

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)