

## Article 7 MELBA

### 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<sup>1</sup>; 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, to the area of impact of the City of Melba 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 Melba/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 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:

*City of Melba*

*Oct. 27, 1994 - Monica Reyes, I*