Appendix A: Canyon County AOI Agreements

Report 12-01

Economic Development Clinic
University of Idaho College of Law

Stephen R. Miller, Director

Students:

Marc Bybee
Joan Callahan
Anna Garner
Jane Gordon
Nicholas Morgan
Article 1
Caldwell

09-01-01: TITLE:

This article shall be known as the \textit{Caldwell Area of City Impact (Plans and Ordinances/Map) Ordinance}. (Ord. 05-013, 6-1-2005)

09-01-03: STRUCTURE, PURPOSE AND AUTHORITY:

(1) Structure: Titles and subtitles of this article are only used for organization and structure, and the language in each paragraph of this article should control with regard to determining the legislative intent and meaning of the board of county commissioners.

(2) Purpose: The purpose of these provisions is to promote the public health, safety, general welfare, peace, good order, comfort and convenience of Canyon County and the inhabitants thereof by establishing regulations for the Caldwell area of city impact, and further, to:

A. Facilitate Legal Duties Or Parties: To facilitate the legal duties, responsibilities, and authority of Canyon County, Idaho and city of Caldwell, Idaho as is prescribed and provided by the Idaho legislature regarding impact areas; and

B. Processing Of Land Use And Land Division Applications: To provide steps and procedures required for processing zoning applications, comprehensive plan and zoning amendments and subdivision plats and land division within the Caldwell area of city impact in accordance with Idaho Code section 67-6526; and

C. Economical And Compatible Infrastructure: To identify an urban fringe in the unincorporated area surrounding the city of Caldwell within which there is potential for development or changes in land use that must be planned, designed and constructed in an orderly manner compatible with the city of Caldwell for the city of Caldwell to assure timely and/or economical provision of public services, such as: water supply, sewage and storm water collection and treatment, public safety services, airport, parks, and other community service facilities.

D. Compatible Land Use And Roads: To promote land use compatibility, maintain consistent and continuous street alignment, and support traffic flow objectives.
(3) Duration: This article shall be in effect unless amended or otherwise changed in accordance with section 09-01-17 of this article.

(4) Authority: This article is authorized by Idaho Code sections 31-801, 31-828 and 67-6526.

(5) No Separate Entity: This article does not create a separate legal entity.

(6) No Administrative Entity Created: No administrative entity is created as this article only provides for cooperation between the parties using existing agency personnel.

(7) Real And Personal Property: It is not contemplated, due to the nature of this article, that there will be a need to acquire, hold, and/or dispose of any real or personal property under this article.

(8) No Administrative Entity Created: No administrative entity is created as this agreement only provides for cooperation between the parties using existing personnel of Canyon County and the city of Caldwell.

(9) Financing/Budget: Unless otherwise agreed to in writing there shall be no joint financing of activities under this article. No compensation shall be due and owing for services to either party from the other party. Each party agrees to establish its own fees and to be responsible for the collection of said fees from the public and for payment of compensation and benefits for its employees. Each party shall independently budget for expected expenses under this article. (Ord. 05-013, 6-1-2005)

09-01-05: REPEALER:

This article repeals the joint exercise of power agreement for the area of city impact between the city of Caldwell and Canyon County (dated March 3, 1997), Canyon County ordinance re: city of Caldwell, Idaho impact area map (ordinance 00-005, adopted June 14, 2000), and all ordinances, regulations, or parts thereof, in conflict herewith. (Ord. 05-013, 6-1-2005)
09-01-07: SAVING CLAUSE:

Any actions, civil, criminal or administrative, which are pending at the time of the enactment of this article, may be pursued as if this article had not been enacted. (Ord. 05-013, 6-1-2005)

09-01-09: AREA OF CITY IMPACT DEFINED:

The Caldwell area of city impact consists of an area in unincorporated Canyon County where development or use of land affects, or may affect, the city of Caldwell in consideration of trade areas, geographic factors and areas that can reasonably be expected to be annexed to the city of Caldwell in the future. (Ord. 05-013, 6-1-2005)

09-01-11: GEOGRAPHIC AREA OF CITY IMPACT ESTABLISHED:

(1) The Caldwell area of city impact is hereby established as described in exhibit A of ordinance 05-013, a map entitled "Caldwell Area Of City Impact", which map is officially made a part hereof by reference. The Caldwell area of city impact being established and map being specifically adopted by city of Caldwell municipal ordinance 2554.

(2) The Caldwell area of city impact may be reevaluated by the city and Canyon County at such times as they may agree upon, in accordance with Idaho Code section 67-6526, as amended, to consider possible changes in the geographic area affected and/or other provisions of this article. (Ord. 05-013, 6-1-2005)

09-01-13: AREA OF CITY IMPACT MAP:

The Caldwell area of city impact within the unincorporated area of Canyon County is particularly described in section 09-01-11 of this article and also set forth on the map referred to in section 09-01-11 of this article, which map shall be in effect until amended or modified as allowed by law. (Ord. 05-013, 6-1-2005)
09-01-15: ANNEXATION LIMITED:

(1) Lands Within Area Of impact: Annexation by the city of Caldwell shall be limited to lands lying within the area of impact, unless the owner of the land requests that the tract of land be annexed by the city of Caldwell pursuant to Idaho Code, section 50-222 et seq., and the land is contiguous or adjacent to the boundaries of the city of Caldwell.

(2) Application Of Provisions Upon Annexation: Upon annexation, the provisions of this article shall no longer apply to the annexed area.

(3) Annexation Notification: The city of Caldwell shall notify the director of the county's development services department ("director") in writing ten (10) calendar days in advance of the first city public hearing at which each annexation is considered by the city of Caldwell. The city of Caldwell shall notify Canyon County, in writing, within ten (10) calendar days following the effective date of the annexation ordinance. (Ord. 05-013, 6-1-2005)

09-01-17: APPLICABLE COMPREHENSIVE PLAN AND POLICIES:

(1) Comprehensive Plan: The Canyon County comprehensive plan, as amended, shall apply to the Caldwell area of city impact. Canyon County recognizes that the city of Caldwell has also developed a comprehensive plan and accompanying map for the Caldwell area of city impact. Canyon County shall give consideration to the city's comprehensive plan map designations when evaluating development requests with the Caldwell area of city impact.

(2) Hearing Participation: The city of Caldwell may apply at any time to amend Canyon County's comprehensive plan and/or zoning ordinance, as the city of Caldwell deems necessary and appropriate, and shall fully participate in the hearing process. Input from the city of Caldwell will not be binding or controlling on Canyon County, but shall be treated as documentary evidence. The city of Caldwell shall have affected party status pursuant to Idaho Code section 67-6521 of the local land use planning act, and the county shall review and consider the city of Caldwell's planning goals for growth and development in the Caldwell area of city impact when the county considers comprehensive planning and zoning changes affecting the Caldwell area of city impact.
(3) Comprehensive Plan Amendment Proposals: Notice of all proposals to amend the county
comprehensive plan, which may pertain to the Caldwell area of city impact but which do not
originate from the city of Caldwell, shall be given to the city of Caldwell community development
director at least thirty (30) calendar days prior to the first county public hearing at which such
proposal is considered by the county, and the city of Caldwell may make a recommendation
before or at said public hearing. After the city receives its initial thirty (30) days' notice, any
further notice of proposed changes to the proposal will be provided to the city of Caldwell at
least seven (7) days prior to the public hearing. If a recommendation is received by the county
from the city of Caldwell, the recommendation shall be given consideration by the county,
provided it is factually supported. Such recommendation shall not be binding on the county. If
no recommendation is received, Canyon County may proceed without the recommendation of
the city of Caldwell.

(4) Final Document Forwarding: After final action has been taken on any proposed amendments to
the county's comprehensive plan and/or zoning ordinance or subdivision regulations, Canyon
County shall notify the city of Caldwell of said final action by forwarding a copy to the city of
Caldwell of all final documents reflecting the action taken by Canyon County. (Ord. 05-013, 6-1-
2005)

09-01-19: APPLICABLE ORDINANCES AND STANDARDS:

Within the Caldwell area of city impact, the following ordinances apply, but the city of Caldwell
ordinances are subject to the waiver provisions in subsection (6) of this section:

(1) Canyon County zoning ordinance, as lawfully amended.

(2) City of Caldwell's subdivision ordinance, ordinance 1758, in the form existing as of April 1, 2005,
except for simple division (lot split) provisions and except for hearing procedures. The county's
hearing procedures shall apply.

(3) The following city of Caldwell ordinances apply, even when in conflict with otherwise applicable
county provisions:

A. City road widths and profiles found in subsections 11-03-03(2), (3), (4), and (5) of the city of
Caldwell municipal code, in the form existing as of April 1, 2005;

B. Caldwell city ordinance 2541, and all standards and specifications adopted thereby, in the
form existing as of April 1, 2005.

C. Caldwell city ordinance 2548, in the form existing as of April 1, 2005.

D. Municipal code of the city of Caldwell, chapter 10, article 7, "Caldwell Landscape Ordinance", in the form existing as of April 1, 2005.

E. Municipal code of the city of Caldwell, chapter 10, article 8, "Caldwell Tree Ordinance", in the form existing as of April 1, 2005.

F. Municipal code of the city of Caldwell, chapter 10, article 10, "Transportation Policies And Practices", in the form existing as of April 1, 2005.

G. Municipal code of the city of Caldwell, chapter 4, article 17, "Caldwell Irrigation Utility Ordinance", in the form existing as of April 1, 2005.

(4) Except as set forth above, all other standards of applicable Canyon County codes and ordinances; and

(5) For subdivisions and planned unit developments applied for in the Caldwell area of city impact, Canyon County will require on the face of each final plat a certification line for execution by the city of Caldwell engineer attesting to the plat's conformance with the city standards set forth above. Also, Canyon County will not sign a final plat, or authorize the plat to be recorded, prior to the city engineer's signing the plat.

(6) Waiver Of City Of Caldwell Ordinance Provisions: The requirements listed in the Caldwell ordinances, identified in subsections (2) and (3) of this section, may be waived by the Canyon County board of commissioners in its discretion. An applicant for such waiver bears the burden of persuasion and must specifically state the reasons why a waiver is necessary and prove said waiver will not cause an adverse effect to the health, safety and welfare of the community and that the requirements sought to be waived constitute an undue hardship. For the purpose of this section, increased financial expense associated with a requirement, by itself, does not constitute an undue hardship. Notice of the requested waiver must be given to the city of Caldwell not less than thirty (30) days prior to the hearing on the waiver application. Any further notice on the proposed waiver will be provided to the city of Caldwell at least seven (7) days prior to any public hearing. Written objections from the city of Caldwell will be considered by the Canyon County commissioners. The application for waiver must show that prior to filing the application, the applicant first sought consent from the city of Caldwell to the waiver, indicating the date of the request and the response, if any, from the city of Caldwell. In granting any waiver, the county may impose any conditions the county deems necessary to help mitigate any adverse effect to the health, safety and welfare of the community. The application for waiver will first be considered by the Canyon County planning and zoning commission at a public hearing,
which shall make recommendations to the Canyon County board of commissioners for their consideration at a public hearing. The public hearings held before the Canyon County planning and zoning commission and the Canyon County board of commissioners will be conducted in accordance with the notice and hearing procedures provided by subsections 07-17-09(4) and (5) of this code. (Ord. 05-013, 6-1-2005)

09-01-21: ZONING ORDINANCE AMENDMENT PROPOSALS:

All proposed amendments to the text and/or map of the Canyon County zoning ordinance or subdivision regulations, which may relate to the Caldwell area of city impact, shall be referred by the county to the city of Caldwell in the same manner as provided for in subsection 09-01-17(3) of this article. Any recommendation of the city of Caldwell shall be considered in the same manner as provided for in subsection 09-01-17(3) of this article. (Ord. 05-013, 6-1-2005)

09-01-23: AMENDMENT OF COUNTY AND CITY ORDINANCES RELATING TO AREA OF CITY IMPACT AND NOTICE:

(1) Subject to subsection 09-01-17(3) of this article, prior to amendment by the county of any Canyon County ordinance applicable in the Caldwell area of city impact as set forth in section 09-01-19 of this article, Canyon County shall forward the proposed change(s) to the city of Caldwell for review and comment at least thirty (30) calendar days prior to the first Canyon County public hearing at which such amendment(s) will be considered. Any further notice of proposed changes to the proposal will be provided to the city of Caldwell at least seven (7) days prior to the public hearing.

(2) Prior to amendment by the city of any city of Caldwell ordinance applicable in the Caldwell area of city impact as set forth in section 09-01-19 of this article, the city of Caldwell shall forward the proposed change(s) to Canyon County for review and comment at least thirty (30) days prior to the first city of Caldwell public hearing at which such amendment(s) will be considered. Any further notice of proposed changes to the proposal will be provided to Canyon County at least seven (7) days prior to the public hearing. (Ord. 05-013, 6-1-2005)

09-01-25: APPLICATION PROCEDURES:
The following procedures shall be adhered to in processing applications within the Caldwell area of city impact:

(1) Land Use Applications: All land use applications submitted to Canyon County including, but not limited to, conditional use permits, variances and land divisions requiring notification of a public hearing, shall be referred to the city of Caldwell in the manner as provided for in subsection 09-01-17(3) of this article.

(2) Planned Unit Developments: All planned unit developments shall be processed as provided for in this code, and as provided for in subsection 09-01-17(3) of this article.

(3) Subdivision Plat Applications: All subdivision plat applications shall be processed as provided for in this code, and as provided for in subsection 09-01-17(3) of this article.

(4) Building Permit Applications: All building permit applications shall be processed as provided for in this code. Owners of properties connecting to city of Caldwell water and/or sewer must obtain a certificate of acceptance from the authorized city of Caldwell official as a condition precedent to obtaining the building permit.

(5) Notice Contents: The county's notice to the city of Caldwell, as provided for by subsection 09-01-17(3) of this article, shall include with the notice a copy of the application and concept plan or plat and irrigation plan, and any other relevant information submitted by the applicant.

(6) City Impact Area Representation: Recommendations for city impact area representation on the county planning and zoning commission may be made by the city of Caldwell to the board of county commissioners at any time and will be acted upon by said board as the need arises and as the board of county commissioners deems appropriate.

(7) City/County Internal Procedures: Each party shall determine its own internal procedures as may be deemed appropriate and adequate for making recommendations to the other party on proposed actions and on its handling of proposed amendments to its own plan and/or ordinances. An appeal made by the city of Caldwell, or by the county to the city, shall be processed by the nonappealing party in accordance with the internal procedures of the nonappealing party. (Ord. 05-013, 6-1-2005)
09-01-27: AMENDMENT OF CALDWELL AREA OF CITY IMPACT (PLANS AND ORDINANCES) ORDINANCE:

(1) In accordance with Idaho Code section 67-6526(d), the city of Caldwell or the board of county commissioners may request, in writing, the renegotiation of any provision of this article at any time. Within thirty (30) days of receipt of such written request by either party, an initial meeting between the two (2) jurisdictions should occur. If the parties agree to amend this article, hearings to enact such amendments shall be scheduled before the parties’ respective planning and zoning commissioners or the hearing examiners with ultimate approval resting with the board of county commissioners and the Caldwell city council. If the parties are unable to agree to amend this article, either party may elect to submit the issues to a committee of nine (9) as described in the local land use planning act, Idaho Code section 67-6526(b).

(2) During renegotiation, all provisions of this article shall remain in effect until this article is amended or a substitute ordinance is adopted by both the city of Caldwell and Canyon County, in accordance with the notice and hearing procedures provided in title 67, chapter 65 of Idaho Code, or until a declaratory judgment from district court is final.

(3) Amendments to this article shall be processed using the notice and hearing requirements of Idaho Code section 67-6509. (Ord. 05-013, 6-1-2005)

09-01-29: SEVERABILITY:

Should any action or provision of this article be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or a part thereof other than the part declared to be unconstitutional or invalid. (Ord. 05-013, 6-1-2005)

09-01-31: EFFECTIVE DATE:

This article shall be in full force and effect upon its passage, approval, and publication. (Ord. 05-013, 6-1-2005)
Article 3
GREENLEAF

09-03-01: TITLE:

This Article shall be known as the GREENLEAF AREA OF CITY IMPACT (PLANS AND ORDINANCES) ORDINANCE. (Ord. 94-013, 12-23-94)

09-03-03: SCOPE:

(1) The Idaho Legislature duly enacted Idaho Code section 67-6526(a) which provides that by separate ordinance the County of Canyon and City of Greenleaf shall provide for application of plans and ordinances for the area of city impact; and

(2) The City of Greenleaf and the County have adopted a map identifying the City of Greenleaf impact area within the unincorporated area of the County by the adoption of Ordinance No. 99 duly passed by the City of Greenleaf on October 26, 1994, and by Ordinance No. 94-005 duly passed by Canyon County on October 27, 1994; and

(3) Idaho Code section 67-6526(a) requires that the City of Greenleaf and the County of Canyon provide by ordinance for the application of plans and ordinances for the area of city impact of the City of Greenleaf within the unincorporated area of the County no later than January 1, 1995; and

(4) The City of Greenleaf and the County shall enter into a joint exercise of power agreement for the impact area of the City of Greenleaf, which agreement shall provide for and facilitate the legal duties of the parties and their responsibilities and authority as required under the Local Planning Act of 1975, and including any duties appertaining to the area of City impact subsequently required by the Idaho Legislature. (Ord. 94-013, 12-23-94)
09-03-05: ANNEXATION LIMITED:

(1) Lands Within Area Of Impact: Effective January 1, 1995, annexation by the City of Greenleaf shall be limited to lands lying within the area of impact, unless the owner of the land requests the tract of land be annexed by the City, and the land is contiguous to the boundaries of the City of Greenleaf.

(2) Application Of Provisions Upon Annexation: Upon annexation, the provisions of this Article shall no longer apply to the annexed area. (Ord. 94-013, 12-23-94)

09-03-07: APPLICATION OF COMPREHENSIVE PLAN AND ZONING ORDINANCE:

There is hereby adopted for the purposes of complying with Idaho Code section 67-6526(a) the Ordinance codified in this Article, which provides for the application of the latest edition of the Canyon County Comprehensive Plan as duly enacted and adopted and amended by the County Commissioners, and Chapter 7 of this Code, to the area of impact of the City of Greenleaf within the unincorporated area of the County, until a new comprehensive plan and/or zoning ordinance has been duly adopted in accordance with the provisions of a joint exercise of power agreement impact area City of Greenleaf/County of Canyon. Until the joint exercise of power agreement is adopted and operational, the County shall direct copies of all applications coming before it, pursuant to the Local Planning Act of 1975 and Chapter 7 of this Code concerning property located in the area of City impact of Greenleaf, for the City of Greenleaf's input on the application and shall give such input due consideration; and after the adoption of the joint exercise of power agreement and the same becomes operational, then the provisions of that agreement shall govern this process. (Ord. 94-013, 12-23-94)

09-03-09: APPLICATION OF GREENLEAF SUBDIVISION ORDINANCE:

(1) Adoption Of Subdivision Ordinance: There is hereby adopted for the purposes of complying with Idaho Code section 67-6526(a) the ordinance codified in this article, which provides for, except as provided in subsection (2) of this section, the application of city of Greenleaf's subdivision ordinance, as amended, as codified at title 14, chapters 1 through 9, municipal code of the city of Greenleaf, to the area of impact of the city of Greenleaf within the unincorporated area of the county, until a new subdivision ordinance has been duly adopted in accordance with the
provisions of a joint exercise of power agreement impact area city of Greenleaf/county of Canyon.

(2) Exceptions And Conflict Procedure: In the event a conflict in the application of the provisions of chapter 7 of this code and the provisions of the city of Greenleaf's subdivision ordinance to the area of impact of the city of Greenleaf, the provisions of the city of Greenleaf's subdivision ordinance shall control, but shall not control over the application of section 07-10-29, "F (Flood Hazard Overlay) Zone" and/or chapter 6, article 5, "Addressing", of this code. The city of Greenleaf's subdivision ordinance shall be subject to the applicable Golden Gate highway district's standards and regulations solely enforceable by said highway district. It is further provided that only those portions of the subdivision ordinance adopted which are not repugnant to federal or state law shall be adopted by the county and there shall be no approval and reviewing of protective or restrictive covenants as part of the process described in this article.

(3) One Mile Approval By City: By the passage of the ordinance codified in this article, and by the city's passage of a like ordinance, there is mutual agreement that within one mile of the city of Greenleaf's boundary, the Greenleaf City subdivision ordinance shall prevail over chapter 7, article 17 of this code as is provided for in Idaho Code section 50-1306 in those circumstances where the one mile limit exceeds the boundaries of the impact area, except in those instances where there is an overlap with another city that is larger, in which event the jurisdiction of the larger city shall be assumed. (Ord. 94-013, 12-23-1994)

09-03-11: IMPACT AREA MAP:

The Greenleaf, Idaho, Canyon County approved impact area map is hereby adopted as the official map identifying the area of city impact within the unincorporated area of the county for the city of Greenleaf. A true and correct copy of said map is affixed as attachment 1 to the ordinance codified herein and is fully incorporated by reference herein. (Ord. 08-007, 4-16-2008)

09-03-13: AVAILABILITY OF ORDINANCES:

True and correct copies of the ordinances herein referred to shall be on file with the clerk of the city of Greenleaf, the clerk of the Canyon County commissioners, the office of planning and zoning department of the city of Greenleaf, and the planning and zoning department of the county and are available for public inspection and reference. (Ord. 94-013, 12-23-1994)
Article 5
HOMEDALE

09-05-01: TITLE:

This article shall be known as the HOMEDALE AREA OF CITY IMPACT (PLANS AND ORDINANCES/MAP) ORDINANCE. (Ord. 10-012, 10-29-2010)

09-05-03: STRUCTURE, PURPOSE AND AUTHORITY:

(1) Structure: Sections and subsections of this article are only used for organization and structure and the language in each paragraph of this article should control with regard to determining the legislative intent and meaning of the board of county commissioners.

(2) Purpose: The purpose of these provisions is to promote the public health, safety, general welfare, peace, good order, comfort and convenience of Canyon County and the inhabitants thereof by establishing regulations for the Homedale area of city impact, and further, to:

A. Facilitate Legal Duties Or Parties: To facilitate the legal duties of, responsibilities, and authority of Canyon County, Idaho, and city of Homedale, Idaho, as prescribed and provided by the Idaho legislature regarding impact areas; and

B. Processing Of Land Use And Land Division Applications: To provide steps and procedures required for processing zoning applications, comprehensive plan and zoning amendments and subdivision plats and land division within the Homedale area of city impact in accordance with Idaho Code section 67-6526; and

C. Economical And Compatible Infrastructure: To identify an urban fringe in the unincorporated area surrounding the city within which there is potential for development or changes in land use that must be planned, designed and constructed in an orderly manner compatible with the city of Homedale for the city of Homedale to assure timely and/or economical provision of public services, such as: water supply, sewage and stormwater collection and treatment, public safety services, airport, parks, and other community service facilities; and

D. Compatible Land Use And Roads: To promote land use compatibility, maintain consistent and continuous street alignment, and support traffic flow objectives.
(3) Duration: This article shall be in effect unless amended or otherwise changed in accordance with section 09-05-07 of this article.

(4) Authority: This article is authorized by Idaho Code sections 31-801, 31-828 and 67-6526.

(5) No Separate Entity: This article does not create a separate legal entity.

(6) No Administrative Entity Created: No administrative entity is created as this article only provided for cooperation between the parties using existing agency personnel.

(7) Real And Personal Property: It is not contemplated, due to the nature of this article, that there will be a need to acquire, hold, and/or dispose of any real or personal property under this article.

(8) No Administrative Entity Created: No administrative entity is created as this agreement only provides for cooperation between the parties using existing personnel of Canyon County and the city of Homedale.

(9) Financing/Budget: Unless otherwise agreed to in writing there shall be no joint financing of activities under this article. No compensation shall be due and owing for services to either party from the other party. Each party agrees to establish its only fees and to be responsible for the collection of said fees from the public and for payment of compensation and benefits for its employees. Each party shall independently budget for expectant expenses under this article. (Ord. 10-012, 10-29-2010)

**09-05-05: REPEALER:**

This article repeals the joint exercise of powers agreement for the area of city impact between the city of Homedale and Canyon County ordinance regarding the city of Homedale, Idaho, impact area map (ordinance 08-006 adopted 4-21-2008), and ordinance 94-016, adopted December 23, 1994, regulations, or parts thereof, in conflict herewith. (Ord. 10-012, 10-29-2010)
09-05-07: SAVINGS:

Any actions, civil, criminal or administrative, which are pending at the time of the enactment of this article, may be pursued as if this article had not been enacted. (Ord. 10-012, 10-29-2010)

09-05-09: AREA OF CITY IMPACT DEFINED:

The Homedale area of city impact consists of an area where development or use of land affects or may affect, the city of Homedale in regards to its trade areas, geographic factors and areas that can reasonably be expected to be annexed into the city in the future. (Ord. 10-012, 10-29-2010)

09-05-11: GEOGRAPHIC AREA OF CITY IMPACT ESTABLISHED:

(1) The Homedale area of city impact is hereby established as described in exhibit A attached to the ordinance codified herein, and incorporated by reference. The Homedale area of city impact being established and map being specifically adopted, by city of Homedale municipal ordinance 3452.

(2) The Homedale area of city impact may be reevaluated by the city and Canyon County at such times as they may agree upon, in accordance with Idaho Code section 67-6526, as amended, to consider possible changes in the geographic area affected and/or other provisions of this article. (Ord. 10-012, 10-29-2010)

09-05-13: AREA OF CITY IMPACT MAP:

The Homedale area of city impact within the unincorporated area of Canyon County is particularly described in section 09-05-11 of this article and also set forth on the map referred to in section 09-05-11 of this article, which map shall be in effect until amended or modified as allowed by law. (Ord. 10-012, 10-29-2010)
09-05-15: ANNEXATION LIMITED:

(1) Lands Within Area Of Impact: Annexation by the city of Homedale shall be limited to lands lying within the Homedale area of city impact unless the owner of the land requests that the tract of land be annexed by the city of Homedale pursuant to Idaho Code section 50-222 et seq., and the land is contiguous or adjacent to the boundaries of the city of Homedale.

(2) Application Of Provisions Upon Annexation: Upon annexation, the provisions of this article shall no longer apply to the annexed area.

(3) Annexation Notification: The city of Homedale must notify the director of the county's development services department ("director") in writing ten (10) calendar days in advance of the first public hearing at which each annexation is considered by the city of Homedale. The city of Homedale shall notify Canyon County in writing within ten (10) calendar days following the effective date of the adoption of each annexation ordinance. (Ord. 10-012, 10-29-2010)

09-05-17: APPLICABLE COMPREHENSIVE PLAN AND POLICIES:

(1) Comprehensive Plan: The Canyon County comprehensive plan, as amended, shall apply to the Homedale area of city impact. Canyon County recognizes that the city of Homedale has also developed a comprehensive plan which addresses the Homedale area of city impact. Canyon County shall give consideration to the city's comprehensive plan when evaluating development requests within the Homedale area of city impact.

(2) Hearing Participation: The city of Homedale may apply at any time to amend Canyon County's comprehensive plan and may fully participate in the hearing process. Hearing input from the city of Homedale will not be binding or controlling on the county, but shall be treated as documentary evidence. The city of Homedale shall have affected party status pursuant to Idaho Code section 67-6521 of the local land use planning act, as amended.

(3) Comprehensive Plan Amendment Proposals: All proposals to amend Canyon County's comprehensive plan, which may pertain to the Homedale area of city impact, but which do not originate from the city of Homedale, shall be referred to the city of Homedale's planning and
zoning director at least thirty (30) calendar days prior to the first county public hearing on the matter and the city of Homedale may make a recommendation before or at said public hearing. After the city receives its initial thirty (30) calendar days' notice, any further notice of proposed changes to the proposal will be provided to the city of Homedale at least seven (7) calendar days prior to the public hearing. If a recommendation is received by the county from the city of Homedale, it shall be given consideration by the county, provided it is factually supported, but such recommendation shall not be binding on the county. If no recommendation is received, Canyon County may proceed without the recommendation of the city of Homedale.

(4) Final Document Forwarding: After the county's final action has been taken on any proposed amendments to the county's comprehensive plan, the county shall notify the city of Homedale's planning and zoning administrator of said final action by forwarding, to the city of Homedale, a copy of all final documents reflecting the action taken by the county. (Ord. 10-012, 10-29-2010)

09-05-19: APPLICABLE ORDINANCES AND STANDARDS:

Within the Homedale area of city impact, the following ordinances are applicable:

(1) Canyon County zoning ordinance, as lawfully amended.

(2) Canyon County subdivision ordinance, as lawfully amended. (Ord. 10-012, 10-29-2010)

09-05-21: ZONING/SUBDIVISION ORDINANCE AMENDMENT PROPOSALS:

(1) All proposed amendments to the text and/or map of the Canyon County zoning or subdivision ordinance, which may relate to the Homedale area of city impact, shall be referred by the county to the city of Homedale in the same manner as provided for in subsection 09-05-17(3) of this article. Any recommendation of the city of Homedale shall be considered in the same manner as provided for in subsection 09-05-17(3) of this article. (Ord. 10-012, 10-29-2010)

09-05-23: AMENDMENT OF COUNTY AND CITY ORDINANCES RELATING TO
AREA OF CITY IMPACT AND NOTICE:

(1) Subject to subsection 09-05-17(3) of this article, prior to amendment by the county for any county ordinance applicable in the Homedale area of city impact as set forth in section 09-05-19 of this article, the county shall forward the proposed change(s) to the city of Homedale for review and comment at least thirty (30) calendar days prior to the first county public hearing at which such amendment(s) will be considered. Any further notice of proposed changes to the proposal will be provided to the city of Homedale at least seven (7) days prior to the public hearing. (Ord. 10-012, 10-29-2010)

09-05-25: APPLICATION PROCEDURES:

The following procedures shall be adhered to in processing applications within the Homedale area of city impact.

(1) Land Use Applications: All land use applications submitted to Canyon County requiring notification of a public hearing, shall be referred to the city of Homedale in the manner as provided for in subsection 09-05-17(3) of this article.

(2) Planned Unit Development: All planned unit developments shall be processed as provided for in this code, and as provided for in section 09-05-19 of this article.

(3) Subdivision Plat Applications: All subdivision plat and irrigation plan applications shall be processed procedurally as provided for in this code, and as provided for in section 09-05-19 of this article.

A. In addition, all developers within the Homedale area of city impact shall disclose and file as part of the preliminary plat submitted to the county their proposal as to curbs and gutters. If the developer proposes no or minimal curbs and gutters, the city of Homedale shall be entitled to review the curb and gutter proposal and submit their recommendation to the county. If the city of Homedale recommends that the developer have more extensive curb and gutters, the burden of proof shall be upon the developer to establish that more extensive curb and gutters are not necessary for the subdivision.

B. In addition, all developers within the Homedale area of city impact shall disclose and file as part of the preliminary plat submitted to the county evidence that adequate fire protection in
the form of fire hydrants, water mains and/or other methods of protecting property from fire loss will be provided.

(4) Building Permit Applications: All building permit applications shall be processed as provided for in this code. Owners of properties connecting to city of Homedale water and/or sewer must obtain a certificate of acceptance from the authorized city official as a condition precedent to obtaining the building permit.

(5) Notice Contents: The county's notice to the city of Homedale, as provided for by subsection 09-05-17(3) of this article, shall include with the notice a copy of the application and concept plan or plat and irrigation plan, and any other relevant information submitted by the applicant.

(6) City Impact Area Representation: Recommendations for city impact area representation on the county planning and zoning commission may be made by the city of Homedale to the board of county commissioners at any time and will be acted upon by said board as the need arises and as the board deems appropriate.

(7) City/County Internal Procedures: Each party shall determine its own internal procedures as may be deemed appropriate and adequate for making recommendations to the other party on proposed actions and on its handling of proposed amendments to its own plan and/or ordinances. An appeal made by the city to the county, or by the county to the city, shall be processed by the nonappealing party in accordance with the internal procedures of the nonappealing party. (Ord. 10-012, 10-29-2010)
09-07-01: TITLE:

This Article shall be known as the MELBA AREA OF CITY IMPACT (PLANS AND ORDINANCES) ORDINANCE. (Ord. 94-014, 12-23-94)

09-07-03: SCOPE:

(1) The Idaho Legislature duly enacted Idaho Code section 67-6526(a) which provides that by separate ordinance the County of Canyon and City of Melba shall provide for application of plans and ordinances for the area of city impact; and

(2) The City of Melba and the County have adopted a map identifying the City of Melba impact area within the unincorporated area of the County by the adoption of Ordinance No. 154 duly passed by the City of Melba on October 11, 1994, and by Ordinance No. 94-004 duly passed by Canyon County on October 27, 1994; and

(3) Idaho Code section 67-6526(a) requires that the City of Melba and the County of Canyon provide by ordinance for the application of plans and ordinances for the area of city impact of the City of Melba within the unincorporated area of the County no later than January 1, 1995; and

(4) The City of Melba and the County shall enter into a joint exercise of power agreement for the impact area of the City of Melba, which agreement shall provide for and facilitate the legal duties of the parties and their responsibilities and authority as required under the Local Planning Act of 1975, and including any duties appertaining to the area of City impact subsequently required by the Idaho Legislature. (Ord. 94-014, 12-23-94)

09-07-05: ANNEXATION LIMITED:

(1) Lands Within Area Of Impact: Effective January 1, 1995, annexation by the City of Melba shall be limited to lands lying within the area of impact, unless the owner of the land requests the tract of land be annexed by the City, and the land is contiguous to the boundaries of the City of Melba.

(2) Application Of Provisions Upon Annexation: Upon annexation, the provisions of this Article shall no longer apply to the annexed area. (Ord. 94-014, 12-23-94)

09-07-07: APPLICATION OF COMPREHENSIVE PLAN AND ZONING ORDINANCE:

There is hereby adopted for the purposes of complying with Idaho Code 67-6526(a) the Ordinance codified in this Article, which provides for the application of the latest edition of the Canyon County Comprehensive Plan as duly enacted and adopted and amended by the County Commissioners, and Chapter 7 of this Code concerning property located in the area of City impact of Melba, for the City of Melba's input on the application and shall give such input due consideration; and after the adoption of the joint exercise of power agreement and the same becomes operational, then the provisions of that agreement shall govern this process. (Ord. 94-014, 12-23-94)

09-07-09: APPLICATION OF MELBA SUBDIVISION ORDINANCE:

(1) Adoption Of Subdivision Ordinance: There is hereby adopted for the purposes of complying with Idaho Code section 67-6526(a) the Ordinance codified in this article, which provides for, except as provided in subsection (2) of this section, the application of city of Melba's subdivision ordinance 151, as amended, to the area of impact of the City of Melba within the unincorporated area of the county, until a new subdivision ordinance has been duly adopted in accordance
with the provisions of a joint exercise of power agreement impact area city of Melba/county of Canyon.

(2) Exceptions And Conflict Procedure: In the event of a conflict in the application of the provisions of chapter 7 of this code and the provisions of the city of Melba's subdivision ordinance to the area of impact of the city of Melba, the provisions of the city of Melba's subdivision ordinance shall control, but shall not control over the application of section 07-10-29 of this code (flood hazard control) and/or chapter 6, article 5, "Addressing", of this code. The city of Melba's subdivision ordinance shall be subject to the applicable Nampa highway district's standards and regulations solely enforceable by said highway district. It is further provided that only those portions of the subdivision ordinance adopted which are not repugnant to federal or state law shall be adopted by the county and there shall be no approval and reviewing of protective or restrictive covenants as part of the process described in this article.

(3) One Mile Approval By City: By the passage of the ordinance codified in this article, and by the city's passage of a like ordinance, there is mutual agreement that within one mile of the city of Melba's boundary, the Melba city subdivision ordinance shall prevail over chapter 7, article 17 of this code as is provided for in Idaho Code section 50-1306 in those circumstances where the one mile limit exceeds the boundaries of the impact area, except in those instances where there is an overlay with another city that is larger, in which event the jurisdiction of the larger city shall be assumed. (Ord. 94-014, 12-23-1994)

09-07-11: IMPACT AREA MAP:

(1) Title: This section shall be known as the CANYON COUNTY ORDINANCE RE: CITY OF MELBA IMPACT AREA MAP.

(2) Authority: This section is enacted pursuant to section 67-6526(a), Idaho Code, of the local planning act of 1975, 31-714, 31-801, and 31-828, Idaho Code and article 12, section 2 of the Idaho constitution, as amended or subsequently modified.

(3) Purpose: The local planning act of 1975 requires that each county and each city in the state of Idaho shall identify by ordinance an area of city impact within the unincorporated area of the county and shall, in accordance with the notice and hearing procedures provided in section 67-6509, Idaho Code, adopt by ordinance a map identifying that area of city impact.

(4) City Impact Area Map: The city of Melba impact area map adopted by Melba city ordinance 154 duly passed by the city on October 11, 1994, is hereby adopted as the official map identifying the area of the city of Melba impact within the unincorporated area of the county. A true and correct copy of said map is as follows:
09-07-13: AVAILABILITY OF ORDINANCES:

True and correct copies of the ordinances herein referred to shall be on file with the Clerk of the City of Melba, the Clerk of the Canyon County Commissioners, the office of Planning and Zoning Department of the City of Melba, and the Planning and Zoning Department of the County and are available for public inspection and reference. (Ord. 94-014, 12-23-94)

Footnote 1: See Section 09-07-11 of this Article.
Article 9
MIDDLETON

09-09-01: TITLE:

This article shall be known as the MIDDLETON AREA OF CITY IMPACT (PLANS AND ORDINANCES) ORDINANCE. (Ord. 01-006, 7-6-2001)

09-09-03: STRUCTURE, PURPOSE AND AUTHORITY:

(1) Structure: Titles and subtitles of this article are only used for organization and structure and the language in each paragraph of this article should control with regard to determining the legislative intent and meaning of the board of county commissioners.

(2) Purpose: The purpose of these provisions is to promote the public health, safety, general welfare, peace, good order, comfort and convenience of the county and the inhabitants thereof by establishing regulations for the Middleton area of city impact.

(3) Authority: This article is authorized by Idaho Code 31-801, 31-828 and 67-6526. (Ord. 01-006, 7-6-2001)

09-09-05: REPEALER:

This article repeals the joint exercise of powers for the area of city impact between the city of Middleton and Canyon County (1-14-98), and all other ordinances, regulations, or parts thereof, in conflict herewith. (Ord. 01-006, 7-6-2001)

09-09-07: SAVINGS:
Any actions, civil, criminal or administrative, which are pending at the time of the enactment of this article, may be pursued as if this article had not been enacted. (Ord. 01-006, 7-6-2001)

09-09-09: ANNEXATION:

(1) Annexation by the city of Middleton shall be limited to those lands lying within the Middleton area of city impact and being contiguous to the boundaries of the city of Middleton, except for those properties outside the Middleton area of city impact and being contiguous to the boundary of the city of Middleton where the owner has requested annexation as provided for in Idaho Code 50-222 et seq.

(2) Upon annexation, the provisions of this article shall no longer apply to the annexed area. The city of Middleton shall notify the county development services director in writing both when annexations are being considered and when annexations are completed. (Ord. 01-006, 7-6-2001)

09-09-11: APPLICABLE COMPREHENSIVE PLAN AND POLICIES:

(1) Comprehensive Plan: Canyon County and the city of Middleton shall work cooperatively to develop a joint amendment to the county's comprehensive plan for the Middleton area of city impact. The county's comprehensive plan shall apply in the impact area.

(2) Hearing Participation: The city may apply at any time to amend the county's comprehensive plan and/or zoning ordinance, as it deems necessary and appropriate, and shall fully participate in the hearing process. Such input will not be binding or controlling, but shall be treated as documentary evidence. The city shall have affected party status pursuant to Idaho Code 67-6521 of the local land use planning act.

(3) Plan Amendment Proposals: All proposals for amendments to the county comprehensive plan which may appertain to the Middleton area of city impact but which do not originate from the city shall be referred to the city at least thirty (30) calendar days prior to any hearing on such matter and a recommendation may be made before or at said public hearing. If a recommendation is
received it shall be given great weight by the county, provided it is factually supported, but such recommendation shall not be binding on the county. If no response is received the county may proceed without the recommendation of the city. A copy of the final decision issued by the county shall be forwarded to the city. If the city does not agree with the request, because it involves a major change in the county's comprehensive plan, the city may request renegotiation of this article as provided in Idaho Code 67-6526(d). A major change is one that is fundamental to the county's comprehensive plan, as determined by the parties.

(4) Final Document Forwarding: After recommendations have been made and final action has been taken on amendments to the county's comprehensive plan and/or zoning ordinance, the county shall notify the city of said final action by forwarding a copy to the city of all final documents reflecting the action taken by the county. (Ord. 01-006, 7-6-2001)

09-09-13: APPLICABLE ORDINANCES:

The Canyon County zoning ordinance\(^1\) and the Canyon County subdivision ordinance\(^2\) shall apply in the Middleton area of city impact. (Ord. 01-006, 7-6-2001)

09-09-15: ZONING ORDINANCE AMENDMENT PROPOSALS:

All proposed county ordinance amendments to the text and/or map which may relate to the Middleton area of city impact shall be referred to the city in the same manner as provided for in subsection 09-09-11(3) of this article, except that recommendations received from the city by the county are nonbinding but any factually supported recommendations shall be seriously considered by the county. (Ord. 01-006, 7-6-2001)

09-09-17: APPLICATION PROCEDURES:

(1) Processing Applications: The following procedures shall be adhered to in processing applications within the area of city impact:

A. Land Use Applications: All land use applications submitted to the county including, but not limited to, conditional use permits, variances and land divisions requiring notification of a
public hearing, shall be referred to the city in the same manner as provided for in subsection 09-09-11(3) of this article.

B. Substandard Setup; Mobile/Manufactured Homes: Mobile/manufactured homes not set up pursuant to manufacturers' recommendations shall not be allowed in any zone in which the county's zoning ordinance excludes mobile/manufactured homes.

C. Temporary Residence; Mobile/Manufactured Home: The county shall receive input from the city on applications for county temporary mobile/manufactured homes. The city's comments shall be given great weight by the county's development services director and the planning and zoning commission, provided they are factually supported. Those comments shall not be binding on the county. The county appellate procedures apply. County approval of a temporary residence described above does not afford the permit holder any nonconforming use or structure grandfather rights status prior to or upon the city's annexation of the parcel.

D. Planned Unit Developments: A "planned unit development" shall be defined as it is defined in section 07-02-03 of this code, as amended. Such definition is incorporated by reference herein.

E. Subdivision Plat Applications: All subdivision plat applications shall first be directed to the county's development services director. The director shall make a determination whether the planned use conforms to the county's comprehensive plan, zoning designation, and zoning ordinances. If it does conform as an allowed use, the director shall send a letter to the city confirming the same, and for residential developments indicate a minimum lot size. The city shall then review the plat applications and shall render an opinion and recommendation to the county's development services director. Thereafter, the applications shall be reviewed for approval in accordance with the hearing procedures set forth in chapter 7, article 5 of this code in order to determine whether the applications comply with the requirements of the Canyon County subdivision ordinance.  

F. Nonconforming Uses: If the application does not conform to the county zoning designation as an "allowed use", the applicant may elect to pursue amendments to the county's comprehensive plan, and/or zoning map or make application for a planned unit development, all in accordance with procedures outlined in subsection 09-09-11(3) of this article and applicable sections of the county zoning ordinance.

G. Subdivision Defined: All land divisions defined as "subdivisions" by county ordinances shall be considered subdivision for the purposes of this article.

(2) Planned Unit Developments: All planned unit development applications for development within the area of city impact shall be directed first to the county's development services director for consideration by the county's planning and zoning commission. It shall be referred to the city in the same manner as provided in subsection 09-09-11(3) of this article. When granting an application for a planned unit development/conditional use permit, the commission may attach conditions of approval which include, but are not limited to, the following:
A. The types and relative quantities of uses to be permitted;

B. The relative quantity and nature of all common areas to be provided as a condition of permit;

C. Minimum lot size, if applicable, as a condition of permit.

(3) Referral Process: If the planned unit development/conditional use permit is approved, the application shall be forwarded to the city with approval documents indicating the conditions of approval enumerated above. The application shall then be processed as a subdivision plat application pursuant to the procedures outlined in subsection (1)E of this section. All planned unit developments in the city impact area shall be platted.

(4) City Impact Area Representation: Recommendations for city impact area representation on the county planning and zoning commission may be made by the city to the board of county commissioners at any time and will be acted upon by said board as the need arises and as they deem appropriate.

(5) City/County Internal Procedures: Each party to this referral process shall determine its own internal procedure as may be deemed appropriate and adequate for making recommendations to the other party on proposed actions and on its handling of proposed amendments to its own plan and/or ordinances. Appeals of decisions by each party shall be processed by the party responsible for the decision and in accordance with the internal procedures of that party. (Ord. 01-006, 7-6-2001)

09-09-19: AMENDMENT:

(1) In accordance with Idaho Code 67-6526(d), the city of Middleton or the board of Canyon County commissioners may request, in writing, the renegotiation of any provision of this article at any time. Within thirty (30) days of receipt of such written request by either party, an initial meeting between the two (2) jurisdictions should occur. If the parties agree to amend this article, hearings to enact such amendments shall be scheduled before the parties' respective planning and zoning commissions with ultimate approval resting with the board of county commissioners and the city council. If the parties are unable to agree to amend this article, either party may elect to submit the issues to the committee of nine (9) persons pursuant to Idaho Code 67-6526(b).
(2) While renegotiation is occurring, all provisions of this article shall remain in effect until this article is amended or a substitute ordinance is adopted by both Middleton and Canyon County, in accordance with the notice and hearing procedures provided in title 67, chapter 65 of Idaho Code, or until a declaratory judgment from district court is final.

(3) Amendments to this article shall be processed using the notice and hearing requirements of Idaho Code 67-6509. (Ord. 01-006, 7-6-2001)

09-09-21: SEVERABILITY:

Should any action or provision of this article be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or a part thereof other than the part declared to be unconstitutional or invalid. (Ord. 01-006, 7-6-2001)

09-09-23: IMPACT AREA MAP:

(1) Title: This section shall be known as the CANYON COUNTY ORDINANCE RE: CITY OF MIDDLETON IMPACT AREA MAP.

(2) Authority: This section is enacted pursuant to Idaho Code 67-6526, of the local planning act of 1975, Idaho Code 31-714, 31-801, and 31-828 and article 12, section 2 of the Idaho constitution, as amended or subsequently modified.

(3) Purpose: The local planning act of 1975 requires that each county and each city in the state of Idaho shall identify by ordinance an area of city impact within the unincorporated area of the county and shall, in accordance with the notice and hearing procedures provided in Idaho Code 67-6509, adopt by ordinance a map identifying that area of city impact.

(4) Repealer: The Middleton area of city impact map ordinance repeals the Middleton area of city impact map adopted in ordinance 05-010 and all other ordinances, regulations, or parts thereof in conflict herewith.
(5) Savings: Any actions, civil, criminal, or administrative, which are pending at the time of the enactment hereof, may be pursued as if this section had not been enacted.

(6) City Impact Area Map:

A. Area Designated: The Middleton area of city impact is the area designated on the Middleton area of city impact boundary map (attached as exhibit A to the ordinance codified herein), hereby fully incorporated by reference, copies of which are available for inspection at the office of the clerk of the city of Middleton and at the Canyon County development services department.

B. Jurisdiction: In case a property under single ownership is divided by the boundary line of the Middleton area of city impact and any other area of city impact boundary, if such line divides such property so that one or both of the parts has a depth of three hundred feet (300') or less, such part may be included in the jurisdiction within which the remainder and larger portion of the property is located.

C. Exception: In the case where a property under a single ownership is divided by the boundary line of the Middleton area of city impact only, the smaller portion of such property may, without the three hundred foot (300') limitation stated above, be included in the jurisdiction within which the larger portion of the property is located.

(7) Severability: Should any action or provision of this section be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this section as a whole or a part thereof other than the part declared to be unconstitutional or invalid. (Ord. 06-010, 8-17-2006)

Footnote 1: See chapter 7 of this code.
Footnote 2: See chapter 7, article 17 of this code.
Footnote 3: See chapter 7, article 17 of this code.
Article 11
NAMPA

09-11-01: TITLE:

This article shall be known as the NAMPA AREA OF CITY IMPACT (PLANS AND ORDINANCES/MAP) ORDINANCE. (Ord. 05-014, 6-1-2005)

09-11-03: STRUCTURE, PURPOSE AND AUTHORITY:

(1) Structure: Titles and subtitles of this article are only used for organization and structure and the language in each paragraph of this article should control with regard to determining the legislative intent and meaning of the board of county commissioners.

(2) Purpose: The purpose of these provisions is to promote the public health, safety, general welfare, peace, good order, comfort and convenience of Canyon County and the inhabitants thereof by establishing regulations for the Nampa area of city impact, and further, to:

A. Facilitate Legal Duties Or Parties: To facilitate the legal duties, responsibilities, and authority of Canyon County, Idaho, and city of Nampa, Idaho, as is prescribed and provided by the Idaho legislature regarding impact areas; and

B. Processing Of Land Use And Land Division Applications: To provide steps and procedures required for processing zoning applications, comprehensive plan and zoning amendments and subdivision plats and land division within the Nampa area of city impact in accordance with Idaho Code section 67-6526; and

C. Economical And Compatible Infrastructure: To identify an urban fringe in the unincorporated area surrounding the city within which there is potential for development or changes in land use that must be planned. designed and constructed in an orderly manner compatible with the city of Nampa for the city of Nampa to assure timely and/or economical provision of public services, such as: water supply, sewage and storm water collection and treatment, public safety services, airport, parks, and other community service facilities.

D. Compatible Land Use And Roads: To promote land use compatibility, maintain consistent and continuous street alignment, and support traffic flow objectives.
(3) Duration: This article shall be in effect unless amended or otherwise changed in accordance with section 09-11-17 of this article.

(4) Authority: This article is authorized by Idaho Code sections 31-801, 31-828 and 67-6526.

(5) No Separate Entity: This article does not create a separate legal entity.

(6) No Administrative Entity Created: No administrative entity is created as this article only provides for cooperation between the parties using existing agency personnel.

(7) Real And Personal Property: It is not contemplated, due to the nature of this article, that there will be a need to acquire, hold, and/or dispose of any real or personal property under this article.

(8) No Administrative Entity Created: No administrative entity is created as this agreement only provides for cooperation between the parties using existing personnel of Canyon County and the city of Nampa.

(9) Financing/Budget: Unless otherwise agreed to in writing there shall be no joint financing of activities under this article. No compensation shall be due and owing for services to either party from the other party. Each party agrees to establish its own fees and to be responsible for the collection of said fees from the public and for payment of compensation and benefits for its employees. Each party shall independently budget for expected expenses under this article. (Ord. 05-014, 6-1-2005)

**09-11-05: REPEALER:**

This article repeals the joint exercise of powers agreement for the area of city impact between the city of Nampa and Canyon County (dated March 27, 1998), Canyon County ordinance re: city of Nampa, Idaho impact area map (ordinance 00-011, adopted November 14, 2000), and all ordinances, regulations, or parts thereof, in conflict herewith. (Ord. 05-014, 6-1-2005)
09-11-07: SAVING CLAUSE:

Any actions, civil, criminal or administrative, which are pending at the time of the enactment of this article, may be pursued as if this article had not been enacted. (Ord. 05-014, 6-1-2005)

09-11-09: AREA OF CITY IMPACT DEFINED:

The Nampa area of city impact consists of an area where development or use of land affects, or may affect, the city of Nampa in regard to its trade areas, geographic factors and areas that can reasonably be expected to be annexed to the city in the future. (Ord. 05-014, 6-1-2005)

09-11-11: GEOGRAPHIC AREA OF CITY IMPACT ESTABLISHED:

(1) The Nampa area of city impact is hereby established as described in a map attached to ordinance 05-014 as exhibit A, entitled "Nampa area of city impact", which map is officially made a part hereof by reference. The Nampa area of city impact being established and map being specifically adopted, by city of Nampa municipal ordinance 3452.

(2) The Nampa area of city impact may be reevaluated by the city and Canyon County at such times as they may agree upon, in accordance with Idaho Code section 67-6526, as amended, to consider possible changes in the geographic area affected and/or other provisions of this article. (Ord. 05-014, 6-1-2005)

09-11-13: AREA OF CITY IMPACT MAP:

The Nampa area of city impact within the unincorporated area of Canyon County is particularly described in section 09-11-11 of this article and also set forth on the map referred to in section 09-11-11 of this article, which map shall be in effect until amended or modified as allowed by law. (Ord. 05-014, 6-1-2005)
09-11-15: ANNEXATION LIMITED:

(1) Lands Within Area Of Impact: Annexation by the city of Nampa shall be limited to lands lying within the Nampa area of city impact unless the owner of the land requests that the tract of land be annexed by the city of Nampa pursuant to Idaho Code section 50-222 et seq., and the land is contiguous or adjacent to the boundaries of the city of Nampa.

(2) Application Of Provisions Upon Annexation: Upon annexation, the provisions of this article shall no longer apply to the annexed area.

(3) Annexation Notification: The city of Nampa must notify the director of the county's development services department ("director") in writing ten (10) calendar days in advance of the first public hearing at which each annexation is considered by the city of Nampa. The city of Nampa shall notify Canyon County in writing within ten (10) calendar days following the effective date of the adoption of each annexation ordinance. (Ord. 05-014, 6-1-2005)

09-11-17: APPLICABLE COMPREHENSIVE PLAN AND COMPREHENSIVE PLAN:

(1) Comprehensive Plan: The Canyon County comprehensive plan, as amended, shall apply to the Nampa area of city impact. Canyon County recognizes that the city of Nampa has also developed a comprehensive plan and accompanying map for the Nampa area of city impact. Canyon County shall give consideration to the city's comprehensive plan map designations when evaluating development requests with the Nampa area of city impact.

(2) Hearing Participation: The city of Nampa may apply at any time to amend Canyon County's comprehensive plan and may fully participate in the hearing process. Hearing input from the city of Nampa will not be binding or controlling on the county, but shall be treated as documentary evidence. The city of Nampa shall have affected party status pursuant to Idaho Code section 67-6521 of the local land use planning act, as amended.

(3) Comprehensive Plan Amendment Proposals: All proposals to amend Canyon County's comprehensive plan, which may pertain to the Nampa area of city impact, but which do not
originate from the city of Nampa, shall be referred to the city of Nampa's planning and community development director at least thirty (30) calendar days prior to the first county public hearing on the matter and the city of Nampa may make a recommendation before or at said public hearing. After the city receives its initial thirty (30) days' notice, any further notice of proposed changes to the proposal will be provided to the city of Nampa at least seven (7) days prior to the public hearing. If a recommendation is received by the county from the city of Nampa, it shall be given consideration by the county, provided it is factually supported, but such recommendation shall not be binding on the county. If no recommendation is received, Canyon County may proceed without the recommendation of the city of Nampa.

(4) Final Document Forwarding: After the county's final action has been taken on any proposed amendments to the county's comprehensive plan, the county shall notify the city of Nampa's planning and community development department of said final action by forwarding, to the city of Nampa's planning and community development department, a copy of all final documents reflecting the action taken by the county. (Ord. 05-014, 6-1-2005)

**09-11-19: APPLICABLE ORDINANCES AND STANDARDS:**

Within the Nampa area of city impact, the following ordinances apply but the city of Nampa ordinances are subject to the waiver provisions in subsection (6) of this section:

(1) Canyon County zoning ordinance, as lawfully amended.

(2) City of Nampa's subdivision ordinance, ordinance 3119 and dated June 1, 2002, except for simple divisions (lot split) provisions and except for hearing procedures. The county's hearing procedures shall apply.

(3) The Nampa ordinances or sections from Nampa ordinances that apply by ordinance number and adoption date, even when in conflict with otherwise applicable county provisions, are as follows:

A. Nampa city ordinance 3119, chapter 27, subdivision ordinance, and all standards and specifications adopted thereby, in the form existing as of May 20, 2002.

B. Nampa city ordinance 3151, subsections 10-27-6(J) and (K), and all standards and specifications adopted thereby, in the form existing as of September 3, 2002.
C. Nampa city ordinance 3211, sections 10-27-1 and 10-27-6, and all standards and specifications adopted thereby, in the form existing as of July 4, 2002.

D. Nampa city ordinance 3247, subsections 10-27-2(G) and (H) and section 10-27-15, and all standards and specifications adopted thereby, in the form existing as of August 4, 2003.

E. Nampa city ordinance 3250, subsections 10-27-2(F), 10-27-4(E), section 10-27-5 and subsections 10-27-6(C)2 and 10-27-6(F) and all standards and specifications adopted thereby, in the form existing as of August 18, 2003.


H. Nampa city ordinance 3451, subsection 10-27-6(A), and all standards and specifications adopted thereby, in the form existing as of May 30, 2005.

(4) Except as set forth above, all other standards of applicable Canyon County codes and ordinances apply; and

(5) For subdivisions applied for in the Nampa area of city impact, the county will require on the face of each final plat a certification signature line for execution by the city of Nampa engineer attesting to the plat's conformance with the city standards set forth above. Also, the county will not sign a final plat, or authorize the plat to be recorded, prior to the city engineer's signature being on theplat.

(6) Waiver Of City Of Nampa Ordinance Provisions: The standards and requirements listed in the Nampa ordinances, identified in subsections (2) and (3) of this section, may be waived by the board of county commissioners in its discretion. An applicant for such waiver bears the burden of persuasion and must specifically state the reasons why a waiver is necessary and prove said waiver will not cause an adverse effect to the health, safety and welfare of the community and that the requirements sought to be waived constitute an undue hardship. For the purpose of this section, increased financial expense associated with a requirement, by itself, does not constitute an undue hardship. Notice of the requested waiver must be given to the city of Nampa not less than thirty (30) days prior to the hearing on the waiver application. Any further notice on the proposed waiver will be provided to the city of Nampa at least seven (7) days prior to any public hearing. Written objections from the city of Nampa will be considered by the Canyon County commissioners. The application for waiver must show that prior to filing the application, the applicant first sought consent from the city of Nampa to the waiver, indicating the date of the request and the response, if any, from the city of Nampa. In granting any waiver,
the board may impose any conditions the county deems necessary, to help mitigate any adverse effect to the health, safety and welfare of the community. The application for waiver will first be considered by the county planning and zoning commission at a public hearing, which shall make recommendations to the board of county commissioners for their consideration at a public hearing. The public hearings held before the Canyon County planning and zoning commission and the Canyon County board of commissioners will be conducted in accordance with the notice and hearing procedures provided by subsections 07-17-09(4) and (5) of this code. (Ord. 05-014, 6-1-2005)

09-11-21: ZONING/SUBDIVISION ORDINANCE AMENDMENT PROPOSALS:

(1) All proposed amendments to the text and/or map of the Canyon County zoning ordinance or subdivision regulations, which may relate to the Nampa area of city impact, shall be referred by the county to the city of Nampa in the same manner as provided for in subsection 09-11-17(3) of this article. Any recommendation of the city of Nampa shall be considered in the same manner as provided for in subsection 09-11-17(3) of this article.

(2) All proposed amendments to the city of Nampa's subdivision ordinance, which may relate to the Nampa area of city impact, shall be referred by the city of Nampa to the county in the same manner as provided for in subsection 09-11-17(3) of this article. Any recommendation of the city of Nampa shall be considered in the same manner as provided for in subsection 09-11-17(3) of this article. (Ord. 05-014, 6-1-2005)

09-11-23: AMENDMENT OF COUNTY AND CITY ORDINANCES RELATING TO AREA OF CITY IMPACT AND NOTICE:

(1) Subject to subsection 09-11-17(3) of this article, prior to amendment by the county of any county ordinance applicable in the Nampa area of city impact as set forth in section 09-11-19 of this article, the county shall forward the proposed change(s) to the city of Nampa for review and comment at least thirty (30) calendar days prior to the first county public hearing at which such amendment(s) will be considered. Any further notice of proposed changes to the proposal will be provided to the city of Nampa at least seven (7) days prior to the public hearing.

(2) Prior to amendment by the city of Nampa of any city ordinance applicable in the Nampa area of
city impact as set forth in section 09-11-19 of this article, the city shall forward the proposed change(s) to the county for review and comment at least thirty (30) days prior to the first Nampa public hearing at which such amendment(s) will be considered. Any further notice of proposed changes to the proposal will be provided to Canyon County at least seven (7) days prior to the public hearing. (Ord. 05-014, 6-1-2005)

09-11-25: APPLICATION PROCEDURES:

The following procedures shall be adhered to in processing applications within the Nampa area of city impact:

(1) Land Use Applications: All land use applications submitted to Canyon County including, but not limited to, rezones, conditional rezones, conditional use permits, variances and land divisions requiring notification of a public hearing, shall be referred to the city of Nampa in the manner as provided for in subsection 09-11-17(3) of this article.

(2) Planned Unit Developments: All planned unit developments shall be processed as provided for in this code, and as provided for in subsection 09-11-19 of this article.

(3) Subdivision Plat Applications: All subdivision plat and irrigation plan applications shall be processed procedurally as provided for in this code, and as provided for in subsection 09-11-19 of this article.

(4) Building Permit Applications: All building permit applications shall be processed as provided for in this code. Owners of properties connecting to city of Nampa water and/or, sewer must obtain a certificate of acceptance from the authorized city official as a condition precedent to obtaining the building permit.

(5) Notice Contents: The county's notice to the city of Nampa, as provided for by subsection 09-11-17(3) of this article, shall include with the notice a copy of the application and concept plan or plat and irrigation plan, and any other relevant information submitted by the applicant.

(6) City Impact Area Representation: Recommendations for city impact area representation on the
county planning and zoning commission may be made by the city of Nampa to the board of county commissioners at any time and will be acted upon by said board as the need arises and as the board deems appropriate.

(7) City/County Internal Procedures: Each party shall determine its own internal procedures as may be deemed appropriate and adequate for making recommendations to the other party on proposed actions and on its handling of proposed amendments to its own plan and/or ordinances. An appeal made by the city to the county, or by the county to the city, shall be processed by the nonappealing party in accordance with the internal procedures of the nonappealing party. (Ord. 05-014, 6-1-2005)

09-11-27: AMENDMENT OF NAMPA AREA OF CITY IMPACT (PLANS AND ORDINANCES) ORDINANCE:

(1) In accordance with Idaho Code section 67-6526(d), the city of Nampa or the board of Canyon County commissioners may request, in writing, the renegotiation of any provision of this article at any time. Within thirty (30) days of receipt of such written request by either party, an initial meeting between the two (2) jurisdictions should occur. If the parties agree to amend this article, hearings to enact such amendments shall be scheduled before the parties' respective planning and zoning commissions with ultimate approval resting with the board of county commissioners and the city council. If the city and county are unable to agree to amend this article, either may elect to submit the issues to a committee of nine (9) as described in the local land use planning act, Idaho Code section 67-6526(b).

(2) During renegotiation, all provisions of this article shall remain in effect until this article is amended or a substitute ordinance is adopted by both the city of Nampa and Canyon County, in accordance with the notice and hearing procedures provided in title 67, chapter 65 of Idaho Code, or until a declaratory judgment from district court is final.

(3) Amendments to this article shall be processed using the notice and hearing requirements of Idaho Code section 67-6509. (Ord. 05-014, 6-1-2005)

09-11-29: SEVERABILITY:
Should any action or provision of this article be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or a part thereof other than the part declared to be unconstitutional or invalid. (Ord. 05-014, 6-1-2005)

09-11-31: EFFECTIVE DATE:

This article shall be in full force and effect upon its passage, approval, and publication. (Ord. 05-014, 6-1-2005)
Article 13
NOTUS

09-13-01: TITLE:

This Article shall be known as the NOTUS AREA OF CITY IMPACT (PLANS AND ORDINANCES) ORDINANCE. (Ord. 94-018, 12-23-94)

09-13-03: SCOPE:

(1) The Idaho Legislature duly enacted Idaho Code section 67-6526(a) which provides that by separate ordinance the County of Canyon and City of Notus shall provide for application of plans and ordinances for the area of city impact; and

(2) The City of Notus and the County have adopted a map identifying the City of Notus impact area within the unincorporated area of the County by the adoption of Ordinance No. 94-010 duly passed by Canyon County on December 23, 1994; and

(3) Idaho Code section 67-6526(a) requires that the City of Notus and the County of Canyon provide by ordinance for the application of plans and ordinances for the area of city impact of the City of Notus within the unincorporated area of the County no later than January 1, 1995; and

(4) The City of Notus and the County shall enter into a joint exercise of power agreement for the impact area of the City of Notus, which agreement shall provide for and facilitate the legal duties of the parties and their responsibilities and authority as required under the Local Planning Act of 1975, and including any duties appertaining to the area of City impact subsequently required by the Idaho Legislature. (Ord. 94-018, 12-23-94)

09-13-05: ANNEXATION LIMITED:
(1) Lands Within Area Of Impact: Effective January 1, 1995, annexation by the City of Notus shall be limited to lands lying within the area of impact, unless the owner of the land requests the tract of land be annexed by the City, and the land is contiguous to the boundaries of the City of Notus.

(2) Application Of Provisions Upon Annexation: Upon annexation, the provisions of this Article shall no longer apply to the annexed area. (Ord. 94-018, 12-23-94)

09-13-07: APPLICATION OF COMPREHENSIVE PLAN AND ZONING ORDINANCE:

There is hereby adopted for the purposes of complying with Idaho Code section 67-6526(a) the Ordinance codified in this Article, which provides for the application of the latest edition of the Canyon County Comprehensive Plan as duly enacted and adopted and amended by the County Commissioners, and Chapter 7 of this Code, to the area of impact of the City of Notus within the unincorporated area of the County, until a new comprehensive plan and/or zoning ordinance has been duly adopted in accordance with the provisions of a joint exercise of power agreement impact area City of Notus/County of Canyon. Until the joint exercise of power agreement is adopted and operational, the County shall direct copies of all applications coming before it, pursuant to the Local Planning Act of 1975 and Chapter 7 of this Code concerning property located in the area of City impact of Notus, for the City of Notus' input on the application and shall give such input due consideration; and after the adoption of the joint exercise of power agreement and the same becomes operational, then the provisions of that agreement shall govern this process. (Ord. 94-018, 12-23-94)

09-13-09: APPLICATION OF NOTUS SUBDIVISION ORDINANCE:

(1) Adoption Of Subdivision Ordinance: There is hereby adopted for the purposes of complying with Idaho Code section 67-6526(a) the ordinance codified in this article, which provides for, except as provided in subsection (2) of this section, the application of city of Notus' subdivision ordinance, as amended, to the area of impact of the city of Notus within the unincorporated area of the county, until a new subdivision ordinance has been duly adopted in accordance with the provisions of a joint exercise of power agreement impact area city of Notus/county of Canyon.
(2) Exceptions And Conflict Procedure: In the event a conflict in the application of the provisions of chapter 7 of this code and the provisions of the city of Notus' subdivision ordinance to the area of impact of the city of Notus, the provisions of the city of Notus' subdivision ordinance shall control, but shall not control over the application of section 07-10-29, "F (Flood Hazard Overlay Zone)", and/or chapter 6, article 5, "Addressing", of this code. The city of Notus' subdivision ordinance shall be subject to the applicable Notus highway district's standards and regulations solely enforceable by said highway district. It is further provided that only those portions of the subdivision ordinance adopted which are not repugnant to federal or state law shall be adopted by the county and there shall be no approval and reviewing of protective or restrictive covenants as part of the process described in this article. (Ord. 94-018, 12-23-1994)

09-13-11: IMPACT AREA MAP:

The Notus, Idaho, Canyon County approved impact area map is hereby adopted as the official map identifying the area of city impact within the unincorporated area of the county for the city of Notus. A true and correct copy of said map is affixed as attachment 1 to the ordinance codified herein and is fully incorporated by reference herein. (Ord. 08-008, 4-16-2008)

09-13-13: AVAILABILITY OF ORDINANCES:

True and correct copies of the ordinances herein referred to shall be on file with the clerk of the city of Notus, the clerk of the Canyon County commissioners, the office of planning and zoning department of the city of Notus, and the planning and zoning department of the county and are available for public inspection and reference. (Ord. 94-018, 12-23-1994)
09-15-01: TITLE:

This Article shall be known as the PARMA AREA OF CITY IMPACT (PLANS AND ORDINANCES) ORDINANCE. (Ord. 94-019, 12-23-94)

09-15-03: SCOPE:

(1) The Idaho Legislature duly enacted Idaho Code section 67-6526(a) which provides that by separate ordinance the County of Canyon and City of Parma shall provide for application of plans and ordinances for the area of city impact; and

(2) The County has adopted a map identifying the City of Parma impact area within the unincorporated area of the County by the adoption of Ordinance No. 94-011 duly passed by Canyon County on December 23, 1994; and

(3) Idaho Code section 67-6526(a) requires that the City of Parma and the County of Canyon provide by ordinance for the application of plans and ordinances for the area of city impact of the City of Parma within the unincorporated area of the County no later than January 1, 1995; and

(4) The City of Parma and the County shall enter into a joint exercise of power agreement for the impact area of the City of Parma, which agreement shall provide for and facilitate the legal duties of the parties and their responsibilities and authority as required under the Local Planning Act of 1975, and including any duties appertaining to the area of City impact subsequently required by the Idaho Legislature. (Ord. 94-019, 12-23-94)

09-15-05: ANNEXATION LIMITED:
(1) Lands Within Area Of Impact: Effective January 1, 1995, annexation by the City of Parma shall be limited to lands lying within the area of impact, unless the owner of the land requests the tract of land be annexed by the City, and the land is contiguous to the boundaries of the City of Parma.

(2) Application Of Provisions Upon Annexation: Upon annexation, the provisions of this Article shall no longer apply to the annexed area. (Ord. 94-019, 12-23-94)

09-15-07: APPLICATION OF COMPREHENSIVE PLAN AND ZONING ORDINANCE:

There is hereby adopted for the purposes of complying with Idaho Code 67-6526(a) the ordinance codified in this Article, which provides for the application of the latest edition of the Canyon County Comprehensive Plan as duly enacted and adopted and amended by the County Commissioners, and Chapter 7 of this Code, to the area of impact of the City of Parma within the unincorporated area of the County, until a new comprehensive plan and/or zoning ordinance has been duly adopted in accordance with the provisions of a joint exercise of power agreement impact area City of Parma/County of Canyon. Until the joint exercise of power agreement is adopted and operational, the County shall direct copies of all applications coming before it, pursuant to the Local Planning Act of 1975 and Chapter 7 of this Code concerning property located in the area of City impact of Parma, for the City of Parma's input on the application and shall give such input due consideration; and after the adoption of the joint exercise of power agreement and the same becomes operational, then the provisions of that agreement shall govern this process. (Ord. 94-019, 12-23-94)

09-15-09: APPLICATION OF PARMA SUBDIVISION ORDINANCE:

(1) Adoption Of Subdivision Ordinance: There is hereby adopted for the purposes of complying with Idaho Code section 67-6526(a) the ordinance codified in this article, which provides for, except as provided in subsection (2) of this section, the application of city of Parma's subdivision ordinance, as amended, as codified at title 6, chapters 1 through 6, municipal code of the city of Parma, to the area of impact of the city of Parma within the unincorporated area of the county, until a new subdivision ordinance has been duly adopted in accordance with the provisions of a joint exercise of power agreement impact area city of Parma/county of Canyon.
(2) Exceptions And Conflict Procedure: In the event a conflict in the application of the provisions of chapter 7 of this code and the provisions of the city of Parma's subdivision ordinance to the area of impact of the city of Parma, the provisions of the city of Parma's subdivision ordinance shall control, but shall not control over the application of section 07-10-29, "F (Flood Hazard Overlay) Zone", and/or chapter 6, article 5, "Addressing", of this code. The city of Parma's subdivision ordinance shall be subject to the applicable Notus/Parma highway district 2's standards and regulations solely enforceable by said highway district. It is further provided that only those portions of the subdivision ordinance adopted which are not repugnant to federal or state law shall be adopted by the county and there shall be no approval and reviewing of protective or restrictive covenants as part of the process described in this article.

(3) One Mile Approval By City: By the passage of the ordinance codified in this article, and by the city's passage of a like ordinance, there is mutual agreement that within one mile of the city of Parma's boundary only, the Parma city subdivision ordinance shall prevail over chapter 7, article 17 of this code as is provided for in Idaho Code section 50-1306 in those circumstances where the one mile limit exceeds the boundaries of the impact area, except in those instances where there is an overlap with another city that is larger, in which event the jurisdiction of the larger city shall be assumed. (Ord. 94-019, 12-23-1994)

09-15-11: IMPACT AREA MAP:

The Parma, Idaho, Canyon County approved impact area map is hereby adopted as the official map identifying the area of city impact within the unincorporated area of the county for the city of Parma. A true and correct copy of said map is affixed as attachment 1 to the ordinance codified herein and is fully incorporated by reference herein. (Ord. 08-009, 4-16-2008)

09-15-13: AVAILABILITY OF ORDINANCES:

True and correct copies of the ordinances herein referred to shall be on file with the clerk of the city of Parma, the clerk of the Canyon County commissioners, the office of planning and zoning department of the city of Parma, and the planning and zoning department of the county and are available for public inspection and reference. (Ord. 94-019, 12-23-1994)
Article 17
WILDER

09-17-01: TITLE:

This article shall be know as the WILDER AREA OF CITY IMPACT (PLANS AND ORDINANCES/MAP) ORDINANCE. (Ord. 05-015, 10-7-2005)

09-17-03: STRUCTURE, PURPOSE AND AUTHORITY:

(1) Structure: Titles and subtitles of this article are only used for organization and structure and the language in each paragraph of this article should control with regard to determining the legislative intent and meaning of the board of county commissioners.

(2) Purpose: The purpose of these provisions is to promote the public health, safety, general welfare, peace, good order, comfort and convenience of Canyon County and the inhabitants thereof by establishing regulations for the Wilder area of city impact, and further, to:

A. Facilitate Legal Duties Of Parties: Facilitate the legal duties of, responsibilities, and authority of Canyon County, Idaho and city of Wilder, Idaho as is prescribed and provided by the Idaho legislature regarding impact areas; and

B. Processing Of Land Use And Land Division Applications: To provide steps and procedures required for processing zoning applications, comprehensive plan and zoning amendments and subdivision plats and land division within the Wilder area of city impact in accordance with Idaho Code section 67-6526, as amended; and

C. Economical And Compatible Infrastructure: To identify an urban fringe in the unincorporated area surrounding the city of Wilder within which there is potential for development or changes in land use that must be planned, designed and constructed in an orderly manner compatible with the city of Wilder for the city of Wilder to assure timely and/or economical provision of public services, such as: water supply, sewage and storm water collection and treatment, public safety services, airport, parks, and other community service facilities.

D. Compatible Land Use And Roads: To promote land use compatibility, maintain consistent and continuous street alignment, and support traffic flow objectives.
(3) Duration: This article shall be in effect unless amended or otherwise changed in accordance with section 09-17-25 of this article.

(4) Authority: This article is authorized by Idaho Code sections 31-801, 31-828 and 67-6526.

(5) No Separate Entity: This article does not create a separate legal entity.

(6) No administrative Entity Created: No administrative entity is created as this article only provides for cooperation between the parties using existing agency personnel.

(7) Real And Personal Property: It is not contemplated, due to the nature of this article, that there will be a need to acquire, hold, and/or dispose of any real or personal property under this article.

(8) No Administrative Entity Created: No administrative entity is created as this agreement only provides for cooperation between the parties using existing personnel of Canyon County and the city of Wilder.

(9) Financing/Budget: Unless otherwise agreed to in writing, there shall be no joint financing or activities under this article. No compensation shall be due and owing for services to either party from the other party. Each party agrees to establish its own fees and to be responsible for the collection of said fees from the public and for payment of compensation and benefits for its employees. Each party shall independently budget for their own expenses under this article. (Ord. 05-015, 10-7-2005)

09-17-05: REPEALER:

This article repeals the joint exercise of power agreement between city of Wilder and county of Canyon (dated January 14, 1998), and all other ordinances, regulations, or parts thereof, in conflict herewith. (Ord. 05-015, 10-7-2005)
09-17-07: SAVING CLAUSE:

Any actions, civil, criminal or administrative, which are pending at the time of the enactment of this article, may be pursued as if this article had not been enacted. (Ord. 05-015, 10-7-2005)

09-17-09: AREA OF CITY IMPACT DEFINED:

The Wilder area of city impact consists of an area where development or use of land affects, or may affect, the city of Wilder in regard to its trade areas, geographic factors and areas that can reasonably be expected to be annexed to the city of Wilder in the future. (Ord. 05-015, 10-7-2005)

09-17-11: GEOGRAPHIC AREA OF CITY IMPACT ESTABLISHED:

1) The Wilder, Idaho, Canyon County approved impact area map is hereby adopted as the official map identifying the area of city impact within the unincorporated area of the county for the city of Wilder. A true and correct copy of said map is affixed as attachment 1 to the ordinance codified herein and is fully incorporated by reference herein. (Ord. 08-005, 4-16-2008)

2) The Wilder area of city impact may be reevaluated by the city and Canyon County at such times as they may agree upon, in accordance with Idaho Code section 67-6526, as amended, to consider possible changes in the geographic area affected and/or other provisions of this article. (Ord. 05-015, 10-7-2005)

09-17-13: ANNEXATION LIMITED:

1) Lands Within Area Of Impact: Annexation by the city of Wilder shall be limited to lands lying within the Wilder area of city impact unless the owner of the land consents that the tract of land be annexed by the city of Wilder pursuant to Idaho Code, section 50-222 et seq., and the land is contiguos or adjacent to the boundaries of the city of Wilder.
(2) Application Of Provisions Upon Annexation: Upon annexation, the provisions of this article shall no longer apply to the annexed area.

(3) Annexation Notification: The city of Wilder must notify the director of the county's development services department ("director") in writing ten (10) calendar days in advance of the first public hearing at which each annexation is considered by the city of Wilder. The city of Wilder shall notify Canyon County in writing within ten (10) calendar days following the effective date of the adoption of each annexation ordinance. (Ord. 05-015, 10-7-2005)

09-17-15: APPLICABLE COMPREHENSIVE PLAN AND POLICIES:

(1) Comprehensive Plan: The Canyon County comprehensive plan, as amended, shall apply to the Wilder area of city impact. Canyon County recognizes that the city of Wilder has also developed a comprehensive plan and accompanying map for the Wilder area of city impact. Canyon County shall give consideration to the city's comprehensive plan map designations when evaluating development requests within the Wilder area of city impact.

(2) Hearing Participation: The city of Wilder may apply at any time to amend Canyon County's comprehensive plan and may fully participate in the hearing process. Hearing input from the city of Wilder will not be binding or controlling on the county, but shall be treated as documentary evidence. The city of Wilder shall have affected party status pursuant to Idaho Code section 67-6521 of the local land use planning act, as amended.

(3) Comprehensive Plan Amendment Proposals: All proposals to amend Canyon County's comprehensive plan, which may pertain to the Wilder area of city impact, but which do not originate from the city of Wilder, shall be referred to the city clerk at least thirty (30) calendar days prior to the first county public hearing on the matter and the city of Wilder may make a recommendation before or at said public hearing. After the city receives its initial thirty (30) days' notice, any further notice of proposed changes to the proposal will be provided to the city of Wilder at least seven (7) days prior to the public hearing. If a recommendation is received by Canyon County from the city of Wilder, it shall be given consideration by the county, provided it is factually supported but such recommendation shall not be binding on the county. If no recommendation is received, Canyon County may proceed without the recommendation of the city of Wilder.
(4) Final Document Forwarding: After Canyon County's final action has been taken on any proposed amendments to the county's comprehensive plan, the county shall notify the city clerk of said final action by forwarding, to the city clerk, a copy of all final documents reflecting the action taken by the county. (Ord. 05-015, 10-7-2005)

09-17-17: APPLICABLE ORDINANCES AND STANDARDS:

Within the Wilder area of city impact, the following ordinances apply which are subject to the city of Wilder ordinance waiver provisions in subsection (6) of this article:

(1) Canyon County zoning ordinance 05-002 as amended.

(2) City of Wilder's subdivision ordinances, codified at title 10 of the Wilder city code, except for simple divisions (lot split) provisions and except for hearing procedures. The county's lot split provisions and hearing procedures shall apply.

(3) City council resolution 401, dated January 11, 2005, adopting the "city of Wilder street standards and development procedures" shall apply, even when in conflict with otherwise applicable county provisions.

(4) Except as set forth above, all other standards of applicable Canyon County codes and ordinances apply; and

(5) For subdivisions applied for in the Wilder area of city impact, the county will require on the face of each final plat a certification signature line for execution by the city engineer of the city of Wilder attesting to the plat's conformance with the city standards set forth above. Also, the county will not sign a final plat, or authorize the plat to be recorded, prior to the city engineer's signature being on the plat.

(6) The standards and requirements listed in title 10 of the Wilder city code and resolution 401, identified in subsections (2) and (3) of this section, may be waived by the board of county commissioners in its discretion. An applicant for such waiver bears the burden of persuasion and must specifically state the reasons why a waiver is necessary and prove said waiver will not
cause an adverse effect to the health, safety and welfare of the community and that the requirements sought to be waived constitute an undue hardship. For the purpose of this section, increased financial expense associated with a requirement, by itself, does not constitute an undue hardship. Notice of the requested waiver must be given to the city of Wilder not less than thirty (30) days prior to the hearing on the waiver application. Any further notice on the proposed waiver will be provided to the city of Wilder at least seven (7) days prior to any public hearing. Written objections from the city of Wilder will be considered by the Canyon County commissioners. The application for waiver must show that prior to filing the application, the applicant first sought consent from the city of Wilder to the waiver, indicating the date of the request and the response, if any, from the city of Wilder. In granting any waiver, the board may impose any conditions the county deems necessary, to help mitigate any adverse effect to the health, safety and welfare of the community. The application for waiver will first be considered by the county planning and zoning commission at a public hearing, which shall make recommendations to the board of county commissioners for their consideration at a public hearing. The public hearings held before the Canyon County planning and zoning commission and the Canyon County board of commissioners will be conducted in accordance with the notice and hearing procedures provided by Canyon County zoning ordinance, subsections 07-17-09(4) and (5) of this code, as amended. (Ord. 05-015, 10-7-2005)

09-17-19: ZONING/SUBDIVISION ORDINANCE AMENDMENT PROPOSALS:

(1) All proposed amendments to the text and/or map of the Canyon County zoning or subdivision ordinance, which may related to the Wilder area of city impact, shall be referred by the county to the city of Wilder in the same manner as provided for in subsection 09-17-15(3) of this article. Any recommendation of the city of Wilder shall be considered in the same manner as provided in subsection 09-17-15(3) of this article.

(2) All proposed amendments to the city of Wilder's subdivision ordinance, which may relate to the Wilder area of city impact, shall be referred by the city of Wilder to the county in the same manner as provided for in subsection 09-17-15(3) of this article. Any recommendation of the county shall be considered in the same manner as provided for in subsection 09-17-15(3) of this article. (Ord. 05-015, 10-7-2005)

09-17-21: AMENDMENT OF COUNTY AND CITY ORDINANCES RELATING TO AREA OF CITY IMPACT AND NOTICE:
(1) Subject to subsection 09-17-15(3) of this article, prior to amendment by the county of any county ordinance applicable in the Wilder area of city impact, as set forth in subsection 09-17-17 of this article, the county shall forward the proposed change(s) to the city of Wilder for review and comment at least thirty (30) calendar days prior to the first county public hearing at which such amendment(s) will be considered.

(2) Subject to subsection 09-17-15(3) of this article, prior to amendment by the city of Wilder of any city of Wilder ordinance applicable in the Wilder area of city impact, as set forth in subsection 09-17-17 of this article, the city shall forward the proposed change(s) to the county for review and comment at least thirty (30) days prior to the first city of Wilder public hearing at which such amendment(s) will be considered. (Ord. 05-015, 10-7-2005)

09-17-23: APPLICATION PROCEDURES:

The following procedures shall be adhered to in processing applications within the Wilder area of city impact:

(1) Land Use Applications: All land use applications submitted to Canyon County including, but not limited to, rezones, conditional rezones, conditional use permits, variances, planned unit developments, subdivision plat applications and land divisions requiring notification of a public hearing, shall be referred to the city of Wilder in the manner as provided for in subsection 09-17-15(3) of this article.

(2) Planned Unit Developments: All planned unit developments shall be processed as provided for in this code, and as provided for in subsection 09-17-15(3) of this article.

(3) Subdivision Plat Applications: All subdivision plat and irrigation plan applications shall be processed procedurally as provided for in this code, and as provided for subsection 09-17-15(3) of this article.

(4) Building Permit Applications: All building permit applications shall be processed as provided for in this code.
(5) Notice Contents: The county's notice to the city of Wilder, as provided for by subsection 09-17-15(3) of this article, shall include with the notice a copy of the application and concept plan or plat and irrigation plan, and any other relevant information submitted by the applicant.

(6) City Impact Area Representation: Recommendations for city impact area representation on the county planning and zoning commission may be made by the city of Wilder to the board of county commissioners at any time and will be acted upon by said board as the need arises and as the board deems appropriate.

(7) City/County Internal Procedures: Each party shall determine its own internal procedures as maybe deemed appropriate and adequate for making recommendations to the other party on proposed actions and on its handling of proposed amendments to its own plan and/or ordinances. An appeal made by the city of Wilder to Canyon County, or by Canyon County to the city of Wider, shall be processed by the nonappealing party in accordance with the internal procedures of the nonappealing party. (Ord. 05-015, 10-7-2005)

09-17-25: AMENDMENT OF WILDER AREA OF CITY IMPACT (PLANS AND ORDINANCES/MAP) ORDINANCE:

(1) In accordance with Idaho Code section 67-6526(d), as amended, the city of Wilder or the board of Canyon County commissioners may request, in writing, the renegotiation of any provision of this article at any time. Within thirty (30) days of receipt of such written request by either party, an initial meeting between the two (2) jurisdictions should occur. If the parties agree to amend this article, hearings to enact such amendments shall be scheduled before the parties' respective planning and zoning commissions with ultimate approval resting with the board of county commissioners and the Wilder city council. If the city and county are unable to agree to amend this article, either may elect to submit the issues to a committee of nine (9) as described in the local land use planning act, Idaho Code section 67-6523(b), as amended.

(2) During renegotiation, all provisions of this article shall remain in effect until this article is amended or a substitute ordinance is adopted by both the city of Wilder and Canyon County, in accordance with the notice and hearing procedures provided in title 67, chapter 65 of Idaho Code, as amended, or until a declaratory judgment from district court is final.

(3) Amendments to this article shall be processed using the notice and hearing requirements of
Idaho Code section 67-6509, as amended. (Ord. 05-015, 10-7-2005)

09-17-27: SEVERABILITY:

Should any section or provision of this article be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or a part thereof other than the part declared to be unconstitutional or invalid. (Ord. 05-015, 10-7-2005)

09-17-29: EFFECTIVE DATE:

This article shall be in full force and effect upon its passage, approval, and publication. (Ord. 05-015, 10-7-2005)