

STAR CITY CODE
CHAPTER 9 – AREAS OF CITY IMPACT
CHAPTER 1
CANYON COUNTY

SECTION:

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09-01-01: TITLE:

This chapter shall be known as the STAR/CANYON COUNTY AREA OF CITY IMPACT ORDINANCE.

09-01-02: STRUCTURE, PURPOSE AND AUTHORITY:

(1) Structure: Titles and subtitles of this chapter are only used for organization and structure, and the language in each paragraph of this chapter 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 Star area of city impact, and further, to:

A. Facilitate the legal duties, responsibilities, and authority of Canyon County, Idaho and City of Star, Idaho as is prescribed and provided by the Idaho legislature regarding impact areas; and

B. Provide steps and procedures required for processing zoning applications, comprehensive plan and zoning amendments and subdivision plats and land division within the Star area of city impact in accordance with Idaho Code section 67-6526; and

C. Identify an urban fringe in the unincorporated area surrounding the City of Star 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 Star for the City of Star to assure timely and/or economical provision of public services, such as: water supply, sewage and storm water collection and treatment, public safety services, parks, and other community service facilities.

D. Promote land use compatibility, maintain consistent and continuous street alignment, and support traffic flow objectives.

(3) Duration: This chapter shall be in effect unless amended or otherwise changed in accordance with section 09-01-08.

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

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

(6) No Administrative Entity Created: No administrative entity is created as this chapter 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 chapter, that there will be a need to acquire, hold, and/or dispose of any real or personal property under this chapter.

(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 Star.

(9) Financing/Budget: Unless otherwise agreed to in writing there shall be no joint financing of activities under this chapter. 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 chapter.

09-01-03: SAVING CLAUSE:

Any actions, civil, criminal or administrative, which are pending at the time of the enactment of this chapter, may be pursued as if this chapter had not been enacted.

09-01-04: AREA OF CITY IMPACT DEFINED:

The Star 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 Star in consideration of trade areas, geographic factors and areas that can reasonably be expected to be annexed to the City of Star in the future.

09-01-05: GEOGRAPHIC AREA OF CITY IMPACT ESTABLISHED:

(1) The Star area of city impact is hereby established as described in exhibit A attached to ordinance _____, a map entitled "Star area of city impact", which map is officially made a part hereof by reference. The Star area of city impact being established and map being specifically adopted by City of Star Unified Development Code _____.

(2) The Star 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 chapter.

09-01-06: AREA OF CITY IMPACT MAP:

The Star area of city impact within the unincorporated area of Canyon County adopted herein shall be in effect until amended or modified as allowed by law.

09-01-07: ANNEXATION LIMITED:

(1) Lands Within Area Of impact: Annexation by the City of Star 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 Star pursuant to Idaho Code, section 50-222 et seq., and the land is contiguous or adjacent to the boundaries of the City of Star and the Star comprehensive plan includes the area of annexation.

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

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

09-01-08: APPLICABLE COMPREHENSIVE PLAN AND POLICIES:

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

(2) Hearing Participation: Star may fully participate in the hearing process. Input from Star will not be binding or controlling on Canyon County, but shall be treated as documentary evidence.

(3) Comprehensive Plan Amendment Proposals: Notice of all proposals to amend the city or county comprehensive plans, which may pertain to area of impact, shall be given to the community development director at least thirty (30) calendar days prior to the first public hearing at which such proposal is considered by the city or county, and Star or Canyon County may make a recommendation before or at said public hearing. After initial thirty (30) days' notice is received, any further notice of proposed changes to the proposal will be provided to the city or county at least seven (7) days prior to the public hearing. If a recommendation is received, the recommendation shall be given consideration, provided it is factually supported. Such recommendation shall not be binding. If no recommendation is received, the proceedings may continue without the recommendation.

(4) Final Document Forwarding: After final action has been taken on any proposed amendments to the comprehensive plan and/or zoning ordinance or subdivision regulations, a copy of said final action shall be provided to the city or county.

09-01-09: APPLICABLE ORDINANCES AND STANDARDS:

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

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

(2) City of Star's subdivision ordinance, Title 8, Chapter 6, of the Unified Development Code, in the form existing as of _____, 2021, or as may be amended, except for simple division (lot split) provisions and except for hearing procedures. The county's hearing procedures shall apply.

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

A. City road widths and profiles found in Title 8, Chapter 6, Article B of the City of Star Unified Development Code, in the form existing as of _____, 2021, or as may be amended;

B. Unified Development Code of the City of Star, Title 8, Chapter 8, Article D, "Star Landscape Ordinance", in the form existing as of _____, 2021, or as may be amended.

C. City of Star adopted Economic Corridors Access and Roadway Connection Management Plan ~~shall be considered in the same manner as the adopted Canyon County functional classification map ("ECMAP")~~, in the form existing as of _____, 2021, or as may be amended. The ECAMP shall be given the same consideration as the adopted Canyon County functional classification map.

(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 Star area of city impact, Canyon County will require on the face of each final plat a certification line for execution by the City of Star 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 Star Ordinance Provisions: The requirements listed in the Star 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 Star 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 Star at least seven (7) days prior to any public hearing. Written objections from the City of Star 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 Star to the waiver, indicating the date of the request and the response, if any, from the city of Star. 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.

09-01-10: 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 Star area of city impact, shall be referred by the county to the City of Star in the same manner as provided for in subsection 09-01-08(3) of this chapter. Any recommendation of the City of Star shall be considered in the same manner as provided for in subsection 09-01-08(3) of this chapter.

09-01-11: AMENDMENT OF COUNTY AND CITY ORDINANCES RELATING TO AREA OF CITY IMPACT AND NOTICE:

(1) Prior to amendment by the county of any Canyon County ordinance applicable in the Star area of city impact as set forth in section 09-01-09: of this chapter, Canyon County shall forward the proposed change(s) to the City of Star 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 Star at least seven (7) days prior to the public hearing.

(2) Prior to amendment by the city of any City of Star ordinance applicable in the Star area of city impact as set forth in section 09-01-09: of this chapter, the City of Star shall forward the proposed change(s) to Canyon County for review and comment at least thirty (30) days prior to the first City of Star 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.

09-01-12: APPLICATION PROCEDURES:

The following procedures shall be adhered to in processing applications within the Star 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 Star in the manner as provided for in subsection 09-01-08(3) of this chapter.

(2) Subdivisions, Planned Unit Developments and Rezones: Applications for subdivisions, planned unit developments, and rezones within the Star area of city impact shall occur as a result of a request for annexation to Star; however, Canyon County may consider such applications in those exceptions where annexation is not approved by Star or

where the parcel on which such application is filed is not contiguous to the Star, and therefore cannot be annexed.

(3) Notice Contents: The county's notice to the City of Star, as provided for by subsection 09-01-08(3) of this chapter, 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.

(4) City Impact Area Representation: Recommendations for city impact area representation on the county planning and zoning commission may be made by the City of Star 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.

(5) 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 Star, or by the county to the city, shall be processed by the nonappealing party in accordance with the internal procedures of the nonappealing party.

09-01-13: AMENDMENT OF STAR AREA OF CITY IMPACT (PLANS AND ORDINANCES) ORDINANCE:

(1) In accordance with Idaho Code section 67-6526(d), the City of Star or the board of county commissioners may request, in writing, the renegotiation of any provision of this chapter 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.

(2) During renegotiation, all provisions of this chapter shall remain in effect until this chapter is amended or a substitute ordinance is adopted by both the City of Star 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 chapter shall be processed using the notice and hearing requirements of Idaho Code section 67-6509.

09-01-14: SEVERABILITY:

Should any action or provision of this chapter 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.

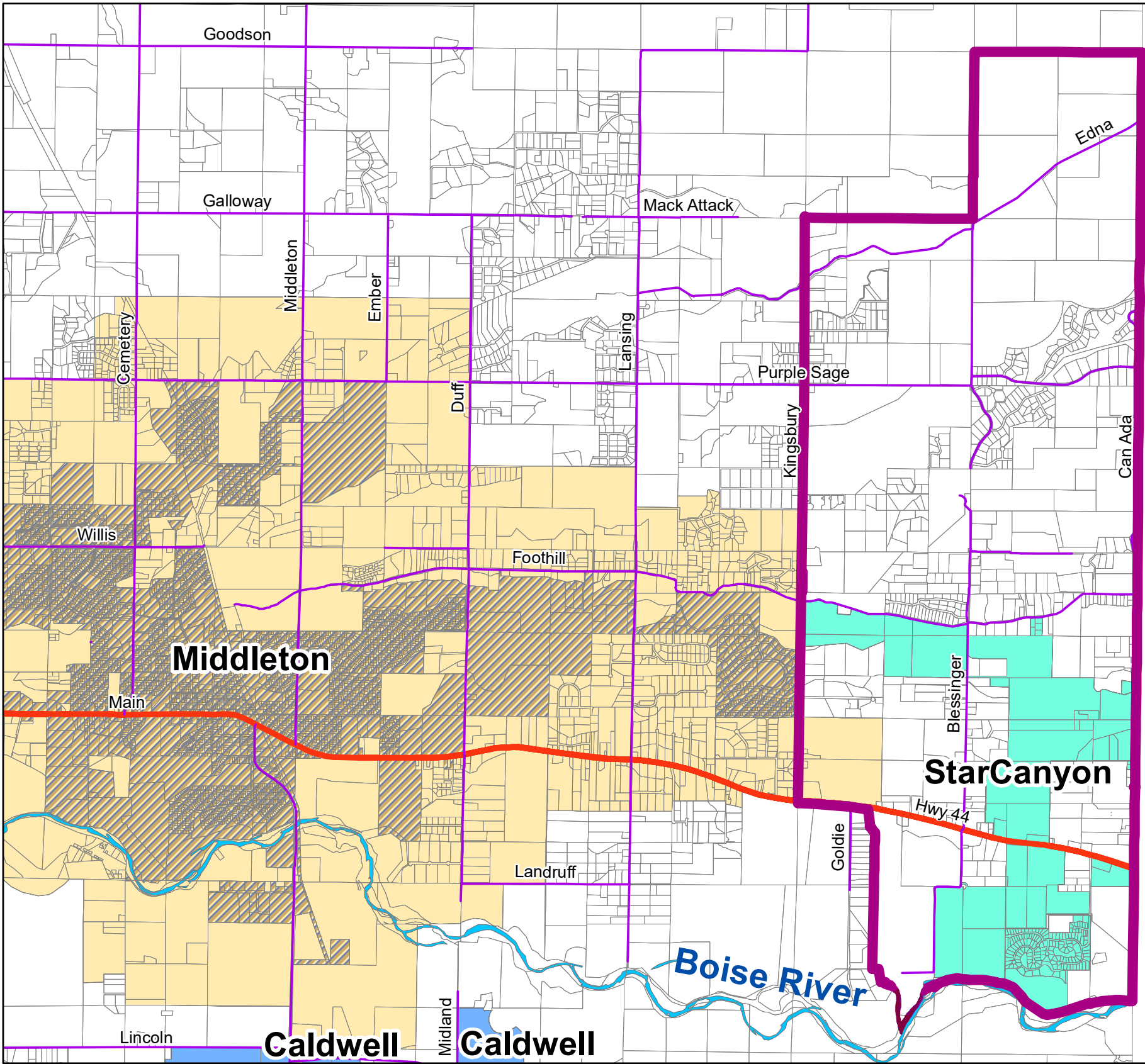
09-01-15: EFFECTIVE DATE:

This chapter shall be in full force and effect upon its passage, approval, and publication.

EXHIBIT A

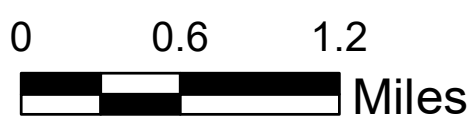
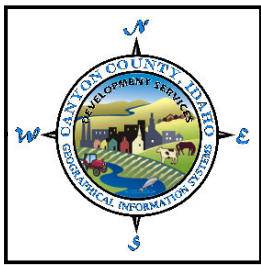
Committee of 9
Approved Star
Area of Impact

ADA COUNTY



Legend

City Of Star Proposed Impact Area	Highway
Parcels	Interstate
Star City Limits	Roads
Middleton City Limits	
Caldwell City Limits	
Middleton Proposed Impact Area	



DISCLAIMER:
CANYON COUNTY MAKES NO WARRANTY WITH RESPECT TO THE ACCURACY, COMPLETENESS, OR USEFULNESS OF THESE MAPS. CANYON COUNTY ASSUMES NO LIABILITY FOR DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR MISUSE OF THESE MAPS OR ANY OF THE INFORMATION CONTAINED HEREIN. PORTIONS MAY BE COPIED FOR INCIDENTAL USES, BUT MAY NOT BE RESOLD.

TAZ SOURCE: COMPASS, 2010

Date: 10/21/2021 - A.A.A.