to be set aside for parks and recreation to accommodate the need for public space that comes with growth, as part of consideration of request for reduction of PUD open space requirement as allowed in city code §9-9-7.*
- Discussion of development impact, including consideration of existing land uses and ground water protection and availability of water.*

#### 2040 Comprehensive Plan Chapter 6 – Natural Resources – Future Conditions:

##### Future Conditions

Land in and around the community should be used for the purpose for which it is best suited, as defined by a combination of its natural characteristics, location and the goals of the City. The goals stated in this component are intended to establish a balance between development and the conservation of such natural resources such as wildlife, soils, clean water and air.

Without suitable habitats, wildlife disappears. For example, the organization Western Hunter notes that in Idaho in 2000 the “average pheasant harvest per hunter has gone from seven per season to four and there are far fewer hunters.”\* It is important to consider the impact new development will have on habitat. Where possible, the preservation and development of wildlife habit should be encouraged.

Programs that assist farmers to preserve open space should be actively supported by the City. Open space needs to be protected for future generations.

The city must continue to carefully monitor the water supply for quality as well as quantity. Growth must not be allowed to compromise ground water. The Treasure Valley is a semi-arid region and water is a precious resource.

As our area grows, we will face challenges to protecting air quality. Working with other communities to develop regional mass transit options and encourage car-pooling will be necessary.

\* <http://www.westernhunter.com/Pages/Vol03Issue01/idpheasant.html> 3:29p 05  
June 2019

*Analysis:*

*The application does not appear to be in conflict.*

*The following has been added to the zoning staff recommendations for development agreement discussion:*

- *Discussion regarding preservation of undeveloped areas for wildlife habitation – This may or may not be deemed appropriate for this development.*
- *Discussion of development impact, including consideration of existing land uses and ground water protection and availability of water.*
- *Consideration of a designated area or areas to support carpool / van-pool / future regional mass transit*

2040 Comprehensive Plan Chapter 7 – Hazardous Areas – Future Conditions:

Future Conditions

Future issues are expected to increase from man-made transportation hazards including speeding and increasing automobile traffic in and through the city.

Future development and regional growth pressures are expected to effect man-made hazardous conditions within the City. The City will need to address man-made hazards and mitigate their effect on quality of life.

Future issues are expected to increase from man-made transportation hazards including speeding and increasing automobile traffic in and through the city.

Future development and regional growth pressures are expected to effect man-made hazardous conditions within the City. The City will need to address man-made hazards and mitigate their effect on quality of life.

*Analysis:*

*The application does not appear to be in conflict.*

*The following has been added to the zoning staff recommendations for development agreement discussion:*

- *Consideration of an eastbound right turn lane at the Brown Street and Main Street (SH19) intersection, per traffic study section 4.4.*

2040 Comprehensive Plan Chapter 8 – Public Facilities, Services and Utilities – Future Conditions:

Future Conditions

Growth in Greenleaf and its' impact area will require expansion of public facilities, services and utilities. Effects of new development upon public services must be evaluated before any land use planning decisions are made. Policies concerning the ways public utilities and services are expanded will play an important role in the location and density of future development.

It is important for future development to pay for itself, and for the city to have policies and fees in place to help capture both up-front and ongoing costs of development.

The city may require fiscal impact studies for all planned unit development applications.

*Analysis:*

*The application does not appear to be in conflict.*

*The following has been added to the zoning staff recommendations for development agreement discussion:*

- *Discussion of population growth demand increase on both utility services (water, sewer, roads, garbage) and services provided to the general public and funded through the general fund and property taxes, including law enforcement services (city funded through contract with the City of Wilder), fire protection (separate taxing district - Caldwell Rural Fire Protection District), emergency medical services (separate taxing district - Canyon County Paramedic District), the city park system (city funded but extremely limited at this point in time), and public library service (currently not funded and not available) in light of property tax restrictions imposed by the 2021 Idaho Legislature under HB389.*

- *Discussion and consideration of COMPASS financial impact analysis (FIT) requested by zoning staff [2040 Comprehensive Plan Chapter 8 – Public Facilities, Services and Utilities]*

#### 2040 Comprehensive Plan Chapter 9 – Transportation – Future Conditions:

##### Future Conditions

As Greenleaf continues to grow over the next 20 years, the need for alternative modes of transportation, regional transit, and road improvements will increase. The private motor vehicle is expected to continue to be the primary mode of transportation. Carpools and organized park-and-ride alternatives will need to be encouraged. Pedestrian and bicycle paths may also develop into viable options.

To meet demands of population growth while maintaining efficient and safe transportation, all roads serving Greenleaf residents need to be improved to meet applicable standards.

##### *Analysis:*

*The application does not appear to be in conflict.*

*The following has been added to the zoning staff recommendations for development agreement discussion:*

- *Consideration of a designated area or areas to support carpool / vanpool / future regional mass transit*
- *Consideration of an eastbound right turn lane at the Brown Street and Main Street (SH19) intersection, per traffic study section 4.4.*

#### 2040 Comprehensive Plan Chapter 10 – Recreation – Future Conditions:

##### Future Conditions

As Greenleaf grows, more emphasis must be placed upon making sure there are adequate parks within the city that support community needs and that the park system developed is well maintained. In the future there will be a need for several playgrounds, a greenbelt, and areas for basketball, tennis, skateboarding, soccer and baseball fields, as well as picnic tables and barbecue pits. Additional recreational opportunities and an activity center, perhaps including a public swimming pool, may be desirable.

Open spaces will need to be preserved as park areas for the public to enjoy. For example, a greenbelt walking path or a natural wooded area would help preserve the

rural qualities important to our residents and provide space where youth and families can enjoy the outdoors within their own community.

The National Recreation and Park Association (NRPA) has developed standards for communities to use for planning, developing and acquiring park and recreation lands.

The City's Transportation Plan includes survey results identifying park and recreation features desired by the community.

Future development may be required to develop open space in accordance with a Recreation Master Plan which may be included in the city's Transportation Plan. Future development may be given opportunity to pay 'in lieu' fees to be put toward off-site public park / recreation amenities.

*Analysis:*

*The application does not appear to be in conflict.*

*The following has been added to the zoning staff recommendations for development agreement discussion:*

- *Discussion of community recreation needs and land to be set aside for parks and recreation to accommodate the need for public space that comes with growth, as part of consideration of request for reduction of PUD open space requirement as allowed in city code §9-9-7.*

2040 Comprehensive Plan Chapter 11 – Special Areas and Sites – Future Conditions:

Future Conditions

At this time it is unknown what future special areas and sites will come with development in Greenleaf and the surrounding area. Future annexation and development will require planning to include analysis of Greenleaf's special areas, sites, or structures of historical, archaeological, architectural, ecological, wildlife, or scenic significance. Guidelines for this process should include, but not be limited to the following:

- \* Preservation and enhancement of historically active agricultural lands
- \* Protection of groundwater quifers to preserve water quality of potable water from domestic and municipal wells
- \* Connective traffic planning "to and through" development including both:

1) Consideration of inter-connectivity within new development and connectivity with future development beyond new development, and

2) Pathways, sidewalks, and trail access for non-motorized interconnection throughout the city

\* Preservation and enhancement of wetland areas

\* Establishment of Fish and wildlife habitat

\* Preservation and enhancement of existing trees and natural features

\* Creation of greenbelt areas

\* Utilization of steep hillside terrain for permanent open space and natural preserves

Development of vibrant, commercial zones as special sites which exhibit distinct identity and include open, pedestrian-friendly features, is essential to the economic future of the city.

*Analysis:*

*The application does not appear to be in conflict.*

2040 Comprehensive Plan Chapter 12 – Housing – Future Conditions:

Future Conditions

Growth in Greenleaf and the surrounding Treasure Valley is expected to continue in the future. This growth is expected to continue to increase demand for City services and require increased efficiency in the development and implementation of City ordinances and policies.

In order to maintain quality of life and livability, it will be important to design, adopt, update, and enforce planning and zoning ordinances that reduce conflicts, and insure community safety.

*Analysis:*

*The application does not appear to be in conflict.*

2040 Comprehensive Plan Chapter 13 – Community Design – Future Conditions:

Future Conditions



The city expects to receive multiple requests for large annexations and development. Development brings with it an opportunity for the city to establish and guide planning and construction to compliment the existing lifestyle and grow into a unique and distinctive city with a character set apart from other cities in the immediate area.

PLANNED UNIT DEVELOPMENT (PUD): Encourage creation of a city composed of integrated neighborhoods in which basic amenities (i.e. schools, utilities, parks, and services) are accessible, visually pleasing and properly connected to encourage walking and cycling.

Discourage free-flow traffic through residential housing developments, while at the same time ensuring the public health and safety of residents by maintaining multiple accessibility routes for emergency vehicles to all locations within the development.

Require placement of buffer and transition zones between conflicting types of land use.

Encourage the preservation of natural resources such as creeks, drains, steep slopes, and ridge-lines as visual amenities.

Maintain the rural residential character and open space environment of the existing city, and continue this in new developments to come through design standards and a design review process.

*Analysis:*

*The application does not appear to be in conflict.*

*Please also see above analysis of the 2040 Comprehensive Plan Rural Character of the Community design element guidelines referenced as an action item under Chapter 13 - Community Design*

2040 Comprehensive Plan Chapter 14 - Agriculture – Future Conditions:

Future Conditions

Agriculture and agricultural processing are expected to continue to be economic drivers for Canyon County, including the Greenleaf area.

*Analysis:*

*The application does not appear to be in conflict.*

2040 Comprehensive Plan Chapter 15 - Implementation

Not applicable

*Analysis:*

*The application does not appear to be in conflict.*

2040 Comprehensive Plan Chapter 16 – National Interest Electric Transmission Corridors

Not applicable

*Analysis:*

*The application does not appear to be in conflict.*

2040 Comprehensive Plan Chapter 17 – Public Airport Facilities

Not applicable

*Analysis:*

*The application does not appear to be in conflict.*

**Applicable Code:**

Requested actions include:

- Annexation of 48.43 Acres, R-5 residential zoning requested
- Planned Unit Development (PUD) Preliminary Plat for Commercial (7.19 Acres) plus mixed density residential (48.43 Acres) - Subdivision
- PUD open space requirement reduction from 20% to 10.7%

The following code sections appear to be applicable:

Annexation:

GC §1-12A-3 ANNEXATION, AREA OF IMPACT

GC §2-2-5(E) DUTIES (of the P&Z)

GC §7-4-12(G)(2) WATER MAIN REGULATIONS

GC §7-5-12(A)(2)) SEWER LINE EXTENSIONS

GC §9-6-2(A)(1) PROCEDURES (subdivision)

GC §9-7-17(A) ACCESSORY DWELLING USES, BUILDINGS, AND STRUCTURES:

GC §9-13-6: ZONING UPON ANNEXATION

Planned Unit Development (PUD):

GC §2-2-5(B) DUTIES (of the P&Z)  
GC §7-4-12(G)(2) WATER MAIN REGULATIONS  
GC §GC §7-4-12(H) WATER MAIN REGULATIONS  
GC §7-5-12(A)(1) SEWER LINE EXTENSIONS:  
GC §9-3-3: GENERAL DEVELOPMENT STANDARDS (Residential)  
GC §9-4-3: COMMERCIAL ZONE GENERAL DEVELOPMENT STANDARDS  
GC §9-6-2(A)(2) PROCEDURES (subdivision)  
GC §9-7-1(C): GENERAL REQUIREMENTS (General Development Standards)  
GC §9-7-5(I): LOCATION OF STREETS  
GC §9-7-13(B) PUBLIC SITES, OPEN SPACE, AND PATHWAYS  
GC §9-7-17(A) ACCESSORY DWELLING USES, BUILDINGS, AND STRUCTURES:  
GC §9-8-2(A)(2) SIGN STANDARDS  
GC CHAPTER 9, TITLE 9 - PLANNED UNIT DEVELOPMENTS  
GC §9-10-2(A) APPLICATIONS (Development Agreements)  
GC §9-14-5(A)(B)(C) PROCEDURE (Sign Ordinance)  
GC CHAPTER 15, TITLE 9 - PROCEDURES, APPEALS AND ACTION  
GC §9-17-8: INVESTIGATIONS (Zoning Code)  
GC §9-17-9: PENALTIES (Zoning Code)

PUD Open Space Requirement Reduction:

GC §9-9-4(A)(3) STANDARDS (Open Space)

Subdivisions:

GC CHAPTER 6, TITLE 9 - SUBDIVISIONS  
9-6-1: JURISDICTION:  
9-6-2: PROCEDURES:  
9-6-3: SUBDIVISION APPROVAL REQUIRED:  
9-6-4: PREAPPLICATION:  
9-6-5: PRELIMINARY PLAT:  
9-6-6: FINAL PLAT:  
9-6-7: PROTECTIVE COVENANTS:

General Development Standards:

The General Development Standards in the entirety of Chapter 7 title 9 are applicable to the development, but not included in code analysis below for decision-making purposes outside of the specific sections deemed relevant for annexation and PUD purposes.

Density Increases:

The City Code allows density increases under Planned Unit Development code, per GC 9-9-5(A)(2), GC 9-9-6(A)(6), and GC 9-9-8(A).

**Code Analysis** (analysis in *blue bold italics*)::

## ANNEXATION

GC §1-12A-3: ANNEXATION, AREA OF IMPACT  
1-12A-3: ANNEXATION, AREA OF IMPACT:

A. Effective January 1, 1995, annexation by the city shall be limited to lands lying within the area of impact, unless the owner of the land requests the tract of land be annexed by the city, and the land is contiguous to the boundaries of the city.

B. Upon annexation, the provisions of this article shall no longer apply to the annexed area. (Ord. 101, 12-28-1994)

### *Analysis:*

*The property to be annexed is within the city's area of impact and the land owner is requesting annexation.*

GC §2-2-5(E) DUTIES (of the P&Z)

E. Recommend changes to a comprehensive plan and zoning ordinance prior to annexation of an unincorporated area;

### *Analysis:*

*The application is being taken through process for P&Z public hearing and consideration for recommendations to the City Council.*

*This code section has been added to the P&Z section of the Commission / Council Code-directed Actions and Conditions.*

GC §7-4-12(G)(2) WATER MAIN REGULATIONS

2. Where it is necessary to install a water supply well or other necessary water system facilities in undeveloped areas, newly annexed areas, new subdivisions, or new planned unit developments (PUDs), the applicant shall pay the cost of the construction. The facilities shall be designed and constructed in accordance with DEQ regulations and ISPWC and shall be approved by the Director and City Engineer prior to installation. The applicant shall dedicate and deed the facilities to the City, including but not limited to a permanently graded well lot, easement thereto for such

supply well and storage facility. Applicant shall pay the cost of connecting the existing main and facilities to the supply well, pumping or water storage facility, as well as other appurtenances such as supervisory control and data acquisition (SCADA) equipment, as determined by the Director and City Engineer to be necessary.

a. If the applicant proceeds with construction of a water supply well and/or storage facilities, the City will not assume ownership, operation and maintenance of any water facilities or supply well, until the applicant establishes that the water quality meets the Primary Drinking Water Standards, as established by EPA, DEQ and the City. If treatment of the water supply is required to meet the applicable standards, the applicant shall be solely responsible to pay for and construct the necessary water treatment facilities. The water supply well shall be equipped with necessary control equipment, and sequenced with the City control system, to allow the well to be monitored and operated from a remote site.

1. In addition to providing the water system to serve the subdivision and other water facilities, as required in this section, the developer shall pay for any and all design and engineering review costs.

c. The applicant shall also dedicate/deed to the City all rights-of-way that may be necessary for permanent or temporary pipelines or other equipment.

*Analysis:*

*The applicant has expressed understanding of requirement to provide water system expansion 'to and through' their development to city standards and subsequent dedication of such improvements to the city.*

GC §7-5-12(A)(2)) SEWER LINE EXTENSIONS:

2. Territory Annexed: Owners of all territory annexed after the effective date of this chapter, and all property within the City which is to be served by the POTW shall provide extensions to the POTW which shall be installed and conveyed to the City.

*Analysis:*

*The applicant has expressed understanding of requirement to provide sanitary sewer system expansion 'to and through' their development to city standards and subsequent dedication of such improvements to the city.*

GC §9-6-2(A)(1) PROCEDURES (subdivision)

1. Plat Approval Required: A plat shall be drawn for each subdivision of land located within the corporate city limits or for proposed subdivision containing land that is

concurrently requesting annexation into the city limits and shall be submitted to the commission and council as provided below. The city can accept a plat application when there is a concurrent annexation request submitted.

*Analysis:*

*Preliminary plat drawings have been submitted with expectation that, subsequent to annexation and PUD approval, final plats will be submitted for each project phase per standard processes.*

GC §9-7-17(A) ACCESSORY DWELLING USES, BUILDINGS, AND STRUCTURES:  
A. Accessory dwelling units may be used for visitors, guests and family members or employee who works on the same property without a permit for lease or rental purposes. Accessory dwelling units may be utilized as rental units with an accessory dwelling unit rental conditional use permit as provided in Greenleaf City Code §9-13-3-5, and as subject to the requirements of this code. Accessory dwelling units shall be considered for purposes of determining development density when processing applications for annexation, subdivision, and planned unit development.

*Analysis:*

*Current accessory dwelling unit (ADU) code was approved in 2018. City staff estimates that there are currently less than 10 ADUs active on the city's approximately 300 residential properties with residential structures, and the city has yet to process an ADU rental conditional use permit. ADU's are thus currently estimated at less than 3% of the city's current density.*

*Staff's assessment is that ADUs will likely generate less than 10% increased density in the proposed development and that ADU density is therefore not a significant density factor for this annexation and planned unit development.*

*Typically, a 10% variation is allowable with final platting due to land and development factors not known and contemplated in the preliminary plat. Greater than 20% variation may be considered a trigger point for taking a land use development back through the public hearing process.*

*R-5 (5 residences per acre) zoning has been requested, but the application's estimated overall density is closer to R-4 (48.43 acres x .85 (15% estimated reduction for roads / development space) = 41.1655 acres / 110 homes = .37 homes per acre). Thus, it could be considered that the applicant has already factored in a greater than one per acre or 5% increase in overall residential density for future ADUs.*

GC §9-13-6: ZONING UPON ANNEXATION

9-13-6: ZONING UPON ANNEXATION: Prior to annexation of an unincorporated area, the council shall request and receive a recommendation from the commission respecting the potential zoning of the unincorporated area. Both the commission and the council shall follow the notice and hearing procedures provided in Idaho Code section 67-6509 for hearing the issue of zoning upon annexation. Concurrently, or immediately following the adoption of annexation, the council shall amend as necessary the comprehensive plan and zoning map. (Ord. 205, 10-25-2006)

*Analysis:*

*The application is in this process.*

PLANNED UNIT DEVELOPMENTS

GC §2-2-5(B) DUTIES (of the P&Z)

B. Hold public hearings prior to recommending the comprehensive plan, changes to the plan and ordinances, special use permits, rezone applications, planned unit development proposals and variance applications, and zoning ordinance amendments;

*Analysis:*

*Please see above under annexation code analysis.*

GC §7-4-12(G)(2) WATER MAIN REGULATIONS

*Analysis:*

*Please see above under annexation code analysis.*

GC §7-4-12(H) WATER MAIN REGULATIONS

H. The developer/applicant of a subdivision or planned unit development shall be required to enter into a development agreement with the City that will more closely define the roles and responsibilities of the City and the developer.

*Analysis:*

*This code section has been added to the zoning staff recommendations for development agreement discussion.*

GC §7-5-12(A)(1) SEWER LINE EXTENSIONS:

1. New Developments: As a condition of any application for a subdivision, planned unit development, or any other project requiring POTW service, the applicant shall construct, or cause to be constructed, at his, her or its expense, the POTW infrastructure necessary to provide POTW capacity and sewer service to the land

and/or developments thereon. This includes the infrastructure necessary to convey the effluent from the land and/or project to existing City-owned POTW and associated infrastructure, and improvements necessary to existing POTW infrastructure to offset the impact created by the project for which the applicant seeks a permit.

*Analysis:*

*The applicant has expressed understanding of requirement to provide sanitary sewer system expansion ‘to and through’ their development to city standards and subsequent dedication of such improvements to the city, including any publicly owned treatment works (POTW) infrastructure deemed necessary to provide capacity.*

*The Royal Pro C development may be required to contribute to the City’s effluent management in order for the POTW to serve all 121 residential lots and the commercial area.*

**GC §9-3-3: GENERAL DEVELOPMENT STANDARDS**

9-3-3: GENERAL DEVELOPMENT STANDARDS: The following property development standards shall apply to all land and permitted or conditionally permitted buildings located within their respective residential zones. Table 9-3-3 of this section lists the site development standards required for residential development properties. Chapter 9 of this title provides special provisions for planned unit developments.

**TABLE 9-3-3  
DIMENSIONAL STANDARDS BY RESIDENTIAL ZONE**

Dimensional Standard	RE <sub>3</sub>	R1 <sub>3</sub>	R2 <sub>3</sub>	R3 <sub>3</sub>	R5 <sub>3</sub>	R12 <sub>3</sub>
Minimum property size <sup>4</sup> (sq. ft.)	1.0 acre	35,000 <sup>2</sup>	17,000 <sup>2</sup>	10,000 <sup>2</sup>	8,000 <sup>2</sup>	7,000 <sup>2</sup>
Street frontage <sup>1</sup>	50'	50'	35'	35'	35'	35'
Setback <sup>2</sup> from:						
1. Any property line on an arterial or collector street	50'	30'	30'	30'	30'	25'
2. Front property line:						
a. On a local street or private road	50'	30'	30'	30'	20'	20'
b. Where alley provides access to garage or where the garage is side loaded or located behind the front plane of the house	n/a	30'	30'	20'	20'	20'
3. Interior side property line <sup>7</sup>	20'	15'	10'	7.5'	7.5'	7.5'



4. Side property line on local street or private road	35'	30'6	20'6	20'6	20'	20'
Maximum coverage	20%	35%	40%	40%	40%	65%
Maximum height	35'	35'	35'	35'	35'	35'
Minimum distance between buildings	See note 8	See note 8	See note 8	See note 8	See note 8	See note 8
Residential subdivisions after the effective date hereof. Minimum open space/parks/pathways (minimum coverage)5	20%	20%	20%	20%	20%	20%

Notes:

1. Measured at the setback line. This is not lot width.
2. Additional setback may be required based on surrounding zones. The 7,000 square foot minimum lot size is required for the first 2 dwelling units; additional dwelling units must have 3,500 square foot minimum lots.
3. Assume approximately 20 percent of the gross area is roadway/public improvements.
4. All lots with streetside frontage, excluding RE, R1 and R2, shall have a minimum lot area 10 percent larger than shown in the table.
5. The 20 percent requirements may be reduced if it meets PUD standards set forth in sections 9-9-6 and 9-9-7 of this title.
6. 25 feet if street is arterial or collector.
7. Add 5 feet for each additional story. Maximum height 3 stories.
8. Minimum distance between buildings will be determined by compatibility with surrounding land and compliance with the international fire code.  
(Ord. 205, 10-25-2006)

*Analysis:*

*Although 17 lots do not appear to meet minimum lot size for R-5, GC §9-9-4:A:2 (PUD Density Formula) provides that "...The minimum lot size of the zoning district may be reduced within the density limits of the zone." Please see analysis of GC §9-9-4 below for calculation of density formula and density limits.*

<b>Lot Size Distribution</b>	
Minimum Residential Lot	5775 ft <sup>2</sup>
Maximum Residential Lot	26111 ft <sup>2</sup>
<b>Size Range</b>	
Lots Smaller than 5775 (Common Lots Only)	6 Lots
5775 to 8000 ft <sup>2</sup>	17 Lots
8000 to 10000 ft <sup>2</sup>	1 Lots
10000 to 15000 ft <sup>2</sup>	59 Lots
15000 to 20000 ft <sup>2</sup>	27 Lots
Larger than 20000 ft <sup>2</sup>	17 Lots
<b>Average Lot Size</b>	
Residential Lots	13641 ft <sup>2</sup>
<b>Qualifying Green Space</b>	
Total Common Lot Square Footage	209252 ft <sup>2</sup>
Proportion of Total Development	10.7%
<b>Total NET Project Acreage</b>	
Commercial	235888 ft <sup>2</sup>
Residential	1723386 ft <sup>2</sup>
<b>Total Gross Project Acreage 55.94 Ac (Less ROW)</b>	
Commercial	7.91 Acres
Residential	48.0 Acres
<b>Gross Density (Residential Only)</b>	
Residential	2.31 DU/Acre
Total ROW Dedication	11.0 Acres

GC §9-4-3: COMMERCIAL ZONE GENERAL DEVELOPMENT STANDARDS  
 9-4-3: COMMERCIAL ZONE GENERAL DEVELOPMENT STANDARDS: The following property development standards shall apply to all land and permitted or conditionally permitted buildings located within their respective commercial zones. Table 9-4-3 of this section presents minimum setbacks for commercial zones and table 9-4-4 of this section presents dimensional standards. Chapter 9 of this title provides special provisions for planned unit developments.

TABLE 9-4-3  
 MINIMUM SETBACKS BY COMMERCIAL ZONE

	NC		CC		CBD		AC	
Minimum Setbacks	Standard	Abutting Residential	Standard	Abutting Residential	Standard	Abutting Residential	Standard	Abutting Residential

		Front		Side				
1		yard		street				
	20'	setback	20'	setback	20'	5'	15'	5'
	20'		20'		20'	5'	15'	5'
	5'		10'		0'	20'	0'	10'
	0'		20'		0'	20'	0'	10'

Note: 1 The front and side street setbacks shall be as set forth in the abutting residential district with the most restrictive standards. The interior side setback and rear yard setback in abutting residential may be "0" for townhouses, tracts, or above store apartments.(Ord. 205, 10-25-2006; Amd, Ord 237, 03/02/2010)

TABLE 9-4-4  
DIMENSIONAL STANDARDS BY COMMERCIAL ZONE

Dimensional Standards	NC	CC	CBD	AC
Minimum property size	5,000 sq. ft.	12,000 sq. ft.	3,000 sq. ft.	5,000 sq. ft.
Maximum coverage for building, required sidewalk, and parking	80 percent	80 percent	90 percent	90 percent
Maximum structure height (from existing grade)	35 feet	35 feet	35 feet	35 feet
Minimum street frontage <sup>1</sup>	30 feet	30 feet	30 feet	30 feet
Minimum property depth	75 feet	100 feet	50 feet	75 feet

Note:

1. This requirement may be modified if requested as part of an approved final plat. (Ord. 205, 10-25-2006; Amd, Ord 237, 03/02/2010)

*Analysis:*

*The commercial area on the plat may be structured as a single large lot, zoned CBD, and included in the appropriate phase as one lot. The single commercial lot would be subject to redevelopment as market conditions and tenant needs are known.*

GC §9-7-1(C): GENERAL REQUIREMENTS (General Development Standards)  
9-7-1(C): GENERAL REQUIREMENTS

C. Environmental Assessment: The planning and zoning commission may require an applicant to provide an environmental assessment to be submitted prior to the approval of any planned unit development, conditional use, variance, subdivision, or zoning map amendment. The planning and zoning commission shall precisely enumerate the factors or items to be considered in such a requested assessment.

*Analysis: The application does not appear to be in conflict.*

*This code section has been added to the P&Z section of the Commission / Council Code-directed Actions and Conditions.*

#### GC §9-7-5(I): LOCATION OF STREETS

I. Private Streets: Private streets and roads shall be prohibited except within planned unit developments. (Ord. 205, 10-25-2006)

*Analysis:*

*The application does not appear to be in conflict. The applicant has expressed desire to dedicate roads and streets to the city.*

#### GC §9-7-13(B) PUBLIC SITES, OPEN SPACE, AND PATHWAYS

B. Special Developments: In the case of residential subdivisions and planned unit developments, the city requires park and/or open space facilities that provide active and passive recreational uses.

1. "Active use" shall be defined as neighborhood areas which provide gathering areas for active recreation (e.g., open fields, pathways for pedestrian, equestrian and/or nonmotorized use, swimming pools, tot lots, skateboard parks, tennis and basketball courts).

2. "Passive use" shall be defined as neighborhood areas which provide a combination of linear open space and scenic features (e.g., ponds, berms and view corridors). Where parks and/or open space is required in this title, passive use areas may not exceed fifty percent (50%) of the open space/park area. (Ord. 205, 10-25-2006)

*Analysis:*

*The application does not appear to be in conflict.*

#### GC §9-8-2(A)(2) SIGN STANDARDS

2. For traffic operations, emergency response, and land use compatibility, the city may require that a development complex sign be placed at the entrance(s) of a planned unit development or large subdivision, shopping center, or industrial park; each sign shall

not exceed an area of fifty (50) square feet and is subject to the other requirements of this chapter.

*Analysis:*

*The application does not appear to be in conflict. The application includes such entrance signage.*

GC CHAPTER 9, TITLE 9 - PLANNED UNIT DEVELOPMENTS

9-9-1: PURPOSE AND INTENT:

9-9-2: PERMIT REQUIRED:

9-9-3: OWNERSHIP REQUIREMENTS:

9-9-4: STANDARDS:

9-9-5: USES PERMITTED:

9-9-6: DEVELOPER/APPLICANT INCENTIVES AND BENEFITS:

9-9-7: OPEN SPACE/COMMON AREA AMENITIES:

9-9-8: UTILITY REQUIREMENTS:

9-9-9: ARRANGEMENT OF COMMERCIAL USES:

9-9-10: PROCEDURE FOR APPROVAL OF A PUD:

9-9-11: APPLICATION FOR A PLANNED UNIT DEVELOPMENT:

9-9-12: REVIEW AND RECOMMENDATION OF APPLICATION:

9-9-13: EXPIRATION AND EXTENSION FOR APPROVAL PERIOD:

9-9-14: AMENDMENTS TO THE FINAL DEVELOPMENT PLAN:

9-9-1: PURPOSE AND INTENT: A planned unit development (PUD) is a parcel or combination of parcels of land which is planned and developed as a unit under single ownership or control. It may contain one or a mixture of uses, types of buildings, as well as common open space, clustered development and/or recreational facilities. The purpose of the PUD process is to provide opportunity for land development that preserves and utilizes natural topographic, geologic and scenic features; allows a more efficient pattern of residential and commercial uses; fosters innovative design concepts and promotes flexibility in site design; and provides for common open space or other amenities not found in traditional lot by lot development. The planned unit development process allows the city to approve modifications from the development standards of the underlying zoning designation in order to encourage creative design for land use development than is generally available under conventional zoning regulations. (Ord. 205, 10-25-2006)

*Analysis:*

*The application does not appear to be in conflict.*

9-9-2: PERMIT REQUIRED: Every planned unit development requires a planned unit development permit. A PUD shall be subject to applicable development requirements

set forth in this code. Whenever there is a conflict or difference between the provisions of this code, the provisions of this chapter shall prevail. (Ord. 205, 10-25-2006)

*Analysis:*

*The application does not appear to be in conflict.*

9-9-3: OWNERSHIP REQUIREMENTS: An application for approval of a PUD may be filed by a property owner(s) or a person having an existing interest in the property to be included in the planned unit development. The PUD application shall be filed in the name of the recorded owner of property included in the development. However, the application may be filed by the holder(s) of an equitable interest in such property. In all applications, sufficient proof that the record owner of the property consents to the submission and processing of the application must be present prior to the zoning official reviewing the application for completeness. The zoning official may require the applicant to submit a title report for the subject property to verify ownership. (Ord. 205, 10-25-2006)

*Analysis:*

*The application does not appear to be in conflict.*

9-9-4: STANDARDS:

A. Standards For Approval: The council may approve a PUD in accordance with the following standards:

1. Deviations From Plan: Deviations from the development standards and/or area requirements of the underlying zone may be approved if the proposed uses shall not be detrimental to present and potential surrounding uses; nor shall they be detrimental to the health, safety and general welfare of the public. The suitability of the proposal will be considered for the location and specific site. Any variation from the basic zoning district requirements must be warranted by the design and amenities incorporated in the preliminary and final development plan.

2. Density Formula: Density of residential areas of the PUD shall be computed apart from the commercial and public uses of the PUD. For purposes of establishing the density applicable to the residential portion of the PUD, actual density of the residential area shall not exceed the number of dwelling units per acre specified in the zoning district. Residential density in a PUD shall be calculated by multiplying the gross residential area (gross acreage less office, landscaped buffer strips or commercial use area) by the maximum number of dwelling units per acre allowed for the zoning district in which the site is located. A variety of

housing types may be included in residential projects including attached units, detached units, single-family units and multiple units. The minimum lot size of the zoning district may be reduced within the density limits of the zone. "Density limits" are defined as the gross area less all unbuildable area divided by the minimum lot size for the zone in which the site is located.

3. Open Space: Landscaped open space of at least twenty percent (20%) of the gross area, exclusive of required street buffers and buffers between incompatible land uses. (Landscaped open space is mandatory for all developments and minimum landscape ordinance requirements will not be counted as an amenity for the purposes of this provision.) The applicant can request a waiver of the twenty percent (20%) open space requirement from the city council but such waiver must require a minimum of ten percent (10%) of open space of the gross area exclusive of required street buffers and buffers between incompatible land uses. Such a waiver is at the sole discretion of the city council.

4. Amenities: To provide the applicant with an incentive to utilize the planned unit development process, the following allowances may be incorporated into the application. Two (2) or more of the following amenities shall be provided as part of each planned unit development to ensure a public benefit:

a. Active open space recreational facilities of a size suitable to meet the needs of the development. "Active open space" shall be defined as neighborhood areas that provide gathering areas for active recreation (e.g., such as a playground, picnic area, basketball or tennis court, swimming pool, clubhouse, golf course, open fields, tot lot, and running/equestrian trails).

b. Passive open space including public pedestrian or bicycle circulation system within the project (exclusive of required sidewalks adjacent to public right of way) and connecting to existing or planned pedestrian or bicycle routes outside the project, designed and constructed in accordance with standards set forth by the city of Greenleaf. A provision for addition upon or public access to a neighborhood park or other public open space is required. "Passive open space" shall be defined as neighborhood areas that provide a combination of linear open space and scenic features (e.g., ponds, berms and view corridors).

c. Other amenities appropriate to the size and uses of the proposed development, as may be proposed by the applicant and approved by the city council.

d. Maintenance and construction of all amenities shall be specified by the applicant prior to approval of the final development plan/preliminary plat. Thereafter such maintenance and operation responsibilities of these facilities shall be undertaken by a homeowners' association, or by the city or other governmental entity if dedicated to and officially accepted by the city or other governmental entity.

5. Setbacks: Along the periphery of the planned unit development, the applicable setbacks as established by the zoning district in which the project resides shall not be reduced. Setbacks for buildings within the interior of the site may be less than required in the designated zoning district. Special landscape buffers between differing uses as set forth in the landscape ordinance shall apply to planned unit developments.

Attached structures may be permitted in planned unit developments with strict compliance with the building code requirements for party and fire separation walls. The minimum separation between detached structures shall be ten feet (10') unless fire or building codes require greater separation.

6. Driveways, Streets And Pathways: Driveways to one- and two-family dwellings shall not be less than twenty feet (20') in width. Service driveways, drive-through lanes and escape lanes shall have a minimum width of twelve feet (12') per lane, without parking on either side. Publicly dedicated streets shall be designed and constructed to city or applicable highway district standards. Private streets may be utilized within the project with standards that are less than public street standards set forth in this code, subject to approval by the city engineer, public works supervisor and fire chief.

7. General Objectives: The planned unit development must meet the general objectives of the comprehensive land use plan.

8. Streets And Utilities: Existing and proposed streets and utility services must be suitable and adequate for the proposed development.

9. Development Agreement: An agreement may be required between the developer and the city which delineates commitments of the developer to the city and of the city to the developer.

10. Public Hearing Requirement: The PUD is subject to the public hearing requirements of this code.



11. Concurrent Review: Concurrent review of other applications may be required. In cases where a subdivision is being proposed or would be required, concurrent review of the detailed PUD and subdivision plat is required.

B. Area Size: A planned unit development for the following principal uses shall contain the following minimum area size:

Planned development, primarily residential	No minimum
Planned development, primarily commercial	0.75 acre
Planned development, primarily office	0.75 acre
Planned development, primarily industrial	0.75 acre

(Ord. 205, 10-25-2006)

**Analysis:**

*The application does not appear to be in conflict.*

*Deviation from Plan – No deviation has been requested by the applicant.*

*Density Formula – (Gross residential area less office, landscaped buffer strips or commercial use area) x (Maximum number of dwelling units by zone) = (48.43 residential acres – 10.7% common lot area acres) x r5 zone 5 dwellings per acre = (48.43 - 5.18) x 5 = 43.25 x 5 = 216.25*

*Number of Residential Lots requested = 121*  
*Number of Residential Lots per R5 code = 235 (see below)*

*Density Limits – (Gross area less all unbuildable area) / minimum lot size for the zone) = (43.25 residential acres – common lot area acres x 43,560 square feet per acre) / (8,000 sq ft lot size minimum for r5 zone) = 1,883,970 / 8,000 = 235.49*

*Open Space - The application has requested a waiver of 20% open space requirement, as provided per GC §9-9-4(A)(3) STANDARDS (Open Space) from 20% to 10%.*

*Number of acres required per code = 9.67*  
*Number of acres provided = 4.84*

*Please see additional analysis below under “PUD Open Space Requirement Reduction”*

Amenities - Two amenities are required. These are met with playground /picnic area (active open space) depicted for the east pathway area, and by the linear open space and scenic landscaping / view corridors (passive open space) depicted for both pathway areas. Please note that per GC §9-7-13:B the pathways themselves are considered active open space, with requirement that passive open space not exceed 50% of total open space.

Staff's opinion is that for this development and at this time, the amenities proposed meet the absolute minimum standards for the development, without setting precedence for future developments that will have different features and be developed in a different time with different development and community needs.

Discussion of amenities per GC §9-9-4:A:4:b regarding possible addition of a neighborhood park or other public open space in the commercial section of the project or other provision to fulfill code requirement that, "...A provision for addition upon or public access to a neighborhood park or other public open space is required." has been added to the Zoning Staff Recommended Items for Inclusion in Development Agreement Discussions with the City Attorney, Developer, and City Council.

Setbacks – No setback revision requested. The City's setbacks will be met.

Driveways, Streets, and Pathways – No revision requested. The application does not appear to be in conflict. This section will be most applicable under final plat and building permit processes.

General Objectives of the Comprehensive Plan - The application does appear to be in generally supported. Staff concerns have been noted in the Zoning Staff Recommended Items for Inclusion in Development Agreement Discussions with the City Attorney, Developer, and City Council.

Streets and Utilities – No revision requested. The application does not appear to be in conflict. This section will be most applicable under final plat review.

Development Agreement – The city is requiring a development agreement.

Public Hearing Requirement – Public hearing before P&Z has been scheduled for 6:30p on 03 March 2022 at Greenleaf City Hall.

*Concurrent Review – Concurrent review is required.*

*Area Size – The application does not appear to be in conflict. There is no minimum area size given in code section for minimum primarily residential PUD area. The primarily commercial PUD area proposed is 7.19 acres, well above the .75 acre required by code.*

9-9-5: USES PERMITTED:

A. Residential Uses:

1. Housing Types: A variety of housing types may be included within a single PUD including, for example: attached units (townhomes, duplexes), detached units (patio homes), single-family and multi-family units, regardless of the underlying zoning classification of the site such that the overall density limit of the zone is maintained.
2. Residential Density: The number of dwelling units allowed in a planned unit development shall be calculated by taking the gross area, less the area set aside for nonresidential excepted uses, less open spaces, churches, schools, and public roadways, and dividing by the minimum lot area per dwelling unit required by the zone in which the site is located. An increase in the computed allowable maximum density, not to exceed ten percent (10%), may be permitted upon recommendation of the commission that the increased density is justified in terms of the relationship to open area, service demand and the total quality and character of the project.
  - a. Yards: Along the periphery of the planned unit development, yards shall be provided as required by regulation of the district in which the development is located unless an exception is provided. Where development already exists at the periphery, the yards shall be matched, where practical, e.g., side yards should be provided adjacent to side yards, rear yards adjacent to rear yards and front yards opposite front yards.
  - b. Off Street Parking: Off street parking shall comply with the parking requirements of the underlying zone. No common parking or maneuvering areas shall be allowed within twenty feet (20') of the boundary of the PUD. All common parking or maneuvering areas shall be buffered from adjacent properties. The buffer area must be landscaped, screened, or protected by natural features with the objective of minimizing adverse impacts to surrounding properties. In addition to the above requirements, where on street parking is prohibited, at least one-half (1/2) additional parking

space per dwelling unit shall be provided either in approved parking bays along the street or in an off street parking area.

c. Signs: Signs shall comply with sign requirements, chapter 8 of this title.

d. Storm Water Management: The management of storm water shall conform to the department of environmental quality and standard engineering best management practices and any applicable storm water management policies adopted by the city.

B. Other Uses: Other types of uses may be permitted within a single PUD such as commercial or industrial uses in compliance with this code and with the approval of the city council. (Ord. 205, 10-25-2006)

*Analysis:*

*The application does not appear to be in conflict.*

*Commercial acreage – 7.91 acres*

*Residential acreage – 48.0 acres*

9-9-6: DEVELOPER/APPLICANT INCENTIVES AND BENEFITS:

A. Planned unit developments are intended to provide particular benefits to the public and to the developer through the mixture of uses and integrated nature of the projects. Public benefit is ensured by the provision of public improvements and the amenities required by this code, and, for infill developments, by the increased efficiency of the use of land and public services. To provide the developer with an incentive to utilize the planned development process, the following deviations from conventional development standards may be incorporated into a planned development proposal:

1. A variety of housing types may be included in the planned development.
2. The minimum lot size for each building and setbacks for buildings within the project may be reduced below those normally required for the zoning district.
3. Fifty percent (50%) of the site may include uses not normally permitted in the designated zoning district.
4. Buildings may be clustered to preserve scenic, historic, aesthetic or environmentally sensitive areas in the natural state, or to consolidate

small open spaces into larger, more usable areas for common use and enjoyment.

5. The conditions of the approval established for a large PUD shall be consistently applied to each subsequent phase of the development, unless specifically agreed to otherwise during the approval process.

6. A residential density bonus may be given for dedications of land for public use as school, park, library, public utility, fire station or recreational facility provided to the public entity by donation or at a cost less than, or equal to, the applicant's predevelopment cost for that land. The bonus shall not exceed fifteen percent (15%) of the units permitted by the zone on the undedicated portion of the land. (Ord. 205, 10-25-2006)

***Analysis:***

***The applicant has requested incentives and benefits under this code section:***

***GC §9-9-6:A:2 provides that “The minimum lot size for each building and setbacks for buildings within the project may be reduced below those normally required for the zoning district.”***

***17 lots do not meet r5 minimum lot size requirements and this represents a density bonus which should be mitigated by the applicant. (8000ft<sup>2</sup> required/5775ft<sup>2</sup> min size)***

***The following has been added to the zoning staff recommendations for development agreement discussion:***

- Discussion of residential density bonus for dedications of land for public use as school, park, library, public utility, fire station or recreational facility per GC §9-9-6:A:6 for 17 lots which do not meet minimum lot size for r5 zone and with density bonus allowable per GC §9-9-4:A:2 within density formula and density limits. (8000ft<sup>2</sup> required/5775ft<sup>2</sup> min size)***

**9-9-7: OPEN SPACE/COMMON AREA AMENITIES:** A minimum of twenty percent (20%) of the gross land area developed in any residential planned unit development project shall be reserved for common open space and recreational facilities unless a waiver is granted pursuant to subsection 9-9-4A3 of this chapter.

**A. Construction And Maintenance:** 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 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 utility and similar easements and rights of way for 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 city council.

The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final planned unit development plan. The development must have a perpetual agreement to maintain the open space and cannot dissolve this clause in the master declaration or covenants, conditions and restrictions.

B. Open Space: Unless otherwise approved, not less than ten percent (10%) of the total gross area of a residential PUD shall be retained as permanent open space and shall not include strips of less than fifteen feet (15') in width unless designed to accommodate a water feature such as a pond or stream. A minimum of fifteen percent (15%) of land area of a PUD devoted to multiple-family residential use shall consist of open space. A waiver of the open space requirement may not be granted for a PUD devoted to multiple-family residential use. Of this required open space, portions may be "common area" used for recreational or other collective enjoyment by occupants of the development, privately owned properties dedicated by easements to ensure that open space will be permanent, and lands developed as active recreational areas or preserved in their natural state when such areas contain unique natural assets such as groves of trees, ponds, rivers or streambeds. If ponds are to be considered as part of the required open space, the requirements of section 9-7-13 of this title must be met.

C. Dimension: In order to be functionally usable, open space should exist in quantities of some minimum dimension. Therefore, the areas of each parcel of open space to be used for active recreational use shall have a size and shape consistent with the planned use.

D. Location: Open spaces shall be distributed within projects in locations near the dwelling units of the people they are intended to serve.

E. Shared Or Public Open Space: Land indicated as open space, common areas, amenities (tennis courts, playgrounds, swimming pool, etc.), streets and sidewalks shall be shown on the preliminary plan and provide on the plan that they be permanently maintained as such either by a homeowners' association which provides private covenants, an agreement with the developer, or if suitable and mutually agreeable, by public dedications.

F. Easements: Easements for pedestrian/bicycle/equestrian pathways in accordance with the city's comprehensive plan and pathway plan.

G. Amenities: Amenities shall be provided as a part of each planned unit development greater than one acre in size. The number of amenities (minimum of 2) shall be proportionate to the size of the development and may include, but not be limited to, any of the following:

1. Private recreational facilities such as a swimming pool, tennis court, barbecue area or playground of a size appropriate to meet needs of the development.
2. Provision for public access to any public open space, park or river greenbelt.
3. Publicly dedicated land in a PUD for facilities such as school, fire station, well site, public park, and public recreational facility.
4. Additional open space for parkways, boulevards, or other features designed to mitigate vehicle/traffic impact.
5. Other amenities as approved by the Greenleaf planning and zoning commission and council. (Ord. 205, 10-25-2006)

*Analysis:*

*The Applicant has requested a waiver under GC § 9-9-4A3 as referenced under GC §9-9-7. The applicant has requested reduction from 20% to 10.7% open space (from 9.6 acres to approximately 4.8 acres).*

*The following has been added to the zoning staff recommendations for development agreement discussion:*

- *Discussion and consideration of applicant's request for open space reduction and waiver per GC § 9-9-4A3 and GC §9-9-7.*

*The application appears to provide the two amenities required by GC §9-9-7:G through:*

1. *A playground area (§9-9-7:G:1)*
2. *Two pathway / parkway areas in the middle of the development (§9-9-7:G:4).*

*Please see amenities discussion above under GC §9-9-4.*

9-9-8: UTILITY REQUIREMENTS: Underground utility distribution and service facilities, including, but not limited to: telecommunications, water, sewer, irrigation, cable, and electrical systems, are required within the limits of all planned unit developments, appurtenances to these systems which must be effectively screened.

A. Increased Residential Density: To provide for an incentive for a quality PUD, the city council may authorize an increased residential density of up to fifteen percent (15%) of the allowable number of residential dwelling units allowed in the designated zoning district. Character, identity, architecture, and siting variation incorporated into the PUD may be considered to determine the amount of the density increase, provided such amenities make a substantial contribution to the objectives of the PUD as follows:

1. Landscaping, street design and streetscape, open spaces (active and passive uses) and plazas, use of required landscaping, pedestrian walkway design and distribution, and recreation uses.
2. Siting visual focal points; use of existing physical features such as topography, view, sun and wind orientation; motorized and nonmotorized vehicle circulation pattern; physical environment; variation in building setbacks and building clustering.
3. Design features; street sections (e.g., frontage and backage roads), architectural styles, harmonious use of materials; parking areas augmented by landscape features; and varied use of housing styles and housing options (e.g., estate homes, townhouses). (Ord. 205, 10-25-2006)

*Analysis: The application does not appear to be in conflict.*

9-9-9: ARRANGEMENT OF COMMERCIAL USES: When planned unit developments include commercial uses, commercial buildings and establishments 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 at intersections. Planting screens or fences shall be provided on the perimeter of the commercial areas abutting residential areas. The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding noncommercial areas.

All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner. (Ord. 205, 10-25-2006)



*Analysis:*

*The applicant has requested that commercial development follow residential development. The application proposes seven commercial lots and requests that the commercial area be realigned or lots combined as appropriate to meet the needs of commercial users who come after the subdivision of the development.*

*Staff understands this to mean the commercial area to be shown on the preliminary plat as one large area to be final platted as a separate development phase to be re-divided in the future and meeting all requirements in accordance with then-applicable code.*

*The following has been added to the zoning staff recommendations for development agreement discussion:*

- Discussion and consideration of depicting commercial area on the preliminary plat as one large area to be final platted as a separate development phase to be re-divided in the future and meeting all requirements in accordance with then-applicable code, for conformance with GC §9-9-9.*

**9-9-10: PROCEDURE FOR APPROVAL OF A PUD:**

A. Prior to the submission of an application for a PUD, the applicant shall contact the zoning official or their designee and arrange for a preapplication conference. The purpose of this conference is to provide guidance to the developer in preparing the application. Therefore, the developer should request the meeting well before preparing the application materials. A draft site plan and preliminary plat map (if required) shall be available at the preapplication meeting.

B. A PUD application may be submitted and processed as a concept plan. The applicant must specify the application and site plan for which approval is being requested. A concept approval is a statement by the city of Greenleaf that a general development plan including the arrangements of uses, density, location of major streets, open spaces, utilities, etc., is acceptable. A concept review allows the applicant to obtain approval of a general development plan without incurring the expense of detailed building plans until after concept approval. It provides the developer and the city with guidelines for the design of each phase of the project. Supporting information may be required by the zoning official on issues of major importance for the project prior to deeming the application complete.

Each phase of a concept approval requires detailed subdivision plat approval through a new application, fee and public hearing. The only exception to the detailed subdivision plat requirement is single-family dwellings proposed as the primary use within a development. The single-family dwelling portion of the project shall be reviewed in detail under subdivision requirements of this code.

C. Every planned development requires an application, including all plans and information required by this code. Phasing plans shall be included if the project is to be phased. The application is subject to the public hearing requirements of this code.

D. Concurrent review of other applications may be required as determined by the zoning official or their designee. In cases where subdivision platting would be necessary, concurrent review of the planned development application may be required. (Ord. 205, 10-25-2006)

*Analysis:*

*The application is in this process.*

9-9-11: APPLICATION FOR A PLANNED UNIT DEVELOPMENT:

A. Required Information: All necessary information as specified for a conditional use permit, plus necessary information as specified in this chapter. An application shall not be accepted until the zoning official determines that the application is complete.

B. Preliminary Development Plan: Thirty (30) copies of preliminary development plan which shall consist of drawings and supplementary written material adequate to provide the following information:

1. Statement of how the purpose and intent will be achieved by the planned unit development, including sketches or illustrations of the proposed character of the development, a description of how the planned unit development will relate to surrounding land uses and identified key neighborhood features, if any, and whether a zone change, comprehensive plan amendment, variance, floodplain permit, preliminary plat is also requested.
2. An outline of the proposed planned unit development stating: land use allocation by type, including the amount of land for housing, density, open spaces, roadways and parking, the number and type of housing units, and how necessary services will be provided and whether services are publicly or privately owned and operated.

3. Preliminary drawings at a scale of one inch equals one hundred feet (1" = 100'). The preliminary drawings shall display the following:

- a. The name of the proposed planned unit development.
- b. Date, north point and scale of drawing.
- c. Legal description of the planned unit development other than metes and bounds, sufficient to define its location and boundaries.
- d. Names, addresses and telephone numbers of the owners, designer of the PUD, and engineer, planner and surveyor, if any, and the date of the survey.
- e. Appropriate identification of the drawing as a preliminary plan.

C. Natural Features Map: Thirty (30) copies of a natural features map showing an inventory of existing site features including:

1. Ground elevations shown by contour lines at two foot (2') intervals or less.
2. General soil types as documented by a soils engineer or engineering geologist, necessary.
3. Fish and wildlife habitats, if any.
4. Proposed and existing storm water facilities.
5. Water features, such as ponds, wetlands and watercourses.
6. Areas subject to flooding.
7. Natural features, such as trees, watercourses, historic sites, and similar irreplaceable amenities.
8. Existing on site or abutting sanitary sewer, storm drainage and water supply facilities. If such facilities are not on or abutting the site, indicate the direction and distance to the nearest ones.
9. Width, location and purpose of all existing easements of record on and abutting the site.

10. Information on land areas contiguous and adjacent to the proposed planned unit development and existing adjacent areas, including zoning classifications, land uses, densities, circulation systems, public facilities, traffic study, unique natural features of the landscape, and approximate locations of nearby structures.

D. Proposed Site Plan: Thirty (30) copies of a proposed site plan showing:

1. The locations of dwelling units and/or individual lots.
2. Location of major streets.
3. The proposed yard requirements or locations of single-family homes for individual lots, if any.
4. The existing and proposed traffic circulation system serving the planned unit development including: off street parking and maneuvering, points of access to existing public rights of way, and a plan notation or descriptive narrative outlining ownership of streets and parking areas.
5. The existing and proposed pedestrian and bicycle circulation system.
6. Conceptual plans for all necessary services, including their location and whether the services will be publicly or privately owned and maintained. Location of utilities as would tie into the project.
7. Proposed location and treatment of any public or private common areas or structures, including open spaces, park or recreation areas, and school sites.
8. The general treatment proposed for the periphery of the site.
9. The approximate amount, location and type of buffering and/or landscaping.
10. Proposed architectural styles.

E. Necessary Studies And/Or Assessments: Environmental assessment, traffic study, grading plan or other study necessary for the proposed site.

F. Preliminary Subdivision Plat: If the applicant is requesting preliminary subdivision plat approval concurrently with the preliminary PUD approval, a preliminary subdivision plat shall be submitted.

G. Development Schedule: A development schedule indicating to the best of applicant's knowledge the approximate date on which construction of all phases of the entire project can be expected to begin, the anticipated rate of development, and completion date. The schedule, if approved by the city council, shall become a part of the final development plan and shall be adhered to by the owner of the property in the planned unit development and his successors in interest.

H. Traffic Impact Analysis: All subdivisions containing more than twenty (20) lots shall provide a traffic impact analysis based on information that reflects current traffic conditions. A traffic impact analysis may be required of any development as deemed necessary by the zoning official on a case by case basis.

I. Additional Information: Any additional information required by the zoning official, city engineer, city attorney or city council.

J. Approval Of Conceptual Plan: Approval of the conceptual plan does not constitute approval of the final development plan/preliminary plat.

K. Verification Of Payment: Verification that all outstanding taxes and assessments levied by political subdivisions have been paid on the property included in the application. (Ord. 205, 10-25-2006)

*Analysis:*

*The application is in this process. The application does not appear to be in conflict.*

9-9-12: REVIEW AND RECOMMENDATION OF APPLICATION: The zoning official or its designee shall review the application and draft a written recommendation for the city. On any planned unit development application, the city council may submit the application to the planning and zoning commission for a recommendation from the commission. Within sixty (60) days after receipt of the zoning official's or commission's recommendation on a planned unit development application, the council should hold a public hearing on the application and either approve the application with or without supplementary conditions or give reasons for its disapproval. The council should find that the facts submitted with the application and presented to them establish that:

A. The proposed development shall be initiated within two (2) years of the date of approval.

B. 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 and potential surrounding uses, but will have a beneficial effect which would not be achieved under standard district regulations.

C. The streets and thoroughfares 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 planned unit development.

D. Any proposed commercial development can be justified at the locations proposed.

E. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan, in accordance with the planned unit development and the adopted policy of the council.

F. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.

G. The planned unit development is in general conformance with the comprehensive plan.

H. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.

I. The ordinance and standards used in evaluating the application.

J. The reasons for approval or denial; and the actions, if any, that the applicant could take to obtain a permit if the application is denied.

If the application is either approved or approved with conditions, the council shall direct the zoning official or its designee to issue zoning permits only in accordance with the approved planned unit development plan, and preliminary plat and the supplementary conditions attached thereto. (Ord. 205, 10-25-2006)

*Analysis:*

*The application is in this process.*

*This staff report serves as the zoning official or designee's review of the application and written recommendation for the city, as required by GC §9-9-12.*

9-9-13: EXPIRATION AND EXTENSION FOR APPROVAL PERIOD: The approval of a final development plan for a planned unit development 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 approved planned unit development plan shall be void. All phases of the planned unit development shall be completed within five (5) years of the date of approval; approval of any uninitiated phases will lapse after that time unless a time extension is granted by the council.

A. Improvement Guarantees:

1. Prior to issuance of building permits for structures, the applicant shall either install and complete all private service improvements, including streets, pedestrianways, utilities, landscaping and buffering, or file an improvement guarantee for these items.
2. The improvement guarantee is an agreement between the applicant and city specifying a development schedule setting forth when service improvements will be made.
3. The agreement shall be in a form satisfactory to the city attorney, and shall be filed with the city clerk.
4. The applicant shall file with the agreement one of the following to assure his full and faithful performance:
  - a. A certified check or checks.
  - b. A surety bond executed by a surety company authorized to transact business in the state of Idaho.
  - c. Other surety acceptable to the city.
5. Assurance of full and faithful performance shall be for the amount of one hundred fifteen percent (115%) of the estimated costs of improvements approved by the city engineer, including related engineering and city inspections.
6. At the discretion of the city, the improvement guarantee may be in the form of separate bonds or checks covering individual portions or specific types of improvements, rather than one bond or check covering the work.
7. Occupancy permits shall not be issued unless all improvements and conditions of approval have been fulfilled to the satisfaction of the building official or the applicant has filed an improvement guarantee for all such items.

8. The building official shall not authorize the city clerk to return the improvement guarantee or guarantees until the improvements related to the guarantee are completed to the satisfaction of the building official.

B. Extension Of Preliminary Development Plan Approval: The applicant may request one extension of the one year time limit not later than thirty (30) days prior to the expiration of the preliminary development plan one year limit. Any extension requested beyond the one year requires that a public hearing be held pursuant to Idaho Code section 67-6509. (Ord. 205, 10-25-2006)

*Analysis:*

*The application does not appear to be in conflict. This section would be pertinent after a PUD approval.*

9-9-14: AMENDMENTS TO THE FINAL DEVELOPMENT PLAN:

A. Any subsequent amendment to the final development plan changing location, siting, and height of buildings and structures may be authorized by the city council without additional public hearings, if required by engineering or other circumstances not foreseen at the time the final plan was approved. In no case shall the city council authorize changes which may cause any of the following without undertaking a public hearing process as required by Idaho law and this code:

1. A change in the use or character of the development. An increase in overall coverage of structures.
2. An increase of the intensity of use.
3. An increase in the problems of traffic circulation and public utilities.
4. A reduction of off street parking and loading space.
5. A reduction in required pavement widths.
6. All other changes in use, rearrangement of lots, blocks and building tracts, or in the provision of common open spaces and changes other than those listed above which constitute substantial alteration of the original plan shall require a public hearing and approval by the council. (Ord. 205, 10-25-2006)

*Analysis: The application does not appear to be in conflict. This section would be pertinent after a PUD approval.*



GC §9-10-2(A) APPLICATIONS (Development Agreements)

A. All applications for a zoning ordinance map amendment to a planned community base district or planned unit development overlay district shall require a concurrent submission of a development agreement application.

*Analysis: The application does not appear to be in conflict. This section would be pertinent after a PUD approval.*

GC §9-14-5(A)(B)(C) PROCEDURE (Sign Ordinance)

A. All applications for design review, conditional use permits, planned unit developments, subdivision approvals, applicable sign permits, or building permits shall include lighting plans showing location, type, height, lumen output, and luminance levels in order to verify that lighting conforms to the provisions of this chapter. The zoning official may waive the requirement for luminance level information only, if the zoning official finds that the luminance levels conform to this chapter. For all other exterior lights which must conform to the requirements of this chapter, an application shall be made to the zoning official, showing location, type, height, lumen output and luminance levels.

B. The zoning official shall review any new exterior lighting or any existing exterior lighting on subject property that is part of an application for conditional use permit, planned unit development, subdivision approval, applicable sign permits or building permit, to determine whether the exterior lighting complies with the standards of this chapter.

C. The zoning official shall convey in writing a recommendation whether the exterior lighting complies with the standards of this chapter to the building official, the commission, or the Greenleaf city council, as the case may be, before any review or hearing on a building permit, design view, conditional use permit, planned unit development, subdivision application, or applicable sign permit.

*Analysis:*

*The application does not appear to be in conflict. Please see Street Lighting Plan submitted for detail.*

GC CHAPTER 15, TITLE 9 - PROCEDURES, APPEALS AND ACTION

9-15-1: APPLICATION; GENERAL PROCEDURES:

9-15-2: PRELIMINARY DEVELOPMENT PLAN REVIEW:

9-15-3: DATE AND NOTICE OF PUBLIC HEARING:

9-15-4: CONDUCT OF HEARINGS:

9-15-5: ACTION BY THE COMMISSION:

9-15-6: NOTIFICATION TO APPLICANT:

9-15-7: ACTION BY THE CITY COUNCIL:

9-15-8: APPEAL OR REQUEST FOR HEARING BY AGGRIEVED PERSONS:  
9-15-9: ADMINISTRATIVE APPEALS:  
9-15-10: JUDICIAL REVIEW:

9-15-1: APPLICATION; GENERAL PROCEDURES: The application for a variance, a conditional use permit, a planned unit development, or approval of a subdivision must include an affidavit of the owner of the property affected, agreeing to submit the application. Upon receipt or initiation of an application for an amendment of this title, a zoning map amendment (except a legislative rather than quasi-judicial revision of the zoning map), a variance, a planned unit development, or a conditional use permit, a subdivision application, or upon receipt of an appeal by aggrieved persons, the following procedures in this chapter apply. Verification that all outstanding taxes and assessments levied by political subdivisions have been paid on the property included in the application is required.

Applications for vacation of plats, utility easements, and right-of-way shall be processed in accordance with Idaho Code §50-1306:A. (Ord. 205, 10-25-2006, Amd. Ord 264, 09-01-2015)

*Analysis:*

*The application is in this process.*

9-15-2: PRELIMINARY DEVELOPMENT PLAN REVIEW: The applicant will present to the zoning official and commission, at a scheduled meeting, but a nonpublic hearing, a preliminary development plan for review and discussion. All materials to be reviewed and discussed shall be provided, or be available, to commission members at a regular scheduled meeting of the commission. (Ord. 205, 10-25-2006)

*Analysis:*

*This requirement was fulfilled through the applicant's concept meetings held with staff on 02 July 2020 and 22 Oct 2022, and planning meeting with staff on 08 July 2021. Meeting minutes are attached to this staff report.*

9-15-3: DATE AND NOTICE OF PUBLIC HEARING:

A. The date for public hearings shall be fixed by the commission within a reasonable time and in no event shall the date be set later than seventy five (75) days after the receipt of a complete application and all necessary documents pertinent thereto. The commission, through the zoning official, shall give public notice at least fifteen (15) days prior to the hearing date in the official newspaper of the city and provide notice by regular first class U.S. mail or personal delivery to each owner of property of record, any of which is located within three

hundred feet (300') of the exterior boundary of the subject property, and to all others as required by state law to be entitled to notice. Notice may be made available to all radio stations within the county for use as a public service announcement.

B. If, during the preliminary review of the proposed project, the commission decides that a greater number of property owners, or owners within properties more than three hundred feet (300'), should be noticed, the commission will so advise the applicant of the decision and the additional notices required.

C. The applicant shall post notice conspicuously on the premises which is the subject of the application, not less than fifteen (15) days prior to the hearing date. The applicant shall provide photographic evidence of such notice to the zoning official.

D. Fees shall be paid by the applicant at the time of filing an application. Fees shall be in accordance with a fee schedule established periodically by the council by resolution. These fees shall include costs of publication, mailing fees, any application fees and other charges as may be set by the council by resolution or incurred by the city. (Ord. 205, 10-25-2006)

*Analysis:*

*The application is in this process.*

9-15-4: CONDUCT OF HEARINGS: The commission and/or council shall conduct all public hearings under this title as follows:

A. A sign-in roster may be kept at the entrance to the hearing room for all persons who wish to testify at the hearing on a particular application or issue.

B. The chair of the meeting shall conduct the hearing in accordance with the "Robert's Rules Of Order", newly revised, or its most recent revision.

C. A transcribable record shall be taken and maintained, including audio and written.

D. The chair shall call upon the zoning official or staff to make preliminary presentation of facts and recommendations to the commission or council, including a summary of any comments or recommendations from other agencies.

E. The chair shall then invite the applicant to make a presentation of the proposal to the commission or council.

F. Every document or tangible thing referred to by any person during testimony (including charts, maps, photographic evidence or any other evidence) shall be entered into the record of the proceeding. Such exhibits shall be maintained at the office of the city clerk during the appeal period, and if incorporated into or referenced by a condition of approval, thereafter for as long as necessary to ensure conformance.

G. After the zoning official or staff presentation and presentation by the applicant, the chair shall open the hearing for public testimony and shall invite the public to address the commission or council. If in the opinion of the chair the number of persons testifying is so large as to unduly delay the process of the hearing, the chair may limit public testimony to three (3) minutes or such other time for each member of the public.

H. All persons testifying before the commission or council shall state, for the record, their full name and address.

I. Members of the commission, council or the attorney assigned to advise the commission or council may question any person who testified at any time or may, upon approval of a majority of the members present, recall a person for further testimony.

J. Before the close of the public testimony, the chair shall ask if any person attending the hearing who did not sign the roster wishes to be heard and any such person shall be given one opportunity to testify.

K. At the close of public testimony the chair shall solicit comments from zoning official or staff for additional facts or clarifications as a result of the testimony given. After comments from zoning official or staff, the applicant or appellant shall be given an opportunity to address final comments to the commission or council.

L. After all testimony, the chair shall declare the public hearing closed and shall bring the matter back before the commission or council for discussion and action. Audience participation ceases at that time. The public hearing may be continued upon motion to a date certain which shall be announced to the public there assembled.

M. The discussion and decision may be deferred until another date certain which shall be then announced to the public there assembled. (Ord. 205, 10-25-2006)

*Analysis:*

*The application is in this process.*

9-15-5: ACTION BY THE COMMISSION: Within forty five (45) working days after the public hearing, the commission shall recommend to the council either approval, conditional approval, or disapproval of an application; or, in the case of preliminary approval of a subdivision plat, make its decision to approve or not to approve such plat, with or without conditions. Upon making a recommendation, granting or denying an application, the commission shall specify in the minutes, and forward to the council, findings of fact and conclusions of law which shall include:

- A. The ordinance and standards used in the evaluation of the application;
- B. The manner in which the applicant complies or does not comply with the standards used in evaluating the application;
- C. The reasons for the recommendation upon, or approval or denial of the application; and
- D. The conditions, if any, upon which a recommendation or an approval was made. (Ord. 205, 10-25-2006)

*Analysis:*

*The application is in this process.*

*This code section has been added to the P&Z section of the Commission / Council Code-directed Actions and Conditions.*

9-15-6: NOTIFICATION TO APPLICANT: Within twenty (20) working days after a recommendation has been made or a decision has been rendered, the zoning official shall provide the applicant with written notice of the action. (Ord. 205, 10-25-2006)

*Analysis:*

*The application is in this process.*

9-15-7: ACTION BY THE CITY COUNCIL:

- A. If a hearing before the council is required, notice shall be given to the public at least fifteen (15) calendar days prior to the hearing date, by publication, in the official newspaper of the city.
- B. The council, through the zoning official, shall provide notice by regular first class U.S. mail or personal delivery to each owner of property of record, any of which is located within three hundred feet (300') of the exterior boundary of the subject property, and to all others as required by state law to be entitled to

notice. Notice may be made available to all radio stations within the county for use as a public service announcement.

C. The applicant shall post notice conspicuously on the premises which is the subject of the application, not less than fifteen (15) days prior to the hearing date. The applicant shall provide photographic evidence of such notice to the zoning official.

D. When a second hearing is required under any circumstances, the applicant shall pay a second filing fee, in addition to the postage and publication fees for the second hearing.

E. If an amendment to the zoning map or a planned unit development is proposed with respect to lands in the impact area, and the action proposed would be of legislative, rather than quasi-judicial scope as those terms are understood in land use planning law, then final action must also include approval of the amendment or proposal by the board, whether by identical county ordinance or by county ordinance referring to the city ordinance, after public hearing conducted jointly with the council. Nothing in this subsection shall be read to preclude approval by both council and board where doubt exists as to the legislative or quasi-judicial character of a particular action respecting the zoning map or planned unit development. (Ord. 205, 10-25-2006)

*Analysis:*

*The application is in this process.*

**9-15-8: APPEAL OR REQUEST FOR HEARING BY AGGRIEVED PERSONS:**

A. An aggrieved person may appeal a commission decision, by filing a notice of appeal in writing with the city clerk no later than ten (10) days after the commission action. When such notice of appeal or request is received, proceedings before the council shall be on the record made below. A notice of appeal shall set out with particularity the decision or part thereof from which the appeal is being taken, and whether or not facts found by the commission are disputed by appellant. Mere recommendations by the commission are not appealable.

B. The council shall put the matter down on its agenda upon a date certain for the consideration of written and oral arguments; notice of such hearing shall be provided to appellant no later than fifteen (15) days before the hearing; should appellant desire to file written arguments, appellant shall do so no later than seven (7) days prior to the hearing.

C. After the hearing has been held, the council may:

1. Grant or deny the appeal or the permit; or
2. Delay such decision for no longer than sixty (60) days for further study or hearing; provided, however, that the council must render a decision no later than sixty (60) days from the date of the hearing. (Ord. 205, 10-25-2006)

*Analysis:*

*The application does not appear to be in conflict. This section would be pertinent after an approval or denial.*

9-15-9: ADMINISTRATIVE APPEALS: A person aggrieved by a decision by the zoning official under this title may appeal such decision to the commission. (Ord. 205, 10-25-2006)

*Analysis:*

*The application does not appear to be in conflict. This section would be pertinent after an approval or denial.*

9-15-10: JUDICIAL REVIEW: A person aggrieved by a decision under this title may, after all remedies have been exhausted under local ordinances, seek judicial review under the procedures provided by sections 67-5215(b) through (g) and 67-5216, Idaho Code. (Ord. 205, 10-25-2006)

*Analysis:*

*The application does not appear to be in conflict. This section would be pertinent after an approval or denial.*

GC §9-17-8: INVESTIGATIONS (Zoning Code)

Any applicant for a variance, conditional use, planned unit development, or zone map amendment, by filing the related application consents to inspection of the subject property by the zoning official or the zoning official's staff at all reasonable times, and by the commission during and in the context of a hearing, for the purpose of ascertaining the completeness and accuracy of factual assertions in the application; and any person claiming the benefit of an approved variance or conditional use consents to inspection of the subject property by the zoning official or the zoning official's staff at all reasonable times for the purpose of inspecting or investigating whether or not the property and use are in compliance with conditions of approval and this title. (Ord. 205, 10-25-2006)

*Analysis:*

*The application does not appear to be in conflict. The application is in this process.*

GC §9-17-9: PENALTIES (Zoning Code)

A. Criminal penalties shall be as follows:

1. Each violation of this title, or of the conditions of approval of a variance, planned unit development, subdivision, or conditional use, and each day of each such violation, shall be considered a separate criminal offense.
2. Each person acting as a principal, and each person acting as an agent, violating this title, or the conditions of approval of a variance, planned unit development, subdivision or conditional use, shall be responsible for the criminal offense.
3. Any person found guilty of violating this title shall be guilty of an infraction, and upon the first conviction, be subject to the payment of a fine of not less than one hundred dollars (\$100.00), upon the conviction of a second offense shall be fined a sum of three hundred dollars (\$300.00), and upon the third and subsequent offenses shall be guilty of a misdemeanor and fined an amount not more than one thousand dollars (\$1,000.00) and/or one hundred eighty (180) days incarceration in the county jail. None of the fines shall be suspended by the court.

B. Civil penalties shall be as follows:

1. Each violation of this title, or of the conditions of approval of a variance, planned unit development, or conditional use, and each day of each such violation, shall be considered a separate civil offense.
2. Each person acting as a principal, and each person acting as an agent, violating this title, or the conditions of approval of a variance, planned unit development, or conditional use, shall be responsible for the civil offense.
3. Each civil offense shall be punishable by a civil penalty not to exceed one thousand dollars (\$1,000.00) per day or per violation, whichever is greater.
4. The city, and if the property is located in the impact area, Canyon County also, shall be entitled to recover, in any action for a civil penalty, the actual costs of investigation, enforcement, and mitigation, together with interest, court costs, and attorney fees at the prevailing hourly rate,



notwithstanding that the city attorney and Canyon County prosecuting attorneys may be salaried, at the option of the city or county, as the case may be. (Ord. 205, 10-25-2006)

*Analysis:*

*The application does not appear to be in conflict. This section would be pertinent upon violation after an approval.*

PUD OPEN SPACE REQUIREMENT REDUCTION

GC §9-9-4(A)(3) STANDARDS (Open Space)

3. Open Space: Landscaped open space of at least twenty percent (20%) of the gross area, exclusive of required street buffers and buffers between incompatible land uses. (Landscaped open space is mandatory for all developments and minimum landscape ordinance requirements will not be counted as an amenity for the purposes of this provision.) The applicant can request a waiver of the twenty percent (20%) open space requirement from the city council but such waiver must require a minimum of ten percent (10%) of open space of the gross area exclusive of required street buffers and buffers between incompatible land uses. Such a waiver is at the sole discretion of the city council.

*Analysis:*

*The applicant is requesting a reduction to 10.7%.*

*This code section has been added to the City Council section of the Commission / Council Code-directed Actions and Conditions and to the Zoning Staff Recommended Items for Inclusion in Development Agreement Discussions with the City Attorney, Developer, and City Council.*

*Staff believes that density bonus and amenities items discussions recommended by Zoning Staff for inclusion in the development agreement are also germane and applicable in regard to this request by the applicant.*

GC Chapter 6  
SUBDIVISIONS

9-6-1: JURISDICTION:

9-6-2: PROCEDURES:

9-6-3: SUBDIVISION APPROVAL REQUIRED:

9-6-4: PREAPPLICATION:

- 9-6-5: PRELIMINARY PLAT:
- 9-6-6: FINAL PLAT:
- 9-6-7: PROTECTIVE COVENANTS:
- 9-6-1: JURISDICTION:

A. General: These regulations shall apply to the subdividing of all land within the corporate limits of the city, including the following:

1. The dividing of land into lots or parcels for transfer of ownership or building development.
2. The dedicating of any street or alley through or along any tract of land.
3. The resubdivision of a lot or parcel.
4. The construction of any private street or private alley through or along any tract of land.
5. The platting of a lot or lots that are either a remnant or the result of a land division that exceeded the onetime division provision.

9-6-2: PROCEDURES: The following procedures shall be followed for subdividing within the scope of these regulations:

A. Procedures, General:

1. Plat Approval Required: A plat shall be drawn for each subdivision of land located within the corporate city limits or for proposed subdivision containing land that is concurrently requesting annexation into the city limits and shall be submitted to the commission and council as provided below. The city can accept a plat application when there is a concurrent annexation request submitted.
2. Planned Unit Developments: All subdivisions of land that create five (5) or more lots shall require an approved planned unit development plan. Preliminary and final plats shall conform to such approved planned unit development plan.
3. Official Recording: No plat or division of land shall be filed in the office of the county recorder until such time as compliance with the provisions of this code and certifications of the agencies, as provided by Idaho Code, have been completed. Plats shall be recorded in the office of the county recorder.
4. Agenda:

Each Greenleaf city plat submitted for preliminary approval shall be placed on the commission's or hearing examiner's agenda only after fulfilling the requirements provided herein.

A plat not meeting all the requirements may be submitted; provided, however, the applicant shall request in writing, the specific exceptions required and enumerate in detail the reason the plat qualifies for such exceptions.

5. Application Forms: Any application for a preliminary plat, subdivision approval, time extension, total or partial vacation of an existing subdivision, or easement for the benefit of the public shall be made on forms obtainable from the zoning official and the accuracy of the data provided certified by applicant.

#### B. Procedure, Preapplication Submission Of Plans:

1. Filing Procedure: Prior to the filing of an application the applicant is encouraged to submit to the zoning official general plans and data for any proposed subdivision. Such presubmittal shall not require the official filing of a subdivision application, and shall not bind the applicant or the city in any way. Said submittal shall be required for all proposed subdivisions of two (2) or more lots or dwelling units.

2. Review By Zoning Official: The zoning official shall review the plans and data and, within forty five (45) working days, advise the applicant as to the general conformance or nonconformance with these regulations of the plans submitted and what additional information is needed, if any, for the application to be deemed complete. The zoning official may extend the forty five (45) day period for an additional forty five (45) working days upon sending a letter to the applicant indicating the need for additional time. (Ord. 205, 10-25-2006)

#### *Analysis:*

*The application does not appear to be in conflict. The application is in this process.*

9-6-3: SUBDIVISION APPROVAL REQUIRED: Any person desiring to create a "subdivision", as defined in this title, shall submit all necessary applications to the zoning official. No final plat, lot split and/or lot line adjustment shall be filed with the county recorder or improvements made on the property until the plat and/or lot split is subsequently recorded in the office of the county recorder. (Ord. 205, 10-25-2006)

#### *Analysis:*

*The application does not appear to be in conflict. The application is in this process. The preliminary plat will be finalized by the applicant prior to City Council approval.*

9-6-4: PREAPPLICATION:

A. Application: The subdivider wishing to divide an original lot, tract or parcel of land and/or make a lot line adjustment may submit a preapplication subdivision package to enable the zoning official to review and comment on the proposed subdivision. The preapplication shall include the entire developmental scheme of the proposed subdivision in schematic form and include the following:

1. The general layout and approximate dimensions of streets, blocks and lots in sketch form;
2. The existing conditions and characteristics of the land on and adjacent to the proposed subdivision site;
3. The areas set aside for schools, parks and other public facilities;
4. Any on site and/or off site sewer, water or drainage improvements proposed; and
5. Two (2) electronic copies of the submitted information.

B. Fees: Fees shall be established by resolution of the city council and shall include all pertinent planning, engineering, legal fees and any other fees and/or costs incurred by the city in its review.

C. Preapplication Review: The zoning official and city staff shall review said plans and data as submitted and advise the subdivider/developer as to the general conformance or nonconformance of the plans with this title. Such review may include official or unofficial comments on policies and guidelines followed by the city in the implementation of various regulations as set forth in the comprehensive plan, this code, and similar plans or programs. (Ord. 205, 10-25-2006)

*Analysis:*

*The application does not appear to be in conflict.*

*These activities have been addressed through concept meetings on 02 July 2020, 22 Oct 2020, cooperative planning meeting on 08 July 2021, and largely during the time period between 08 July 2021 leading up to*

*application submission on 26 August 2021 and including time from application submission to when the application was deemed substantially complete by scheduling the project for public hearing.*

9-6-5: PRELIMINARY PLAT:

A. Application: The subdivider shall file with the zoning official a complete subdivision application form and preliminary plat data as required in this title.

B. Combining Preliminary And Final Plats (Also Called A Minor Subdivision): The applicant may request that the subdivision application be processed as both a preliminary plat and final plat if all of the following exist:

1. The proposed subdivision does not exceed four (4) lots; and
2. No new street dedication or street widening is involved; and
3. No major special development considerations are involved (floodplain, hillside, etc.); and
4. Information for both preliminary and final plat is complete and in an acceptable form; and
5. Such subdivision does not result in a series of smaller subdivisions of the same larger parcel or several subdivision(s) organized to avoid the requirements of this chapter relating to subdivisions exceeding four (4) lots or otherwise avoiding a PUD application.

C. Content Of Preliminary Plat: The subdivider shall submit to the city clerk at least the following:

1. Thirty (30) copies of the preliminary plat of the proposed subdivision, drawn in accordance with the requirements hereinafter stated. The plat shall have dimensions of not less than twenty four inches by thirty six inches (24" x 36"), shall be drawn to a scale of not less than one inch to one hundred feet (1" = 100'), and shall show the drafting date and north arrow.
2. Thirty (30) sets of preliminary engineering plans (not meant to be cross sections or detailed designs) for streets, water, sewers, sidewalks and other required public improvements.
3. A written application requesting approval of the preliminary plat supplied by the city.

4. Information detailing the proposed development within particular zoning designations.
5. Proof of legal interest in the subject property and consent by the owners to submission and process of the application.
6. Any other permits as required by this code.
7. Two (2) electronic copies of the preliminary plat and preliminary engineering plans.

D. Requirements Of Preliminary Plats: The following shall be shown on the preliminary plat or shall be submitted separately:

1. The name of the proposed subdivision;
2. The names, addresses and telephone numbers of the subdivider or subdividers and the engineer or surveyor who prepared the preliminary plat;
3. The name, address, and location including bisecting boundary lines of all adjoining and contiguous property, whether or not bisected by a public right of way, as shown on record in the county assessor's office;
4. The legal description of the subdivision. The subdivision boundary shall be based on an actual field survey, including registered professional land surveyor stamp;
5. A statement of the intended use of the proposed subdivision;
6. A map of the entire area scheduled for development;
7. A vicinity map showing the relationship of the proposed plat to the surrounding area;
8. The land use and existing zoning of the proposed subdivision and the adjacent land;
9. The approximate location of existing buildings with approximate distances shown to proposed property lines, water bodies or courses, and the location of dedicated streets at the point where they adjoin or are immediately adjacent;
10. The boundaries of record of the tract, area of the tract, the proposed location, approximate grade, right of way width and pavement width of

streets and alleys, locations of sidewalks; the proposed location and width of easements and setback lines, proposed lot lines, the radii of all curves, lot size and approximate lot dimensions;

11. The existing zoning boundary lines; and the minimum applicable lot size for each lot in each zoning designation;

12. The proposed street names and system of numbering lots and blocks;

13. The approximate location, approximate size and proposed use of all land intended to be dedicated for public use or reserved for the use of all property owners within the proposed subdivision;

14. The approximate location, size, and type of sanitary and storm sewers, water mains, culverts, and other surface and subsurface structures existing within or immediately adjacent to the proposed subdivision a minimum distance of one hundred feet (100'); and the location, layout, type and size of any proposed water mains and storage facilities, sanitary mains and laterals, storm sewers, culverts and drainage structures, street improvements, fire hydrants and any other proposed utilities;

15. The approximate location, size and type of all drainage ditches, channels, pipes, structures and subsurface drainage structures within and immediately adjacent to the proposed subdivision, and the proposed method of disposing of all runoff from the proposed subdivision, and the location and size of all drainage easements relating thereto, whether they are located within or outside the proposed plat a minimum distance of one hundred feet (100');

16. The approximate location, size and type of all irrigation ditches, channels, pipes, structures within and immediately adjacent, a minimum distance of one hundred feet (100'), to the proposed subdivision;

17. The approximate location and width of any existing and proposed easements, or rights of way;

18. Verification that all outstanding taxes and assessments levied by political subdivisions have been paid on the property included in the application;

19. Any other information determined by the city to be necessary for review of the preliminary plat application;

20. Approximate location of all existing external buildings or structures built within one hundred feet (100') of the proposed development, including identification of current use of each;

21. Approximate location and direction of flow of existing sewer and drainage systems when the access point is greater than one hundred feet (100') beyond the proposed development's perimeter boundary;

22. Approximate location of any areas of fill or excavation and estimated volume of material to be moved;

23. For multiphase developments, the proposed boundaries of each phase and the sequence of phases to be developed. The phasing sequence used should utilize consistent lot and block numbering patterns;

24. In areas where street or private roadway grades may not conform to the required minimum or maximum slope requirements of the district, approximate grades of existing and proposed streets and private roads within and immediately adjacent to the proposed development;

25. Approximate location and identification of known (to either the applicant and his representatives or the reviewing agency) potentially dangerous areas, including geologically hazardous areas, areas subject to inundations, or flood hazard, and areas of high ground water;

26. The location of current and proposed pathways if located within one hundred feet (100') of the boundaries of the development;

27. A statement as to whether or not a variance will be requested with respect to any provision of this title describing the particular provision, the variance requested and the basis for the variance request.

E. Attachments: In addition to the above, a vicinity map and photo reduction of the preliminary plat shall be submitted which meets the requirements as set forth below:

1. Vicinity Map: An eight and one-half inch by eleven inch (8 1/2" x 11") vicinity map, suitable for public presentation drawn to a scale of one inch equals three hundred feet (1" = 300') or larger (i.e., 1 inch equals 200 feet, etc.), which includes the proposed development and sufficient area around it to provide adequate orientation and landmark identification for someone unfamiliar with the vicinity. All the following elements are to be included:



- a. A minimum distance of six hundred feet (600') beyond all boundaries of the proposed development.
- b. A north point.
- c. Location and names of all streets and roadways, including the nearest collector or arterial in both north/south and east/west directions.
- d. Clear identification of the boundary of the proposed development and its proposed roadway alignments labeled with proposed street names.

F. Fee: At the time of submission of an application for a preliminary plat, the applicant shall pay a processing fee in accordance with the fee schedule established by the city council. The city council shall establish the amount of the preliminary plat fee and shall include pertinent engineering, legal, planning, postage, publication, copying fees and all other costs incurred by the city in processing the application. Such cost reimbursement may exceed the initial estimate. All outstanding fees and costs must be paid before a preliminary plat application will be considered.

G. Official Review:

1. Staff Review: A complete application, as determined by the zoning official, shall be submitted for review by the zoning official, city planner, city attorney, and city staff, no less than forty five (45) days before the initial meeting at which the preliminary plat may be considered. The zoning official may extend this period for up to forty five (45) additional days for city staff review of requirements of this chapter. The applicant must provide any reply or new information no later than seven (7) working days before any public meeting in which the application is to be considered, unless said public meeting is a public hearing on the application which such submission must be received by the city fifteen (15) days prior to any scheduled public hearing.
2. Review By Other Agencies: The zoning official shall refer the preliminary plat and application to as many agencies deemed necessary.
3. Hearing Examiner: Hearing examiners may be appointed by the city council or the planning and zoning commission for hearing applications for a subdivision pursuant to Idaho Code 67-6520. Whenever a hearing examiner hears an application, he may grant or deny the application or submit a recommendation to the city council or the planning and zoning commission.

4. Planning And Zoning Commission Action: The zoning official shall review and recommend to the commission to approve, approve conditionally, disapprove, or table the preliminary plat for additional information. If tabled, the recommendation shall occur at the next regular meeting. The zoning official's recommendation for approval or disapproval of the plat, together with a complete copy of the zoning official's findings and report of action shall be transmitted to the commission. The reasons for the recommendation to council shall specify at least the following written findings of the commission:

- a. The ordinance and standards used in evaluating the application; and
- b. The reason for approval or denial; and
- c. The actions, if any, that the applicant could take to gain approval of the proposal.

H. Action By The Council: Within forty five (45) working days after the submission of the preliminary plat recommendations and findings by the commission, the council shall, in writing, approve, conditionally approve, or disapprove of the preliminary plat application as presented. The council may delay its decision pending submission of additional information, or approve, conditionally approve, or disapprove the preliminary plat application. All decisions must include the following written findings:

1. The ordinance and standards used in evaluating the application; and
2. The subdivision is in conformance with the principles of the Comprehensive Plan; and
3. The availability of public services to accommodate the proposed development; and
4. The public financial capability of supporting services for the proposed development; and
5. Other health, safety, and environmental problems that may be brought to the Council's attention; and
6. The reason for approval or denial; and
7. The actions, if any, that the applicant could take to gain approval of the proposal.

I. Governing Legislation: All procedures governing an application herein, unless otherwise specified in this title, shall be governed by the Greenleaf contested hearing procedures<sup>1</sup>.

J. Notification To Applicant:

1. Within ten (10) working days after a decision has been rendered by the council, the city clerk shall provide the applicant with written notice of the action on the request. The preliminary plat will not be considered fully approved until all conditions have been satisfied and the appeal period has expired.
2. Preliminary plat approval constitutes authorization for the subdivider to proceed with preparation of the final plat and with engineering plans and specifications for public improvements.

K. Action On Combined Preliminary And Final Plat: A recommendation shall be forwarded to the council in the same manner herein specified for a final plat. The council may recommend that the combined application be approved, conditionally approved, or disapproved.

L. Appeal On Decision Of Council: The applicant shall have twenty eight (28) days from the date of signing the written decision of the council within which to appeal said decision to a court of competent jurisdiction, unless said time frame has otherwise been established by Idaho Code.

M. Approval Period:

1. Failure to file and obtain the certification of the acceptance of the final plat application from the subdivider within one year after action by the city council on the preliminary plat shall cause all approvals of said preliminary plat to be null and void, unless an extension of time is applied for by the subdivider and granted by the city council. Extensions shall only be granted for a maximum of a one year time period, although there is no limitation on the number of extensions that may be granted. Extensions shall be granted solely at the discretion of the city council. Failure to file for an extension of time prior to the expiration of the one year time period shall cause all approvals of said preliminary plat to be null and void.
2. In the event that the development of the preliminary plat is made in successive contiguous phases in an orderly and reasonable manner, and conforms substantially to the approved preliminary plat, such phases, if submitted within successive intervals of one year, may be considered for final approval without resubmission for preliminary plat approval.

3. Filing of the final plat(s) on phase developments may require modification of the conditions as approved by council. Council reserves the right to modify and/or add conditions to the final plat(s) to conform to adopted policies and/or ordinance changes for each phase submitted after one year following the preliminary plat approval.

4. All items in each phase shall be completed before council approval will be given for any subsequent phases. (Ord. 205, 10-25-2006, Amd. Ord 293, 08-03-2021 )

*Analysis:*

*The application does not appear to be in conflict. The application is in this process.*

*GC 9-6-5(H) has been added to Council Code-directed Actions and Conditions.*

*Staff analysis relevant to the availability of public services to accommodate the proposed development (GC 9-6-5:H:3) and the public financial capability of supporting services for the proposed development (GC 9-6-5:H:4) is included under staff recommendations with discussion of 2021 Idaho Legislature HB389.*

*Notes:*

- 1. 9-6-5(D)(12) detail for street names included on preliminary plat dated 03Jan 2022; lot and block numbers identified on landscape plan.*
- 2. 9-6-5(D)(13) detail for public / common lots included on landscape plan.*
- 3. 9-6-5(D)(14) detail on p. 26 & 27 of the application package, and in the preliminary utility plan submitted.*
- 4. 9-6-5(D)(15) detail in the preliminary utility plan submitted.*
- 5. 9-6-5(D)(17) detail in the preliminary utility plan submitted.*

9-6-7: PROTECTIVE COVENANTS: Protective covenants may be prepared and recorded as part of a subdivision. The city may elect to review and approve the subdivision restricting covenants prior to recording. The determination of the city, upon reviewing and approving the protective covenants, is to resolve any conflicts with existing subdivision and zoning regulations. (Ord. 205, 10-25-2006)

*Analysis:*

*The application does not appear to be in conflict.*

## DENSITY INCREASES

The City Code allows density increases under Planned Unit Development code, per GC 9-9-5(A)(2), GC 9-9-6(A)(6), and GC 9-9-8(A).

### *Analysis:*

*The applicant has not requested density increases. However, Staff has included the following under Zoning Staff Recommended Items for Inclusion in Development Agreement Discussions with the City Attorney, Developer, and City Council to contemplate 17 lots which do not meet minimum lot size for r5 zone.*

- Discussion of residential density bonus for dedications of land for public use as school, park, library, public utility, fire station or recreational facility per GC §9-9-6:A:6 for 17 lots which do not meet minimum lot size for r5 zone and with density bonus allowable per GC §9-9-4:A:2 within density formula and density limits.*

*A summary of density increase options in the zoning code follows:*

- 1. GC 9-9-5(A)(2) – In summary, up to 10% density increase upon recommendation of the P&Z justified in terms of the relationship to open area, service demand, and the total quality and character of the project.*
- 2. GC 9-9-6(A)(6) – In summary, up to 15% density increase for dedication of land for public use. The applicant has not chosen to request this increase. However, this has been added to the Zoning Staff Recommended Items for Inclusion in Development Agreement Discussions as a potential tool to facilitate discussion of community recreation needs and land to be set aside for parks and recreation to accommodate the need for public space that comes with growth, as part of consideration of request for reduction of PUD open space requirement as allowed in city code §9-9-7. [2040 Comprehensive Plan Chapter 5 – Land Use, 2040 Comprehensive Plan Chapter 10 – Recreation]*
- 3. GC 9-9-8(A) – In summary, up to 15% by Council for character, identity, architecture, and siting variation, with three criteria areas given. The applicant has not chosen to request this increase. The applicant's request for waiver of open space requirement would appear to be in conflict with consideration of this density increase provision.*

## **Staff Findings and Notes:**

1. *Staff finds the application to be in general conformance with the 2040 Comprehensive Plan and the 2020 Future Land Use Planning Map, with recommendations made for inclusion in development agreement discussions. Please see detail above.*
2. *Staff finds the application to be in general conformance with applicable city code. Please see detail above.*

## **Commission / Council Code-directed Actions and Conditions:**

### **PLANNING AND ZONING COMMISSION (P&Z)**

1. GC §2-2-5(E) DUTIES (of the P&Z)
  - E. Recommend changes to a comprehensive plan and zoning ordinance prior to annexation of an unincorporated area
2. GC §9-7-1(C): GENERAL REQUIREMENTS (General Development Standards)
  - C. Environmental Assessment: The planning and zoning commission may require an applicant to provide an environmental assessment to be submitted prior to the approval of any planned unit development, conditional use, variance, subdivision, or zoning map amendment. The planning and zoning commission shall precisely enumerate the factors or items to be considered in such a requested assessment.
3. 9-15-5: ACTION BY THE COMMISSION: Within forty five (45) working days after the public hearing, the commission shall recommend to the council either approval, conditional approval, or disapproval of an application; or, in the case of preliminary approval of a subdivision plat, make its decision to approve or not to approve such plat, with or without conditions. Upon making a recommendation, granting or denying an application, the commission shall specify in the minutes, and forward to the council, findings of fact and conclusions of law which shall include:
  - A. The ordinance and standards used in the evaluation of the application;

B. The manner in which the applicant complies or does not comply with the standards used in evaluating the application;

C. The reasons for the recommendation upon, or approval or denial of the application; and

D. The conditions, if any, upon which a recommendation or an approval was made. (Ord. 205, 10-25-2006)

4. 9-15-4: CONDUCT OF HEARINGS: The commission and/or council shall conduct all public hearings under this title as follows:

A. A sign-in roster may be kept at the entrance to the hearing room for all persons who wish to testify at the hearing on a particular application or issue.

B. The chair of the meeting shall conduct the hearing in accordance with the "Robert's Rules Of Order", newly revised, or its most recent revision.

C. A transcribable record shall be taken and maintained, including audio and written.

D. The chair shall call upon the zoning official or staff to make preliminary presentation of facts and recommendations to the commission or council, including a summary of any comments or recommendations from other agencies.

E. The chair shall then invite the applicant to make a presentation of the proposal to the commission or council.

F. Every document or tangible thing referred to by any person during testimony (including charts, maps, photographic evidence or any other evidence) shall be entered into the record of the proceeding. Such exhibits shall be maintained at the office of the city clerk during the appeal period, and if incorporated into or referenced by a condition of approval, thereafter for as long as necessary to ensure conformance.

G. After the zoning official or staff presentation and presentation by the applicant, the chair shall open the hearing for public testimony and shall invite the public to address the commission or council. If in the opinion of the chair the number of persons testifying is so large as to unduly delay the process of the hearing, the chair may limit public testimony to three (3) minutes or such other time for each member of the public.

H. All persons testifying before the commission or council shall state, for the record, their full name and address.

I. Members of the commission, council or the attorney assigned to advise the commission or council may question any person who testified at any time or may, upon approval of a majority of the members present, recall a person for further testimony.

J. Before the close of the public testimony, the chair shall ask if any person attending the hearing who did not sign the roster wishes to be heard and any such person shall be given one opportunity to testify.

K. At the close of public testimony the chair shall solicit comments from zoning official or staff for additional facts or clarifications as a result of the testimony given. After comments from zoning official or staff, the applicant or appellant shall be given an opportunity to address final comments to the commission or council.

L. After all testimony, the chair shall declare the public hearing closed and shall bring the matter back before the commission or council for discussion and action. Audience participation ceases at that time. The public hearing may be continued upon motion to a date certain which shall be announced to the public there assembled.

M. The discussion and decision may be deferred until another date certain which shall be then announced to the public there assembled.  
(Ord. 205, 10-25-2006)

## CITY COUNCIL

### 1. 9-15-7: ACTION BY THE CITY COUNCIL:

A. If a hearing before the council is required, notice shall be given to the public at least fifteen (15) calendar days prior to the hearing date, by publication, in the official newspaper of the city.

B. The council, through the zoning official, shall provide notice by regular first class U.S. mail or personal delivery to each owner of property of record, any of which is located within three hundred feet (300') of the exterior boundary of the subject property, and to all others as required by state law to be entitled to notice. Notice may be made available to all radio stations within the county for use as a public service announcement.



C. The applicant shall post notice conspicuously on the premises which is the subject of the application, not less than fifteen (15) days prior to the hearing date. The applicant shall provide photographic evidence of such notice to the zoning official.

D. When a second hearing is required under any circumstances, the applicant shall pay a second filing fee, in addition to the postage and publication fees for the second hearing.

E. If an amendment to the zoning map or a planned unit development is proposed with respect to lands in the impact area, and the action proposed would be of legislative, rather than quasi-judicial scope as those terms are understood in land use planning law, then final action must also include approval of the amendment or proposal by the board, whether by identical county ordinance or by county ordinance referring to the city ordinance, after public hearing conducted jointly with the council. Nothing in this subsection shall be read to preclude approval by both council and board where doubt exists as to the legislative or quasi-judicial character of a particular action respecting the zoning map or planned unit development. (Ord. 205, 10-25-2006)

2. GC §9-9-4(A)(3) STANDARDS (Open Space)

3. Open Space: Landscaped open space of at least twenty percent (20%) of the gross area, exclusive of required street buffers and buffers between incompatible land uses. (Landscaped open space is mandatory for all developments and minimum landscape ordinance requirements will not be counted as an amenity for the purposes of this provision.) The applicant can request a waiver of the twenty percent (20%) open space requirement from the city council but such waiver must require a minimum of ten percent (10%) of open space of the gross area exclusive of required street buffers and buffers between incompatible land uses. Such a waiver is at the sole discretion of the city council.

3. GC §9-9-5:H (Preliminary Plat)

H. Action By The Council: Within forty five (45) working days after the submission of the preliminary plat recommendations and findings by the commission, the council shall, in writing, approve, conditionally approve, or disapprove of the preliminary plat application as presented. The council may delay its decision pending submission of additional information, or approve, conditionally approve, or disapprove the preliminary plat application. All decisions must include the following written findings:

1. The ordinance and standards used in evaluating the application; and
2. The subdivision is in conformance with the principles of the Comprehensive Plan; and

3. The availability of public services to accommodate the proposed development; and
4. The public financial capability of supporting services for the proposed development; and
5. Other health, safety, and environmental problems that may be brought to the Council's attention; and
6. The reason for approval or denial; and
7. The actions, if any, that the applicant could take to gain approval of the proposal.

**Staff Recommendations (including any recommended conditions of approval):**

1. Staff recommends approval with condition that the Zoning Staff Recommended Items for Inclusion in Development Agreement Discussions with the City Attorney, Developer, and City Council given below be included in development agreement discussions.
2. Please note that while 2021 Idaho Legislature HB389 affect on the application will be fully analyzed and vetted by the Council during City Council Code Directed Actions deliberation per GC §9-9-5:H:3 and GC §9-9-5:H:4 above, staff's current assessment is as follows:
  - A) All city proprietary fund utility services have capacity and would benefit from an enlarged consumer base.
  - B) Police service to include increased demand with this development can be funded through dedicated property tax revenue. Preliminary discussion with the Police Chief indicates that Wilder PD needs to add another patrol officer to meet anticipated demand from the roughly 37% increase in residential housing which comes with the Royal Ridge development, and other growth in the City of Wilder in FY-2024. With the new officer, Wilder PD will ask the city to provide approximately \$70,000.00 in addition to the approximately \$35,000.00 annual service payment which the city pays now for law enforcement, or approximately \$105,000.00. Based on FY-2021 financials, the city's property tax is approximately \$86,000.00, a subset of the direct general fund income of \$225,900.00. Based on property tax capture of no more than 8% of new growth per HB389, property tax in FY-2024 is projected to be approximately \$108,335.23.

- C) Based on the rough analysis in section B above, dedication of property tax income from FY-2024 forward should cover the expense for law enforcement, and contribute minimally to other general fund expenses, including Parks and Recreation. *If HB389 continues unmodified, then future developments may not pay their own way for law enforcement and other general services provided by the city to the public.*
- D) Please note that FY-2021 financials show property tax is approximately 40% of direct general fund income, and approximately 9% of the city's direct total income across all funds of \$1,037,000,00 (not including expense of project reserves or the Western Alliance for Economic Development program). Please also note that non-property tax general fund revenue, such as state revenue sharing formulas and franchise fees, are distributed on a population basis – *Therefore, approximately 60% of general fund revenues can be expected to decrease in a scenario where Greenleaf does not grow when other cities do.* This is exacerbated by federal census counts, which show Greenleaf with decreasing population (2020 @ 812 pop, 2010 @ 846 pop, 2000 @ 282 pop).
- E) Affect on the city's Parks and Recreation system may require negotiated additional revenue or other mitigation in the development agreement if parks and recreation or open space areas are dedicated to the city.
- F) Impact on other political subdivisions providing general services to the public (i.e. Caldwell Rural Fire Protection District, Canyon County Paramedics, and the Greenleaf Cemetery) have not been reviewed and are outside the city's purview and jurisdiction, but may be received as part of agency review for the public hearing.
- G) It should also be noted that the city's Wastewater Treatment System Promissory Note to the State Revolving Fund includes an interest amount increase. Residential growth is needed at this time to increase the sanitary sewer customer base to avoid a base rate increase due to this coming increase in promissory note interest.

**Zoning Staff Recommended Items for Inclusion in Development Agreement Discussions with the City Attorney, Developer, and City Council (P&Z recommended items may be added):**

1. Use of varied setback requirements to vary 'same-ness' in street appearance in balance with promoting open feeling from the road (and adequate setback for off-street parking) [2040 Comprehensive Plan Rural Character of the Community design element guidelines referenced as an action item under Chapter 13 - Community Design]

2. Encouragement of the developer to make residential builders aware of city code provisions for accessory dwelling units and administrative lot splits that may be beneficial if considered in the initial design of lots to add density / infill with low impact to city infrastructure and minimal affect on visible characteristics of the neighborhood. [2040 Comprehensive Plan Rural Character of the Community design element guidelines referenced as an action item under Chapter 13 - Community Design]
3. Discussion regarding preservation of undeveloped areas for wildlife habitation – This may or may not be deemed appropriate for this development. [2040 Comprehensive Plan Rural Character of the Community design element guidelines referenced as an action item under Chapter 13 - Community Design, 2040 Comprehensive Plan Chapter 5 – Land Use, 2040 Comprehensive Plan Chapter 6 – Natural Resources]
4. Discussion of population growth demand increase on both utility services (water, sewer, roads, garbage) and services provided to the general public and funded through the general fund and property taxes, including law enforcement services (city funded through contract with the City of Wilder), fire protection (separate taxing district - Caldwell Rural Fire Protection District), emergency medical services (separate taxing district - Canyon County Paramedic District), the city park system (city funded but extremely limited at this point in time), and public library service (currently not funded and not available) in light of property tax restrictions imposed by the 2021 Idaho Legislature under HB389. [2040 Comprehensive Plan Chapter 2 – Population, 2040 Comprehensive Plan Chapter 8 – Public Facilities, Services and Utilities]
5. Discussion of fiber-optic broadband internet provision [2040 Comprehensive Plan Chapter 3 – School Facilities]
6. Discussion of community recreation needs and land to be set aside for parks and recreation to accommodate the need for public space that comes with growth, as part of consideration of request for reduction of PUD open space requirement as allowed in city code §9-9-7. [2040 Comprehensive Plan Chapter 5 – Land Use, 2040 Comprehensive Plan Chapter 10 – Recreation]
7. Discussion of amenities per GC §9-9-4:A:4:b regarding possible addition of a neighborhood park or other public open space in the commercial section of the project or other provision to fulfill code requirement that, “...A provision for addition upon or public access to a neighborhood park or other public open space is required.”
8. Discussion of residential density bonus for dedications of land for public use as school, park, library, public utility, fire station or recreational facility per GC §9-9-6:A:6 for 17 lots which do not meet minimum lot size for r5 zone and with

density bonus allowable per GC §9-9-4:A:2 within density formula and density limits.

9. Discussion and consideration of applicant's request for open space reduction and waiver per GC § 9-9-4A3 and GC §9-9-7.
10. Discussion of development impact, including consideration of existing land uses and ground water protection and availability of water. [2040 Comprehensive Plan Chapter 5 – Land Use, 2040 Comprehensive Plan Chapter 6 – Natural Resources]
11. Consideration of a designated area or areas to support carpool / vanpool / future regional mass transit [2040 Comprehensive Plan Chapter 6 – Natural Resources, 2040 Comprehensive Plan Chapter 9 – Transportation]
12. Consideration of an eastbound right turn lane at the Brown Street and Main Street (SH19) intersection, per traffic study section 4.4. [2040 Comprehensive Plan Chapter 7 – Hazardous Areas, 2040 Comprehensive Plan Chapter 9 – Transportation]
13. Discussion and consideration of COMPASS financial impact analysis (FIT) requested by zoning staff [2040 Comprehensive Plan Chapter 8 – Public Facilities, Services and Utilities]
14. GC §7-4-12(H) WATER MAIN REGULATIONS - The developer/applicant of a subdivision or planned unit development shall be required to enter into a development agreement with the City that will more closely define the roles and responsibilities of the City and the developer.
15. Consideration of the applicant's section regarding Phasing and HB389 on p. 7 of the Development Narrative.
16. Discussion and consideration of depicting commercial area on the preliminary plat as one large area to be final platted as a separate development phase to be re-divided in the future and meeting all requirements in accordance with then-applicable code, for conformance with GC §9-9-9.