



November 11, 2010

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Steve Lester  
IDWR Western Region Office  
2735 Airport Way  
Boise, ID 83705

***Subject: Request for Processing Extension - Application for Permit No. 61-12256  
for Intermountain Sewer & Water Corporation***

Dear Steve,

This letter serves as a request for additional time to respond to your letter dated March 19, 2009 regarding the above-referenced application. In addition, we would like to clarify the relationship between permit 63-32225 and application 61-12256.

Application 61-12256 and permit 63-32225 both propose diversion of ground water for municipal use within a future residential development known as Mayfield Springs Planned Community. The planned community application has been submitted to the Elmore County Planning and Zoning Commission. As indicated in the attached Elmore County Staff Report, a hearing was held October 20, 2010 and County approval is still pending. Well construction is being delayed under permit 63-32225 until the planned community application is approved.

A total of 4,232 municipal connections are proposed for the development; approximately 2,000 units can be served under permit 63-32225. Application 61-12256 is required to serve the remaining residential and commercial units proposed. Because development of permit 63-32225 has been delayed due to the Elmore County Planning and Zoning review process, application 61-12256 may also be needed to provide additional time and opportunity, if necessary, for development of municipal services proposed under permit 63-32225 that may not get completed within the permit development period.

For the reasons listed above, we request an additional six (6) months to provide the information listed in your March 19, 2010 letter. We believe that County approval of the planned community application will guide development of water rights on the Mayfield Springs site.

Thanks Steve. Please let me know if you have any questions.

Sincerely,



Lori Graves  
Water Rights Specialist

Cc: Greg Johnson

Enclosure

SPF file number: 329.0050



# Elmore County Growth and Development Department

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Mountain Home, ID 83647  
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## Staff Report to the Planning and Zoning Commission

Meeting/Hearing Date: 10/20/10

Date Report Completed: 10/18/10

Report Revision: REV-3

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WATER RESOURCES  
WESTERN REGION

Agenda Item: Mayfield Springs Planned Community Application:

- Zoning Ordinance Map Amendment
- Zoning Ordinance Text Amendment
- Comprehensive Plan Text Amendment
- Development Agreement

Case Number(s): PC-2009-01

### Owner(s):

Arbor Ridge, LLC  
P.O. Box 334  
Meridian, ID 83680

Powder River Development Company, Inc.  
660 E. Franklin Road, Suite 240  
Meridian, ID 83680

Gregory B Johnson  
Heidi M Johnson  
PO Box 334  
Meridian, ID 83680

### Applicant(s):

Arbor Ridge, LLC  
P.O. Box 334  
Meridian, ID 83680

### Representative(s):

Pecchenino & Associates, Inc.  
Mark Peccheniono  
2173 N. Ten Mile Road  
Kuna, ID 83643

**Secondary Contact(s):**

Taylor Merrill  
660 E. Franklin Road  
Suite 240  
Meridian, ID 83680

**Elmore County Staff:**

Alan Christy, Director  
Beth Westerwelle, Planner I

**Elmore County Consultants:**

Bruce Wall – Land Use Planning  
1520 Syringa Court  
Emmett, ID 83617

William Reid  
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319 SW Washington Suite 1020  
Portland, OR 97201

Lance Warnick  
Aspen Engineers  
2422 12<sup>th</sup> Ave. Road #323  
Nampa, ID 83686

**Location:**

Sections 34 and 35, Township 1 North, Range 4 East, B.M. Property is located from I-84 exit at Indian Creek Road or Simco Road, parcels are via Desert Wind Road (Old Highway 30).

**Current Zoning:**

Agriculture / Mayfield Overlay District / W.U.I. Overlay District

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**BACKGROUND:**

The Mayfield Springs planned community application includes the following components:

**(I) Zoning Ordinance Map Amendment (Re-zone)**

Powder River Development Company, Inc. requests a zoning ordinance map amendment from General Agriculture/Grazing/Forest B (Ag B) zoning district to Planned Community (PC) zoning district on approximately 761.95 acres of land. The property is located along Desert Wind Road and Indian Creek Road. The property lies within portions of Section 34 and the westerly half of Section 35, Township 1 North, Range 4 East of the Boise Meridian.

**(II) Development Agreement**

Powder River Development Company, Inc. requests a development agreement concurrent with the submitted zoning ordinance map amendment for Mayfield Springs planned community, as is required by Elmore County Zoning Ordinance.

**(III) Zoning Ordinance Text Amendment**

Powder River Development Company, Inc. requests a Zoning Ordinance text amendment to amend Elmore County Code, Title 6 to provide zoning regulations which will govern the Mayfield Springs planned community; containing permitted uses, setback requirements, landscaping requirements, frontage and access requirements, sign requirements, parking requirements, standards for energy and water conservation, grading requirements, design standards, and process for subdivision development.

**(IV) Comprehensive Plan Amendment**

Powder River Development Company, Inc. requests an amendment to the Elmore County comprehensive plan to add a comprehensive plan for the Mayfield Springs planned community. The proposed comprehensive plan a vision statement for Mayfield Springs, a list of coordinated goals and policies for the community, a conceptual land use map, a conceptual densities and intensities map, a transportation and mobility plan, and central design concepts for Mayfield Springs.

In order to recommend approval of this application, the Planning and Zoning Commission must make all required findings. An analysis of compliance with applicable required findings for this application can be found in the analysis of the required findings.

The proposed Mayfield Springs planned community encompasses 761.95 acres north of Interstate 84 in an unincorporated area of Elmore County adjacent to the Ada county line. The property is zoned Agriculture and is located within the Mayfield Overlay District and Wildfire Urban Interface Overlay District. There is a two phased residential subdivision directly north of the property. BLM ground is located directly to the east. Directly to the south of the proposal is an approved Conditional Use Permit and Preliminary Plat for a 22 lot subdivision.

The surrounding land uses include large lot residential subdivisions and open range / grazing. The property does not appear to have been irrigated in recent years. Staff is unaware of any other approved uses in the area. There are some quarry, mining &

junk yards within 2 miles of the property that were established before Elmore County had adopted a zoning ordinance.

The pre-application was received by the Growth and Development Department on April 8, 2008.

The application was received by the Growth and Development Department on August 28, 2008.

The application was deemed initially complete on September 9, 2009. A series of meetings to determine application completeness were held with the applicant's representative. The purpose of the meetings was only to determine completeness of the application.

The application was granted final acceptance on July 29, 2010.

The applicant's representative conducted the required agency workshop on August 6, 2010.

Agencies and political subdivisions were notified of the public hearing on August 8, 2010. Neighbors within one (1) mile of the project were sent notice of the public hearing on September 3, 2010. Notice of the public hearing was published in the Mountain Home News on September 22 and 29, 2010. Notice of public hearing was posted on the property on October 5, 2010.

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**LETTERS FOR THE RECORD:**

1. Letter from Elmore County Soil and Water Conservation District dated August 8, 2010.
2. Letter from Idaho Transportation Department, Division of Aeronautics dated August 5, 2010.
3. Email from Idaho Army National Guard dated August 11, 2010.
4. Fax from DEQ dated September 13, 2010.
5. List from USFWS received September 14, 2010.
6. Letter from the City of Mountain Home dated September 15, 2010.
7. Letter from the Elmore Medical Center dated September 15, 2010.
8. Letter from the Mountain Home Highway District dated September 15, 2010.
9. Letter from Idaho Department of Fish and Game dated September 16, 2010.
10. Letter from the Idaho Transportation Department Dated September 17, 2010.
11. Letter from Aspen Engineers dated September 17, 2010.
12. Letter from Idaho Department of Lands dated September 20, 2010.
13. Letter from Idaho State Fire Marshal dated September 20, 2010.
14. Letter from City of Mountain Home dated October 4, 2010.
15. Letter from Idaho Historical Society dated September 28, 2010.
16. Letter from ACHD received October 16, 2010

17. TIS standards from ACHD received October 17, 2010.

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**ATTACHMENTS:**

1. Ownership Map
  2. Proposed Planned Community Map
  3. Orthophoto Map
  4. USGS Map
  5. Adopted Elmore County Zoning Map
  6. Adopted Elmore County Future Land Use Map
  7. Photos
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**ANALYSIS OF REQUIRED FINDINGS IN SECTION 6-30-19:**

**1. The proposal complies with Elmore County Comprehensive Plan, Land Use Section, titled Planned Communities and all other applicable local, state and federal laws and regulations.**

Staff believes that the proposal does *not* comply and has potential conflicts with the Elmore County Comprehensive Plan, Land Use Section, titled Planned Communities and all other applicable local, state and federal laws and regulations.

- a. The Mayfield Springs planned community does *not* comply with the land use section, titled Planned Communities, of the Elmore County Comprehensive Plan. As detailed in comprehensive plan analysis section of this report.
- b. The Mayfield Springs planned community complies with all other applicable local laws and regulations based upon the response from the transmittal to other local agencies.
- c. The Mayfield Springs planned community complies with all other applicable state laws and regulations based upon the response from the transmittal to state agencies. However, Idaho Code 67-6537(4) states, "When considering amending, repealing or adopting a comprehensive plan, the local governing board shall consider the effect the proposed amendment, repeal or adoption of the comprehensive plan would have on the source, quantity and quality of ground water in the area." The applicant has *not* supplied sufficient information for the Commission to fully consider the effect on the source, quantity and quality of ground water in the area if the Mayfield Springs comprehensive plan is adopted.
- d. The Mayfield Springs planned community complies with all other applicable federal laws and regulations based upon the response from the transmittal to federal agencies.

**2. The proposed PC provides the necessary development tools to accommodate compatible, mixed-use, small-town or urban-type development while promoting connectivity and walkability.**

The Mayfield Springs planned community provides the necessary development tools to accommodate compatible, mixed-use, small-town or urban-type development while promoting connectivity and walkability. The Mayfield Springs development plan contains a land use plan (Sub-element F-2) that provides for a variety of land uses. In addition to residential districts the land use plan also includes mixed-use districts. The plan states, "The Mixed-Use Town Center (MUTC) District is the heart of the Community. The MUTC will offer on-site amenities and community services such as residential, commercial, retail, civic, educational, recreational, and 'live/work/play' opportunities. It will provide community-gathering places such as the 'town center park' in addition to fostering economic and social sustainability." The Mayfield Springs planned community development plan includes an open space, parks, and trail plan (Sub-element F-6) that states, "Trails, pathways and linear connection designs are used to provide walking, bicycling and other non-motorized opportunities to link the various neighborhoods within the Community."

**3. The proposed PC provides reasonable on-site commercial and community facilities and employment opportunities for its residents commensurate with its size.**

The proposed PC provides reasonable on-site commercial and community facilities and employment opportunities for its residents commensurate with its size. The Mayfield Springs planned community application contains an economic analysis (Sub-element E-1) that states, "The anticipated retail space to be constructed within the Project will include a mix of large format retailers, in line shops, small retailers, restaurants, and other services. The Project's retail space has the potential to generate approximately \$47.9 million in annual retail sales. Based on our professional judgment, it is anticipated that approximately 85% of annual retail sales will be generated by Project residents, and the remaining 15% of annual sales will be generated by non-residents of the Project given its distance from the Boise Primary Trade Area and the City of Mountain Home. Residents will rely on local retail options for most day-to-day shopping needs yielding a relatively high capture for these households." The economic analysis also states that 446 jobs will be available in the retail and non-retail commercial uses within these mixed-use districts.

**4. The PCCP addresses all required components and establishes design concepts for all aspects of the development.**

The Mayfield Springs planned community comprehensive plan addresses all required components and establishes design concepts for all aspects of the development. The Mayfield Springs planned community comprehensive plan consists of: 1) A vision statement for the PC that is consistent with the Planned Community Goals and Policies contained in the Land Use Chapter, Planned Community Development Section of the Elmore County Comprehensive Plan. 2) A list of coordinated goals, and policies consistent with the Planned Community Goals and Policies contained in the Land Use Chapter, Planned Community Development Section of the Elmore County Comprehensive Plan implementing the vision statement and addressing: private property rights; population; school facilities and transportation; economic development;

land use; natural resources; hazardous areas; public/private services, facilities and utilities; transportation; recreation; special areas or sites; housing; community design; commercial/industrial development; air quality; water quality and irrigation systems. 3) A conceptual land use map showing the proposed general land use patterns within the PC boundary with; a land use matrix indicating neighborhoods and the minimum and maximum percentage of densities proposed by each residential land use district; the location of the town centers equal to or greater than 3.5% of the gross acreage of the PC; the circulation system proposed within the PC boundary indicating proposed arterials and collectors, including connectivity systems and opportunities to surrounding properties and public lands; and showing trails, paths, and open space proposed. 4) A conceptual densities and intensities map, modeled after the conceptual land use map, showing; the proposed general densities and intensities within the PC boundary by neighborhood and district; the circulation systems within the PC boundary indicating proposed arterials and collectors, including connectivity systems and opportunities to surrounding properties and public lands; and trails and paths. 5) A transportation and mobility plan demonstrating internal and external community connectivity with illustrations depicting the cross-sections for all proposed streets, trails and paths including the size and design proposed for each section. The plan also includes a key map indicating where each proposed arterial and collector street, trail and path by section type would be used and a narrative addressing alternative transportation options for the PC, including options and/or alternatives to reduce external vehicle trips. 6) Narrative with illustrative or pictorial examples of proposed central design concepts for residential, commercial and institutional development in sufficient detail to guide land use development and integrate the proposed mixture of land uses.

**5. The PCDP complies with the zoning ordinance text amendment and follows the guidance of the PCCP.**

The Mayfield Springs Planned Community Development Plan complies with the zoning ordinance text amendment. Upon review of the development plan and the submitted zoning ordinance no instance was found that would indicate that the development plan is not in compliance with the zoning ordinance text amendment. The Mayfield Springs Planned Community Development Plan does not entirely follow the guidance of the Mayfield Springs Planned Community Comprehensive Plan. The Mayfield Springs planned community comprehensive plan consists of: 1) A vision statement that reads, "To offer unique living and lifestyle opportunities to residents where the living environment, open space, recreational opportunities, architectural styles, and integrated technology appeal to a diverse range of residents. And to provide residents a variety of housing opportunities with both active and passive recreational opportunities within the natural features of the site and in harmony with the Community." Upon review of the development plan and the Vision Statement for Mayfield Springs no instance was found that would indicate that the development plan does not follow the guidance of the Mayfield Springs Planned Community Comprehensive Plan. 2) A list of goals, and policies implementing the vision statement and addressing: private property rights; population; school facilities and transportation; economic development; land use; natural resources; hazardous areas; public/private services, facilities and utilities; transportation; recreation; special areas or sites; housing; community design;

commercial / industrial development; air quality; water quality and irrigation systems. Upon review of the development plan and the goals and policies for Mayfield Springs it was determined that the development plan follows the goals and policies of the planned community comprehensive plan with the exception of Policy 11.0.2 that reads, "Provide trail and pathway systems that link open space, parks, neighborhoods, and adjacent public lands." The Mayfield Springs planned community development plan includes an open space, parks, and trails plan (Sub-element F-6) that indicates that all proposed trails are contained within the community and that the community has not identified any immediate opportunities to connect to the existing public lands. The development plan does *not* follow the guidance of the Mayfield Springs Planned Community Comprehensive Plan that states that a trail and pathway system should be provided that links to adjacent public lands. 3) A conceptual land use map. Upon review of the development plan and the conceptual land use map for Mayfield Springs it was determined that the development plan follows the conceptual land use map of the planned community comprehensive plan. 4) A conceptual densities and intensities map. Upon review of the development plan and the conceptual densities and intensities map for Mayfield Springs it was determined that the development plan follows the conceptual densities and intensities map of the planned community comprehensive plan. 5) A transportation and mobility plan. Upon review of the development plan and the transportation and mobility plan for Mayfield Springs it was determined that the development plan follows the transportation and mobility plan of the planned community comprehensive plan. 6) Narrative with illustrative or pictorial examples of proposed central design concepts. Upon review of the development plan and the central design concepts for Mayfield Springs it was determined that the development plan follows the central design concepts of the planned community comprehensive plan.

**6. The PCDP provides for a variety of housing types and designs, including single family attached and detached, and multi-family.**

The Mayfield Springs Planned Community Development Plan provides for a variety of housing types and designs, including single family attached and detached, and multi-family. The Mayfield Springs development plan contains a land use plan (Sub-element F-2) that provides for attached, detached, zero lot, duplexes and multiple-family dwellings.

**7. The wildlife mitigation plan adequately avoids, reduces or mitigates negative effects on natural wildlife habitat.**

~~The wildlife mitigation plan does *not* adequately avoid, reduce or mitigate negative effects on natural wildlife habitat.~~ The Mayfield Springs planned community development plan contains a wildlife mitigation plan (Sub-element F-7) that indicates what actions are necessary to adequately avoid, reduce, and mitigate negative effects on natural wildlife habitat. Specifically, the plan requires a 0.25% home sales transfer fee to fund a conservation and education program. The plan also includes provisions for adaptive management strategies and alternative management actions which requires continued monitoring of the impacts of the development and the necessary corrective action. However, The Mayfield Springs wildlife mitigation plan has been reviewed by

the Idaho Department of Fish and Game. They have responded with a letter, dated September 16, 2010, that states: "As written, the WMP lacks the adequate amount and type of information needed to make a critical assessment of potential impacts. Yet conclusions regarding the impacts of the MSPC are found throughout the WMP and are generally unsupported by the information provided. Additionally, the modest mitigation measures proposed in the WMP do not produce convincing evidence that impacts to fish, wildlife, and their habitats would be adequately mitigated."

**8. The financial plan provided by the applicant demonstrated that essential public services will be provided, created and financed by the PC or other agency or jurisdiction.**

The financial plan provided by the applicant *does not* fully demonstrated that essential public services will be provided, created and financed by the PC or other agency or jurisdiction. The Mayfield Springs development plan includes a community services and utility plan (Sub-element F-5) for sewer, water, storm drainage, telephone service, fire protection, police services, emergency medical services, library services, schools, pedestrian walkways, bicycle paths, open space, parks, recreation lands, and paved streets. The Mayfield Springs development plan together with conditions of approval number 11, 12, 13, 14, 15, 22, 24, 27, 39, 30, 31, 33, and 35 will ensure that public services will be provided or enhanced prior to approval of the initial final plat within Mayfield Springs. However, the financial plan does *not* demonstrate how all of these services will be provided, created and financed. The Planning and Zoning Commission should refer to comments from Johnson-Reid for additional information on the financial plan.

**9. The PCDP and economic analysis have demonstrated that upon build out, the PC contribute to the area's jobs-to-housing balance and place higher density housing near commercial centers.**

The Mayfield Springs planned community development plan has demonstrated that upon build out, the PC places higher density housing near commercial centers. The Mayfield Springs development plan contains a land use plan (Sub-element F-2) that provides for a mixed-use town center district (a commercial center) with residential densities from 10 to 25 dwelling units per acre. The Mayfield Springs planned community economic analysis has demonstrated that upon build out, the PC contributes to the area's jobs-to-housing balance. The Mayfield Springs economic analysis (Sub-element E-1) anticipates that the Mayfield Springs planned community will have 230 retail jobs and 216 non-retail jobs.

**10. The proposed PC complies with overlay districts specified in this Chapter.**

The Mayfield Springs planned community complies with overlay districts specified in Title 6, Chapter 30 of the Elmore County Code, concerning planned communities. Upon review of the planned community chapter of the Elmore County Zoning and Development Ordinance, staff has determined that the proposed development is within the Wildfire Urban Interface Overlay District and the Mayfield Community Overlay

District. The Mayfield Overlay District is address in section 6-8-20 of the Elmore County Zoning and Development Ordinance and states, "This overlay does not apply to Planned Communities."

**11. The PC has adequate facilities and programs to promote the use of alternative transportation.**

As conditioned in condition of approval number 34, the Mayfield Springs planned community has adequate facilities and programs to promote the use of alternative transportation. The Mayfield Springs comprehensive plan includes a transportation and mobility plan (Sub-element B-5) that states, "The Community has been designed to reduce automobile dependence by encouraging alternative means of transportation such as walking and bicycling. The commercial activities, community services, and neighborhoods are in close proximity and linked with pedestrian and bicycle routes to promote healthy living and less dependence on automobiles." The plan also requires the development of an alternate transportation coordinator liaison that will in part provide residents with on site, alternative transportation opportunities and coordination and the development of "Commuter ride" opportunities and coordination. Furthermore, condition of approval number 34 requires that prior to the approval of the initial final plat; Mayfield Springs must provide a more specific alternative transportation plan and obtain plan approval from the Elmore County Growth and Development Department. The plan must include the schedule and funding of a paid alternative transportation coordinator/firm, the schedule and funding of the "additional strategies to reduce vehicle trips" outlined in Sub-element B-5 of the Mayfield Springs planning community comprehensive plan, and other alternative transportation strategies that will reduce dependence on automobiles.

**12. The PCDP has adequately demonstrated that the PC will be served by a central wastewater collection and treatment facility and a community water system.**

The Mayfield Springs planned community development plan has *not* adequately demonstrated that the PC will be served by a central wastewater collection and treatment facility and a community water system. The Mayfield Springs development plan includes a community services and utility plan (Sub-element F-5) that indicates that Intermountain Sewer and Water Corporation will provide wastewater and potable water service in the community. However, the Mayfield Springs planned community application does *not* provide any assurances from Intermountain Sewer and Water Corporation that they are able to provide these services to the community. Furthermore, the community services and utility plan (Sub-element F-5) does *not* provide a financing plan that adequately includes initial construction costs, funding sources, ongoing maintenance costs, operational costs, or projected profits and losses for these services. Additionally, the Mayfield Springs planned community application does *not* provide any assurances from Idaho Department of Environmental Quality, Idaho Department of Water Resources, Idaho Public Utility Commission, or Central District Health that these services can be provided.

**13. The PC has provided open space and developed parks that meet or exceed the minimum requirements and are adequate to serve the anticipated population. The proposed natural open space is adequate to preserve views, special sites, important natural features, riparian areas, wetland areas, wildlife habitat and rare plants. Phased non-residential uses and recreational opportunities will keep pace with housing; and**

As conditioned in condition of approval number 11 and 12, the Mayfield Springs planned community provides open space and developed parks that meet or exceed the minimum requirements and are adequate to serve the anticipated population. Additionally, the Mayfield Springs planned community development plan includes an open space, parks, and trails plan (Sub-element F-6) that provides for approximately 76.5 acres of natural open space preserved in a conservation easement. This exceeds the required 10% of the total gross area of the Mayfield Springs planned community. The open space, parks, and trails plan also provides over 116.8 acres of developed parks, which equates to greater than 10 acres of developed parks per 1,000 residents. Furthermore, condition of approval number 11 requires that upon approval of each final plat within Mayfield Springs, the planned community must have a minimum of 1 acre of developed parks per 40 dwelling units in addition to any common areas not used for recreation. Condition of approval number 12 requires that upon approval of each final plat within Mayfield Springs, the a permanent deed restriction must be placed on the natural open space area within the submitted final plat, or the natural open space area must be placed into a conservation easement to ensure that the natural open space as depicted in Sub Element F-6 of the Mayfield Springs planned community application is permanently reserved.

However, the proposed natural open space is *not* adequate to preserve views, special sites, important natural features, riparian areas, wetland areas, wildlife habitat and rare plants. According to the submitted wildlife mitigation plan (Element G), the Mayfield Springs planned community falls in the critical winter range habitat for mule deer as identifies by IDFG. Although the Mayfield Springs planned community will preserve approximately 10% of the community as natural open space, the Mayfield Springs zoning ordinance (Element D) allows this open space to be used for gravel pits, golf courses, swimming pools, public buildings, waste water treatment facilities, and other similar uses. Furthermore, the cultural inventory (Element G) states, "The historic US-30 is eligible for inclusion on the NRHP. The unrecorded segment in the project area is a contributing segment. US-30 is one of the original 1926 highway routes to be established in the United States, and was previously determined to be eligible to be listed on the NRHP." "That portion of the highway within the project area retains the characteristics that make that segment as significant/eligible as the rest. In other words, the old highway hasn't changed enough, and the landscape around it hasn't changed enough to radically alter the site." The proposed natural open space is *not* adequate to preserve this special site. In addition, staff has conducted a meeting with Mountain Home Highway District to obtain more information regarding the maintenance and history of this section of road. The MHHD stated that this section of road has been overlaid, cut and widened numerous times. MHHD stated that during some of the

testing the road was originally only 20' wide. Recent improvements to this section of road include a crack seal that done in 2009 and a chick seal that was applied in 2010.

Phased non-residential uses and recreational opportunities will keep pace with housing. The Mayfield Springs planned community development plan includes a phasing plan (Sub-element F-8) that demonstrates how recreational opportunities and non-residential uses will keep pace with housing.

**14. The PC provides path and trail linkages between parks, schools, neighborhoods and commercial centers. The PC provides connectivity with nearby public trails and public lands where appropriate.**

The Mayfield Springs planned community provides path and trail linkages between parks, schools, neighborhoods and commercial centers. The Mayfield Springs planned community comprehensive plan includes a transportation and mobility plan (Element B-5) that contains a trails and paths conceptual plan. The trails and paths conceptual plan demonstrates that the path and trail network within the planned community will provide path and trail linkages between parks, schools, neighborhoods and commercial centers. As conditioned in condition of approval number 36, the Mayfield Springs planned community provides connectivity with nearby public trails and public lands where appropriate. Furthermore, the trails and paths conceptual plan shows connections to adjacent public lands.

**15. The phasing plan for development within the PC ensures the integrity of the PC is maintained at the end of each phase.**

The Planning and Zoning Commission should refer to comments from Johnson-Reid to determine if the phasing plan for development within the PC ensures that the integrity of the PC is maintained at the end of each phase.

**16. The proposed PC Planned Community provides adequate mitigation for all identified tax and/or fee revenue shortfalls and negative impacts to existing service providers.**

As conditioned in condition of approval 7, 8, 9, 13, 28, 30, and 32; the proposed PC Planned Community provides adequate mitigation for all identified tax and/or fee revenue shortfalls and negative impacts to existing service providers. However, the Mayfield Springs planned community application does *not* adequately identify tax and/or fee revenue shortfalls and negative impacts to existing service providers. The Planning and Zoning Commission should refer to comments from Johnson-Reid for additional information on mitigation to existing service providers.

#### **ANALYSIS OF REQUIRED FINDINGS IN SECTION 6-30-15:**

**1. Findings to approve a zoning ordinance map amendment: a. The proposed map amendment complies with the regulations outlined for this Chapter. b. The proposed map amendment shall not be materially detrimental to the public health,**

**safety and welfare. c. The development agreement meets the requirements of this Chapter.**

The proposed map amendment complies with the regulations outlined in Elmore County Code, Title 6, Chapter 30, concerning Planned Communities. The proposed map amendment application was accompanied by all of the information that is required for a map amendment to the Planned Community district. The proposed map amendment will not be materially detrimental to the public health, safety and welfare. Public notices were sent to all agencies, political subdivisions and to all property owners within 1 mile of the proposed zone change. As of Monday, October 18, 2010 no comments were received that would indicate that the map amendment will be materially detrimental to the public health, safety or welfare. The development meets the requirements of Elmore County Code, Title 6, Chapter 30, concerning Planned Communities. The proposed development agreement was accompanied by all of the information that is required for a map amendment to the Planned Community district.

**2. Findings to approve zoning ordinance text amendment: a. The proposed text amendment complies with the regulations outlined in this Chapter. b. The proposed text amendment shall is not be materially detrimental to the public health, safety and welfare. c. The proposed Zoning Ordinance text amendment does not conflict with the PCCP.**

The proposed zoning ordinance text amendment complies with the regulations outlined in Elmore County Code, Title 6, Chapter 30, concerning planned communities. The proposed zoning ordinance text amendment application was accompanied by all of the information that is required for a text amendment regulating land within a Planned Community district. The proposed zoning ordinance text amendment will not be materially detrimental to the public health, safety and welfare. Public notices were sent to all agencies, political subdivisions and to all property owners within 1 mile of the property proposed to be regulated with the text amendment. As of October 18, 2010 no comments were received that would indicate that the text amendment will be materially detrimental to the public health, safety or welfare.

The proposed Zoning Ordinance text amendment submitted by the applicant **does** conflict with the Mayfield Springs planned community comprehensive plan in part. The Mayfield Springs planned community comprehensive states as Policy 6.0.1, "Encourage the protection of natural resources by promoting ongoing management of open space resources, where appropriate, through adequate wildlife mitigation, habitat improvement and noxious weed abatement plans." The proposed Zoning Ordinance text amendment submitted by the applicant provides a Natural Open Space district with allowed uses and uses that require administrative approval that are in conflict with the policy of protection of natural resources. Staff is recommending the adoption of a revised ordinance, based upon the proposed ordinance submitted by the applicant that eliminates this conflict.

**ANALYSIS OF OTHER REQUIREMENTS IN SECTION 6-30-14:**

**A. All uses within the PC shall be served with a central wastewater collection and treatment facility utilizing an MBR or SBR System, and a community water System.**

All uses within the Mayfield Springs planned community will ultimately be served by a central wastewater collection and treatment facility utilizing an MBR or SBR system. The Mayfield Springs development plan includes a community services and utility plan (Sub-element F-5) that proposes a temporary lagoon treatment system for the wastewater. Condition of approval number 24 requires that prior to the approval of the initial final plat; the Mayfield Springs must submit evidence demonstrating that the appropriate regulatory authorities have approved a wastewater management plan that provides for the acceptance of wastewater from the entire Mayfield Springs planned community and that the wastewater management plan must include a treatment facility utilizing an MBR or SBR system. All uses within the Mayfield Springs planned community will be served by a community water system. The Mayfield Springs development plan includes a community services and utility plan (Sub-element F-5) that provides for a municipal type potable water system. Furthermore, condition of approval number 22 requires that prior to the approval of the initial final plat, Mayfield Springs must submit evidence demonstrating that the entire Mayfield Springs planned community is within Intermountain Water and Sewer Corporation's approved potable water service area with a guaranteed adequate water source for both quantity and quality.

**B. All roads within the PC shall be paved; all roadway sections shall include sidewalks as well as bike lanes/paths. Variations to roadway sections may be allowed with Director approval.**

All roads within the Mayfield Springs planned community will be paved. The Mayfield Springs comprehensive plan includes a transportation and mobility plan (Sub-element B-5) that includes roadway sections for the roads within the planned community. Each of these roadway sections require pavement for the roads. As conditioned in condition of approval number 47, all roadway sections will include sidewalks. Bike lanes/paths are also required unless the roadway is in close proximity to parallel bike lanes/paths.

**C. All utilities shall be installed underground including but not limited to telephone, cable and electrical systems. Exceptions to this requirement may be granted for aboveground water storage reservoirs or other similar uses with Director Approval.**

As conditioned in condition of approval number 48, all utilities serving the Mayfield Springs planned community will be installed underground unless otherwise allowed by the Director.

**D. Dedicated open space, developed parks and trails shall be either held in a conservation easement with public access easements, managed and maintained by a professional company or dedicated to the public and retained as common open space for public safety, parks, recreation, and related public uses in**

**compliance with this Chapter. Dedication to the public shall require Board approval with specific development timelines for parks and trails. In any event, the developer shall be responsible for the development or funding and maintenance of all required developed parks, open space and trail systems as required by this Chapter. Agreements may be considered by the Board to assign management and/or maintenance to a public municipality.**

Natural open space within the Mayfield Springs planned community will be held in a conservation easement with public access easements, managed and maintained by a professional company. The Mayfield Springs planned community application contains an open space, parks, and trails plan (Sub-element F-6) that states, "Approximately 76.5 acres will be preserved as Natural Open Space maintained in a conservation easement." The development plan also includes a wildlife mitigation plan (Sub-element F-7) that describes the entities that will be involved in the maintenance of the natural open space. Furthermore, condition of approval number 12 requires natural open space within the Mayfield Springs planned community will be held in a conservation easement. As conditioned in condition of approval number 11, developed parks and trails within the Mayfield Springs planned community will be either held in a conservation easement with public access easements, managed and maintained by a professional company or dedicated to the public and retained as common open space for parks, recreation, and related public uses. The developers of Mayfield Springs planned community will be responsible for the development or funding and maintenance of all required parks and trail systems within the planned community.

#### **ANALYSIS OF COMPREHENSIVE PLAN OBJECTIVES:**

1. The Mayfield Springs planned community will provide adequate sites for growth through quality surroundings that include clean air and water, and where public services will be provided or enhanced. The Mayfield Springs development plan includes a community services and utility plan (Sub-element F-5) for sewer, water, storm drainage, telephone service, fire protection, police services, emergency medical services, library services, schools, pedestrian walkways, bicycle paths, open space, parks, recreation lands, and paved streets. The Mayfield Springs development plan together with conditions of approval number 11, 12, 13, 14, 15, 22, 24, 27, 39, 30, 31, 33, and 35 will ensure that public services will be provided or enhanced prior to approval of the initial final plat within Mayfield Springs. Additionally, conditions of approval number 3 and 4 will ensure that the Mayfield Springs planned community will maintain the areas air quality. Conditions of approval number 1 and 25 will ensure that the Mayfield Springs planned community will maintain the areas water quality.

2. The Mayfield Springs planned community will support development which will provide diversity and improve the economy of Elmore County in ways that are compatible with community values and the Mayfield Springs planned community will encourage economic expansion and population growth thereby increasing economic diversity for continued enhancement of our quality of life to meet citizen needs. The Mayfield Springs development plan contains a land use plan (Sub-element F-2) that provides for a variety of housing options. In addition to residential districts the land use plan also includes mixed-use districts which provide opportunities for residential, office,

institutional, civic, light industrial and commercial uses. The Mayfield Springs planned community application contains an economic analysis (Sub-element E-1) that states that 446 jobs will be available in the retail and non-retail commercial uses within these mixed-use districts.

3. The Mayfield Springs planned community will guide future growth through Planned Communities and enhance the quality and character of the County while providing and improving the amenities and services available to Elmore County Residents. The Mayfield Springs development plan includes a community services and utility plan (Sub-element F-5) that details how services will be provided and improved to the community. The development plan also includes an open space, parks, and trails plan (Sub-element F-6) that details how parks and recreational facilities will be provided to the community.

4. The Mayfield Springs planned community will increase density through planned development near existing communities while preserving agricultural lands without adversely impacting existing populated areas. The Mayfield Springs planned community development plan allows for a gross density of approximately 5.5 dwelling units per acre. The community will be located 15 miles from Boise and 20 miles from Mountain Home. The development plan contains a natural features analysis (Sub-element F-1) that states that there are no prime agricultural lands within the community. The development plan also contains a land use plan (Sub-element F-2) that provides for larger lot development and open space adjacent to much of the existed developments.

5. The Mayfield Springs planned community encourages planned growth and development in areas that are environmentally compatible with nearby surroundings and will protect the quality of life. The Mayfield Springs planned community application contains a wildlife mitigation plan (Sub-element F-7 and Element G) and an open space, parks, and trails plan (Sub-element F-6) that describes mitigation measures for wildlife and describes how open space will be managed. However, the Mayfield Springs planned community will **not** be preserving critical areas as perpetual open space. According to the submitted wildlife mitigation plan (Element G), the Mayfield Springs planned community falls in the critical winter range habitat for mule deer as identifies by IDFG. The Mayfield Springs planned community development plan states that Mayfield Springs will preserve approximately 10% of the community as natural open space. However, the Mayfield Springs zoning ordinance (Element D) allows this open space to be used for gravel pits, golf courses, swimming pools, public buildings, waste water treatment facilities, and other similar uses. Therefore, the critical areas required for mule deer winter range habitat will **not** preserved as perpetual open space.

6. The Mayfield Springs planned community will provide for the protection and maintenance of Elmore County's quality lifestyle by enhancing existing school facilities and by promoting and developing new school services and facilities where needed to encourage compatible growth and development within Planned Communities. The Mayfield Springs planned community development plan includes a community services and utility plan (Sub-element F-5) that states that it is anticipated that the Mountain Home School District will need to bus school children outside of the Mayfield Springs planned community during the early stages of development. To compensate the school district for these potential cost the developer will donate a 5-acre site for a future school within the Mayfield Springs planned community. The developer will also construct a park

adjacent to the school site for the joint use of the school and the community. The applicant has also stated in the submitted fiscal impact study (Element E-3) that additional sites will be made available to the school district at market price. Furthermore, condition of approval 29 requires that a Memorandum of Understanding be executed with Mountain Home School District donating to the school district a 5-acre site for a future school within the Mayfield Springs planned community. The condition of approval also requires the construction of a park adjacent to the school site for the joint use of the school and the community and the reservation of a site acceptable to Mountain Home School District for an additional elementary school within the Mayfield Springs planned community.

7. School sites within the Mayfield Springs planned community have been selected to avoid site-limiting features and other hazards and nuisances detrimental to the safety of children and to the general operation of the school. Mayfield Springs planned community development plan includes a natural features analysis (Sub-element F-1) that identifies a petroleum pipeline and a high voltage power transmission line as potential hazards. The plan states that these facilities have been considered in the overall development plan of the Mayfield Springs planned community.

8. The Mayfield Springs planned community provides for adequate pedestrian and bicycle access for school children. The Mayfield Springs planned community comprehensive plan includes a transportation and mobility plan (Sub-element B-5) that contains a trails and paths conceptual plan. The trails and paths conceptual plan demonstrates that the path and trail network within the planned community will serve the two proposed school sites.

9. The Mayfield Springs planned community encourages broad-based economic development programs that include; Residential Development, Commercial Development, and Industrial Development. The Mayfield Springs planned community development plan includes a land use and design plan (Sub-element F-2) that details the anticipated land uses within the community. These land uses include a variety of residential, commercial, and some limited industrial development. The Mayfield Springs planned community is consistent with Elmore County's goal to continue to encourage Tourism Expansion and Development, and Military Expansion and Development.

10. The Mayfield Springs planned community helps accomplish the County's objective to encourage planned development in lieu of tax-funded development so that County residents are not burdened with providing services and facilities for new growth. Conditions of approval number 28, 30, and 31 require a Memorandum of Understanding with Elmore Medical Center, Mountain Home School District, and Elmore County Sheriff's Department that the Mayfield Springs planned community will not cause fiscal shortfalls or diminishment of existing service level for these agencies. Condition of approval number 13 requires that the development provide or fund road improvements.

11. The Mayfield Springs planned community allows Elmore County to achieve their objective to continue good coordination, cooperation, at the regional and state levels, and support among economic development entities within Elmore County.

12. The Mayfield Springs planned community encourages Planned Community development into areas where soils are of least value for agriculture or not adequate to sustain individual septic systems where centralized sewage systems can be established and maintained. The Mayfield Springs planned community application contains a soils

and resources analysis that states that the property contains no prime farmland as per the classification of soils by the Natural Resources Conservation Service. The Mayfield Springs planned community development plan includes a community services and utility plan (Sub-element F-5) that explains how a centralized sewage system will be established and maintained.

13. The Mayfield Springs planned community protects, develops, and maintains the quality and quantity of our water by incorporating innovative water conservation and water quality protection measures into all construction and design elements, landscaping strategies, water features, and drainage elements, and by encouraging the use of natural landscaping in order to conserve water. The Mayfield Springs planned community development plan includes a community services and utility plan (Sub-element F-5) that states that the effluent water being discharged from the MBR wastewater treatment plant will be used to irrigate open space and parks. The Mayfield Springs planned community development plan also includes a storm water management plan (Sub-element F-9) that states that the Mayfield Springs Planned Community will prohibit septic systems within the Community boundary and will provide all residents with a community wastewater system capable of producing quality-reclaimed water for reuse within the Community. Condition of approval number 25 requires the receipt of a draft wastewater reuse permit before approval of the initial final plat. The Mayfield Springs planned community zoning ordinance (Section 6-36-8) requires that landscape improvements be designed with water efficiency as a goal and that landscapes must use drought tolerant or low water consumption design principles to facilitate water conservation whenever possible. It also requires that low-water turf selections be incorporated to minimize the use of bluegrass whenever possible; and automatic sprinkler systems are provided that enable zoning of plant materials according to their microclimatic needs and water requirements; and that re-circulating water systems be used for decorative water features.

14. Although planned Communities are encouraged to work with the Idaho Department of Water Resources to study, seek approval and construct necessary water development projects in the Boise River drainage system in order to transfer water into arid portions of Elmore County; there is *not* any evidence in the application to indicate that the applicant has worked with the Idaho Department of Water Resources on this issue.

15. The Mayfield Springs planned community has demonstrated a willingness to work with local, State and Federal land agency officials to provide open access to public lands. The Mayfield Springs planned community development plan includes an open space, parks, and trails plan (Sub-element F-6) that indicates that the developer and Community will work with BLM to provide connectivity opportunities should they arise in the future for non-motorized trails.

16. The Mayfield Springs planned community improves rangeland resources and wildlife habitat within their community and surrounding area through the development of conservation easements and through the creation of renewable funding sources such as a self-imposed property transfer tax. The Mayfield Springs planned community development plan includes a wildlife mitigation plan (Sub-element F-7) that states that restoration of the site will take place to enhance habitat in all natural open areas; including reestablishing native vegetation in all natural open areas within the Mayfield

Springs Planned Community development, reducing or limiting re-establishment of invasive and noxious weed species in upland areas by reestablishing native plant species, and working and coordinating with BLM and other adjacent land owners to extend the Mayfield Springs Planned Community's conservation and restoration programs beyond the project's boundary to create buffers, and to potentially assist in landscape-wide restoration projects. The plan indicates that a funding source for improving rangeland resources and wildlife habitat will come from a .25% home sale transfer fee. As required in condition of approval number 35, the natural open space within the community must be placed in a conservation easement. Furthermore, condition of approval number 21 requires a transfer fee and condition of approval 37 requires the Mayfield Springs planned community to be developed and managed in a consistent manner as outlined in the adopted Wildlife Mitigation Plan.

17. The Mayfield Springs planned community provides management practices that will increase natural feed production for wildlife. The Mayfield Springs planned community development plan includes a wildlife mitigation plan (Sub-element F-7) that states that restoration of the site will take place to enhance habitat in all natural open areas.

18. The Mayfield Springs planned community will work with public and private land managers to encourage range fire rehabilitation practices, which include grasses and shrubs to enhance the forage base of the County's rangeland while preparing, adopting and implementing a Wildfire Management Plan for the PC. As required in condition of approval number 5, The Mayfield Springs planned community will develop a fire protection plan in cooperation with adjacent property managers. This plan will include re-vegetation programs after wildfire or range fires occur within the Planned Community.

19. The Mayfield Springs planned community protects the natural resources of the County and promotes ongoing proper management of fish and wildlife resources through adequate wildlife mitigation, habitat improvement and noxious weed abatement plans. The Mayfield Springs planned community development plan includes a wildlife mitigation plan (Sub-element F-7) that includes wildlife mitigation, habitat improvement and a plan for noxious weed abatement.

20. The Mayfield Springs planned community encourages and promotes the proper management of fish and wildlife resources through adoption and implementation of a Wildlife Management Plan, which includes community involvement and education. The Mayfield Springs planned community development plan contains a wildlife mitigation plan (Sub-element F-7) which requires community education and encourages involvement from the residents of the community.

21. The Mayfield Springs planned community promotes and encourages types of economic development, which have little or no impact on the environment to ensure a clean environment and air. The Mayfield Springs planned community development plan includes a natural features analysis (Sub-element F-1) that states, "There will be no industrial or commercial activities allowed or envisioned within the Community that would produce airborne emissions that will affect Air Quality."

22. The Mayfield Springs planned community, as conditioned in condition of approval number 12 and 35, promotes the preservation of natural scenic areas for the use and benefit of both present and future generations and preserves scenic areas and natural areas of significant value by placing such areas into conservation easements, into

perpetuity and by prohibiting hilltop and ridge top development. Furthermore, the Mayfield Springs planned community development plan includes an open space, parks, and trail plan (Sub-element F-6) that states, "Approximately 76.5 acres will be [sic] preserved as Natural Open Space maintained in a conservation easement." The Mayfield Springs planned community comprehensive plan includes design guidelines (Sub-element B-6) that states, "The placement and orientation of structures is an important consideration. Proper placement can maintain scenic views within the Community and neighborhoods." It also states that hilltop and ridge top development should be avoided.

23. The Mayfield Springs planned community is designed to ensure the safety of residents and the protection of property. The Mayfield Springs planned community development plan includes a natural features analysis (Sub-element F-1) that states, "There are no perennial streams on the site that could create a potential for flooding." "A small portion of the project occurs on slopes 15 to 30 percent. These steeper slopes are present along the sides of drainage ways and have been designated as open space on the master plan for the site." "One buried petroleum pipeline runs diagonally through the site. A high voltage power transmission line is present along the south border. The requirements for construction and installation of these facilities are such that humans and structures are safe within a reasonable proximity. These facilities have been considered in the overall site plan and easements provided." "No other conditions were encountered on the site that would constitute a hazardous area." Furthermore, condition of approval number 27, 31, 33, and 5 requires the provision of public safety services, fire protection services, and a fire protection plan.

24. The Mayfield Springs planned community is not located near airports, military bases and/or military training areas. The Mayfield Springs planned community is not located in or near high velocity wind and storm prone areas. The Mayfield Springs planned community is located in and/or near power line corridors, electrical substations, flood plains, unstable soil areas and steep slopes. The Mayfield Springs planned community development plan includes a natural features analysis (Sub-element F-1) that states, "There are no perennial streams on the site that could create a potential for flooding." "A small portion of the project occurs on slopes 15 to 30 percent. These steeper slopes are present along the sides of drainage ways and have been designated as open space on the master plan for the site." "One buried petroleum pipeline runs diagonally through the site. A high voltage power transmission line is present along the south border. The requirements for construction and installation of these facilities are such that humans and structures are safe within a reasonable proximity. These facilities have been considered in the overall site plan and easements provided."

25. The Mayfield Springs planned community is not located near solid waste disposal areas.

26. The Mayfield Springs planned community incorporates advanced communication and internet technology throughout the community. The Mayfield Springs planned community development plan includes a community services and utility plan (Sub-element F-5) that states, "Solution Pro, Inc will provide Telephone, Cable television and Internet service via fiber optics, which will be extended into the site from an existing line adjacent to Interstate 84. Residents will have the ability to work from home utilizing high-speed and secure connections to the work place. With fiber optic cable extended to

each lot, the Community will be prepared to keep up with the world's ever advancing technology."

27. The Mayfield Springs planned community supports the expansion of communication infrastructure to accommodate growth. The Mayfield Springs planned community development plan includes a community services and utility plan (Sub-element F-5) that states, "Solution Pro, Inc will provide Telephone, Cable television and Internet service via fiber optics, which will be extended into the site from an existing line adjacent to Interstate 84. Residents will have the ability to work from home utilizing high-speed and secure connections to the work place. With fiber optic cable extended to each lot, the Community will be prepared to keep up with the world's ever advancing technology."

28. The Mayfield Springs planned community is located adjacent to existing developments. The Mayfield Springs planned community includes a traffic impact analysis (Element G) that recognizes that the transportation system and roadway surfaces from the existing developments (specifically Indian Creek Road and Desert Wind Road) should be improved and extended to the Planned Community to provide for connectivity. As required in condition of approval number 13, The Mayfield Springs planned community will provide the roadway improvements needed as determined by Idaho Transportation Department and the affected highway districts.

29. The Mayfield Springs planned community develops bicycle and pedestrian paths as needed. The Mayfield Springs planned community development plan includes an open space, parks, and trail plan (Sub-element F-6) that states, "Trails, pathways and linear connection designs are used to provide walking, bicycling and other non-motorized opportunities to link the various neighborhoods within the Community."

30. The Mayfield Springs planned community does not detract from Elmore County's goal of pursuing development of an industrial capacity railroad siding in the Simco Road District.

31. The Mayfield Springs planned community promotes the development of adequate recreational facilities and the concept of multiple use management on all public lands, streams and rivers within the community and on adjacent lands. The Mayfield Springs planned community development plan includes an open space, parks, and trail plan (Sub-element F-6) that provides for natural open space, developed parks, and recreational trails. The plan also indicates that several recreational facilities will be provided throughout the community. The Mayfield Springs planned community application includes a wildlife mitigation plan (Element G); the plan states, "The developer in coordination with the MSPC Conservation Director, Elmore County, BLM, and representatives from various private recreation groups will assess new and existing recreation uses to analyze and ensure compatibility with wildlife and public access. Recreation types that are not compatible with wildlife objectives of the area will be restricted, including trail closures during wintering months of big game. Currently, all motorized recreation will be restricted within the project area except for maintenance, emergency, or fire vehicles. A community recreation plan will be developed prior to full build out. In addition, the developer will construct and maintain trailheads and trail systems within the private lands and coordinate with the county and BLM on programs for accessing and maintaining adjacent trails on public lands. The developer/MSPC Conservation Director will be required to maintain an ongoing relationship with the BLM

and other pertinent agencies and groups in an effort to create and monitor a regional long-term recreational plan, with compatible uses on private and public lands in the area." Furthermore, condition of approval number 36 requires Mayfield Springs to provide and obtain plan approval from Elmore County Growth and Development a regional recreation plan that promotes the development of adequate recreational facilities and the concept of multiple use management on all public lands, within the community and on adjacent lands. The regional recreation plan must include connectivity with nearby public trails.

32. The Mayfield Springs planned community will, as required in condition of approval number 36, work with the Idaho Department of Transportation and the appropriate highway districts to improve signage to all recreational areas within the community and on adjacent lands.

33. The Mayfield Springs planned community is not located in the vicinity of the Idaho Centennial Trail. The Mayfield Springs planned community does not detract from the County supporting the State's recognition of the Idaho Centennial Trail.

34. The Mayfield Springs planned community does not detract from the creation of Planned Communities that facilitate recreation and tourism development and community development, in the Communities of Atlanta, Pine, Featherville, Fall Creek and Prairie.

35. The Mayfield Springs planned community minimizes habitat impacts by clustering development where possible on lands that contain important feeding grounds for wildlife to provide for better open space management and to minimize habitat loss. The Mayfield Springs planned community development plan contains a wildlife mitigation plan (Element G) that states that the Mayfield Springs planned community will be developed with a clustered residential population. The Mayfield Springs development plan contains a land use plan (Sub-element F-4) that demonstrates that open space and developed parks will comprise over 22% of the area in the development.

36. The Mayfield Springs planned community has identified special areas such as historic, architectural, archeological, ecological and scenic sites. The Mayfield Springs planned community development plan contains a cultural inventory (Element G) that states, "The historic US-30 is eligible for inclusion on the NRHP. The unrecorded segment in the project area is a contributing segment. US 30 is one of the original 1926 highway routes to be established in the United States, and was previously determined to be eligible to be listed on the NRHP." "That portion of the highway within the project area retains the characteristics that make that segment as significant/eligible as the rest. In other words, the old highway hasn't changed enough, and the landscape around it hasn't changed enough to radically alter the site." However, the Mayfield Springs planned community application includes a traffic impact analysis (Element G) that states, "Desert Wind Road (Old Highway 30) should be widened to provide four travel lanes (e.g. two travel lanes in each direction) between the major traffic circle (in the Ada County project) and the eastern boundary of the Elmore County project site. A center turn lane will be required for Desert Wind Road at all the major site access intersections." The evidence in the Mayfield Springs planned community application indicates that although the Mayfield Springs planned community has identified special areas they do *not* carefully consider and monitor the use of these special areas; such as historic, architectural, archeological, ecological and scenic sites.

37. The Mayfield Springs planned community promotes a variety of housing options in an effort to provide affordable housing throughout the development to meet the needs of all socio-economic backgrounds, such as the elderly, disabled and low, middle, upper income groups. The Mayfield Springs planned community comprehensive plan (Sub-element B-2) includes the following policies concerning housing: 1) Strive to provide housing typologies, including but not limited to, single-family, townhouse, condominium, triplex, apartment, and lofts within the Community. 2) Include a mix of single-family and multi-family housing in the traditional neighborhoods. 3) Strive to provide affordable, well designed, and energy efficient homes, built within the natural features of the site and in harmony with the region. 4) Strive to provide housing options with superior architectural detailing and integrated technology that will appeal to a wide variety of socio-economic groups.

38. The Mayfield Springs planned community provides for a variety of housing types and developments to meet market demand. The Mayfield Springs planned community comprehensive plan includes a conceptual densities and intensities map (Sub-element B-4) that provides residential development flexibility for the Community over the course of development. The Intensity and Density Map provides the Community an opportunity to modify uses (increase or decrease proposed land uses areas or districts) it allows the planned community to have maximum flexibility and opportunity to react quickly to market conditions and Community needs.

39. The Mayfield Springs planned community seeks to minimize the conflicts between new housing developments and existing agricultural operations through careful planning. The Mayfield Springs planned community comprehensive plan contains a conceptual land use map (Sub-element B-3) that provides for open space and developed parks adjacent to the agricultural land to the south.

40. The Mayfield Springs planned community encourages residential clustering to conserve land and the County's agricultural and rural heritage. The Mayfield Springs planned community development plan contains a wildlife mitigation plan (Element G) that states that the Mayfield Springs planned community will be developed with a clustered residential population.

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## **STAFF COMMENT AND ADDITIONAL ANALYSIS**

### **LAND USE ANALYSIS**

The proposed Mayfield Springs comprehensive plan and development plan allows for a 4,232 dwelling units at build out, which is estimated to take 25 years. These residential units will consist of a variety of single-family dwellings, both attached and detached, and multi-family dwellings within three residential land use districts. The development plan also allows for approximately 370,260 sq. ft. of commercial, office, and other non-residential uses.

The Mixed-Use District (MU) provides opportunities for residential, office, institutional, civic, light industrial, and commercial uses. This district provides opportunities for mixed-use development along highways and major arterials within the community. This

district offers flexibility in the planning of uses and design of buildings, encouraging both vertical and the horizontal mixing of uses.

The Mixed-Use Town Center District (MUTC) provides opportunities for residential, commercial, retail, civic, educational, and recreational uses. Flexibility also extends to the planning and design of buildings as it encourages both vertical and horizontal mixing of uses. This district may also include single-family attached dwellings such as townhouses and condominiums and loft units.

Institutional District (IST): This district will allow general institutional uses primarily schools, but other uses such as wastewater treatment facilities, potable water facilities, water storage sites and other service related uses and activities would be allowed.

Developed Open Space/Park District (DO): This district will provide active and passive recreational uses and developed parks within the Community.

The Open Space District (OS) is scattered throughout the Community. This district provides unimproved open space and habitat for wildlife.

The following table has a breakdown of land uses:

Land Use by Acres	Acres	Dwelling Units per Acre	Approximate Number of Dwelling Units	Type of Dwellings Allowed
Residential				
Low (R-LD)	218	1 to 8	1226	single family detached single family attached duplexes
Medium (R-MD)	266.4	4 to 12	1921	single-family detached single-family attached duplexes townhouses multi-family dwellings
High (R-HD)	42	10 to 25	1085	single-family detached single-family attached duplexes townhouses multi-family dwellings
Town Center Mixed Use (TCMU)	34.5			loft dwellings townhouses multi-family dwellings
Mixed-Use (MU)	21			loft dwellings townhouses multi-family dwellings
Institutional (IST)	10			
Open Space (OS)	76.5			
Developed Open Space, Parks (DO)	93.5			
Total	761.9		4232	

## TRANSPORTATION ANALYSIS

The planned community required findings in Section 6-30-19 (A8) states, "The financial plan provided by the applicant demonstrated that essential public services will be provided, created and financed by the PC or other agency or jurisdiction." and Section 6-30-19 (A16), states, " The proposed Planned Community provides adequate mitigation for all identified tax and/or fee revenue shortfalls and negative impacts to existing service providers." Based on the evidence submitted, the Mayfield Springs planned community does **not** comply with these requirements.

The applicant has submitted a traffic impact study indicating that significant roadway improvements need to be made off-site to accommodate traffic generated by the Mayfield Springs planned community. The applicant has **not** submitted any information that indicates how and when those off-site roadway improvements will be financed or constructed. A comment letter from Idaho Transportation Department (ITD), dated September, 17, 2010 states:

"ITD has no projects in the current Statewide Transportation Improvement Program or in the foreseeable long term horizon for capacity improvements in this area." The comment letter also expresses concerns about a number of inconsistencies and inaccuracies contained in the traffic impact study submitted by the applicant. ITD recommended that the application be continued to a later date to allow the applicant to work with Mountain Home Highway District, Ada County Highway District, and Idaho Transportation Department to develop a traffic impact study that addresses the concerns of all the agencies. The letter then states, "Once this is completed, we would be able to provide better recommendations for conditions of approval that would preserve mobility and provide for determination of fair share of impacts that compliment the applicant's goal of a successful development

Condition of approval number 8 requires that prior to the issuance of the initial grading permit the owner executes a Transportation Development Agreement with the Idaho Transportation Department that identifies and commits the owner to a funding mechanism that will provide the required improvements that have been negotiated based on the applicant's traffic studies.

The Mountain Home Highway District has also provided comments on the Mayfield Springs planned community application. They state that each preliminary plat submittal will require a traffic impact study. The actual traffic distribution will be reviewed by the highway district with each phase of development. This will allow the highway district to evaluate additional mitigation measures that are necessary if site traffic distribution is not as currently estimated. Condition of approval number 7 requires that prior to the issuance of the initial grading permit the owner executes a Development Agreement with the Mountain Home Highway District and that all road cross sections and right-of-way widths within the Mayfield Springs planned community must conform to Mountain Home Highway District Standards.

The Ada County Highway District (ACHD) met with county staff and ITD on August 25, 2010 to discuss Mayfield Springs. In that meeting they expressed concerns that the submitted traffic impact study is out dated and does not provide enough information to determine what improvements would need to be constructed to serve the site with each phase of the project. They requested a phasing analysis to assist in determining appropriate mitigation for the traffic impacts with each phase of the planned community and that the traffic study should also include a cumulative impacts analysis. They stated that this type of analysis is required by both ACHD and ITD policies and is beneficial for both the applicant and all affected transportation agencies. Particularly, these types of analyses can be used to determine proportionate share of necessary improvements attributable to each development. They also stated that the traffic study assumes a trip capture rate of 54%, which is extremely high, and was not calculated using an established methodology. They explained that the Institute of Transportation Engineers (ITE) Trip Generation Handbook provides a method to calculate the amount of trip capture within a multi-use development, such as a planned community. ACHD and ITD suggest that the trip capture calculation be revised using the ITE methods to allow the rates to be verified.

Condition of approval number 9 requires that prior to the issuance of the initial grading permit the owner executes a Development Agreement with the Ada County Highway District.

Condition of approval number 13 requires that prior to the approval of each final plat within Mayfield Springs the owner must provide or fund road improvements in accordance with Idaho Transportation Department, Mountain Home Highway District, and Ada County Highway District requirements as specified in a development agreement with the respective agencies.

## **WILDLIFE MITIGATION ANALYSIS**

The planned community required findings in Section 6-30-19 (A7) states, "The wildlife mitigation plan adequately avoids, reduces or mitigates negative effects on natural wildlife habitat." Based on the evidence submitted, the Mayfield Springs planned community does **not** comply with this requirement.

The Mayfield Springs wildlife mitigation plan has been reviewed by the Idaho Department of Fish and Game. They have responded with a letter, dated September 16, 2010, that states:

"The report should objectively report the current condition of the project area, including use by wildlife, the potential impacts to those resources both locally and regionally as a result of the MSPC, and methods used to avoid, minimize, and mitigate impacts. Potential impacts should be clearly stated with efforts to avoid, minimize, and mitigate tied to those impacts."

"As written, the WMP lacks the adequate amount and type of information needed to make a critical assessment of potential impacts. Yet conclusions regarding the impacts of the MSPC are found throughout the WMP and are generally

unsupported by the information provided. Additionally, the modest mitigation measures proposed in the WMP do not produce convincing evidence that impacts to fish, wildlife, and their habitats would be adequately mitigated.”

Furthermore, the Mayfield Springs planned community will *not* be preserving critical areas within Mayfield Springs as perpetual open space. According to the submitted wildlife mitigation plan (Element G), the Mayfield Springs planned community falls in the critical winter range habitat for mule deer as identifies by IDFG. The Mayfield Springs planned community development plan states that Mayfield Springs will preserve approximately 10% of the community as natural open space. However, the Mayfield Springs zoning ordinance (Element D) allows this open space to be used for gravel pits, golf courses, swimming pools, public buildings, waste water treatment facilities, and other similar uses. Therefore, the critical areas required for mule deer winter range habitat will *not* preserved as perpetual open space, should the uses submitted by the applicant in the Mayfield Springs zoning ordinance be approved.

### **ZONING ORDINANCE TEXT AMENDMENT ANALYSIS**

The planned community required findings in Section 6-30-15 (C2) states, “The proposed Zoning Ordinance text amendment does not conflict with the Planned Community Comprehensive Plan (PCCP).” Based on the evidence submitted, the Mayfield Springs planned community does not comply with this requirement. The proposed Zoning Ordinance text amendment submitted by the applicant *does conflict* with the Mayfield Springs planned community comprehensive plan in part. The Mayfield Springs planned community comprehensive states as Policy 6.0.1, “Encourage the protection of natural resources by promoting ongoing management of open space resources, where appropriate, through adequate wildlife mitigation, habitat improvement and noxious weed abatement plans.” The proposed Zoning Ordinance text amendment submitted by the applicant provides a Natural Open Space district with allowed uses and uses that require administrative approval that are in conflict with the policy of protection of natural resources. Staff is recommending the adoption of a revised zoning ordinance text amendment, based upon the proposed zoning ordinance submitted by the applicant that eliminates this conflict.

Furthermore, the proposed zoning ordinance text amendment submitted by the applicant contains a number of items that are *not* in the best interest of Elmore County to adopt or that make the administration of the proposed ordinance difficult for the Growth and Development Department. Staff is recommending the adoption of a revised zoning ordinance text amendment that that is more acceptable to the county.

### **ADDITIONAL ANALYSIS**

With Planned Community Development Objective number 14 of the Elmore County comprehensive plan, planned communities are encouraged to work with the Idaho Department of Water Resources to study, seek approval and construct necessary water development projects in the Boise River drainage system in order to transfer water into arid portions of Elmore County. Idaho Department of Water Resources has evaluated

the possibility of diverting water from the Boise River drainage system to Indian Creek, which is in close proximity to Mayfield Springs. There is **not** any evidence in the application to indicate that the applicant has worked with the Idaho Department of Water Resources on this issue.

With Planned Community Development Objective number 36 of the Elmore County comprehensive plan, planned communities are required to identify special areas and carefully consider and monitor the use of the identified special areas. The Mayfield Springs planned community has identified special areas such as historic, architectural, archeological, ecological and scenic sites. The Mayfield Springs planned community development plan contains a cultural inventory (Element G) that states, "The historic US-30 is eligible for inclusion on the NRHP. The unrecorded segment in the project area is a contributing segment. US 30 is one of the original 1926 highway routes to be established in the United States, and was previously determined to be eligible to be listed on the NRHP." "That portion of the highway within the project area retains the characteristics that make that segment as significant/eligible as the rest. In other words, the old highway hasn't changed enough, and the landscape around it hasn't changed enough to radically alter the site." However, the Mayfield Springs planned community application includes a traffic impact analysis (Element G) that states, "Desert Wind Road (Old Highway 30) should be widened to provide four travel lanes (e.g. two travel lanes in each direction) between the major traffic circle (in the Ada County project) and the eastern boundary of the Elmore County project site. A center turn lane will be required for Desert Wind Road at all the major site access intersections." The evidence in the Mayfield Springs planned community application indicates that although the Mayfield Springs planned community has identified special areas, the development plan does **not** carefully consider and monitor the use of these special areas; such as historic, architectural, archeological, ecological and scenic sites.

Furthermore, the planned community required findings in Section 6-30-19 (A13) requires that the natural open space be adequate to preserve special sites. The proposed natural open space is **not** adequate to preserve this special site.

Mayfield Springs planned community comprehensive plan Policy 11.0.2 states, "Provide trail and pathway systems that link open space, parks, neighborhoods, and adjacent public lands." The Mayfield Springs planned community development plan includes an open space, parks, and trails plan (Sub-element F-6) that indicates that all proposed trails are contained within the community and that the community has not identified any immediate opportunities to connect to the existing public lands. The development plan does **not** follow the guidance of the Mayfield Springs Planned Community Comprehensive Plan that states that a trail and pathway system should be provided that links to adjacent public lands.

The planned community required findings in Section 6-30-19 (A12) states, "The PCDP (Planned Community Development Plan) has adequately demonstrated that the PC will be served by a central wastewater collection and treatment facility and a community water system." Based on the evidence submitted, the Mayfield Springs planned community does **not** comply with this requirement. The Mayfield Springs planned

community development plan has **not** adequately demonstrated that the PC will be served by a central wastewater collection and treatment facility and a community water system. The Mayfield Springs development plan includes a community services and utility plan (Sub-element F-5) that indicates that Intermountain Sewer and Water Corporation will provide wastewater and potable water service in the community. However, the Mayfield Springs planned community application does **not** provide any assurances from Intermountain Sewer and Water Corporation that they are able to provide these services to the community. Furthermore, the community services and utility plan (Sub-element F-5) does **not** provide a financing plan that adequately includes initial construction costs, funding sources, ongoing maintenance costs, operational costs, or projected profits and losses for these services. Additionally, the Mayfield Springs planned community application does **not** provide any assurances from Idaho Department of Environmental Quality, Idaho Department of Water Resources, Idaho Public Utility Commission, or Central District Health that these services can be provided.

Idaho Code 67-6537(4) states, "When considering amending, repealing or adopting a comprehensive plan, the local governing board shall consider the effect the proposed amendment, repeal or adoption of the comprehensive plan would have on the source, quantity and quality of ground water in the area." The applicant has **not** supplied sufficient information for the Board to fully consider the effect on the source, quantity and quality of ground water in the area if the Mayfield Springs comprehensive plan is adopted.

## **SUMMARY OF ANALYSIS**

A thorough review of the Mayfield Springs planned community application has been completed to determine if the accepted application and support material satisfies the required findings in Elmore County Code 6-30-15 and 6-30-19, requirements for planned communities in Elmore County Code 6-30-14, and the objectives for planned community development in the Elmore County comprehensive plan. It has been determined that although the application material satisfies many of the required findings, there remain several areas where evidence lacks in the application to make positive findings. The outstanding issues include:

- 1) An inadequate traffic impact study to determine roadway impacts to the surrounding area,
- 2) An inadequate wildlife mitigation plan to determine impacts to wildlife habitat on the site and in the area,
- 3) A proposed zoning ordinance text amendment that is unacceptable to county staff,
- 4) Failure to comply with the comprehensive plan and ordinance requirements concerning water resources use and treatment,
- 5) The use of identified special sites,
- 6) Failure of the proposed development plan to fully follow the guidance of the proposed comprehensive plan,

- 7) Failure to adequately demonstrate that essential public services can be provided, and
- 8) Inadequate information to evaluate the effect of the proposal on ground water.

These issues are discussed further in the analysis of the required findings section of this report.

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### **RECOMMENDATION**

It is recommended that the Planning and Zoning Commission continue to gather information from the public, impacted agencies and from the applicant so that a well reasoned decision can be arrived at on a future date. The applicant should be given an ample amount of time to correct these deficiencies; agencies should be given a sufficient amount of time to review any additional information and comment on that information; and the public should be given an opportunity to evaluate the proposal as revised with new information.

Proposed conditions of approval are attached to this report. Some of these suggested conditions partially address these concerns and other issues with the proposed planned community application. However, these conditions should only be utilized once the Commission has determined that the applicant has met all of the ordinance requirements and has demonstrated that it is appropriate to change the zoning on these 761.95 acres to allow 4232 residential dwellings and other uses.

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### **PROPOSED CONDITIONS OF APPROVAL**

1. Prior to the issuance of a grading permit for each phase of construction, the owner shall obtain approval from the county engineer of a drainage plan that demonstrates that runoff created or affected by development will be controlled on-site or integrated into a watershed plan in a manner to maintain natural runoff rates, reduce erosion, and reduce flood hazards.
2. Prior to the issuance of a grading permit for each phase of construction, the owner shall obtain approval from the county engineer for the public drinking water system including the location of fire hydrants and fire flow requirements.
3. Prior to the issuance of the initial grading permit, the owner shall develop a dust prevention and control plan, which incorporates appropriate best management practices (BMP) to control fugitive dust that may be generated at the site.
4. Prior to the issuance of the initial grading permit, the owner shall demonstrate compliance with the Rules for the Control of Air Pollution in Idaho as put forth by Idaho Department of Environmental Quality.

- 5.** Prior to the issuance of the initial grading permit, the owner shall provide a fire protection plan for Mayfield Springs in compliance with Title 6, Chapter 12 of the Elmore County Code and obtain plan approval from The Elmore County Growth and Development Department. The plan shall include a fire protection plan map showing the roadway, turnouts, turnarounds, terminus, and lots; required signage for turnouts, turnarounds and fire lane parking; required number and placement of turnouts based on development density and roadway width; and required road width or required interconnected system of roadways and fire accesses. The plan shall be created in cooperation with adjacent property managers and shall include re-vegetation programs after wildfire or range fires occur within the Planned Community. The applicable fire district and/or the State Fire Marshall must review the fire protection plan.
- 6.** Prior to the issuance of the initial grading permit, the owner shall provide a commitment letter from Southwest Idaho Resource Conservation and Development Council (RC&D) and Ada Soil and Water Conservation District (ASWCD) that commits RC&D and ASWCD to the provisions specified in the approved Wildlife Mitigation Plan (Sub-element F-7 of the Mayfield Springs Development Plan). The commitment letter shall be submitted to and approved by the Elmore County Growth and Development Department.
- 7.** Prior to the issuance of the initial grading permit, the owner shall execute a Development Agreement with the Mountain Home Highway District. All road cross sections and Right of Way widths within the Mayfield Springs planned community shall conform to Mountain Home Highway District Standards.
- 8.** Prior to the issuance of the initial grading permit, the owner shall execute a Transportation Development Agreement with the Idaho Transportation Department that identifies and commits the owner to a funding mechanism that will provide required improvements.
- 9.** Prior to the issuance of the initial grading permit, the owner shall execute a Development Agreement with the Ada County Highway District that identifies and commits the owner to a funding mechanism that will provide required improvements.
- 10.** Prior to the approval of each final plat within Mayfield Springs, the owner shall provide a digital version of the final plat in the format specified by the Elmore County Growth and Development Department.
- 11.** Prior to the approval of each final plat within Mayfield Springs, the owner shall develop pathways, trails, trailheads, parks, and recreation areas in accordance with the open space, parks, and trails plan as depicted in Sub-Element F-6 of the Mayfield Springs planned community application and the phasing plan as depicted in Sub-Element F-8 of the planned community application; and ensure that all open space and trails are accessible to the public and created by easements, plat notes or other recorded instruments. Upon approval of each final plat within Mayfield Springs, the planned community shall have a minimum of 1 acre of developed parks per 40 dwelling units in addition to any common areas not used for recreation.

**12.** Prior to the approval of each final plat within Mayfield Springs, the owner shall place a permanent deed restriction on the natural open space area within the submitted final plat, or place the natural open space area into a conservation easement to ensure that the natural open space as depicted in Sub Element F-6 of the Mayfield Springs planned community application is permanently reserved. The conservation easement shall be created under the provisions of Idaho Code Title 55, Chapter 21. The conservation easement shall grant to Elmore County a third-party right of enforcement.

**13.** Prior to the approval of each final plat within Mayfield Springs, the owner shall provide or fund road improvements in accordance with the Idaho Transportation Department, the Mountain Home Highway District, and the Ada County Highway District requirements as specified in a development agreement with the respective agencies.

**14.** Prior to the approval of each final plat within Mayfield Springs, the owner shall submit a financing plan(s) to ensure construction funding and long-term operation and maintenance of the wastewater treatment facilities. The plan(s) at minimum shall include the following for the current phase of the planned community and shall be reviewed and approved by the Elmore County Growth and Development Department:

- a. Construction costs;
- b. Cash sources, including connection fees, owner contribution, and borrowing;
- c. Cash uses, including facility expansion, land application, debt retirement, and interest;
- d. Total required funding;
- e. Funding sources, including previous and new equity and debt;
- f. Operations and maintenance cost assumptions;
- g. Capital renewal and replacement cost assumptions (capital reserve account);
- h. Operations revenue assumptions including user fees;
- i. Estimated annual revenues and costs.

**15.** Prior to the approval of each final plat within Mayfield Springs, the owner shall demonstrate that there are sufficient funds within a dedicated reserve account for operation & maintenance costs and for capital renewal & replacement costs associated with the current phase of the wastewater treatment facilities, as specified in the financing plan.

**16.** Prior to the approval of each final plat within Mayfield Springs, the owner shall demonstrate that the ownership and management structure of the wastewater treatment facilities will be disclosed to buyers by placing the following statement on the face of the final plat and including this statement in the approved and recorded Covenants, Conditions and Restrictions (CC&Rs): "This subdivision is serviced by a private wastewater treatment facility or sewer district; private sewer companies and sewer districts are not regulated by the Idaho Public Utilities Commission. Any fees including user fees and maintenance fees are subject to fluctuation."

**17.** Prior to the approval of the initial final plat, the owner shall ensure that a reference is added to the beginning of Sub-Element F-7 of the Development Plan

(wildlife mitigation plan). The reference shall state: The Mayfield Springs Wildlife Mitigation Plan prepared by Environmental Conservation Services Inc., dated July 18, 2008, is incorporated herein by reference as if fully stated herein.

**18.** Prior to the approval of the initial final plat, the Master Covenants, Conditions, and Restrictions (CC&Rs) relating to the Mayfield Springs Wildlife Mitigation Plan must be reviewed and approved by the Elmore County Growth and Development Department.

**19.** Prior to the approval of the initial final plat, the Mayfield Springs Planned Community Wildlife Mitigation Plan prepared by Environmental Conservation Services Inc., dated July 18, 2008, shall be attached to the approved and recorded CC&Rs.

**20.** Prior to the approval of the initial final plat, a conservation advisory committee shall be established, as specified in the Mayfield Springs Planned Community Wildlife Mitigation Plan prepared by Environmental Conservation Services Inc., dated July 18, 2008. The committee shall meet at least two times per year to review the progress of the Wildlife Habitat Mitigation Plan. The first meeting shall be held within six months after approval of the initial final plat. The committee shall be comprised of at a minimum the following members:

- a. One (1) Elmore County representative, as appointed by Elmore County.
- b. The Conservation Director;
- c. One (1) Idaho Department of Fish and Game representative, as appointed by IDFG, if desired;
- d. One (1) Bureau of Land Management representative, as appointed by BLM, if desired;
- e. One (1) National Resource Conservation Service representative, as appointed by NRCS, if desired;
- f. One (1) Ada Soil and Water Conservation District representative, as appointed by ASWCD, if desired;
- g. One (1) Homeowners Association (HOA) or Property Owners Association (POA) representative;
- h. The Developer; and
- i. The Conservation Easement Manager.

**21.** Prior to the approval of the initial final plat, the owner shall demonstrate that a funding source for improving rangeland resources and wildlife habitat has been created. The funding shall come from a 0.25% home sale transfer fee on new residential units and the resale of residential units.

**22.** ~~Prior to the approval of the initial final plat, the owner shall submit evidence demonstrating that the entire Mayfield Springs planned community is within Intermountain Water and Sewer Corporation's approved potable water service area with a guaranteed adequate water source for both quantity and quality.~~

**23.** Prior to the approval of the initial final plat, the owner shall conduct a vulnerability assessment (VA) for the community water system to evaluate weaknesses to potential threats, identify steps that can reduce the risk of serious consequences from attack or acts of vandalism, and prepare an emergency response plan incorporating the results of the VA.

**24.** Prior to the approval of the initial final plat, the owner shall submit evidence demonstrating that the appropriate regulatory authorities have approved a wastewater management plan that provides for the acceptance of wastewater from the entire Mayfield Springs planned community. The wastewater management plan shall include a treatment facility utilizing an MBR or SBR system.

**25.** Prior to the approval of the initial final plat, the owner shall submit evidence demonstrating that they have received a draft wastewater reuse permit; additionally, a draft National Pollutant Discharge Elimination System (NPDES) permit, if wastewater treatment plan effluent will reach state waters; and a final subsurface treatment and disposal system (SSDS) permit, if effluent from the wastewater treatment plant will be discharged to ground water through a subsurface disposal system.

**26.** Prior to the approval of the initial final plat, a Memorandum of Understanding shall be executed between the owner and Elmore Medical Center containing a plan to provide and maintain an appropriate healthcare presence and appropriate services for residents of Mayfield Springs planned community.

**27.** Prior to the approval of the initial final plat, a Memorandum of Understanding shall be executed between the owner and Elmore Medical Center implementing a phase-in plan that will meet Emergency Medical Services needs for the residents of Mayfield Springs planned community both at the beginning of the project as well as in the future.

**28.** Prior to the approval of the initial final plat, a Memorandum of Understanding shall be executed between the owner and Elmore Medical Center to ensure that the Mayfield Springs planned community does not cause fiscal shortfalls or diminishment of existing service level for Elmore Medical Center.

**29.** Prior to the approval of the initial final plat, a Memorandum of Understanding shall be executed between the owner and Mountain Home School District donating to the school district a 5-acre site for a future school within the Mayfield Springs planned community to compensate the school district for the potential cost needed to bus school children outside of the Mayfield Springs planned community during the early stages of development, as is stated in the Mayfield Springs development plan. The owner shall also construct a park adjacent to the school site for the joint use of the school and the community, as is stated in the Mayfield Springs development plan. The owner shall also reserve a site acceptable to Mountain Home School District for an additional elementary school within the Mayfield Springs planned community. The market price shall reflect the limited use of the site for a school.

**30.** Prior to the approval of the initial final plat, a Memorandum of Understanding shall be executed between the owner and Mountain Home School District to ensure that the Mayfield Springs planned community does not cause fiscal shortfalls or diminishment of existing service level for Mountain Home School.

**31.** Prior to the approval of the initial final plat, a Memorandum of Understanding shall be executed between the owner and Elmore County Sheriff's Department implementing a phase-in plan that will provide public safety services at an urban service level for the residents of Mayfield Springs planned community.

**32.** Prior to the approval of the initial final plat, a Memorandum of Understanding shall be executed between the owner and Elmore County Sheriff's Department to ensure that the Mayfield Springs planned community does not cause fiscal shortfalls or diminishment of existing service level for Elmore County Sheriff's Department.

**33.** Prior to the issuance of the initial final plat, the owner shall provide a fire protection services phase-in plan and a medical first response phase-in plan that will provide fire protection services and medical first response services at an urban service level for the residents of Mayfield Springs planned community; and obtain plan approval from The Elmore County Growth and Development Department. The applicable fire district and/or the State Fire Marshall must review the fire protection services phase-in plan and a medical first response phase-in plan.

**34.** Prior to the approval of the initial final plat, the owner shall provide a more specific alternative transportation plan and obtain plan approval from the Elmore County Growth and Development Department. The plan shall include the schedule and funding of a paid alternative transportation coordinator/firm, the schedule and funding of the "additional strategies to reduce vehicle trips" outlined in Sub-element B-5 in the Mayfield Springs planning community comprehensive plan, and other alternative transportation strategies that will reduce dependence on automobiles.

**35.** Prior to the approval of the initial final plat in each phase of development, as shown in Sub-Element F-8 (phasing plan) of the Mayfield Springs planned community development plan, the owner shall place a minimum of 11% of the identified natural open space area into a conservation easement. The conservation easement shall be created under the provisions of Idaho Code Title 55, Chapter 21. The conservation easement shall grant to Elmore County a third-party right of enforcement.

**36.** Prior to the approval of the initial final plat in development phase 7, as shown in Mayfield Springs development plan, the owner shall provide and obtain plan approval from Elmore County Growth and Development a regional recreation plan that promotes the development of adequate recreational facilities and the concept of multiple use management on all public lands, within the community and on adjacent lands. The regional recreation plan shall include connectivity with nearby public trails. The regional recreation plan shall also include a plan to work with the Idaho Department of Transportation and the appropriate highway districts to improve signage to all recreational areas within the community and on adjacent lands.

**37.** The Mayfield Springs planned community shall be developed and managed in a consistent manner as outlined in the adopted Wildlife Mitigation Plan.

**38.** The wastewater treatment facility, reuse facility and collection system must be managed by a private sewer company, or a sewer district as set forth in Idaho Code section 42 - 3202.

**39.** The owner shall request a "Periodic Evaluation" every (2) two years after the recordation of the first final plat in the Mayfield Springs planned community, as required by Elmore County Ordinance. The "Periodic Evaluation" request shall be submitted on the appropriate application form and with the appropriate application fee at the time of submittal.

**40.** For each two (2) year "Periodic Evaluation" of the Mayfield Springs planned community the Mayfield Springs Conservation Director shall prepare, or shall contract with a qualified expert to prepare a report on the status and performance of the wildlife mitigation plan implementation and any necessary adaptive management strategies.

**41.** A qualified archaeologist must monitor initial ground disturbing activities throughout the entire project area. If archaeological remains are discovered at any time during excavation or construction activities, all work must halt and the archaeological remains protected from disturbance until the Idaho State Historical Preservation Office evaluates them.

**42.** Final approval of the Mayfield Springs planned community zoning map amendment shall be contingent upon the owner providing Elmore County an approved and executed development agreement.

**43.** Upon approval of each preliminary plat in the Mayfield Springs planned community the owner shall provide a digital version of the preliminary plat in a format as specified by the Elmore County Growth and Development Department.

**44.** Based on the location of the Mayfield Springs planned community and likelihood of nuisance wildlife issues, it is required that the following non-depredation language be incorporated into a homebuyer's disclosure statement and signed by all residents of the Mayfield Springs planned community. "This area has been identified as wildlife habitat. Damage to landscaping from wildlife shall be the responsibility of each individual lot owner and shall not be the responsibility of the State of Idaho or Elmore County. Neither Elmore County nor the State of Idaho will be liable for wildlife depredation."

**45.** Based on the location of the Mayfield Springs planned community and potential that residents in the Mayfield Springs planned community may be affected by noise, vibration, light, and dust from the Idaho Army National Guard Orchard Training Area, it is required that the following language be incorporated into a homebuyer's disclosure statement and signed by all residents of the Mayfield Springs planned community. "Buyer is advised that the property may be located near a military installation that conducts flight operations, munitions testing, or military operations that may result in high noise levels, traffic, and dust at all hours of the day throughout the year. Buyer

should contact the public affairs office of the nearest military installation to determine whether the property may be impacted by testing or operations at the installation.”

**46.** Based on the location of the buried petroleum line through the Mayfield Springs planned community, it is required that the owner provide written disclosure of the presence of the pipeline to entities purchasing property near the pipeline.

**47.** All roadway sections with Mayfield Springs planned community shall include sidewalks. Furthermore, all roadway sections with Mayfield Springs planned community shall include bike lanes/paths unless the roadway is in close proximity to parallel bike lanes/paths.

**48.** All utilities serving the Mayfield Springs planned community will be installed underground unless otherwise allowed by the Director.

**49.** Surface water shall be used, where reasonably available, as the primary water source for irrigation within the Mayfield Springs planned community.

**50.** The potable water service shall be regulated by the Idaho Public Utility Commission and the Idaho Department of Environmental Quality and subject to the rules and laws of the State of Idaho.

**51.** All surety and surety agreements shall comply with Title 6, Chapter 33 of the Elmore County Code.