



PLANNING AND ZONING COMMISSION MEETING AGENDA

August 18, 2026 at 5:30 PM

Council Chambers at City Hall - 1123 W. Lake St. Sandpoint, Idaho

Call to Order, Roll Call and Pledge of Allegiance

Consent Calendar - action item

- 1.** Approval of the Minutes from the Commission's July 7, 2026, Meeting - **action item**
- 2.** Approval of the Minutes from the Commission's August 4, 2026, Meeting - **action item**

Matters from the Public - General Comments

Public Hearing

- 3.** Public Hearing: Amending Title 9, Chapters 1 and 3 - **action item**
- 4.** Public Hearing: PAPL26-0001 56 Bridge St - **action item**

Old/Unfinished Business

New Business

Matters from City Staff

Matters from the Commission / Commissioners Roundtable

Adjourn

Public Participation Notice

Before the meeting, comment in writing: Email cityclerk@sandpointidaho.gov or deliver to City Hall.
Attend in person: See above for meeting location. Seating available on first-come, first-served basis.
Attend remotely: Register at <https://www.sandpointidaho.gov/meetings>.
After the meeting, view the recording on YouTube: <https://www.youtube.com/c/CityofSandpoint>.
For questions or requests for special accommodation: At least 48 hours prior to the meeting, send a message to the email address above or call (208) 263-3310.



PLANNING AND ZONING COMMISSION MEETING MINUTES

July 7, 2026 at 5:30 PM

Council Chambers at City Hall - 1123 W. Lake St. Sandpoint, Idaho

Call to Order, Roll Call and Pledge of Allegiance

Chairman Mose Dunkel called the regular meeting of the Sandpoint Planning and Zoning Commission to order at 5:30 p.m. on Tuesday, July 7, 2026, in Council chambers at City Hall, 1123 W. Lake St., Sandpoint, Idaho.

PRESENT

Commissioner Mose Dunkel, Chair
 Commissioner Wayne Benner, Vice Chair
 Commissioner Scott Torpie
 Commissioner Reid Weber
 Commissioner William Mitchell
 Commissioner Grant Simmons

ABSENT

Commissioner Ivan Rimar

Chairman Dunkel led all present in the Pledge of Allegiance.

There were no other general announcements or reports from the Commissioners.

Consent Calendar

1. Approval of the Minutes from the Commission's June 16, 2026 Meeting
2. Written Decision Skyway Estates PS26-0001
3. Written Decision Ridley Village Court PS25-0003 & PPUD25-0001
4. Written Decision 56 Bridge Street Hotel/Resort PCUP23-0004 & PVAR24-0001

There were no questions regarding the Consent Calendar, and it was **approved** as presented by unanimous vote of the Commissioners present.

Motion made by Commissioner Benner, Seconded by Commissioner Mitchell.

Voting Yea: Commissioner Benner, Commissioner Dunkel, Commissioner Torpie, Commissioner Weber, Commissioner Simmons, Commissioner Mitchell

Matters from the Public/General Public Comments

Chairman Dunkel recited the rules and procedure for general public comment, followed by an opportunity for comments from the public regarding items on the agenda not related to a public hearing and other topics relevant to the business of the City of Sandpoint. Information only; no Commission action.

Public Hearings - none

Old Business - none

New Business – none

Matters from City Staff

Community Planning & Development Director Jason Welker gave a brief update on the City Beach RV Park.

Commissioner Roundtable

There were no topics for discussion during commissioner roundtable.

Adjourn

With no further business before the Commission, the meeting was adjourned at 5:58 p.m.

I presided over this meeting and can confirm that the foregoing minutes, prepared by the Board Clerk, were approved by the Commission during their meeting held _____, 2026.

Mose Dunkel, Chair

Attest: Mandy Brown, Board Clerk



PLANNING AND ZONING COMMISSION MEETING MINUTES

August 4, 2026 at 5:30 PM

Council Chambers at City Hall - 1123 W. Lake St. Sandpoint, Idaho

Call to Order, Roll Call and Pledge of Allegiance

Chairman Mose Dunkel called the regular meeting of the Sandpoint Planning and Zoning Commission to order at 5:30 p.m. on Tuesday, August 4, 2026, in Council chambers at City Hall, 1123 W. Lake St., Sandpoint, Idaho.

PRESENT

Commissioner Mose Dunkel, Chair
 Commissioner Wayne Benner, Vice Chair
 Commissioner Scott Torpie
 Commissioner Reid Weber
 Commissioner William Mitchell
 Commissioner Grant Simmons
 Commissioner Ivan Rimar

Chairman Dunkel led all present in the Pledge of Allegiance.

There were no other general announcements or reports from the Commissioners.

Executive Session

1. Motion to Convene in Executive Session pursuant to Idaho Code § 74-206(1)(f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated.

Motion made by Commissioner Benner, Seconded by Commissioner Simmons.

Voting Yea: Commissioner Dunkel, Commissioner Benner, Commissioner Torpie, Commissioner Weber, Commissioner Mitchell, Commissioner Simmons, Commissioner Rimar

2. Executive Session will be held pursuant to Idaho Code §§ 74-206(1)(f), as noted above.

Adjourn

With no further business before the Commission, the meeting was adjourned at 7:00 p.m.

I presided over this meeting and can confirm that the foregoing minutes, prepared by the Board Clerk, were approved by the Commission during their meeting held _____, 2026.

 Mose Dunkel, Chair

 Attest: Mandy Brown, Board Clerk



Staff Report

To: Planning and Zoning Commission

From: Bill Dean, City Planner, Deputy Director of Planning and Community Development

Report: August 12, 2026

Hearing: August 18, 2026

Item: Amendments to Sandpoint City Code Title 9 Chapter 1 General Zoning Provisions and Chapter 3 Industrial Zoning Districts to further regulate Data Centers.

Applicant: City Initiated

Please Note: The materials related to this request are provided on the City's website at:

www.sandpointidaho.gov/currentprojects

1) Introduction and Background

The proposed ordinance amending Sandpoint City Code Title 9 Chapter 1 and Chapter 3 stems from City Council direction at their meeting on July 15, 2026. At that meeting, citing concerns over various potential environmental impacts associated with high water and energy consumption, City Council directed staff to draft an ordinance amending the zoning provisions to add a definition for data centers and to prohibit large data centers. Currently, Data Centers are a permitted land use within one of the City's three industrial zones. The city zoning ordinance and zoning map establish three industrial zones, excerpted from SCC 9-3-1, as follows:

IG (Industrial General) District: The IG district is intended for lands appropriate for light and medium manufacturing and industrial activities with direct access to major transportation routes, such as arterial roads, air and rail service. The IG district allows a wide range of manufacturing and industrial uses, which generate little traffic from tourists and the general public and are consistent with the Sandpoint comprehensive plan. Commercial uses are generally limited to accessory sales of goods produced on site. Residential use is very limited, with a single caretaker unit per property permitted.

IBP (Industrial Business Park) District: The IBP district is intended for master planned business and industrial parks in campus like settings. This district is suitable for administrative and professional offices, research and development parks, limited distribution, light and medium manufacturing, and assembly operations. Commercial and residential uses are generally permitted, although design standards mirroring the downtown commercial areas will apply in an effort to develop the area in alignment with the CA-4 definition of the comprehensive plan. CA-4 areas are to become vibrant secondary centers of commercial, office, and residential development, serving as neighborhood hubs for residents in neighboring districts. The IBP zoning district is consistent with the land use category of the Sandpoint comprehensive plan in areas generally south of Baldy Mountain Road.

ITP (Industrial Technology Park) District: The ITP district is intended for lands suitable for technology production and development, such as data centers, medical imaging processing, business incubators, biotechnology, software development, engineering, and similar technology related industry. Sites appropriate for this designation should have readily available utilities and fiber optic availability and be characterized by large contiguous properties. The ITP district is consistent with the Sandpoint comprehensive plan.

Overall, the amendments are limited in scope to define Data Centers and establish a prohibition on large data centers. The provisions allow for small-scale data centers, under 5,000 square feet, when combined within another building or facility. Attached to the staff report is the City's Zoning Map which identifies the industrial zones (Attachment 1).

In researching data centers for City Council, it is important to understand that there is not a uniform definition of what constitutes a data center. Some data centers that have recently garnered much attention nationwide refer to large (100,000 sf up to over 1 million square foot) facilities. Yet, smaller closet-sized, on-premises server rooms could be considered data centers due to their functions of managing information technology (IT). Sometimes these are referred to on-premises server rooms, edge or micro facilities, colocation facilities, among other possible names or descriptions. For this reason, instead of attempting to regulate data centers strictly by specific definitions, staff is proposing using a broad definition and simply limiting the size of any data center that is on-premise (accessory to an office use, for example) to 5,000 sf, and creating a ban on data centers as a stand-alone land use.

2) Relevant Comprehensive Plan Objectives

The City's 2024 Comprehensive Plan contains objectives and policies that serve to guide any proposed code amendment. Related to economic development and future development, the Comp Plan provides guidance as follows:

Vision Statement related to sustainable development, page 20:

Our clean water, air quality, dark skies, and other natural resources should be safeguarded.

Utilities and Infrastructure Chapter, page 91:

Goal 1: Utilities and Infrastructure

Policy A: Assure city infrastructure has sufficient capacity to meet the community's long-term needs.

Jobs & Economic Development Chapter, page 107:

Goal 1: Economic Health

Policy D: Target businesses and industries that enrich the tax base, provide high-quality jobs, deliver needed and unique services to residents, create few off-site impacts, and demonstrate a commitment to place.

Natural Resources and Hazards Chapter, page 128:

Goal 2: Water Resources

Policy D: Reduces sources of water pollution by requiring best management practices in site design.

Policy F: Promote and incentivize water conservation

In addition, the Com Plan Appendix A (Implementation Table) page 1 and page 4 refer to two specific implementation efforts related to zoning code updates and water resource consumption:

- Review and update regulations to balance comprehensive plan goals and objectives, including Title 9 Zoning, Title 10 Subdivision, and Title 11 Development Regulations.
- Reduce water consumption community wide through education and incentives

3) Overview of Proposed Amendments

The following is a summary of the proposed amendments to Title 9, Chapter 1 General Provisions:

1) The following definition has been added to the Zoning Code in Title 9, Chapter 1, Section 3 Definitions:

Data Center: A data center is a centralized physical facility that houses information technology (IT) infrastructure—such as servers, storage systems, and networking equipment—to process, store, and distribute digital information.

The following is a summary of the proposed amendments to Title 9, Chapter 3 Industrial Zoning Districts:

- 1) SCC 9-3-1 Description of Industrial Zoning Districts is amended to remove reference to Data Centers in the description of the Industrial Technology Park (ITP) zoning district;
- 2) Table 1 of Title 9, Chapter 3 is amended to include identifying data centers as both stand-alone facilities/land use, and as a portion of another building or facility. The draft code language would prohibit data centers as a stand-alone facility/land use in any industrial zone, whereas currently data centers are permitted in both the Industrial Business Park zone and the Industrial Tech Park zone, and are currently prohibited solely in the Industrial General zone;
- 3) Table 1 is further amended to identify data centers as a potential component of building or facility and introduces a size limit of a maximum 5,000 sf for any data center located in building or facility (for example, as part of another business such as an office).

The public noticing for this proposed ordinance occurred in accordance with SCC. Accordingly, it is anticipated a public hearing will be noticed for September 16, 2026 before the City Council to evaluate those proposed amendments.

4) Data Centers Code Amendment History

July 15, 2026	City Council directs staff to prepare an ordinance amending City Zoning Code to prohibit large data centers
August 18, 2026	Planning and Zoning Commission required public hearing on proposed zoning code amendment language defining data centers, prohibiting them as standalone land uses, and regulating them as components of other facilities or buildings.
September 16, 2026	City Council required public hearing on proposed zoning code amendment language defining data centers, prohibiting them as standalone land uses, and regulating them as components of other facilities or buildings.
Week of September 21, 2026	Ordinance effective date after publishing summary in newspaper.

5) Planning Commission Action

On legislative matters, including rulemaking such as amendments to the zoning ordinance, the Planning and Zoning Commission act in an advisory capacity to the City Council. The action of the Planning and Zoning Commission can include the following:

- Recommend City Council adopt the amendments as drafted
- Recommend City Council adopt the amendments after making changes
- Direct staff to revise the amendments before taking action
- Recommend City Council deny the amendments.

6) Attachments

- 1) Draft code amendments to Sandpoint City Code, Title 9, Chapters 1 and 3
- 2) City Zoning Map

9-1-3: Definitions:

Words not defined herein shall be given the meanings ordinarily applied to such words. The word "structure" shall include the word "building", and the word "lot" shall include the word "plot".

ACCESSORY BUILDING OR USE: A subordinate building or use, which is located on the same parcel on which the main building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or to the main use.

ACCESSORY DWELLING UNIT (ADU): A habitable living unit added to, created within, or detached from a single-family dwelling that provides basic requirements for living, sleeping, eating, cooking, and sanitation.

ACREAGE: Any tract or parcel of land which has not been subdivided or platted.

ADJOINING: Properties that touch or bound a particular parcel of land. For notification purposes, parcels that would adjoin a property absent an alley are also included.

AIRPORT: The Sandpoint Airport property, including all land covered by the Sandpoint Airport master plan.

AIRPORT ELEVATION: The highest point of an airport's usable landing area measured in feet from sea level. The elevation of the Sandpoint Airport is two thousand one hundred twenty-seven feet (2,127') above mean sea level.

ALLEY: A public passageway for vehicles shown on the official plat of the city or its additions and designated thereon as an alley.

APARTMENT: A room or suite of rooms in a multiple-family structure which is arranged, designed, used or intended to be used as a housekeeping unit for a single-family.

AUTO WRECKING OR JUNKYARD: Any place where two (2) or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operation; any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof and including any farm vehicles or farm machinery or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging and scavenging of any other goods, articles or merchandise.

AUTOMOBILE: A passenger vehicle.

AUTOMOBILE REPAIR: General repair, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; overall painting of motor vehicles.

AUTOMOBILE SERVICE STATION: An establishment where automotive fuels and lubricants, accessories and services are sold at retail; however, where the sale of such is only incidental, the establishment or premises shall be classified as a public garage.

BASEMENT: A story partly or wholly underground. Where more than one-half (½) of its height is above the average level of the adjoining ground, a basement shall be counted as a story for purpose of height measurement.

BED AND BREAKFAST: An owner occupied dwelling where rooms are available for transient lodging and where a morning meal is provided.

BILLBOARD: Any structure or portion thereof upon which are placed signs or advertisements used as an outdoor display. This definition does not include any bulletin boards used to display official court or public office notices, or a sign advertising the sale or lease of the premises on which the sign is located.

BOARDING, LODGING OR ROOMING HOUSE: A building where lodging, with or without meals, is provided for compensation for not fewer than four (4) nor more than twelve (12) persons in addition to members of the family occupying such building.

BUILDING: Any structure utilized or intended for supporting or sheltering any occupancy.

BUILDING AREA: The buildable area of a lot is the space remaining after adherence to the minimum open space requirements of this chapter.

BUILDING FOOTPRINT: The horizontal area, measured from the outside of all exterior walls and supporting columns. It includes all attached and covered components of a structure including residences, garages, covered carports, and covered patios, decks and porches.

BUILDING HEIGHT: The vertical distances measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest point of the roof. Where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

BUILDING LINE: The perimeter of that portion of a building nearest a property line, but excluding open steps, terraces, cornices and other ornamental features projecting from the walls of the building.

CARPORT: A structure attached or made a part of the main structure which is open to the weather on at least two (2) sides, intended for the use of sheltering not more than two (2) motor driven vehicles.

CHURCH: A nonprofit organization, that is or would be recognized by the internal revenue service as such, which uses buildings, structures, or land for the teaching or practice of religious doctrine or related social functions.

COMMISSION: For the purposes of this title, "commission" shall mean the planning and zoning commission.

COMPREHENSIVE PLAN: An official document pursuant to Idaho Code 67-6508 that includes land within the jurisdiction of the governing board which considers previous and existing conditions, trends, desirable goals and objectives, or desirable future situations for each planning component. The plan with maps, charts, and reports shall be based on the following components unless the plan specifies reasons why a particular component is unneeded: population; economic development; land use; natural resource; hazardous areas; public services, facilities and utilities; transportation; recreation; special areas or sites; housing; community design and implementation.

CONDITIONAL USE: A use listed in a particular zone which is compatible with its surrounding area and permitted if approved by the planning commission or by a hearing body.

CONDOMINIUM: A multiple-family dwelling, duplex, or single unit, in which the dwelling units are individually owned, with each owner having a recordable deed enabling the unit to be sold, mortgaged, or exchanged independently.

COURT: An open unoccupied space, other than a yard, on the same lot with a building and bounded on two (2) or more sides by such building.

CURB GRADE: The established elevation of the curb measured at the center of the front of a building. Where no curb grade has been established, the city shall establish such curb level or its equivalent for the purpose of this chapter.

DANCE HALL: A large room used mainly for dancing. (Synonyms: ballroom, dance palace.)

DATA CENTER: A data center is a centralized physical facility that houses IT infrastructure—such as servers, storage systems, and networking equipment—to process, store, and distribute digital information.

DAYCARE CENTER: A place or facility providing daycare for compensation for thirteen (13) or more children.

DISTRICT: A section or sections of the incorporated area of the city for which the regulations and provisions governing the use of buildings and land are uniform for each class of use permitted therein.

DWELLING, APARTMENT OR MULTIPLE-FAMILY: A building or portion thereof, designed for occupancy by three (3) or more families living independently of each other.

DWELLING, DUPLEX: A building, including modular housing, containing two (2) dwelling units with a common wall located on a single lot.

DWELLING, SINGLE-FAMILY ATTACHED: A single-family dwelling attached to another single-family dwelling, such as a townhouse, on its own lot.

DWELLING, SINGLE-FAMILY OR ONE-FAMILY: A detached building, other than a mobile home or modular home, containing one (1) dwelling unit and not including timeshare ownership of that dwelling unit.

DWELLING UNIT: One (1) or more rooms designed for occupancy by one (1) family for living purposes and having only one (1) cooking facility, but not including motel units.

FACADE: The entire area of a building facing or side extending from the roof or parapet to the ground and from one corner of the building to another but does not include any structural or nonstructural elements which extend beyond the roof of a building.

FAMILIAL STATUS: One (1) or more individuals (who have not attained the age of eighteen (18) years) being domiciled with:

- A. A parent or another person having legal custody of such individual or individuals; or
- B. The designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

FAMILY: A single individual or two (2) or more persons living together as one (1) housekeeping unit using one (1) kitchen.

FAMILY DAYCARE HOME: A home, place or facility providing daycare for six (6) or fewer children.

FRONTAGE: All property on one (1) side of a street between two (2) intersecting streets, or natural barriers.

GARAGE, PRIVATE: An accessory building for the storage of not more than three (3) motor driven vehicles of which not more than one (1) shall be a commercial vehicle of not more than two (2) tons' capacity.

GARAGE, PUBLIC: A building other than a private garage used for the care, repair of equipment or automobiles, or for vehicles parked or stored for remuneration, hire or sale.

GATED COMMUNITY: A residential neighborhood where accessibility is controlled by means of a gate, guard, barrier or other similar improvement within or across a privately maintained right-of-way.

GROUP DAYCARE FACILITY: A home, place, or facility providing daycare for seven (7) to twelve (12) children.

GUESTHOUSE: A structure for human habitation, containing one (1) or more rooms with bath and toilet facilities, but not including a kitchen or facilities which would provide a complete housekeeping unit.

HARD SURFACING: A surface constructed of asphalt, concrete, polymer blocks or other like substance recognized in the industry as providing a pavement like surface which like substance is approved by the city engineer or public works director.

HAZARD TO AIR NAVIGATION: An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

HEIGHT: See definition of Building Height.

HOME OCCUPATION: An occupation, profession or business activity including family daycare (six (6) or fewer children), where the primary location of business and/or the official business address is at the home which results in a product or service for gain, is clearly incidental and subordinate to the use of the premises as a dwelling unit

and does not change the character thereof. Examples of permissible uses include tutoring and music lessons that occur one (1) on one (1) or similar types of uses.

HOSPITAL, SANATORIUM, HOSPICE: An institution open to the public, in which sick patients or injured persons are given medical or surgical care; or for the care of contagious diseases or terminally ill patients.

HOTEL: A building designed for occupancy as the more or less temporary abiding place of individuals who are lodged with or without meals, in which there are six (6) or more guestrooms, and in which no provisions are made for cooking in any individual room or suite.

IMPERVIOUS SURFACE: A hard surface area that significantly prevents or impedes the infiltration of water into the soil. Impervious surfaces include, but are not limited to, buildings, roofed structures, concrete or asphalt driveways and walkways, patios, decks with impervious surfaces, compacted gravel areas intended for parking or circulation, and other hard-surfaced areas. The city engineer shall have the discretion to determine whether a particular surface or material is considered impervious based on its design, construction, and performance.

INSTITUTION: A building occupied by a nonprofit corporation or a nonprofit establishment for public or semipublic use.

KENNEL: Any lot or premises on which four (4) or more dogs, at least four (4) months of age, are kept.

LABORATORY: A place devoted to experimental study such as testing and analyzing. Manufacturing of a product or products is not to be permitted within this definition.

LOADING SPACE: An off-street space or area on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials and which abuts upon a street, alley or other appropriate means of access.

LOT: A plot of land legally divided from a larger area of land occupied or suitable for occupancy by one (1) main building or use, with accessory buildings, including the open spaces required by this title, and having its principal frontage upon a public street or highway. A lot is distinguished from a parcel in that a parcel can be one (1) or more lots, or a portion of a lot, identifiable through either legal description or plat.

LOT, CORNER: A lot situated at the intersection of two (2) or more streets.

LOT DEPTH: The horizontal distance between the front and rear lot lines.

LOT FRONTAGE: The front of a lot shall be that boundary of a lot along a public street; and for a corner lot the front shall be the shorter lot boundary along a street.

LOT, INTERIOR: A lot other than a corner lot.

LOT OF RECORD, SUBSTANDARD ORIGINAL: Any legally created individual nonconforming lot that does not meet the minimum lot width or area requirements of the district in which it is located. Such lot may be utilized for those uses permitted within its zoning district if all other requirements of this title are met. Residential development of substandard original lots of record is subject to section 9-4-6 of this title.

LOT, REVERSED CORNER: A corner lot the rear of which abuts upon the side of another lot whether across an alley or not.

LOT WIDTH: The horizontal distance between the side lot lines.

MOBILE HOME: A vehicle or structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, is intended for human occupancy and is being used for residential purposes.

MOBILE HOME PARK: Any plot of ground upon which two (2) or more occupied mobile homes are located.

MOBILE HOME SPACE: A plot of ground within a mobile home park designated for the accommodation of one (1) mobile home.

MODULAR HOUSING: A dwelling unit manufactured off site, built to be used for permanent residential occupancy, to be set on a permanent foundation and conforming to the applicable building code.

MOTEL: A group of attached or detached buildings containing individual sleeping or living units where a majority of such units open individually and directly to the outside, and where a garage is attached or a parking space is conveniently located to each unit, all for the use by automobile tourists or transients, and such words include motor lodges, motor inns, and similar terms.

NONCONFORMING USE: Any building, structure or land lawfully occupied by a use or lawfully situated which does not conform to the regulations of this title.

NONPRECISION INSTRUMENT RUNWAY: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight in nonprecision instrument approach procedure has been approved or planned.

NURSING HOME OR REST HOME: A private hospital for the care of children, the aged or infirm or a place of rest for those suffering bodily disorders, but not including facilities for the treatment of sickness or injuries or for surgical care.

PARKING AREA/FACILITY, PRIVATE: Any privately owned off-street area, lot, structure, or portion thereof, that is designated and used for the temporary storage and maneuvering of motor vehicles. This includes surface parking lots, parking garages or structures, and all internal driveways, drive aisles or circulation areas necessary for vehicle ingress, egress, and movement within the facility. A private parking facility does not include public rights-of-way, on-street parking spaces, or areas designated exclusively for the loading or unloading of trucks or delivery vehicles.

PARKING AREA/FACILITY, PUBLIC: An open area, other than street, used for the temporary parking of more than four (4) automobiles and available for public use whether free, for compensation or as an accommodation for clients or customers.

PARKING SPACE: An area, enclosed or unenclosed, which has adequate access to a public street or alley, sufficient in size to store one (1) automobile.

PERSON: An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

PLANNED UNIT DEVELOPMENT: An area of land pursuant to Idaho Code 67-6515 in which a variety of residential, commercial, industrial and other land uses are provided for under single ownership or control.

PORCH: A roofed entrance to a building, projecting out from the wall or walls of the main structure and commonly open in part to the weather.

PRECISION INSTRUMENT RUNWAY APPROACH ZONE: The inner edge of this approach zone coincides with the width of the primary surface and is one thousand feet (1,000') wide. The approach zone expands outward uniformly to a width of sixteen thousand feet (16,000') at a horizontal distance of fifty thousand feet (50,000') from the primary surface. Its centerline is the continuation of the centerline of the runway.

PRESCHOOL: An institution primarily engaged in child training and academic instruction prior to the mandatory first grade.

PRIMARY SURFACE: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred feet (200') beyond each end of that runway; for military runways or when the runway has not specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in the airport overlay zone district. The elevation on the primary surface is the same as the elevation of the nearest point on the runway centerline.

RUNWAY: A defined area on an airport prepared for landing and takeoff of aircraft along its length.

SCHOOL: An institution primarily engaged in academic instruction, public, parochial or private and recognized or approved by the state.

SETBACK: The minimum required distance between a property line and any portion of a building excepting projections as allowed by this title.

SIDEWALK: That portion of a street between the lateral lines of the roadway and the adjacent property lines set apart for use by pedestrians.

SITE PLAN REVIEW: The process whereby the planning department shall review the site plans, maps and other studies to assist in determining the manner in which the applicant intends to make use of his property to assure that they meet the stated purposes and standards of the zoning district and provide for the necessary public facilities associated with the development.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it or if there be no floor above it, then the space between such floor and the ceiling next above.

STREET: The entire width between the right-of-way lines of every way for vehicular and pedestrian traffic and includes the terms "road", "highway", "lane", "place", "avenue", and other similar designations.

STRUCTURAL ALTERATIONS: Any change which would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

STRUCTURE: That which is built or constructed.

TERRACE, OPEN: A level and rather narrow plain or platform which, for purposes of this title, is located adjacent to one (1) or more faces of the main structure and which is constructed not more than four feet (4') in height above the average level of the adjoining ground.

TIMESHARE CONDOMINIUM: A condominium in which units are individually owned by a family or group of persons for a variable amount of time during the year, and in which part or all of the units may be available to transients for rent or on an exchange basis. For the purposes of this title, timeshare condominium or unit shall be considered a motel.

TOWNHOUSE: An attached dwelling, designed for residence by a single-family or household, that shares a party or common wall and occasionally a single roof with at least one (1) other similar residence. Townhouses and the land they rest upon are usually individually owned with a proportional interest in the common areas of the development.

TRAILER: A vehicle without motive power used for human habitation, including a trailer coach or house trailer designed to be drawn by a motor vehicle.

TRAILER PARK, MOBILE HOME PARK, TRAILER COURT: Any premises occupied or designed to accommodate more than one (1) mobile home or trailer.

USE: The purpose for which land or a building is intended, designed, arranged or maintained.

VACATION HOME RENTAL OCCUPANCY: The use of a dwelling unit by any person or group of persons who occupies or is entitled to occupy a dwelling unit for remuneration for a period of time less than thirty (30) days but at least two (2) days, counting portions of days as full days. "Remuneration" means compensation, money, rent or other bargained for consideration given in return for occupancy, possession or use of real property. Home exchanges where money is not transferred shall be excluded from this definition.

VISUAL RUNWAY: A runway intended solely for the operation of aircraft using visual approach procedures.

YARD: An open space unoccupied and unobstructed from the ground upward, on the same lot with a main building, except as otherwise provided in this chapter.

YARD, FRONT: A yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the building.

YARD, REAR: A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.

YARD, SIDE: That part of the yard lying between the main building and a side lot line, and extending from the required front yard (or from the front lot line, if there is no required front yard) to the required rear yard.

(Ord. 1084, 6-2-2003; amd. Ord. 1091, 8-20-2003; Ord. 1127, 2-16-2005; Ord. 1135, 7-20-2005; Ord. 1152, 7-19-2006; Ord. 1178, 8-15-2007; Ord. 1196, 11-19-2008; Ord. 1263, 12-29-2011; Ord. 1281, 5-15-2013; Ord. 1336, 11-2-2016; Ord. 1393, 3-16-2022; Ord. No. 1413, § 1, 12-20-2023; Ord. No. 1432, § 1, 9-17-2025; Ord. No. 1436, § 1, 2-18-2026)

9-3-1: Description of Industrial Zoning Districts:

This chapter provides regulations applicable to development and new land uses in the industrial zoning districts established by ordinance 1252. The purposes of individual industrial zoning districts are as follows:

- A. IG (Industrial General) District: The IG district is intended for lands appropriate for light and medium manufacturing and industrial activities with direct access to major transportation routes, such as arterial roads, air and rail service. The IG district allows a wide range of manufacturing and industrial uses, which generate little traffic from tourists and the general public and are consistent with the Sandpoint comprehensive plan. Commercial uses are generally limited to accessory sales of goods produced on site. Residential use is very limited, with a single caretaker unit per property permitted.
- B. IBP (Industrial Business Park) District: The IBP district is intended for master planned business and industrial parks in campus like settings. This district is suitable for administrative and professional offices, research and development parks, limited distribution, light and medium manufacturing, and assembly operations. Commercial and residential uses are generally permitted, although design standards mirroring the downtown commercial areas will apply in an effort to develop the area in alignment with the CA-4 definition of the comprehensive plan. CA-4 areas are to become vibrant secondary centers of commercial, office, and residential development, serving as neighborhood hubs for residents in neighboring districts. The IBP zoning district is consistent with the land use category of the Sandpoint comprehensive plan in areas generally south of Baldy Mountain Road.
- C. ITP (Industrial Technology Park) District: The ITP district is intended for lands suitable for technology production and development, such as ~~data centers~~, medical imaging processing, business incubators, biotechnology, software development, engineering, and similar technology related industry. Sites appropriate for this designation should have readily available utilities and fiber optic availability and be characterized by large contiguous properties. The ITP district is consistent with the Sandpoint comprehensive plan.

(Ord. 1252, 4-20-2011)

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(Ord. 1252, 4-20-2011)

9-3-3: Allowed Uses and Permit Requirements:

- A. Permitted Land Uses: The land uses allowed by this zoning ordinance in industrial zoning districts are identified in table 1 of this section as:
 - 1. "Permitted" land uses are indicated by a "P". Permitted land uses are allowed on a property without discretion by the city, subject to compliance with all applicable provisions of this code.
 - 2. "Conditionally permitted" land uses are indicated by a "C" and are allowed only with the approval of a conditional use permit (section 9-9-6 of this title). These uses are subject to all applicable provisions of this chapter, as are permitted uses. However, the city has discretion to approve, approve with conditions, or deny a conditional use permit application. The decision on a conditional use permit is based upon the circumstances of an individual case and the criteria in section 9-9-6 of this title.
- B. Uses Not Permitted or Not Listed: Land uses not permitted are those indicated by a "-" on the table. Land uses not listed on the tables are not allowed, except by the determination of the planning director, who will consider whether the use is similar to a permitted use after consulting the current edition of the North American industry classification system code.
- C. Regulations for Specific Uses: Where a column in the following tables includes a reference to a section number or footnote, regulations in the referenced section or footnote apply to the use. However, provisions in other sections of this zoning ordinance or this code may also apply, along with the current adopted version

of the international building code, international residential code and applicable sections of the uniform fire code and national fire protection association standards.

- D. Ancillary Uses: Ancillary uses are those secondary activities associated with a primary land use directly associated with and supporting said primary permitted or conditionally permitted land use. Ancillary uses and activities typically require a minor portion of the square footage or space in a business premises, impose no additional impacts on land use patterns, building design, parking requirements, or outdoor storage. Examples of ancillary uses include, but are not limited to, small factory stores associated with an active manufacturing plant, on site childcare facilities, etc.

TABLE 1
INDUSTRIAL DISTRICT LAND USE REGULATIONS

Use permitted P
Conditional use permit C
Not permitted -

Use	Zoning District			Additional Regulations
	IG ⁵	IBP	ITP	
Commercial, offices and financial institutions:				
Banks	-	-	-	
Data Centers (as a standalone facility)	-	-	-	
Data Centers (as a component of another land use, building, or facility)	P	P	P	See note 6
Data centers, m Medical imaging processing, business incubators, software development, engineering and similar technology related industry	-	P	P	
Office, government	-	P*	P	* New construction shall comply with all design requirements outlined in section 9-3-5-1 of this chapter
Office, medical and dental	-	P*	-	* New construction shall comply with all design requirements outlined in section 9-3-5-1 of this chapter
Office, sales, administrative, business, professional	P*	P**	P*	* When associated with a permitted use in the zone** New construction shall comply with all design requirements outlined in section 9-3-5-1 of this chapter
Research and development	P	P	P	
Retail sales	P*	P**	P*	* When associated with permitted use in zone** New construction shall comply with all design requirements of section 9-3-5-1 of this chapter
Education and training:				

Child daycare center when on site and servicing employees during their work hours	P	P	P	
School, college or university (private)	-	P	C	
School, vocational or technical	C	P	P	
Entertainment and recreation related:				
Adult entertainment business	P*	-	-	* Prohibited within 1,000' of a residential zone or the centerline of Baldy Mountain Road, and having a 500' separation from like business
Athletic club	-	P	-	
Community and/or recreation center, stadium or arena	-	P	-	
Food service:				
Cafeteria for employee dining and catering services	P	P	P	
Drive-through sales (retail or with any food service)	-	-	-	
Grocery or convenience store	-	P*	P*	* New construction shall comply with all design requirements outlined in section 9-3-5-1 of this chapter
Restaurant, counter service	-	P*	P*	* New construction shall comply with all design requirements outlined in section 9-3-5-1 of this chapter
Restaurant, table service	-	P*	P*	* New construction shall comply with all design requirements outlined in section 9-3-5-1 of this chapter
General service:				
Aircraft hangars	P	-	P	
Auction (indoor)	-	P	-	
Business support services	-	P	P	
Equipment rental (outdoor)	-	P	-	
Hotel/motel	-	P*	-	* New construction shall comply with all design requirements outlined in section 9-3-5-1 of this chapter
Mini/self-storage	P	C	-	
Health and veterinary services:				
Ambulance service	-	P	-	
Animal hospital	-	P	-	
Animal kennel	P	C	-	
Emergency medical care	-	P	-	
Hospital	-	P	-	
Industry and manufacturing:				
Light	P	P	P	See note 1

Medium	P	P	C	See note 1
Heavy	-	-	-	
Aquaculture <1 acre per business	P	-	P	
Cogeneration and other energy production	P	C	C	
Industrial services	P	-	-	
Industry and manufacturing with outdoor processing or unenclosed storage of raw materials	P	-	-	
Laboratory	P	P	P	
Material resource recovery facility (MRRF)	C	-	-	See section 9-3-5-2 of this chapter
Operation of slaughterhouse, glue factory, tannery or similar operations with more than 2 employees during any shift	-	-	-	
Scrap and salvage operation	C	-	-	
Wholesale, storage and distribution, including bulk tank storage of liquids	P	C	-	
Public, quasi-public, and assembly:				
Church or other place of worship	-	P	-	
Clubs, fraternities, sororities, lodges and similar uses	P	P	P	
Corporation yard	P	C	-	
Public safety facility	P	P	P	
Utilities, public or quasi-public utilities	P	C	C	
Transportation and communication:				
Airport	P	-	-	
Antenna or communication facility	P*	P*	C	* See airport overlay restrictions
Helipad	P	P*	-	* Hospital/medical use
Moving and drayage service	P	P	-	
Parking facility, nonresidential	P	C	-	
Private transportation service	C	C	-	
Transit station or terminal	C	P	-	
Truck stop	-	-	-	
Vehicle sales and service:				
Automobile and vehicles major repair and sales	P	-	-	
Large truck and machinery - sales and leasing	P	-	-	
Service station	C	C	-	
Vehicle storage or impound yard	P	-	-	See note 3
Other uses:				
Accessory use, nonresidential	P	P	P	

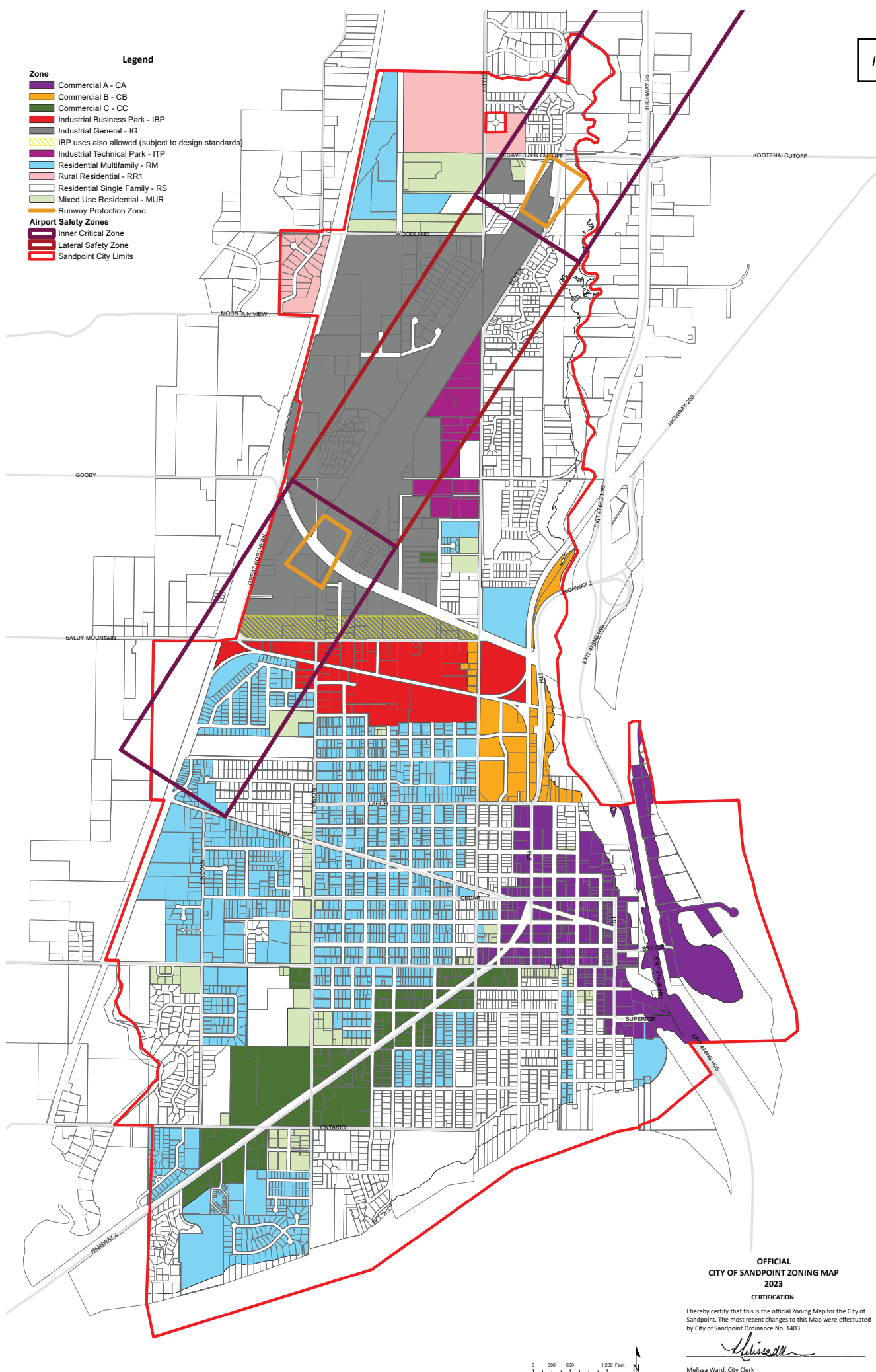
Building or landscape material sales	P	C	-	
Contractor's yard	P	C	-	
Homeless shelter	-	-	-	
Residential	-	P	-	See note 4
Residential caretaker unit	P*	P	P*	See note 2* Residential use is prohibited within the footprint of the airport overlay zone

Notes:

1. Uses meeting the "manufacturing and assembly, light and medium" definitions shall include biotechnology, software/hardware development, electronics, and similar technologies, along with artist studios.
2. Only 1 residential caretaker unit shall be permitted per property. The unit shall be located within a principal building on the site and/or completely screened. The maximum size of a caretaker unit is limited to one thousand (1,000) square feet.
3. No vehicle may be stored or displayed on any vacant site or at any vacant commercial/industrial location except when approved as part of an auto dealership or vehicle storage or impound yard.
4. Residential uses are permitted on upper stories above ground floor nonresidential use, or on ground floors behind storefront space.
5. Permitted IBP uses are allowed in the IG zone four hundred feet (400') north of the centerline of Baldy Mountain Road. Section 9-3-5 of this chapter shall be applicable to development in this area.

6. No Data Center as a component of another land use, building, or facility shall exceed 5,000 sf in size.

(Ord. 1252, 4-20-2011)



NOTICE OF PUBLIC HEARING

Notice is hereby given that the Sandpoint Planning Commission will be holding a public hearing during their meeting on Tuesday, August 18, 2026, scheduled to begin at 5:30 p.m. in Council chambers at City Hall, 1123 W. Lake St., Sandpoint, Idaho, to take public testimony as the Commission considers a recommendation to amend Sandpoint City Code Title 9, Chapters 1 & 3, to create a definition of data center and modify and establish new regulations for data centers.

Seating in Council chambers is available on a first-come, first-served basis. The overflow areas outside chambers will accommodate additional attendance, with live meeting video and audio provided. For public hearings/public comment periods, those who may not be able to be seated within chambers will be allowed entrance to the room and given the opportunity to speak from the podium.

Any written testimony to be considered at this meeting must be delivered to City Hall or by email to cityplanning@sandpointidaho.gov before 5:00 p.m. on Thursday, August 13, 2026.

To request special accommodation to view the application files or participate in the above-noticed meeting, contact the City via the email address or phone number stated above no later than two (2) business days prior to the date of the meeting. **22**
BCDB#8072 AD#52918
July 28, 2026

Norman M. Semanko, ISB #4761
 PARSONS BEHLE & LATIMER
 800 West Main Street, Suite 1300
 Boise, Idaho 83702
 Telephone: (208) 562-4900
 Facsimile: (208) 562-4901
nsemanko@parsonsbehle.com
boisedocket@parsonsbehle.com

Attorneys for Appellant Averill Hospitality, LLC

BEFORE THE PLANNING AND ZONING COMMISSION

SANDPOINT, IDAHO

IN THE MATTER OF NOTICE OF
 VIOLATION ISSUED TO AVERILL
 HOSPITALITY PURSUANT TO
 SANDPOINT CITY CODE § 9-6-18

NOTICE OF APPEAL; REQUEST FOR HEARING

This Notice of Appeal of the attached Notice of Violation (“NOV”) issued by the City of Sandpoint (“City”) Director of Community Planning and Development (“Director”) is submitted to the Sandpoint Planning and Zoning Commission (“Commission”) through the undersigned counsel on behalf of Averill Hospitality, LLC (“Averill” or “Appellant”), pursuant to Sandpoint City Code (“SCC”) §§ 9-6-18.C and 9-6-19.

The Appellant has asked the City whether there is a filing fee and will pay it upon confirmation that such a fee, if any, exists.

INTRODUCTION

The Director issued the attached NOV, which was received by Averill on July 6, 2026. The NOV claims that Averill has violated SCC § 9-6-18(A), regarding abandoned signs, and requires Averill to obtain a demolition permit and remove two existing signs from the subject property.

The NOV also threatens enforcement action for failure to remove the signs, including a monetary penalty. The NOV does not provide notice of the opportunity to appeal, nor was any prior notice, hearing, or opportunity to respond provided to Averill by the Director before the NOV was issued.

GROUND FOR APPEAL

Averill is the owner of the subject property, including the signs in question, and the party to whom the NOV was directed. As such, Averill has a bona fide interest in the property and is an affected person as defined in Idaho Code § 67-6521 and required by the SCC.

Averill respectfully requests that the Commission grant its appeal and reverse and vacate the Director's NOV for the reasons set forth below. Averill further requests that a public hearing of the Commission be held regarding this appeal prior to any decision, as required by the SCC.

In short, the Director erred in determining that the signs in question have been abandoned simply because the hotel and restaurant are currently closed. At best, this determination is premature. At worst, it causes irreparable harm to Averill and its future use of the property.

The NOV concludes that the signs “are determined to be abandoned signs, pursuant to SCC 9-6-18(A).” This was based on a statement made on behalf of Averill at a Planning and Zoning Commission hearing regarding a requested extension of the Conditional Use Permit and Variance held by Averill “that the hotel and restaurant were closed last year (2025).” The Director concluded based on this statement that the signs associated with those businesses have been completely *abandoned*. This conclusion is erroneous – and premature.

The fact that the hotel and restaurant are *currently* closed does not preclude the use from being resumed in the relatively near future. If the new Conditional Use Permit is not approved – or the development does not proceed as currently planned for some other reason – then Averill

may very well choose to *reopen* the Best Western hotel and restaurant space back up, as is. Both signs would continue to be utilized. That does not constitute abandonment of the signs. At the very least, it is premature for such a determination to be made.

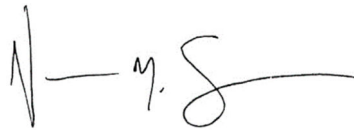
In addition, the property is not permanently vacant or unoccupied. It is in the process of being improved, which requires renovation and construction, in the event the development proceeds. Demolition/removal of the current signs is therefore additionally unwarranted in this case, where the signs likely could be safely and appropriately repurposed, consistent with other applicable provisions of the SCC. Again, there has been no abandonment of the signs.

CONCLUSION

For the foregoing reasons, Averill's appeal should be granted and the Director's NOV should be reversed and vacated by the Commission.

DATED this 16th day of July, 2026.

PARSONS BEHLE & LATIMER

A handwritten signature in black ink, appearing to read 'N-M. S.', written over a horizontal line.

Norman M. Semanko
Attorneys for Averill Hospitality, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on the following on this 16th day of July, 2026, by the following methods:

Planning & Zoning Commission
CITY OF SANDPOINT
1123 Lake Street
Sandpoint, Idaho 83864

- ☐ U.S. First Class Mail, Postage Prepaid
☐ U.S. Certified Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile
☒ Email: cityplanning@sandpointidaho.gov

Jason Welker, Director of Community
Planning and Development
CITY OF SANDPOINT
1123 Lake Street
Sandpoint, Idaho 83864

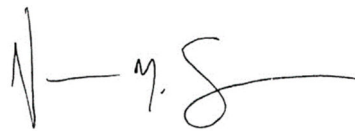
- ☐ U.S. First Class Mail, Postage Prepaid
☐ U.S. Certified Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile
☒ Email: jwelker@sandpointidaho.gov

Bill Dean, City Planner
CITY OF SANDPOINT
1123 Lake Street
Sandpoint, Idaho 83864

- ☐ U.S. First Class Mail, Postage Prepaid
☐ U.S. Certified Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile
☒ Email: bdean@sandpointidaho.gov

Pete Skon, Building Official
CITY OF SANDPOINT
1123 Lake Street
Sandpoint, Idaho 83864

- ☐ U.S. First Class Mail, Postage Prepaid
☐ U.S. Certified Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile
☒ Email: pskon@sandpointidaho.gov



Norman M. Semanko



Re: Notice of Violation – City Code §9-6-18 Removal and Disposition of Signs

Property: 56 and 58 Bridge St.

Violation Date: June 26, 2026

Sent via certified mail and email

Property Owner: Averill Hospitality, LLC

1380 Wisconsin Ave., Whitefish, MT 59937

Dear Brian and Dan Averill:

The purpose of this letter is to serve as formal notice of violation of the City of Sandpoint City Code (SCC), specifically Title 9, Section 9-6-18 pertaining to the existence of abandoned signs located at 56 and 58 Bridge Street, and to request your prompt attention by removing the illegal signs.

Violation Description:

During a site inspection on the above date, City staff determined that two signs located on your property do not comply with SCC 9-6-18(A), which governs the removal of abandoned signs. At approximately 6 feet from the western property line is a large, freestanding sign erected on two poles, approximately 50-feet tall, and at the southern property line is a second freestanding sign approximately 15-feet tall. Both signs are determined to be abandoned signs, pursuant to SCC 9-6-18(A). Please see the attached photos that were taken as part of this determination. Sandpoint City Code 9-6-18 specifically addresses the removal of signs which are located on property that becomes unoccupied or vacant, allowing for a maximum of 6 months that a sign may remain on such property.

The City understands the buildings formerly operated as a hotel and restaurant but are no longer used for a hotel, restaurant, or any business. On June 16, 2026, at the Planning and Zoning Commission meeting to discuss your requested extension of the Conditional Use Permit and Variance (application number PCUP23-0004 and PVAR24-0001), testimony was provided by your representative Ben McGrann, that the hotel and restaurant were closed last year (2025) and that such closure was evidence of the overall project being diligently pursued. The buildings have not been occupied since their closure in September 2025. The Planning and Zoning Commission in deciding to grant your permit extensions specifically



cited the closure of the restaurant and hotel as evidence of the new project being diligently pursued.

Required Correction:

You are hereby required to immediately take the following corrective action(s):

1. Obtain a demolition permit from the Building Division of the Community Planning and Development Department within 30 days of this notice, and
2. Remove the two freestanding signs referenced herein, including their foundations, within 20 days of issuance of the demolition permit.

Consequences of Non-Compliance:

If you fail to comply with the above within the time frame specified, the City reserves the right to pursue enforcement action pursuant to SCC1-4-1 and 1-4-2 which may include:

- Abatement of the violation by City contract and assessment of all costs to you, the property owner.
- A penalty, not to exceed \$100 per day.

We encourage you to address this matter promptly to avoid any further enforcement or financial penalty.

Please contact Jason Welker at 208-255-1738 or jwelker@sandpointidaho.gov if you have questions about how to bring your property into compliance.

Thank you for your immediate attention to this matter.

Sincerely,

Jason Welker, Director of Community Planning and Development

CC: Corey Coon, Chief of Police

Bill Dean, Deputy Director of Community Planning and Development

Pete Skon, Chief Building Official



Image of Freestanding Sign #2





Image of Freestanding Sign #1





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Image of Freestanding Sign #1





Image of Freestanding Sign #2

