



NAME OF SUBDIVISION/PLANNED UNIT DEVELOPMENT

## DEVELOPMENT AGREEMENT EXTENSION APPLICATION

The Planning Administrator or his or her designee will review this application. It will then be scheduled for review by the Board of County Commissioners. The planning staff is available to discuss this application and answer questions. The burden of proof is on the applicant to demonstrate that the application meets the criteria for approval. It is recommended that the applicant review Title 9, Section 9-3-2 (D-7-f) of the Teton County Code prior to submittal. This Title and application are available on the County website at [www.tetoncountyidaho.gov](http://www.tetoncountyidaho.gov).

*To expedite the review of your application, please be sure to address each of the following items.*

### SECTION I: PERSONAL AND PROPERTY RELATED DATA

**Owner:** \_\_\_\_\_

**Applicant:** \_\_\_\_\_ **E-mail:** \_\_\_\_\_

**Phone:** (     ) \_\_\_\_\_ **Mailing Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_

**Engineering Firm:** \_\_\_\_\_ **Contact Person:** \_\_\_\_\_ **Phone:** (     ) \_\_\_\_\_

**Address:** \_\_\_\_\_ **E-mail:** \_\_\_\_\_

### SECTION II: APPLICATION NARRATIVE

The Development Agreement should be extended for the following reason(s): (provide detailed narrative and documentation that substantiates your request. The considerations used the Board of County Commissioners are in Section III on the reverse side. Address only those criteria that apply and describe the unique or extraordinary circumstances that make the criteria applicable. An attached sheet or sheets may be used.)

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### SECTION III: CONSIDERATIONS FOR DEVELOPMENT AGREEMENT EXTENSION APPROVAL

The burden is on the applicant to provide a detailed narrative explaining their extraordinary and unique reason(s) for consideration. The extent of completion of the required improvements will be taken into consideration.

1. Incomplete due to seeding time frames. Non-irrigated seeding and re-seeding in Teton Valley is only viable from May 15 to June 15 and October 1 through snowfall. Facts should be presented that the project was completed during the time when seeding is not viable and that only seeding work remains to be finished. A time extension should be considered for only the period necessary to complete the seeding; or
2. Shortage of key construction material. Substantiation should be presented that shows the shortage is extraordinary; or
3. Labor strike, lockout, extraordinary weather event, or act of God; or
4. Problem with the contractor, such as leaving the area or going broke. The developer should substantiate his/her good faith efforts to replace the contractor; or
5. Conflicts with major unknowns, such as sinkholes, utilities, environmental contamination, or other underground hazards; or
6. Inability to renew or secure a new letter of credit (or bond, if applicable). The developer should provide proof of failed attempts to secure financial surety for the project; or
7. Infrastructure is re-designed for one reason or another. The developer has submitted the re-designed improvements to the Planning and Engineering Departments for approval; or
8. Nothing in the development agreement is changing except:
  - a. The time to complete the improvements (maximum extension is one year and only one extension allowed except for acts of God);
  - b. The phasing plan. The developer has submitted an amended development agreement and phasing plan to the Planning and Engineering departments. The addition of phases will require the development agreement to be revised to state:
    1. No lots have been sold in the added phases;
    2. No lots shall be sold in the added phases until the improvements are 100% completed and approved by the County; or
9. It is in the public interest; or
10. Delays are the result of securing regulatory approvals or lengthy/unusual approval agency timeframes. The developer should provide proof of the delays;
11. Other extenuating circumstances, such as other governmental agencies have changed their approval requirements. The developer should substantiate these circumstances.

12. County property taxes are current on developer owned lots.

**Conditions of Approval for Development Agreement Extensions**

All Development Agreement extensions shall have the following conditions of approval written into the amended development agreement:

- A. A recent engineer’s cost estimate (less than 90 days old) approved by the County and calculated at 125% of the cost estimated for all remaining improvements.
- B. Financial surety in the form of letter of credit, bond, or cash deposit for the amount of the approved cost estimate (“A” above) and for a term matching or exceeding the extension period of 12 months or less, or for 12 months with guaranteed extensions for the remaining extension period for terms longer than 12 months.
- C. A two year warranty on open space and landscaping improvements and a one year warranty on all other required improvements.

I, the undersigned, have reviewed the attached information and found it to be correct. I also understand that the items listed on this application are required for my application to be considered complete and for it to be scheduled on the agenda for the Board of County Commissioners.

• Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

I, the undersigned, am the owner of the referenced property and do hereby give my permission to \_\_\_\_\_ to be my agent and represent me in the matters of this application. I have read the attached information regarding the application and property and find it to be correct.

• Property Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

- Application Fee: In accordance with current fee schedule
- Date Received: \_\_\_\_\_
- 60% of unit base total application fees have been paid.

**SECTION IV: BOARD OF COUNTY COMMISSION ACTION**

**APPROVED**  **DENIED**

• Chairman Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*Fees are non-refundable.*