

ORDINANCE NO. _____
CASE NO. ORA21-0003
AMENDMENT RE: DURATION OF SITE DISTURBANCE PERMITS

AN ORDINANCE OF KOOTENAI COUNTY, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, RELATING TO LAND USE REGULATION; AMENDING SECTION 8.7.116 OF THE KOOTENAI COUNTY CODE TO PROVIDE THAT A SITE DISTURBANCE PERMIT ISSUED WITH AN ASSOCIATED BUILDING PERMIT SHALL REMAIN EFFECTIVE FOR ONE (1) YEAR AFTER ISSUANCE OF A CERTIFICATE OF OCCUPANCY, OR AFTER A SATISFACTORY FINAL INSPECTION IF NO CERTIFICATE OF OCCUPANCY IS TO BE ISSUED, THAT A SITE DISTURBANCE PERMIT NOT ISSUED WITH AN ASSOCIATED BUILDING PERMIT SHALL BE EFFECTIVE FOR TWO (2) YEARS AFTER THE DATE OF ISSUANCE, AND THAT THE DIRECTOR MAY GRANT A ONE-TIME EXTENSION OF A SITE DISTURBANCE PERMIT FOR A PERIOD OF UP TO ONE (1) YEAR, OR MAY PROVIDE FOR A SHORTER PERMIT DURATION IN CERTAIN CIRCUMSTANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-WAIVER OF ACTIONS OCCURRING WHILE PRIOR ORDINANCES WERE IN EFFECT; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 8.7.116, Kootenai County Code, shall be, and the same is hereby amended as follows:

8.7.116: ADMINISTRATION:

A. General. The director shall administer the provisions of this article in a manner consistent with other provisions of this code. The board of county commissioners may, by resolution, adopt design standards, plan criteria, best management practices, administrative procedures, fee schedules, etc., intended to implement the requirements and standards set forth in this article. Changes in the supporting documents may be accomplished by subsequently adopted resolution.

B. Outside Review Assistance. The director may request a second opinion from a design professional regarding any permitted or proposed work under this article at any time. The cost of such a second opinion shall be borne by the county.

C. Duration of Permit. Whenever a site disturbance permit is issued in conjunction with a duly issued building permit, the site disturbance permit shall expire one (1) year from the time of issuance of a certificate of occupancy or, if no certificate of occupancy will be issued, the date on which a satisfactory final inspection occurred. Otherwise, the site disturbance permit shall expire two (2) years from the date of issuance. Permits shall expire if the work authorized by the permit is not started within one hundred eighty (180) days of issuance of the permit, or if work is suspended or abandoned at any time after the work has started for a period of one hundred eighty (180) days. ~~The Director may grant a one-time extension for up to an additional one (1) additional year hundred eighty (180) days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented work authorized by the permit. In lieu of these~~

time periods, the Director may set specific shorter time limits on the permit for project initiation and completion for environmental reasons or for coordination with other permitted site work.

D. Financial Guarantees.

1. The owner of any parcel where work will be performed pursuant to an approved site disturbance plan shall provide a financial guarantee to ensure that erosion, sediment control, and stormwater management improvements will be completed, as set forth in this subsection.
 - a. The owner shall provide a financial guarantee to the department before a site disturbance permit may be issued for development of subdivision infrastructure, commercial and industrial development, or development within a high risk site.
 - b. For all other work to be completed in accordance with an approved site disturbance plan, the director may require the owner to provide a financial guarantee for any work not completed at the time of final inspection.
2. The design professional shall provide an estimate of the cost to implement the improvements to be covered by the financial guarantee based on then current local construction costs, including, without limitation, labor and materials. The amount of the financial guarantee shall be as determined by the director, but shall not exceed one hundred fifty percent (150%) of the estimated cost.
3. The design professional must submit a letter to the department certifying that the permitted development is complete and is compliant with the requirements of this article before a financial guarantee can be released. If the ownership of the property has changed since the financial guarantee was provided, the financial guarantee shall be released to the current property owner of record.
4. If the required improvements have not been completed by the specified date, the department may contract to have the site brought into compliance with the applicable requirements of this article with the money from the associated financial guarantee. The department may also take additional enforcement measures as provided by law.

SECTION 2. If any section, subsection, sentence, clause, phrase or portion of this chapter 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 3. 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 4. This Ordinance shall take effect and be in full force upon its passage, approval, and publication in one (1) issue of the *Coeur d'Alene Press*.

ADOPTED this _____ day of _____, 2021.

**KOOTENAI COUNTY
BOARD OF COMMISSIONERS**

Chris Fillios, Chairman

Leslie Duncan, Commissioner

Bill Brooks, Commissioner

ATTEST:
JIM BRANNON, CLERK

By: _____
Deputy Clerk

Publication Date: _____, 2021