

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 contiguous 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)