Appendix A: Blaine 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
ORDINANCE NO. 94-11

AN ORDINANCE OF BLAINE COUNTY, IDAHO, ESTABLISHING A HAILEY/BLAINE COUNTY AREA OF CITY IMPACT INCORPORATING AN AREA OF CITY IMPACT MAP AND ADOPTING A DESCRIPTION OF THE AREA OF CITY IMPACT BOUNDARIES; PROVIDING FOR ANNEXATION LIMITED TO LANDS WITHIN THE AREA OF CITY IMPACT; PROVIDING FOR ZONING, LAND USE, SUBDIVISION, AND PLANNED UNIT DEVELOPMENT REGULATIONS AND APPLICATION PROCEDURES; PROVIDING FOR APPEALS, ENFORCEMENT, VIOLATION PENALTIES, AND RENEGOTIATION; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, this ordinance is enacted to ensure that development of land surrounding Hailey does not directly or indirectly negatively impact Hailey City services, infrastructure or quality of life in accordance with the Hailey Comprehensive Plan for the desirable future physical development of the City of Hailey.

WHEREAS, both Blaine County and Hailey have found that a negotiated area of City impact is consistent with their respective Comprehensive Plans.

WHEREAS, this ordinance is adopted pursuant to authority granted by Section 67-6526 of the Idaho Code, as amended.

WHEREAS, This Ordinance shall be known as the Hailey/Blaine County Area of City Impact Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF BLAINE COUNTY, IDAHO:

Section 1. Definitions. For the purpose of this ordinance, the following terms shall be defined as follows:

1.1 Development Ordinances - all plans, schedules, maps, ordinances and regulations intended to govern the development of lands within Hailey or Blaine County.

1.2 Development Proposal - includes applications for building or other permits for any commercial or industrial structure or facility within a commercial or industrial district or zone, Planned Unit Development applications, and Subdivision applications. The term does not include administrative functions such as setback variances, building permits for single family residences or duplexes, or building permits for agricultural accessory buildings.

Section 2. Hailey/Blaine County Area of City Impact Boundaries. The Hailey/Blaine County Area of City Impact is the area designated on the official Hailey/Blaine County Area of City Impact Map, incorporated herein by reference, copies of which are available for inspection at the Blaine County and Hailey City Planning and Zoning Offices. Said boundary map was adopted on the 24th day of October, 1994, by Blaine County Ordinance Number 94-12.

Section 3. Annexation by Hailey. Hailey shall limit its annexation to those lands within the Area of City Impact. Should the City plan to annex lands not in the Area of City Impact, the City shall negotiate with Blaine County to amend the Area of City Impact. The provisions of this Ordinance shall not apply to any such areas after they are annexed into the corporate limits of the City of Hailey. This shall not in any way obligate the City to annex any land, or vest any property within the Area of City Impact with any development right or privilege.

Section 4. Application of Area of City Impact Regulations. No structure or land shall be used or
occupied and no structure shall be erected or altered except in conformity with the regulations herein. The Hailey/Blaine County Area of City Impact Ordinance shall apply uniformly to only such class or kind of structure or land as hereinafter provided.

Section 5.  **Zoning and Land Use Regulations and Application Procedures.**

5.1  The purpose of the Hailey/Blaine County Area of City Impact is to ensure that development of land or structures in areas surrounding Hailey does not negatively impact City services, infrastructure and quality of life.

5.2  Development proposals for any parcel which has 50% or more of its land area within the Hailey/Blaine County Area of City Impact are required to submit an application for development review and approval to the Hailey City Clerk. Said application shall be complete as defined by applicable Hailey City Ordinances, including appropriate fees as established by the Hailey City Council.

5.3  Development proposals regulated by this Ordinance shall conform to the permitted, accessory, or conditional uses and developable densities as regulated by Blaine County development ordinances. Said developments shall, in all other matters, conform to this Ordinance.

5.4  Development proposals proposed for any parcel which has 50% or more of its land area within the Hailey/Blaine County Area of Impact shall conform to the more restrictive criteria established in either the Hailey or Blaine County development ordinances.

5.5  Blaine County shall review and approve, modify, or disapprove all applications for both Text Amendments and Zone Changes within the Hailey/Blaine County Area of City Impact. The Blaine County Planning and Zoning Administrator shall give official notice of public hearing no less than thirty (30) days prior to said hearing, to the City of Hailey, for all proposed amendments pertaining to land within the Hailey/Blaine County Area of City Impact. The purpose of said notice is to receive official comment on the application from the City of Hailey. The City of Hailey shall return written comment on the application no later than seven (7) days prior to the scheduled date of hearing.

5.6.1  Applications for subdivision of property within the Hailey/Blaine County Area of City Impact shall be heard by the Blaine County Planning and Zoning Commission and the Blaine County Board of Commissioners. Said bodies shall make recommendations to the City concerning approval, approval with conditions, or disapproval of the application. The City of Hailey shall not hear any subdivision application without first receiving input from the County.

5.6.2  The City of Hailey’s Subdivision rules and regulations shall prevail with the exceptions that the Blaine County Environmental regulations, Flood Plain and Hillside, contained in Blaine County Development Ordinances, shall prevail.

5.6.3  The Hailey Planning and Zoning Commission may recommend, and the Hailey City Council may approve, a waiver of any of the requirements included in the Hailey Subdivision ordinance. The Council must find that the waiver to be granted will not create any hazard or detriment to the public health, safety or welfare. The purpose of this waiver is to ensure that rural subdivision developments are not burdened with either the expense or the limitations imposed on standard City developments when those standards are inappropriate.

5.6.3.1  Those subdivisions within the Hailey/Blaine County Area of City Impact not required to meet the standards of the Hailey Subdivision Ordinance shall, instead, meet the
standards established within the Blaine County Ordinance 77 - 6, the Blaine County Subdivision Ordinance.

5.5.3.2 Applicants for approval of subdivisions within the Hailey/Blaine County Area of City Impact may apply for and receive a predetermination of the criteria under which their proposal shall be evaluated. Said predetermination shall take place in one public hearing with the Hailey Planning and Zoning Commission and one public hearing with the Hailey City Council. Said public hearings shall take place prior to public hearings to be held with the Blaine County Planning and Zoning Commission or the Blaine County Board of Commissioners.

5.7 The Blaine County Planning and Zoning Commission shall review and decide upon all Conditional Use Permit applications within the Hailey/Blaine County Area of City Impact. The Blaine County Planning and Zoning Administrator shall give official notice of public hearing no less than thirty (30) days prior to said hearing, to the City of Hailey, for the following proposed uses within the Hailey/Blaine County Area of City Impact:

1. Agricultural Businesses
2. Animal Hospitals
3. Gravel Pits and Asphalt Batch Plants
4. Mills for Refining Ore
5. Mobile Home Subdivisions
6. Public Facilities
7. Public or Private Airfields
8. Public Utility Installations
9. Recreational Facilities

The purpose of said notice is to receive official comment on the application from the City of Hailey. The City shall return written comment to the County no later than seven (7) days prior to the scheduled date of the Public Hearing. All other Conditional Use Permit applications within the Hailey/Blaine County Area of City Impact shall be reviewed and decided upon solely by the County.

5.8 Any business, commercial, or industrial development within a commercial or industrial district or zone within the Hailey/Blaine County Area of City Impact shall be required to receive Design Review approval from the City. The County shall be the sole agency responsible for the issuance of building permits for business, commercial, and industrial development with the Hailey/Blaine County Area of City Impact. The County herein agrees to enforce Hailey’s Design Review decision through the building permit process.

5.9 The provisions herein shall not apply, except as noted, to the construction, repair, remodel, location, or expansion of any single family home or duplex on a parcel platted prior to this ordinance or approved under the provisions of this ordinance.

5.9.1 Persons wishing to construct a single family home with a building pad or entrance road in any areas of slope greater than 10% shall receive the written approval of the Hailey Building and Safety Official and the Hailey Roads and Streets Superintendent prior to any excavation. City officials shall ensure that, should detriment to City infrastructure appear a likely outcome of the proposed development, the applicant mitigate said detriment through appropriate action as approved by said City officials.

Section 6. Subdivision and Planned Unit Development Application Procedures.
6.1 For all Subdivision and Planned Unit Development applications, Blaine County Planning and Zoning Commission shall hold a public hearing following the applicable notice and hearing procedures contained in Blaine County Ordinances and shall make a recommendation to the City of Hailey for the approval, disapproval or modification of the proposed plat and/or plans.

6.1.1 Upon recommendation by the Commission, the plat and/or plans together with a complete copy of the Commission findings and report of action shall be transmitted to the Board of County Commissioners, and written notice of this action shall be sent to the applicant.

6.2 The plat and/or plans and the Blaine County Planning and Zoning Commission recommendations shall be submitted to the Board of County Commissioners at the next available hearing date. The Board shall hold a public hearing following the applicable notice and hearing procedures contained in Blaine County Ordinances and shall consider the recommendations of the Commission. The applicant, or Board upon written request, shall be entitled to at least one (1) continuance of the hearing. At the hearing, the Board may hear testimony of the applicant and any witnesses in its behalf, as well as records of the Commission hearing(s).

6.2.1 Upon the conclusion of the hearing, the Board shall make a recommendation to the City of Hailey to approve, disapprove or modify the proposed plat. The Board shall base its findings upon the record and testimony produced before it, and within fourteen (14) days declare its findings in writing. It may sustain, modify, reject or overrule any recommendations of the Commission, and make such findings as are not inconsistent with the provisions of Idaho Law, and Blaine County development ordinances. The time limits for acting on the preliminary plat may be extended by mutual written consent of the applicant and the Board. The proposed plat and/or plans shall then be forwarded to the City of Hailey.

6.3 In all Subdivision and Planned Unit Development applications, the Hailey Planning and Zoning Commission shall hold a public hearing for the purpose of receiving public comment on proposed development regulated under this Ordinance. The Commission shall then take action as directed within the applicable Hailey Development Ordinance.

6.3.1 Said hearing shall be officially noticed in a publication of general circulation no less than 15 days before the scheduled meeting. Written notice of the hearing shall be sent to all owners of real property within 300 feet of the boundaries of the parcel proposed for development.

6.4 In all Subdivision and Planned Unit Development applications, the Hailey City Council shall hold a public hearing for the purpose of receiving public comment on proposed development within the Hailey/Blaine County Area of City Impact. The Council shall hold said hearing only after a public hearing has been held with the Hailey Planning and Zoning Commission and the Commission has granted the application approval, or has made a recommendation on the proposal, as appropriate. The Council shall move to approve, conditionally approve, or deny the application.

6.4.1 Said hearing shall be officially noticed in a publication of general circulation no less than 15 days before the scheduled meeting. Written notice of the hearing shall be sent to all owners of real property within 300 feet of the boundaries of the parcel proposed for development.

6.4.2 Upon approval from the Hailey City Council, the application shall have received approval from the City of Hailey and shall not be required to obtain any further approval from the City. The public hearing requirements established by the Hailey Subdivision Ordinance are hereby waived.
Section 7. **Appeal of Decisions, Enforcement, Violation Penalties, and Renegotiation.**

7.1 Any person directly aggrieved and affected by a final decision of the Hailey City Council or the Blaine County Board of Commissioners under this ordinance may have and maintain action for relief therefrom in any court of competent jurisdiction, provided that petition for such relief is presented to the court within 60 days of the decision appealed. Final decisions of the Hailey Planning and Zoning Commission and the Blaine County Planning and Zoning Commission may be appealed to the Hailey City Council and the Blaine County Board of County Commissioners, respectively, according to appeal procedures contained in their respective development ordinances.

7.2 This ordinance authorizes the City of Hailey and its employees and agents to enforce compliance with the provisions of this ordinance and the regulations adopted herein.

7.3 Any person, firm, or corporation violating any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of three hundred dollars ($300.00) for each offense, or by imprisonment in the Blaine County Jail for a period of not more than 30 days, or by both such fine and imprisonment. Each day in which the illegal activity or use continues may be deemed a separate offense.

7.4 The Area of City Impact may be reviewed and renegotiated as provided for in Section 67 - 6526 of the Idaho Code, as amended.

Section 8. **Savings and Severability Clause.** Should any section or provision of this ordinance be declared in a court of law to be unconstitutional or invalid; such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared.

Section 9. **Repealer Clause.** All Blaine County Ordinances or parts thereof which are in conflict herewith are hereby repealed.

Section 10. **Effective Date.** This Ordinance shall be in full force and effect from and after its passage, approval and due publication, according to law.

REGULARLY PASSED, UNANIMOUSLY APPROVED AND ADOPTED by the Board of County Commissioners of Blaine County, Idaho, this 24th day of October, 1994.

Tom Blanchard, Chairman

Leonard Harlig, Commissioner

Rupert House, Commissioner

ATTEST:

Mary Green, County Clerk
ORDINANCE NO. 94-12

AN ORDINANCE OF BLAINE COUNTY, IDAHO, ADOPTING A HAILEY/BLAINE COUNTY AREA OF CITY IMPACT BOUNDARY MAP; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, Idaho Code §67-6526 provides a negotiation process by which jurisdictions shall adopt, by ordinance, a map identifying an Area of City Impact within the unincorporated area of the County and a separate ordinance providing for application of plans and ordinances for the Area of City Impact; and

WHEREAS, the City of Hailey and Blaine County through the public hearing process prescribed by Idaho Code has agreed on the boundaries of the Area of City Impact.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF BLAINE COUNTY, IDAHO:

Section 1. Map. Exhibit A attached hereto and made a part hereof.

Section 2. Savings and Severability Clause. Should any section or provision of this ordinance be declared in a court of law to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared.

Section 3. Repealer Clause. All Blaine County Ordinances or parts thereof which are in conflict herewith are hereby repealed.

Section 4. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and due publication, according to law.

REGULARLY PASSED, UNANIMOUSLY APPROVED AND ADOPTED by the Board of County Commissioners of Blaine County, Idaho, this 24th day of October, 1994.

Tom Blanchard, Chairman

Leonard Hartig, Commissioner

Rupert House, Commissioner

ATTEST:

Mary Green, County Clerk
AN ORDINANCE OF BLAINE COUNTY, IDAHO, INCORPORATING A SUN VALLEY/BLAINE COUNTY AREA OF CITY IMPACT BOUNDARY MAP; PROVIDING FOR ANNEXATION OF LAND WITHIN THE AREA OF CITY IMPACT; PROVIDING FOR APPLICABLE PLAN POLICIES AND ORDINANCES; PROVIDING FOR PROCESSING OF LAND USE APPLICATIONS AND SUBDIVISION APPLICATIONS; PROVIDING FOR RENEGOTIATION; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, this ordinance is enacted to ensure that development of land surrounding Sun Valley does not directly or indirectly negatively impact Blaine County services, infrastructure or quality of life in accordance with the Blaine County Comprehensive Plan for the desirable future physical development of Blaine County;

WHEREAS, this ordinance is adopted pursuant to authority granted by Idaho Code §67-6526, as amended, and

WHEREAS, both Blaine County and Sun Valley have found after a review of the 1994 Sun Valley – Blaine County Area of City Impact Boundary Map that this updated, negotiated Area of City Impact is consistent with their respective Comprehensive Plans.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BLAINE COUNTY, IDAHO, AS FOLLOWS:

SECTION 1. That the Blaine County Code, Title 8, Chapter 2, Section 1 shall be and the same is hereby amended (with the addition of the underlined and deletion of the stricken text) as follows:

A. FINDINGS AND PURPOSES:

It is found and declared that:

1. Idaho Code Section 67-6526, provides a negotiation process by which jurisdictions shall adopt, by ordinance, a map identifying an Area of City Impact within the unincorporated area of the County and a separate ordinance providing for application of plans and ordinances for the Area of City Impact.

2. The Cities of Ketchum and Sun Valley in Blaine County share a common boundary and, therefore, have potentially overlapping Areas of City Impact within the unincorporated area of Blaine County. The Cities have mutually agreed upon a line of demarcation between the areas of impact of the Cities as evidenced by the Memorandum of Agreement between the Cities of Ketchum and Sun Valley in Blaine County, dated May 27, 1993, and as amended on November 18, 1993.

3. The demarcation line to the south of both Cities is State Highway 75 whereby the land east of State Highway 75 shall be within Sun Valley’s Area of City Impact and the land west of State Highway 75 shall be within Ketchum’s Area of City Impact.
4. The area lying north and east of the most northerly point of the common boundary of the Cities shall be in the Sun Valley/Blaine County Area of City Impact, and the area lying north and west of the most common northerly point of the common boundary of Cities shall be in the Ketchum/Blaine County Area of City Impact.

5. A negotiated Area of City Impact Agreement provides the citizens of Blaine County who reside next to or near the Sun Valley City limits with a customized blend of regulations and a set of streamlined processes and procedures that address the unique characteristics of these "border areas".

B. SUN VALLEY/BLAINE COUNTY AREA OF CITY IMPACT BOUNDARY.

1. The Sun Valley/Blaine County Area of City Impact is the area designated on the Sun Valley/Blaine County Area of City Impact Boundary Map, adopted by Blaine County Ordinance, 2012-09.

2. In case property under single ownership is divided by the boundary line of Sun Valley/Blaine County Area of City Impact, if such line divides such property so that one or both parts has a depth of three hundred (300) feet or less, such part shall be included in the jurisdiction wherein the remainder and larger portion of the property is located.

C. ANNEXATION, AREA OF IMPACT.

1. Annexation by Sun Valley shall be limited to those lands lying within its Area of City Impact. If the City of Sun Valley wishes to consider annexing lands outside of its Area of City Impact, it shall renegotiate its Area of City Impact boundary with Blaine County (and the City of Ketchum if applicable).

2. Upon annexation of any portion of the Area of City Impact into Sun Valley, the provisions of this Ordinance shall no longer apply to said annexed portion.

3. These provisions do not in any way constitute recommendations by Blaine County for annexation, obligate the City to annex any land, or vest any property within the ACI with any development right or privilege.

D. APPLICABLE PLAN POLICIES AND ORDINANCES.

1. Comprehensive Plan. The Blaine County Comprehensive Plan shall apply within all of the Sun Valley/Blaine County designated Area of City Impact.

2. Subdivision Plats. All Subdivision Plat Applications including Planned Unit Developments situated within the Sun Valley/Blaine County Area of City Impact shall be submitted and receive review from Sun Valley within 30 days of receipt prior to Blaine County review. The Blaine County Subdivision and Zoning regulations shall apply as provided in Blaine County Code.
3. Zoning. The Blaine County Zoning Ordinance as amended and zoning designations shall apply to all Sun Valley/Blaine County designated Area of City Impact.

E. PROCESSING OF LAND USE APPLICATIONS IN SUN VALLEY/BLAINE COUNTY AREA OF CITY IMPACT.

1. Within the designated Area of City Impact, the Blaine County Land Use and Building Services Department shall send to Sun Valley Community Development Department notice of all County applications for rezones no later than thirty (30) days prior to County public hearing on such application. Within fifteen (15) days of a County public hearing, Sun Valley shall make any recommendations to Blaine County in writing and shall cite Sun Valley Comprehensive Plan policies, goals, objectives, provisions or other documentation supporting such recommendation. Input from Sun Valley shall not be binding or controlling on the County but shall be treated as documentary evidence.

F. AMENDMENT OF PLAN POLICIES AND ORDINANCES.

All applications for County and City amendments to their respective Comprehensive Plans and implementing ordinances which apply within the Sun Valley/Blaine County Area of Impact shall be sent by the entity considering such amendment to the other entity according to the following referral process:

1. Referral Process.

   a. Amendment of Sun Valley Comprehensive Plan and Ordinances.

      i. Notice of all proposed amendments of Sun Valley Comprehensive Plan and/or Subdivision Ordinance shall be forwarded to the Blaine County Land Use Department by the Sun Valley Community Development Department at least thirty (30) days prior to any public hearing on such proposed amendment(s), when said amendment(s) is before Sun Valley Planning and Zoning Commission and City Council. The Blaine County Land Use Department shall determine whether or not such amendment is in conflict with either the Blaine County Comprehensive Plan or any other applicable ordinances. The Blaine County Land Use Department shall notify Sun Valley of such determination in writing prior to or at such public hearing. Input from the County shall be treated as documentary evidence.

      ii. The Sun Valley Community Development Department shall notify Blaine County Land Use Department, in writing, of the City's action on such amendment(s) within fifteen (15) days following a final decision along with notice as to when the amendment will take effect in the City. Within thirty (30) days after the receipt of the amendment, the Board of County Commissioners or their designee shall determine if the amendment(s) has any affect on the Area of City Impact Ordinance. If the determination is that the amendment(s) has no effect, then the Blaine County Land Use Department shall, within fifteen (15) days, forward a written copy of the determination to Sun Valley Community Development Department.
If the determination is that the amendment(s) do affect the Area of City Impact Ordinance, then the Board of County Commissioners shall either protest the amendment(s) and request renegotiation of, the Area of City Impact Ordinance or, if necessary, shall direct the Blaine County Planning and Zoning Commission to schedule the amendment(s) for public hearing as an amendment to the Area of City Impact Ordinance.

b. Amendment of Blaine County Comprehensive Plan and/or Subdivision Ordinance.

i. Notice of all proposed amendments to the Blaine County Comprehensive Plan and/or Subdivision Ordinance shall be forwarded to Sun Valley Community Development Department Administrator at least thirty (30) days prior to any public hearing on such proposed amendment(s). Sun Valley Community Development Department shall determine whether or not such amendment(s) is in conflict with one or more of the goals, objectives, policies or provisions of Sun Valley Comprehensive Plan and/or Subdivision Ordinance. The Sun Valley Community Development Department shall notify the Blaine County Land Use Department of such determination in writing prior to or at such public hearing. Such input from the City shall not be binding or controlling on the Blaine County but shall be treated as documentary evidence.

ii. The Blaine County Land Use Department shall notify Sun Valley Community Development Department, in writing of the County's action of such amendment(s) within fifteen (15) days following a final decision along with notice as to when the amendment(s) shall take effect in the County. Within thirty (30) days after receipt of the amendment(s), the City Council or their designee shall determine if the amendment(s) has any affect on the Area of City Impact Ordinance. If the determination is that the amendments(s) has no affect, then the Sun Valley Community Development Department shall, within fifteen (15) days, forward a written copy of the determination to the Blaine County Land Use Department.

If the determination is that amendment(s) do affect the Area of City Impact Ordinance, then the City Council shall either protest the amendment(s) and request renegotiation of the Area of City Impact Ordinance or, if necessary, shall direct the Sun Valley Planning and Zoning Commission to schedule the amendment(s) for public hearing as an amendment to the Area of City Impact Agreement Ordinance.

G. RENEGOTIATION.

1. In accordance with Idaho Code §67-6526(d), Blaine County Board of County Commissioners or the City of Sun Valley may request, in writing, to renegotiate any provision of this Ordinance at any time. Within thirty (30) days of receipt of such written requests by each party, a meeting between the two jurisdictions shall occur.

2. While renegotiation is occurring, the provisions of this Ordinance shall remain in effect until it is amended or a substitute ordinance is adopted by Blaine County and Sun Valley in accordance with the notice and hearing procedures provided in Idaho Codes or until a declaratory judgment from the District Court is final. Provided, however, that this Ordinance or stipulated portions thereof shall be of no further force and effect if both jurisdictions so agree by mutually adopted Resolution.
SECTION 2. SAVINGS AND SEVERABILITY CLAUSE. If any section, paragraph, sentence or provision hereof, or the application thereof to any particular circumstance shall ever be held invalid or unenforceable by a Court of competent jurisdiction, such decision or decisions shall not affect the validity of the remaining portions hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and due publication according to law.

Regularly passed, approved and adopted by the Board of County Commissioners of Blaine County, Idaho, this 29th day of October, 2012.

BOARD OF COUNTY COMMISSIONERS OF BLAINE COUNTY, IDAHO

Angenie McCleary, Chairman

Lawrence Schoen, Commissioner

Jacob Greenberg, Commissioner

ATTEST: JoLynn Drage, Clerk

Publish date: November 7, 2012
SUN VALLEY/BLAINE COUNTY AREA OF CITY IMPACT MAP ORDINANCE NO. 2012-09

AN ORDINANCE OF BLAINE COUNTY, IDAHO, ESTABLISHING A SUN VALLEY/BLAINE COUNTY AREA OF CITY IMPACT BOUNDARY MAP; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, this ordinance is enacted to ensure that development of land surrounding Sun Valley does not directly or indirectly negatively impact Blaine County services, infrastructure or quality of life in accordance with the Blaine County Comprehensive Plan for the desirable future physical development of Blaine County;

WHEREAS, this ordinance is adopted pursuant to authority granted by Idaho Code §67-6526, as amended and

WHEREAS, both Blaine County and Sun Valley have found after a review of the 1994 Sun Valley - Blaine County Area of City Agreement that this updated, negotiated Area of City Impact is consistent with their respective Comprehensive Plans.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BLAINE COUNTY, IDAHO, AS FOLLOWS:

SECTION 1. FINDINGS AND PURPOSES: It is found and declared that:

A. Idaho Code Section 67-6526, provides a negotiation process by which jurisdictions shall adopt, by ordinance, a map identifying an Area of City Impact within the unincorporated area of the County and a separate ordinance providing for application of plans and ordinances for the Area of City Impact.

B. The Cities of Sun Valley and Ketchum entered into a Memorandum Agreement, dated May 29, 1993 and amended on November 18, 1993, agreeing on common boundaries for each City’s Area of City Impact, thereby eliminating any overlapping. In discussion held as part of this Area of City Impact update, the cities have agreed to honor the 1993 Memorandum and not amend the Sun Valley Area of City Impact Boundary Map in such a manner as to cause overlapping, which would trigger a renegotiation process between the two cities.

C. The City of Sun Valley and Blaine County, Idaho, have conferred and negotiated in good faith upon an Area of City Impact for the City of Sun Valley within the unincorporated area of Blaine County and have agreed on the boundaries of the Sun Valley/Blaine County Area of City Impact Boundary map.

SECTION 2. AREA OF CITY IMPACT MAP. The map, attached hereto as Exhibit “A,” is by this ordinance adopted as the Sun Valley/Blaine County Area of City Impact Boundary Map.

SECTION 3. SAVINGS AND SEVERABILITY CLAUSE. If any section, paragraph, sentence or provision hereof, or the application thereof to any particular circumstance shall ever be held invalid or unenforceable by a Court of competent jurisdiction, such decision or decisions shall not affect the validity of the remaining portions hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.
SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

Regularly passed, approved and adopted by the Board of County Commissioners of Blaine County, Idaho, this 29th day of October, 2012.

BOARD OF COUNTY COMMISSIONERS OF BLAINE COUNTY, IDAHO

Angenie McCleary, Chairman

Lawrence Schoen, Commissioner

Jacob Greenberg, Commissioner

ATTEST:

JoLynn Drage, Clerk

Published: November 7, 2012
CITY OF SUN VALLEY ORDINANCE NUMBER 453

CITY OF SUN VALLEY/BLAINE COUNTY AREA OF CITY IMPACT AGREEMENT

AN ORDINANCE OF THE CITY OF SUN VALLEY, IDAHO, INCORPORATING A SUN VALLEY/BLAINE COUNTY AREA OF CITY IMPACT BOUNDARY MAP; PROVIDING FOR ANNEXATION OF LAND WITHIN THE AREA OF CITY IMPACT; PROVIDING FOR APPLICABLE PLAN POLICIES AND ORDINANCES; PROVIDING FOR PROCESSING OF LAND USE APPLICATIONS AND SUBDIVISION APPLICATIONS; PROVIDING FOR AMENDMENT OF PLAN POLICIES AND ORDINANCES; PROVIDING FOR RENEGOTIATION; REPEALING ORDINANCE NUMBERS 271 AND 275, AS WELL AS ANY OTHER PRIOR CITY OF SUN VALLEY AREA OF CITY IMPACT MAP ADOPTION ORDINANCE, OTHER THAN ASSOCIATED AREA OF CITY IMPACT BOUNDARY MAP ORDINANCE NO. 452; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Idaho Code Section 67-6526(e) the City of Sun Valley is obligated to undertake a review at least every ten years of the city impact plan and ordinance requirements to determine whether renegotiations are in the best interests of the citizenry; and

WHEREAS, the City of Sun Valley determined a renegotiation of the Area of City Impact was in the best interest of the citizenry and has fulfilled the City's obligated to undertake a review of the city impact plan and ordinance requirements pursuant to Idaho Code Section 67-6526(e); and

WHEREAS, this ordinance is adopted pursuant to authority granted by Idaho Code §67-6526, as amended; and

WHEREAS, the City of Sun Valley has adopted the 2005 Comprehensive Plan Update (Comprehensive Plan) by Resolution 2005-12, on September 8, 2005, and subsequent amendments; and

WHEREAS, the Comprehensive Plan is the primary document to guide and balance future development within the City of Sun Valley and establishes a general framework for use in making decisions about the physical, social, economic, and environmental development of the Community; and

WHEREAS, both Blaine County and Sun Valley have found that a negotiated Area of City Impact is consistent with their respective Comprehensive Plans; and

WHEREAS, Comprehensive Plan Action Item 5.2.4 states that the City will evaluate the impacts on public facility services in the proposed Area of City Impact expansion; and

WHEREAS, this ordinance is enacted to ensure that development of land surrounding Sun Valley does not directly or indirectly negatively impact Blaine County or City services, infrastructure or quality of life in accordance with the Comprehensive Plan for the desirable future physical development of the areas within the County; and

WHEREAS, Comprehensive Plan Chapter III, Section E, Areas of City Impact, states that the Future Land Use Map delineates expanded Areas of City Impact. These areas are identified as

City of Sun Valley Ordinance 453
being of special interest to Sun Valley since the Sun Valley Resort commercial and commercial
development, population growth and traffic congestion may affect the City’s land use
development pattern and its local economy and may create additional public service needs; and

WHEREAS, the process to update the City of Sun Valley Area of City Impact began with a letter
dated March 8, 2010 from Mayor Wayne Willich to the Blaine County Planning Department; and

WHEREAS, a public hearing on the proposed Area of City Impact, pursuant to public notice as
required by law, was held by the City of Sun Valley Planning and Zoning Commission on May
13, 2010, following which hearing said Commission made a recommendation to the Sun Valley
City Council; and

WHEREAS, a public hearing on the proposed Area of City Impact, pursuant to public notice as
required by law, was held by the Planning and Zoning Commission of Blaine County, Idaho, on
March 10, March 31 and June 9, 2011, following which hearing said Commission made a
recommendation to the Blaine County Board of County Commissioners; and

WHEREAS, the Sun Valley City Council and the Blaine County Board of County Commissioners
met in a publicly noticed joint workshop on February 27, 2012 to review and discuss the
comments and recommendations for the Sun Valley Area of City Impact from the Sun Valley
Planning and Zoning Commission and the Blaine County Planning and Zoning Commission; and

WHEREAS, at their February 27, 2012 joint workshop, the Sun Valley City Council and the
Blaine County Board of County Commissioners agreed to explore and enter into a
memorandum of understanding between the City and Blaine County for specific areas outside
the corporate boundaries of the City and not contained within the Area of City Impact; and

WHEREAS, the Sun Valley City Council, pursuant to public notice as required by law, held a
public hearing on the proposed Sun Valley Area of City Impact Boundary Map on September
20, October 18 and November 1, 2012.

NOW, THEREFORE, THE MAYOR AND THE CITY COUNCIL OF THE CITY OF SUN
VALLEY, IDAHO, DO ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS AND PURPOSE.

A. It is found and declared that:

1. Idaho Code Section 67-6526, provides a negotiation process by which
jurisdictions shall adopt, by ordinance, a map identifying an Area of City Impact within the
unincorporated area of the County and a separate ordinance providing for application of plans
and ordinances for the Area of City Impact.

2. The Cities of Ketchum and Sun Valley in Blaine County share a common
boundary and, therefore, have potentially overlapping Areas of City Impact within the
unincorporated area of Blaine County. The Cities have mutually agreed upon a line of
demarcation between the areas of impact of the Cities as evidenced by the Memorandum
Agreement between the Cities of Ketchum and Sun Valley in Blaine County, dated May 29,
1993, and as amended on November 18, 1993.
3. The demarcation line to the south of both Cities is State Highway 75 whereby the land east of State Highway 75 shall be within Sun Valley's Area of City Impact and the land west of State Highway 75 shall be within Ketchum's Area of City Impact, with the exception of one long strip parcel of land currently within the Sun Valley City limit and owned by the Sun Valley Water and Sewer District. This parcel lies directly on the west side of the Highway, north of the Big Wood River Bridge and a short distance south of the Elkhorn Road intersection.

4. The area lying north and east of the most northerly point of the common boundary of the Cities shall be in the Sun Valley/Blaine County Area of City Impact, and the area lying north and west of the most common northerly point of the common boundary of Cities shall be in the Ketchum/Blaine County Area of City Impact.

5. A negotiated Area of City Impact Agreement provides the citizens of Blaine County who reside next to or near the Sun Valley City limits with a customized blend of regulations and a set of streamlined processes and procedures that address the unique characteristics of these "border areas".

B. SUN VALLEY/BLAINE COUNTY AREA OF CITY IMPACT BOUNDARY.

1. The Sun Valley/Blaine County Area of City Impact is the area designated on the Sun Valley/Blaine County Area of City Impact Boundary Map, adopted by separate ordinance by City of Sun Valley Ordinance No. 452.

2. In case property under single ownership is divided by the boundary line of Sun Valley/Blaine County Area of City Impact, if such line divides such property so that one or both parts has a depth of three hundred (300) feet or less, such part shall be included in the jurisdiction within the remainder and larger portion of the property is located.

C. ANNEXATION- AREA OF CITY IMPACT.

1. Annexation by Sun Valley shall be limited to those lands lying within its Area of City Impact. If the City of Sun Valley wishes to annex lands outside of its Area of City Impact, it shall renegotiate its Area of City Impact boundary with Blaine County (and the City of Ketchum if applicable).

2. Upon annexation of any portion of the Area of City Impact into Sun Valley, the provisions of this Ordinance shall no longer apply to said annexed portion.

3. These provisions do not in any way constitute recommendations for annexation by Blaine County, obligate the City to annex any land, or vest any property within the ACI with any development right or privilege.

D. APPLICABLE PLAN POLICIES AND ORDINANCES.


   a. The Blaine County Comprehensive Plan shall apply within all of the designated Sun Valley/Blaine County Area of City Impact.

City of Sun Valley Ordinance 453
2. Subdivision Plats.
   
a. All subdivision plat applications, including planned unit developments, situated within the Sun Valley/Blaine County Area of City Impact shall be submitted and receive review from Sun Valley within 30 days of receipt, prior to Blaine County review. The Blaine County Subdivision and Zoning Ordinances shall apply as provided in Blaine County Code.

   
a. The Blaine County Zoning Ordinance as amended and zoning designations shall apply to all designated areas within the Sun Valley/Blaine County Area of City Impact.

E. PROCESSING OF LAND USE APPLICATIONS IN SUN VALLEY/BLAINE COUNTY AREA OF CITY IMPACT.

1. Within the designated Area of City Impact, the Blaine County Planning Department shall send to Sun Valley Planning Department notice of all County applications for rezones no later than thirty (30) days prior to County public hearing on such application. Within fifteen (15) days of County public hearing, Sun Valley shall make any recommendations to Blaine County in writing and shall cite Sun Valley Comprehensive Plan policies, goals, objectives, provisions or other documentation supporting such recommendation. Input from Sun Valley shall not be binding or controlling on the County but shall be treated as documentary evidence.

F. AMENDMENT OF PLAN POLICIES AND ORDINANCES.

All applications for County and City amendments to their respective Comprehensive Plans and implementing ordinances which apply within the Sun Valley/Blaine County Area of Impact shall be sent by the entity considering such amendment to the other entity according to the following referral process:

1. Referral Process.
   
a. Amendment of Sun Valley Comprehensive Plan and Ordinances.
   
i. Notice of all proposed amendments of Sun Valley Comprehensive Plan and/or Subdivision Ordinance shall be forwarded to the Blaine County Land Use Department by the Sun Valley Community Development Department at least thirty (30) days prior to any public hearing on such proposed amendment(s), when said amendment(s) is before Sun Valley Planning and Zoning Commission and City Council. The Blaine County Land Use Department shall determine whether or not such amendment is in conflict with either the Blaine County Comprehensive Plan or any other applicable Ordinances. The Blaine County Land Use Department shall notify Sun Valley of such determination in writing prior to or at such public hearing. Input from the County shall be treated as documentary evidence.
ii. The Sun Valley Planning Department shall notify Blaine County Land Use Department, in writing, of the City's action on such amendment(s) within fifteen (15) days following a final decision along with notice as to when the amendment will take effect in the City. Within thirty (30) days after the receipt of the amendment, the Board of County Commissioners or their designee shall determine if the amendment(s) has any affect on the Area of City Impact Ordinance. If the determination is that the amendment(s) has no effect, then the Blaine County Land Use Department shall, within fifteen (15) days, forward a written copy of the determination to Sun Valley Community Development Department.

If the determination is that the amendment(s) do affect the Area of City Impact Ordinance, then the Board of County Commissioners shall either protest the amendment(s) and request renegotiation of the Area of City Impact Ordinance or, if necessary, shall direct the Blaine County Planning and Zoning Commission to schedule the amendment(s) for public hearing as an amendment to the Area of City Impact Agreement Ordinance.

b. Amendment of Blaine County Comprehensive Plan and/or Subdivision Ordinance.

i. Notice of all proposed amendments to the Blaine County Comprehensive Plan and/or Subdivision Ordinance shall be forwarded to Sun Valley Community Development Department at least thirty (30) days prior to any public hearing on such proposed amendment(s). The Sun Valley Community Development Department shall determine whether or not such amendment(s) is in conflict with one or more of the goals, objectives, policies or provisions of Sun Valley Comprehensive Plan and/or Subdivision Ordinance. The Sun Valley Community Development Department shall notify the Blaine County Land Use Department of such determination in writing prior to or at such public hearing. Such input from the City shall not be binding or controlling on the Blaine County but shall be treated as documentary evidence.

ii. The Blaine County Land Use Department shall notify Sun Valley Community Development Department, in writing of the County's action of such amendment(s) within fifteen (15) days following a final decision along with notice as to when the amendment(s) shall take effect in the County. Within thirty (30) days after receipt of the amendment(s), the City Council or their designee shall determine if the amendment(s) has any affect on the Area of City Impact Ordinance. If the determination is that the amendments(s) has no affect, then the Sun Valley Community Development Department shall, within fifteen (15) days, forward a written copy of the determination to the Blaine County Land Use Department.

If the determination is that amendment(s) do affect the Area of City Impact Ordinance, then the City Council shall either protest the amendment(s) and request renegotiation of the Area of City Impact Ordinance or, if necessary,
shall direct the Sun Valley Planning and Zoning Commission to schedule the amendment(s) for public hearing as an amendment to the Area of City Impact Agreement Ordinance.

G. RENEGOTIATION.

1. In accordance with Idaho Code §67-6526(d), Blaine County Board of County Commissioners or the City of Sun Valley may request, in writing, to renegotiate any provision of this Ordinance at any time. Within thirty (30) days of receipt of such written requests by each party, a meeting between the two jurisdictions shall occur.

While renegotiation is occurring, the provisions of this Ordinance shall remain in effect until it is amended or a substitute ordinance is adopted by Blaine County and Sun Valley in accordance with the notice and hearing procedures provided in Idaho Codes or until a declaratory judgment from the District Court is final. Provided, however, that this Ordinance or stipulated portions thereof shall be of no further force and effect if both jurisdictions so agree by mutually adopted Resolution.

SECTION 2. PRIOR AREA OF CITY IMPACT ORDINANCES REPEALED. All prior ordinances establishing Areas of City Impact agreements for the City of Sun Valley, including but not limited to Sun Valley Ordinance No. 271 and 275, are hereby repealed, other than associated Sun Valley/Blaine County Area of City Impact Boundary Map adoption Ordinance No. 452.

SECTION 3. SAVINGS AND SEVERABILITY CLAUSE. If any section, subsection, paragraph, subparagraph, item, provision, regulation, sentence, clause or phrase is declared by a court to be invalid or unenforceable, such actions shall not affect the validity of this Ordinance as a whole or any part thereof other than the part declared invalid.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its approval, passage and publication as provided by law.


EFFECTIVE DATE OF PUBLICATION: November 7, 2012.

APPROVED:

[Signature]
Dewayne Briscoe, Mayor
City of Sun Valley

ATTEST:

[Signature]
Hannah Staats, City Clerk
City of Sun Valley

City of Sun Valley Ordinance 453 Page 6 of 6
CITY OF SUN VALLEY ORDINANCE NUMBER 452

SUN VALLEY/BLAINE COUNTY AREA OF CITY IMPACT BOUNDARY MAP

AN ORDINANCE OF THE CITY OF SUN VALLEY, IDAHO, ESTABLISHING AN AREA OF CITY IMPACT BOUNDARY MAP; REPEALING ORDINANCE NUMBERS 271 AND 275, AS WELL AS ANY OTHER PRIOR SUN VALLEY AREA OF CITY IMPACT MAP ADOPTION ORDINANCE, OTHER THAN ASSOCIATED SUN VALLEY/BLAINE COUNTY AREA OF CITY IMPACT AGREEMENT ORDINANCE NO. 453; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; AND, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Idaho Code Section 67-6526 the City of Sun Valley is obligated to adopt an area of city impact map identifying an area of city impact within the unincorporated area of the County. The area of city impact describes the area beyond but adjacent to the corporate boundaries where a city anticipates growing and, more specifically, extending city services; and

WHEREAS, pursuant to Idaho Code Section 67-6526(e) the City of Sun Valley is obligated to undertake a review at least every ten years of the city impact plan and ordinance requirements to determine whether renegotiations are in the best interests of the citizenry; and

WHEREAS, the City of Sun Valley determined a renegotiation of the Area of City Impact was in the best interest of the citizenry and has fulfilled the City’s obligated to undertake a review of the city impact plan and ordinance requirements pursuant to Idaho Code Section 67-6526(e); and

WHEREAS, Idaho Code Section 67-6526 sets forth a negotiating process by which the City of Sun Valley shall cooperate with Blaine County to establish an Area of City Impact map; and

WHEREAS, this ordinance is adopted pursuant to authority granted by Idaho Code §67-6526, as amended; and

WHEREAS, both Blaine County and Sun Valley have found that a negotiated Area of City Impact is consistent with their respective Comprehensive Plans; and

WHEREAS, the City of Sun Valley has adopted the 2005 Comprehensive Plan Update (Comprehensive Plan) by Resolution 2005-12, on September 8, 2005, and subsequent amendments; and

WHEREAS, the Comprehensive Plan is the primary document to guide and balance future development within the City of Sun Valley and establishes a general framework for use in making decisions about the physical, social, economic, and environmental development of the Community; and
WHEREAS, Comprehensive Plan Action Item 5.2.4 states that the City will evaluate the impacts on public facility services in the proposed Area of City Impact expansion; and

WHEREAS, this ordinance is enacted to ensure that development of land surrounding Sun Valley does not directly or indirectly negatively impact Blaine County or City services, infrastructure or quality of life in accordance with the Comprehensive Plan for the desirable future physical development of the areas within the County; and

WHEREAS, Comprehensive Plan Chapter III, Section E, Areas of City Impact, states that the Future Land Use Map delineates expanded Areas of City Impact. These areas are identified as being of special interest to Sun Valley since the Sun Valley Resort commercial and commercial development, population growth and traffic congestion may affect the City’s land use development pattern and its local economy and may create additional public service needs; and

WHEREAS, the process to update the City of Sun Valley Area of City Impact began with a letter dated March 8, 2010 from Mayor Wayne Willich to the Blaine County Planning Department; and

WHEREAS, a public hearing on the proposed Area of City Impact, pursuant to public notice as required by law, was held by the City of Sun Valley Planning and Zoning Commission on May 13, 2010, following which hearing said Commission made a recommendation to the Sun Valley City Council; and

WHEREAS, a public hearing on the proposed Area of City Impact, pursuant to public notice as required by law, was held by the Planning and Zoning Commission of Blaine County, Idaho, on March 10, March 31 and June 9, 2011, following which hearing said Commission made a recommendation to the Blaine County Board of County Commissioners; and

WHEREAS, the Sun Valley City Council and the Blaine County Board of County Commissioners met in a publicly noticed joint workshop on February 27, 2012 to review and discuss the comments and recommendations for the Sun Valley/Blaine County Area of City Impact from the Sun Valley Planning and Zoning Commission and the Blaine County Planning and Zoning Commission; and

WHEREAS, at their February 27, 2012 joint workshop, the Sun Valley City Council and the Blaine County Board of County Commissioners agreed to explore and enter into a memorandum of understanding between the City and Blaine County for specific areas outside the corporate boundaries of the City and not contained within the Area of City Impact; and

WHEREAS, the Sun Valley City Council, pursuant to public notice as required by law, held a public hearing on the proposed Sun Valley/Blaine County Area of City Impact Boundary Map on September 20, October 18 and November 1, 2012.
NOW, THEREFORE; THE MAYOR AND THE CITY COUNCIL OF THE CITY OF SUN VALLEY, IDAHO, DO ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS AND PURPOSE. It is found and declared that:

A. Idaho Code Section 67-6526 provides a negotiation process by which jurisdictions shall adopt by ordinance a map identifying an Area of City Impact within the unincorporated area of the County and a separate ordinance providing for application of plans and ordinances for the Area of City Impact. The City of Sun Valley determined a renegotiation of the Area of City Impact was in the best interest of the citizenry and has fulfilled the City's obligation to undertake a review of the city impact plan and ordinance requirements pursuant to Idaho Code Section 67-6526(e).

B. The Cities of Sun Valley and Ketchum entered into a Memorandum Agreement, dated May 29, 1993, and as amended on November 18, 1993, agreeing on common boundaries for each City's Area of City Impact, thereby eliminating any overlapping. In discussions held as part of this Area of City Impact update, the Cities have agreed to honor the 1993 Memorandum and not amend the Sun Valley Area of City Impact Boundary Map in such manner as to cause overlapping, which would trigger a renegotiation process between the two Cities.

C. The City of Sun Valley and Blaine County, Idaho, have conferred and negotiated in good faith upon an Area of City Impact for the City of Sun Valley within the unincorporated area of Blaine County and have agreed on the boundaries for the Sun Valley/Blaine County Area of City Impact Boundary Map.

SECTION 2. AREA OF CITY IMPACT MAP. The map attached hereto as Exhibit "A" and incorporated by reference is hereby adopted as the Sun Valley/Blaine County Area of City Impact Boundary Map pursuant to Idaho Code Section 67-6526.

SECTION 3. PRIOR AREA OF CITY IMPACT ORDINANCES REPEALED. All prior ordinances establishing Areas of City Impact for the City of Sun Valley, including but not limited to Sun Valley Ordinance No. 271 and 275, are hereby repealed, other than associated Sun Valley/Blaine County Area of City Impact Agreement Ordinance No. 453.

SECTION 4. SAVINGS AND SEVERABILITY CLAUSE. If any section, subsection, paragraph, subparagraph, item, provision, regulation, sentence, clause or phrase is declared by a court to be invalid or unenforceable, such actions shall not affect the validity of this Ordinance as a whole or any part thereof other than the part declared invalid.
SECTION 5. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its approval, passage and publication as provided by law.


EFFECTIVE DATE OF PUBLICATION: November 7, 2012.

APPROVED:

[Signature]
Dewayne Briscoe, Mayor
City of Sun Valley

ATTEST:

[Signature]
Hannah Staats, City Clerk
City of Sun Valley