

ORDINANCE NO. 448
CASE NO. ORA10-0004
EXTENSION OF EXPIRATION DATES FOR
LAND USE APPROVALS AND FINANCIAL GUARANTEES

AN ORDINANCE OF KOOTENAI COUNTY, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, RELATED TO EXTENSION OF EXPIRATION DATES FOR LAND USE APPROVALS AND FINANCIAL GUARANTEES; ADDING A NEW SECTION 9-22-2, KOOTENAI COUNTY CODE, REGARDING PREVIOUSLY APPROVED PLANNED UNIT DEVELOPMENTS, CONDITIONAL USE PERMITS, SPECIAL NOTICE PERMITS, AND FINANCIAL GUARANTEES REQUIRED UNDER TITLE 9, KOOTENAI COUNTY CODE; ADDING A NEW SECTION 10-5-5, KOOTENAI COUNTY CODE, REGARDING PREVIOUSLY APPROVED MAJOR SUBDIVISIONS, MINOR SUBDIVISIONS, MINOR REPLATS, CONDOMINIUM PLATS, AND FINANCIAL GUARANTEES REQUIRED UNDER TITLE 10, KOOTENAI COUNTY CODE; PROVIDING FOR SEVERABILITY; PROVIDING THAT ADOPTION OF THIS ORDINANCE SHALL HAVE NO EFFECT ON PROSECUTIONS MADE UNDER ANY PREVIOUSLY EFFECTIVE ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Kootenai County Board of Commissioners (“Board”) recognizes that with the financial hardships brought on by the current local and nationwide economic recession, many landowners have been unable to secure financing to complete improvements allowed or required under previously issued land use approvals and have exhausted all time extensions currently allowed under County ordinances for the completion of such improvements; and

WHEREAS, the Board further recognizes that these landowners have made significant investments in land purchases, planning, engineering, survey work, and substantial completion of improvements; and

WHEREAS, the Board further recognizes these investments, as well as the cost and effort of public reviews, could be lost, thereby further slowing Kootenai County’s economic recovery; and

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

SECTION 1. That a new Section 9-22-9, Kootenai County Code, be, and the same is hereby added to read as follows:

9-22-9: EXTENSION OF EXPIRATION DATES:

- A. All planned unit developments previously granted conceptual approval pursuant to section 9-15-9 of this title, conditional use permits previously approved pursuant to section 9-23-1 of this title, special notice permits previously approved pursuant to section 9-23-4 of this title, and any bonds or financial guarantees required under any provision of this title, may be

granted one (1) additional time extension for a duration no greater than the existing extension timeline provision for such application, provided:

1. Either the applicant has:
 - a. A final time extension that expired between January 1, 2009 and November 30, 2010, and a written request is received on or before November 30, 2011; or
 - b. A final time extension that will expire between December 1, 2010 and December 31, 2012, and a written request is received prior to project expiration.
 2. A request for an additional extension must contain:
 - a. The reasons why good cause exists for granting such an extension, which shall minimally include evidence of substantial economic hardship, and
 - b. The degree to which the improvements required pursuant to the underlying permit or approval have been completed.
 3. The required fee is paid.
- B. The Board may consider such time extension requests at any regular meeting. Requests for time extensions shall be approved only upon a finding by the Board that the applicant has sustained a substantial economic hardship which provides good cause for the granting of an extension.
- C. Time extensions approved under this section shall begin on the date of approval of the extension if the previous final time extension expired on or before November 30, 2010, or on the date of expiration of the then-current time extension if the previous final time extension expires on or after December 1, 2010. Approval of the time extension shall automatically modify the original permit to allow the additional time for completion of conditions of approval. No additional hearing shall be required.
- D. Decisions on time extensions may be appealed in accordance with section 9-22-8 of this chapter.

SECTION 2. That a new Section 10-5-5, Kootenai County Code, be, and the same is hereby added to read as follows:

10-5-5: EXTENSION OF EXPIRATION DATES:

- A. All major subdivisions previously granted preliminary approval pursuant to section 10-2-1 of this title, minor subdivisions previously approved pursuant to section 10-2-2 of this title, minor replats previously approved pursuant to section 10-2-3 of this title, condominium plats previously approved pursuant to section 10-2-7 of this title, and any bonds or financial guarantees required under any provision of this title, may be granted one (1) additional time

extension for a duration no greater than the existing extension timeline provision for such application, provided:

1. Either the applicant has:
 - a. A final time extension that expired between January 1, 2009 and November 30, 2010, and a written request is received on or before November 30, 2011; or
 - b. A final time extension that will expire between December 1, 2010 and December 31, 2012, and a written request is received prior to project expiration.
 2. A request for an additional extension must contain:
 - a. The reasons why good cause exists for granting such an extension, which shall minimally include evidence of substantial economic hardship, and
 - b. The degree to which the improvements required pursuant to the underlying permit or approval have been completed.
 3. The required fee is paid.
- B. The Board may consider such time extension requests at any regular meeting. Requests for time extensions shall be approved only upon a finding by the Board that the applicant has sustained a substantial economic hardship which provides good cause for the granting of an extension.
- C. Time extensions approved under this section shall begin on the date of approval of the extension if the previous final time extension expired on or before November 30, 2010, or on the date of expiration of the then-current time extension if the previous final time extension expires on or after December 1, 2010. Approval of the time extension shall automatically modify the original permit to allow the additional time for completion of conditions of approval. No additional hearing shall be required.
- D. Decisions on time extensions may be appealed in accordance with section 10-5-2 of this chapter.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, independent provision and such holding shall not affect the validity of the remaining portions thereof.

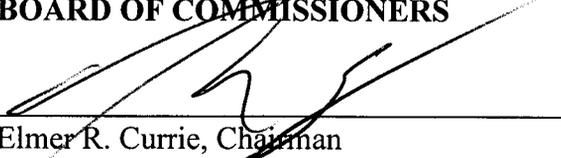
SECTION 4. Neither the adoption of this Ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this Ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the Kootenai County Board of Commissioners or the validity of any such action to be taken upon

matters pending before the Kootenai County Board of Commissioners on the effective date of this Ordinance.

SECTION 5. This Ordinance shall take effect and be in full force from and after its passage, approval, and publication in the *Coeur d'Alene Press*, and shall remain in force and effect until January 1, 2013.

ADOPTED this 21st day of October 2010

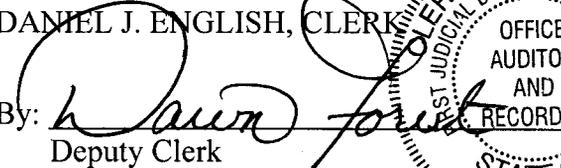
**KOOTENAI COUNTY
BOARD OF COMMISSIONERS**


Elmer R. Currie, Chairman

(ABSENT)
Richard A. Piazza, Commissioner


W. Todd Tondee, Commissioner

ATTEST:
DANIEL J. ENGLISH, CLERK

By: 
Deputy Clerk



Publication Date: October 27, 2010

C: Building and Planning, Prosecuting Attorney (Civil Division), Sterling Codifiers