



CITY COUNCIL MEETING AGENDA

January 21, 2026 at 5:30 PM

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

Call to Order

Roll Call

Pledge of Allegiance

Announcements and Reports

Public Comments

Consent Calendar - **action item**

1. Approval of Minutes from Council's January 7, 2026, Meeting - **action item**
2. Payables Report / Approval of Bills for Payment - **action item**
3. Review and Accept Monthly Financial Report on Cash and Investment Transactions, September 2025 - **action item**
4. Review and Accept Monthly Financial Report on Cash and Investment Transactions, October 2025 - **action item**
5. Review and Accept Monthly Financial Report on Cash and Investment Transactions, November 2025 - **action item**
6. Mayor's Memo re: Board Appointments (*confirmation action items below*)
7. Confirmation of Mayor's Appointment to Sandpoint Urban Renewal Agency Commissioners: Ned Brandenberger - **action item**
8. Confirmation of Mayor's Appointment to Sandpoint Urban Renewal Agency Commissioners: Kate McAlister - **action item**
9. Proposed Resolution: Personnel Policy Amendments - **action item**

Public Hearing

10. Public Hearing and Decision: Proposed Amendments to Sandpoint City Code Title 9, Chapters 1 and 4, Standards for Residential Lot Coverage and Multifamily Minimum Lot Size and Density - **action item**
11. Public Hearing and Decision: Proposed Amendments to Sandpoint City Code Title 3, Chapter 12, Short Term Rental of Dwelling Units - **action item**

Old/Unfinished Business - **none**

New Business - **none**

Executive Session

12. Vote to Convene in Executive Session pursuant to Idaho Code § 74-206(1)(a) to consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need - **action item**
13. With an affirmative vote, an executive session will be held pursuant to Idaho Code § 74-206(1)(a), as noted above.

Reconvene and Adjourn

Public Participation Options and Information

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.



CITY COUNCIL MEETING MINUTES

January 07, 2026 at 5:30 PM

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

Call to Order (Outgoing Council)

Mayor Jeremy Grimm called the regular meeting of the Sandpoint City Council to order at 5:30 p.m. on Wednesday, January 7, 2026, in Council chambers at City Hall, 1123 W. Lake St., Sandpoint, Idaho.

Roll Call (Outgoing Council)

PRESENT

Mayor Jeremy Grimm
 Councilor Deb Ruehle, Council President
 Councilor Joel Aispuro
 Councilor Justin Dick
 Councilor Kyle Schreiber
 Councilor Pam Duquette
 Councilor Rick Howarth

As required by the City's adopted Code of Ethics and Civility, as the presiding officer, Mayor Grimm identified law enforcement personnel serving as sergeant-at-arms for the meeting: Police Chief Corey Coon.

Pledge of Allegiance

Mayor Grimm led all present in the Pledge of Allegiance.

Mayor Grimm instructed members of the public who wished to comment during the public comment portion on the agenda to complete a comment sign-up form and hand to staff.

Mayor Grimm then relayed information from Idaho Code § 50-702, providing instructions for installing newly elected Councilors.

Consent Calendar (Outgoing Council) - action item

Mayor Grimm noted for the record the amount of bills for payment approval, and the Consent Calendar was approved by a unanimous vote of Council.

Motion made by Councilor Dick, Seconded by Councilor Aispuro.

Voting Yea: Councilor Ruehle, Councilor Aispuro, Councilor Dick, Councilor Schreiber, Councilor Duquette, Councilor Howarth

1. The minutes from Council's December 17, 2025, regular meeting were approved as presented.
2. The bills presented were approved for payment in the amount of \$1,159,045.15, reflecting \$382,524.52 for regular payables and \$776,520.63 for payroll.

Presentation to Outgoing Elected Officials

Mayor Grimm, at the request of Councilors, invited Janine Shepard to the podium to say a few words to the outgoing Council members. With the incumbents' business concluded, Councilors Dick and Howarth offered their farewell remarks from the dais. Mayor Grimm and members of the Council then shared

farewell remarks in recognition of Councilors Dick and Howarth, who were presented with gifts from the City in appreciation for their service.

Oaths of Office and Certificates of Election – 2025 General Election

Mayor Grimm administered the Oath of Office and presented Certificates of Election to Councilors Joel Aispuro, Joe Tate, and Joshua Torrez.

Mayor Grimm called for a brief recess at 5:48 p.m., with the meeting reconvening at 5:57 p.m. and the newly sworn-in Councilors seated on the dais.

Call to Order (New Council)

Mayor Jeremy Grimm, again, called the regular meeting of the Sandpoint City Council to order at 5:57 p.m. on Wednesday, January 7, 2026, in Council chambers at City Hall, 1123 W. Lake St., Sandpoint, Idaho.

Roll Call (New Council)

PRESENT

Mayor Jeremy Grimm
 Councilor Deb Ruehle
 Councilor Joel Aispuro
 Councilor Kyle Schreiber
 Councilor Pam Duquette
 Councilor Joe Tate
 Councilor Joshua Torrez

Election of Council President

Mayor Grimm announced that the next item on the agenda was the election of a Council President, who will serve for the next two years. Councilor Duquette nominated Councilor Ruehle to continue in the role of Council President, seconded by Councilor Aispuro. Councilor Ruehle accepted the nomination, which was approved unanimously as follows:

Motion made by Councilor Duquette, Seconded by Councilor Aispuro.

Voting Yea: Councilor Ruehle, Councilor Aispuro, Councilor Tate, Councilor Schreiber, Councilor Duquette, Councilor Torrez

Announcements, Reports and Special Business

3. Proclamation: National Human Trafficking Awareness Day / "Wear Blue Day"

Mayor Grimm read aloud his proclamation recognizing January 11, 2026, as Human Trafficking Awareness Day/"Wear Blue Day" in the City of Sandpoint.

Mayor Grimm provided housekeeping items for Councilors, and Department Directors provided brief updates on projects and activities in their respective departments.

Public Comments

Mayor Grimm recited the rules and procedure for public comments during the meeting and offered an opportunity for members of the public to speak on items included on the Consent Calendar and Old and New Business topics on the agenda or other general matters not relevant to the business of the City of Sandpoint.

Consent Calendar (New Council)

The Consent Calendar was approved by a unanimous vote of the Councilors.

Motion made by Councilor Ruehle, Seconded by Councilor Duquette.

Voting Yea: Councilor Ruehle, Councilor Aispuro, Councilor Tate, Councilor Schreiber, Councilor Duquette, Councilor Torrez

4. **Resolution 26-001** Purchase Order #26-1690 to Pierce Auto for Ram 2500 Tradesman Crew Cab 4x4 - approved
5. **Resolution 26-002** Purchase Order #26-1710 to Pierce Auto for Ram 1500 Tradesman Quad Cab 4x4 - approved
6. **Resolution 26-003** Salary Administration Policy Amendments - approved
7. **Resolution 26-004** Approval to Submit a Letter of Interest for Idaho Department of Environmental Quality's Sewer Overflow and Stormwater Planning Grant FY27 Updating the 2016 Stormwater Facilities Plan Project - approved

Old Business

8. Downtown Revitalization Phase 3 – Draft Public Involvement Plan Update

Project Manager Erik Bush provided updates on the Downtown Revitalization Phase 3 Public Involvement Plan and fielded questions from Councilors. Information only; no Council action.

New Business

9. Proposed Resolution: Bridge Street, LLC, Land Use Agreement

Public Works Director Holly Ellis and Mr. Bush provided a presentation on the First Avenue & Bridge Street Sidewalk Project and the proposed resolution. Questions from Councilors were fielded by Ms. Ellis, Mr. Bush and City legal counsel. Councilor Ruehle made a motion to approve the Land Use Agreement with Bridge Street, LLC, seconded by Councilor Aispuro. During discussion on the motion, Mayor Grimm took a brief recess at 7:49 p.m. for legal clarification, with the meeting reconvening at 7:54 p.m. and a vote on the motion as follows:

Motion made by Councilor Ruehle, Seconded by Councilor Aispuro.

Voting Yea: Councilor Ruehle, Councilor Aispuro

Voting Nay: Councilor Tate, Councilor Schreiber, Councilor Duquette, Councilor Torrez

Motion failed.

Adjourn

With no further business before the Council, the meeting was adjourned at 8:04 p.m.

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

Jeremy Grimm, Mayor

Attest: Melissa Ward City Clerk



CITY OF SANDPOINT INVOICE REGISTER
PAYABLE DATES OF: 01/08/2026 THROUGH 01/21/2026

Page: 1/17

Invoice Number	Invoice Description Department/Division	GL Account Description	Line Item Amount	Invoice Amount
Vendor: 95 EXPRESS LLC				
1154	MONTHLY CAR WASH MEMBERSHIP FOR POLICE AND FIRE JAN'26			\$562.50
	POLICE DEPARTMENT	SERVICES - AUTOMOTIVE - R&M	540.00	
	FIRE DEPARTMENT - SANDPOINT	SERVICES - AUTOMOTIVE - R&M	22.50	
Total For: 95 EXPRESS LLC				\$562.50
Vendor: ACCURATE TESTING LABS LLC				
151255	WTP: SANDCREEK THM'S TESTING LAB 2025120357			\$220.00
	WATER TREATMENT	TECH SERVICES - LABORATORY	220.00	
150945	WTP: SANDCREEK COLIFORM (2025120036)			\$30.00
	WATER TREATMENT	TECH SERVICES - LABORATORY	30.00	
151254	WTP: SANDCREEK CARBON & SOLIDS TESTING (FY26)			\$135.00
	WATER TREATMENT	TECH SERVICES - LABORATORY	135.00	
151785	WTP: COLIFORM TESTING (FY26)			\$200.00
	WATER TREATMENT	TECH SERVICES - LABORATORY	200.00	
Total For: ACCURATE TESTING LABS LLC				\$585.00
Vendor: ALL SEASONS GARDEN CENTER				
172417	PW: DOWNTOWN TREE PLANTING			\$139.99
	STREET MAINTENANCE DIVISION	TECH SERVICES - ARBORIST/URBAN FORESTER	139.99	
Total For: ALL SEASONS GARDEN CENTER				\$139.99
Vendor: ALPINE FIRE PROTECTION LLC				
8551	FIRE: EXTINGUISHER SERVICE			\$547.00
	FIRE DEPARTMENT - SANDPOINT	SERVICES - EQUIPMENT - R&M	547.00	
Total For: ALPINE FIRE PROTECTION LLC				\$547.00
Vendor: ALPINE MOTORS COMPANY INC				
164446	PARKS: F150 COOLING FAN REPAIR (1FTEW1EF9GKE33161)			\$313.74
	PARK MAINTENANCE & CAPITAL	SERVICES - AUTOMOTIVE - R&M	313.74	
Total For: ALPINE MOTORS COMPANY INC				\$313.74
Vendor: ANTHONY HENDRICKSON				
REIMB121925	ST: BOOT REIMB - ANTHONY HENDRICKSON FY'26			\$105.99
	STREET MAINTENANCE DIVISION	UNIFORM & CLOTHING	105.99	

Invoice Number	Invoice Description Department/Division	GL Account Description	Line Item Amount	Inv	Item # 2.
Total For: ANTHONY HENDRICKSON				\$105.99	
Vendor: AQUA PLUMBING II INC					
31161	NEW GAS RANGE HOOK UP 12-23-25 GOVERNMENT BUILDING & GROUNDS DIVISION	SERVICES - BUILDING - R&M	249.58		\$249.58
Total For: AQUA PLUMBING II INC				\$249.58	
Vendor: ASAP SERVICES INC					
2256319	ANNUAL COMMERCIAL DETAIL SERVICE GOVERNMENT BUILDING & GROUNDS DIVISION	SERVICES - CUSTODIAL	9,740.36		\$11,459.25
	GOVERNMENT BUILDING & GROUNDS DIVISION	SERVICES - CUSTODIAL	1,718.89		
2256322	ASAP CUSTODIAL SERVICES DEC'25 GOVERNMENT BUILDING & GROUNDS DIVISION	SERVICES - CUSTODIAL	2,240.00		\$4,630.00
	GOVERNMENT BUILDING & GROUNDS DIVISION	SERVICES - CUSTODIAL	1,080.00		
	GOVERNMENT BUILDING & GROUNDS DIVISION	SERVICES - CUSTODIAL	1,310.00		
Total For: ASAP SERVICES INC				\$16,089.25	
Vendor: AT&T MOBILITY II, LLC					
287339151180X	WIRELESS PHONE/DATA CHGS - PUBLIC WORKS DEC25				\$896.65
	WATER TREATMENT	TELEPHONE - WIRELESS	104.28		
	STREET MAINTENANCE DIVISION	TELEPHONE - WIRELESS	73.48		
	WASTEWATER COLLECTIONS	TELEPHONE - WIRELESS	523.28		
	WATER DISTRIBUTION	TELEPHONE - WIRELESS	59.50		
	PUBLIC WORKS ADMINISTRATION	OFFICE SUPPLIES/EQUIPMENT	136.11		
287339152904X	WIRELESS PHONE/DATA CHGS - CITY HALL DEC'25				\$67.85
	FINANCE DEPARTMENT	TELEPHONE - WIRELESS	32.52		
	MAYOR'S OFFICE	TELEPHONE - WIRELESS	35.33		
287339153398X	WIRELESS PHONE/DATA CHGS - PARKS DEC'25				\$191.53
	PARK MAINTENANCE & CAPITAL	TELEPHONE - WIRELESS	110.22		
	COMMUNITY DEVELOPMENT ADMINISTRATION	TELEPHONE - WIRELESS	23.77		
	RECREATION	TELEPHONE - WIRELESS	23.77		
	CITY BEACH CONCESSIONS	TELEPHONE - WIRELESS	33.77		
287336485071X	WIRELESS PHONE/DATA CHGS - POLICE DEC'25				\$617.55
	POLICE DEPARTMENT	TELEPHONE - WIRELESS	367.44		
	POLICE DEPARTMENT	TELEPHONE - WIRELESS	71.46		
	POLICE DEPARTMENT	TELEPHONE - WIRELESS	142.92		
	POLICE DEPARTMENT	TELEPHONE - WIRELESS	35.73		
287354932666X	FY26 MONTHLY VEHICLE GPS TRACKING DEC'25				\$68

Invoice Number	Invoice Description Department/Division	GL Account Description	Line Item Amount	Inv	Item # 2.
	WATER TREATMENT	SOFTWARE/SAAS - IMAGERY/TRACKING	75.10		
	WASTEWATER TREATMENT	SOFTWARE/SAAS - IMAGERY/TRACKING	58.34		
	WASTEWATER COLLECTIONS	SOFTWARE/SAAS - IMAGERY/TRACKING	60.08		
	WATER DISTRIBUTION	SOFTWARE/SAAS - IMAGERY/TRACKING	105.14		
	INFORMATION TECHNOLOGY DIVISION	SOFTWARE/SAAS - IMAGERY/TRACKING	389.88		
287339154011X	WIRELESS PHONE/DATA CHGS - FIRE DEC'25				\$104.28
	FIRE DEPARTMENT - SANDPOINT	TELEPHONE - WIRELESS	67.54		
	FIRE DEPARTMENT - SANDPOINT	TELEPHONE - WIRELESS	36.74		
DXZ122025	PD IOT CHIP SRVCS - 12.05.25-01.04.26				\$674.71
	POLICE DEPARTMENT	TELEPHONE - WIRELESS	398.14		
	POLICE DEPARTMENT	TELEPHONE - WIRELESS	73.60		
	POLICE DEPARTMENT	TELEPHONE - WIRELESS	36.80		
	POLICE DEPARTMENT	TELEPHONE - WIRELESS	36.80		
	FIRE DEPARTMENT - SANDPOINT	TELEPHONE - WIRELESS	51.28		
	MAYOR'S OFFICE	TELEPHONE - WIRELESS	36.80		
	BUILDING DIVISION	TELEPHONE - WIRELESS	36.80		
	PARK MAINTENANCE & CAPITAL	TELEPHONE - WIRELESS	4.49		
DYB122025	CITY IOT CHIP SRVCS - 12.05.25-01.04.26				\$305.12
	WASTEWATER COLLECTIONS	TELEPHONE - WIRELESS	139.30		
	WATER DISTRIBUTION	TELEPHONE - WIRELESS	52.79		
	CENTRAL SERVICES DEPARTMENT	TELEPHONE - WIRELESS	73.60		
	PARK MAINTENANCE & CAPITAL	TELEPHONE - WIRELESS	39.43		
339151180X050	PUBLIC WRKS CREDIT SCADA/LIFT STNS				\$(1,757.89)
	WASTEWATER COLLECTIONS	TELEPHONE - WIRELESS	(1,757.89)		
Total For: AT&T MOBILITY II, LLC					\$1,788.34
Vendor: AUTO HAUS INC					
13105	WC & ST: LOADER AND ST BUCKET TRUCK OIL				\$30.98
	WASTEWATER COLLECTIONS	VEHICLE & MACH SUPPLIES/PARTS	15.00		
	STREET MAINTENANCE DIVISION	VEHICLE & MACH SUPPLIES/PARTS	15.98		
Total For: AUTO HAUS INC					\$30.98
Vendor: BADGER METER INC					
80222504	WD: BEACON WTR METER READER - DEC'25 (FY26)				\$582.34
	WATER DISTRIBUTION	SOFTWARE/SAAS - WATER METER READING	582.34		
Total For: BADGER METER INC					\$582.34
Vendor: BENJAMIN GREGORY					

Invoice Number	Invoice Description Department/Division	GL Account Description	Line Item Amount	Inv	Item # 2.
REIMB 121225	WWTP: B. GREGORY BOOT REIMBURSEMENT FY26 WASTEWATER TREATMENT	UNIFORM & CLOTHING	116.59		
Total For: BENJAMIN GREGORY					\$116.59
Vendor: BILLING DOCUMENT SPECIALISTS					
104052	UTILITY BILLING DECEMBER REG & LATE NOTICES				\$1,246.73
	UTILITY BILLING	TECH SERVICES - UTILITY BILLING	323.51		
	UTILITY BILLING	POSTAGE	923.22		
Total For: BILLING DOCUMENT SPECIALISTS					\$1,246.73
Vendor: BONNER COUNTY DAILY BEE					
0000043554	BCB#7495 NOPA 12.16.25 LOT COVERAGE AMENDMENT				\$166.14
	PLANNING DIVISION	ADVERTISING	166.14		
0000043552	BCB#7493 HOPH 12.16.25 SHORT TERM RENTALS				\$164.03
	PLANNING DIVISION	ADVERTISING	164.03		
Total For: BONNER COUNTY DAILY BEE					\$330.17
Vendor: BONNER COUNTY PLANNING DEPARTMENT					
INV-00016029	BOCC HEARING NOTICE -MAILED & LEGAL 11/20/25				\$52.35
	PLANNING DIVISION	POSTAGE	52.35		
Total For: BONNER COUNTY PLANNING DEPARTMENT					\$52.35
Vendor: BONNER COUNTY PROSECUTING ATTY					
BCPA085	FY26 - PROSECUTING ATTORNEY SERVICES DEC'25				\$7,366.66
	LEGAL	OTHER PROF SERVICE - LEGAL - CRIMINAL	7,366.66		
Total For: BONNER COUNTY PROSECUTING ATTY					\$7,366.66
Vendor: BROWN'S NORTHSIDE					
S172490	WTP: AUTO LUBE				\$9.23
	WATER TREATMENT	VEHICLE & MACH SUPPLIES/PARTS	9.23		
Total For: BROWN'S NORTHSIDE					\$9.23
Vendor: CC VENDOR - WELLS FARGO					
2026-105245	COURT RESERVE JER - DEC 25				\$204.00
	JAMES E. RUSSELL SPORTS CENTER FACILITY	SOFTWARE/SAAS - RECTRAC/REC1/TEAMSIDELIN	204.00		
1707486	NATIONAL REGISTRY EMT K AMOREBIETA				\$26.00
	FIRE DEPARTMENT - SANDPOINT	LICENSES/DUES & SUBSCR (JOB RELATED)	26.00		
1707285	NATIONAL REGISTRY EMT C NICHOLAS				\$26.00
	FIRE DEPARTMENT - SANDPOINT	LICENSES/DUES & SUBSCR (JOB RELATED)	26.00		
111-0323032-65	AMZN: SHOP OBD2 SCANNERS & DIAGNOSTICS				\$1,598.00
	WATER DISTRIBUTION	TOOLS	319.60		
	WASTEWATER COLLECTIONS	TOOLS	319.60		

Invoice Number	Invoice Description Department/Division	GL Account Description	Line Item Amount	Inv	Item # 2.
	STREET MAINTENANCE DIVISION	TOOLS	319.60		
	WATER TREATMENT	TOOLS	319.60		
	WASTEWATER TREATMENT	TOOLS	319.60		
112-0704010-05	AMZN: 2 PACK SCREEN PROTECTOR SAMSUNG S25 SHIP REFUND				\$(6.99)
	WATER TREATMENT	OPERATIONAL SUPPLIES/EQUIPMENT	(6.99)		
4510593	HOME DEPOT: WTP: THREAD SEALANT				\$19.10
	WATER TREATMENT	OFFICE SUPPLIES/EQUIPMENT	19.10		
14371	STAPLES: WTP: POSTERS				\$75.00
	WATER TREATMENT	OFFICE SUPPLIES/EQUIPMENT	75.00		
SVLHFETG-0002	CONNECT JAN'26-FEB'26				\$3.17
	MAYOR'S OFFICE	OFFICE SUPPLIES/EQUIPMENT	3.17		
071085/6610577	WTP: TAPCON AND PLASTIC TEE				\$52.81
	WATER TREATMENT	TOOLS	52.81		
111-4736465-02	AMZN: 2026 DSK CLNDRS - ALL PARKS				\$63.15
	PARK MAINTENANCE & CAPITAL	OFFICE SUPPLIES/EQUIPMENT	63.15		
112-0704010-05	AMZN: 2 PACK SCREEN PROTECTOR SAMSUNG S25				\$24.98
	WATER TREATMENT	OPERATIONAL SUPPLIES/EQUIPMENT	17.99		
	WATER TREATMENT	OPERATIONAL SUPPLIES/EQUIPMENT	6.99		
111-5970333-00	AMZN: BACK-UPS & SURGE PROTECTOR FOR WWTP				\$569.97
	WASTEWATER TREATMENT	IT SUPPLIES/EQUIPMENT	569.97		
112-5323172-20	AMZN: STREAMLIGHT PROTAC 2				\$115.92
	POLICE DEPARTMENT	OPERATIONAL SUPPLIES/EQUIPMENT	115.92		
EVENT-7145	CODE3: ACO MODULE B - CHUBB				\$565.00
	POLICE DEPARTMENT	TRAINING AND TRAVEL	565.00		
088068/4023415	HOME DEPOT: MICROWAVE FOR BREAKROOM				\$109.00
	CENTRAL SERVICES DEPARTMENT	OPERATIONAL SUPPLIES/EQUIPMENT	109.00		
46H-D434-4PRV	DOPL: WD: HIGGINS OPERATOR CLASS				\$120.00
	WATER DISTRIBUTION	LICENSES/DUES & SUBSCR (JOB RELATED)	60.00		
	WASTEWATER COLLECTIONS	LICENSES/DUES & SUBSCR (JOB RELATED)	60.00		
14914	SONETICS CORP: WIRELESS HEADSET REPAIR				\$195.00
	WATER DISTRIBUTION	OPERATIONAL SUPPLIES/EQUIPMENT	195.00		
111-4767300-58	AMZN: FIRE: SHWR GL, NON SCRTCH SPNG, FLR CLNNG				\$101.95
	GOVERNMENT BUILDING & GROUNDS DIVISION	OPERATIONAL SUPPLIES/EQUIPMENT	101.95		
111-1179811-51	AMZN: HIGHLIGHTERS, SHARPIES, PAD AND THX YOU CARDS				\$40.50
	CENTRAL SERVICES DEPARTMENT	OFFICE SUPPLIES/EQUIPMENT	40.50		
2000137-997298	WMT: PRINTED PICS FOR XMAS PARTY THANK YOUS				\$14.99
	CENTRAL SERVICES DEPARTMENT	OPERATIONAL SUPPLIES/EQUIPMENT	14.99		

Invoice Number	Invoice Description Department/Division	GL Account Description	Line Item Amount	Inv	Item # 2.
12185189	FREDS: 30" GAS RANGE, SS. FIRE DEPARTMENT - SANDPOINT	FACILITY SUPPLIES	753.76		\$753.76
06011203A0800	SUPER1: FOOD FOR XMAS PARTY 2025 CENTRAL SERVICES DEPARTMENT	SUSTENANCE/FOOD	63.94		\$63.94
111-4406629-99	AMZN: ATV CLMP ON HTD GRP KT - ROW PLOWING PARK MAINTENANCE & CAPITAL	OPERATIONAL SUPPLIES/EQUIPMENT	138.78		\$138.78
26E1B2268BDF4	YOKES: FOOD FOR XMAS PARTY 2025 CENTRAL SERVICES DEPARTMENT	SUSTENANCE/FOOD	438.13		\$438.13
0F5CB4BF039C	YOKES: SERVING SPOONS FOR CHRISTMAS PARTY 2025 CENTRAL SERVICES DEPARTMENT	SUSTENANCE/FOOD	24.56		\$24.56
240009449090	SAFEWAY: DRINKS FOR CHRISTMAS PARTY 2025 CENTRAL SERVICES DEPARTMENT	SUSTENANCE/FOOD	89.88		\$89.88
20146615	BLANKSUSA: UTILITY BILLING & PUBLIC WORKS DOOR HANGERS UTILITY BILLING	OFFICE SUPPLIES/EQUIPMENT	305.21		\$610.43
	PUBLIC WORKS ADMINISTRATION	OFFICE SUPPLIES/EQUIPMENT	305.22		
46H-D42V-KD75	IDAHO DOPL: ERIK BUSH ARCHITECT RENEWAL FEE PUBLIC WORKS ADMINISTRATION	LICENSES/DUES & SUBSCR (JOB RELATED)	100.00		\$100.00
U70753812617	WMT: FOOD & ENVELOPES FOR CHRISTMAS PARTY 2025 CENTRAL SERVICES DEPARTMENT	SUSTENANCE/FOOD	109.27		\$109.27
Total For: CC VENDOR - WELLS FARGO					\$6,246.30
Vendor: CHECKR INC					
2168066	BACKGROUND SVCS - 1 FIN 1 JER FINANCE DEPARTMENT	BACKGROUND CHECK SERVICES	61.74		\$91.73
	JAMES E. RUSSELL SPORTS CENTER FACILITY	BACKGROUND CHECK SERVICES	29.99		
Total For: CHECKR INC					\$91.73
Vendor: CIVICPLUS INC					
358407	WEBSITE SERVICES & BID/RFP LISTINGS FEB'26-FEB'27 INFORMATION TECHNOLOGY DIVISION	SOFTWARE/SAAS - WEB/CODIFICATION/AGENDA	4,342.80		\$4,573.80
	INFORMATION TECHNOLOGY DIVISION	SOFTWARE/SAAS - WEB/CODIFICATION/AGENDA	231.00		
Total For: CIVICPLUS INC					\$4,573.80
Vendor: CLEARWATER SPRINGS					
918129	WWTP: 4/1 GAL STEAMED DIST WASTEWATER TREATMENT	OPERATIONAL SUPPLIES/EQUIPMENT	35.00		\$35.00
Total For: CLEARWATER SPRINGS					\$35.00
Vendor: COLEMAN OIL					
INV-346306	ST: PLOW CVX HYD OIL ISO 46 BULK & 5PL				\$310

Invoice Number	Invoice Description Department/Division	GL Account Description	Line Item Amount	Invd Item # 2.
	STREET MAINTENANCE DIVISION	VEHICLE & MACH SUPPLIES/PARTS	316.90	
CP-0345599	SPD: DECEMBER 2025 FUEL CHARGES (FY26) POLICE DEPARTMENT	FUEL - GASOLINE/DIESEL	189.20	\$2,853.53
	POLICE DEPARTMENT	FUEL - GASOLINE/DIESEL	104.88	
	POLICE DEPARTMENT	FUEL - GASOLINE/DIESEL	2,559.45	
INV-344667	SHOP: CVX SYN 0W20 OIL WATER TREATMENT	VEHICLE & MACH SUPPLIES/PARTS	57.79	\$57.79
INV-344668	WWTP: OIL CVX ISO 46 WASTEWATER TREATMENT	VEHICLE & MACH SUPPLIES/PARTS	253.40	\$253.40
CP-0345606	FIRE: DECEMBER 2025 FUEL CHARGES (FY26) FIRE DEPARTMENT - SANDPOINT	FUEL - GASOLINE/DIESEL	207.61	\$837.47
	FIRE DEPARTMENT - SANDPOINT	FUEL - GASOLINE/DIESEL	419.78	
	FIRE DEPARTMENT - SANDPOINT	FUEL - GASOLINE/DIESEL	115.10	
	FIRE DEPARTMENT - SANDPOINT	FUEL - GASOLINE/DIESEL	69.64	
	FIRE DEPARTMENT - SANDPOINT	FUEL - GASOLINE/DIESEL	25.34	
Total For: COLEMAN OIL				\$4,319.09
Vendor: CONSOLIDATED SUPPLY CO.				
S012715547.001	WD: 9 RISERS AND ADHESIVE WATER DISTRIBUTION	RETAIL/METER SUPPLIES/EQUIPMENT	616.57	\$616.57
S012724312.001	WD: METER BOX COVER WATER DISTRIBUTION	RETAIL/METER SUPPLIES/EQUIPMENT	71.36	\$71.36
S012715547.003	WD: FREIGHT CHARGES (RISERS AND ADHESIVE) WATER DISTRIBUTION	RETAIL/METER SUPPLIES/EQUIPMENT	121.80	\$121.80
S012738239.001	ST: 3 BATTERIES MILWAUKEE M18 STREET MAINTENANCE DIVISION	OPERATIONAL SUPPLIES/EQUIPMENT	837.00	\$837.00
Total For: CONSOLIDATED SUPPLY CO.				\$1,646.73
Vendor: CO-OP GAS & SUPPLY CO.				
76048	WTP: CARHARTT JACKET - DEREK SAWYER WASTEWATER TREATMENT	UNIFORM & CLOTHING	149.99	\$149.99
49718	WC: VINEGAR & STAINLESS STEEL SNAP LINKS (3) WASTEWATER COLLECTIONS	OPERATIONAL SUPPLIES/EQUIPMENT	43.96	\$43.96
73030	GRSS SD AND MLCH FOR NEW SWNG SET - BEACH PARK MAINTENANCE & CAPITAL	TURF/GROUND/TREE/PLANT SUPPLIES/EQUIP	127.21	\$127.21
Total For: CO-OP GAS & SUPPLY CO.				\$321.16
Vendor: CULLIGAN LLC				
123125	WWTP: MNTHLY H2O & COOLER RNTL - WATER DELIVERED DEC'25			\$ 11

Invoice Number	Invoice Description Department/Division	GL Account Description	Line Item Amount	Inv	Item # 2.
	WASTEWATER TREATMENT	OPERATIONAL SUPPLIES/EQUIPMENT	26.85		
Total For: CULLIGAN LLC					\$26.85
Vendor: DARCI L HAUG					
2026-1	SPD: ADDING UNIFORM PATCHES POLICE DEPARTMENT	UNIFORM & CLOTHING	160.00		\$160.00
Total For: DARCI L HAUG					\$160.00
Vendor: EAGLE DRUG AND ALCOHOL TESTING LLC					
1011420	ALCOHOL AND DRUG TESTING- 1 PD POLICE DEPARTMENT	OTHER PROF SERVICE - MEDICAL	25.00		\$25.00
Total For: EAGLE DRUG AND ALCOHOL TESTING LLC					\$25.00
Vendor: FATBEAM LLC					
65007	INTERNET SRVCS - CITY HALL JAN'26 INFORMATION TECHNOLOGY DIVISION	INTERNET - FIBER/T1	406.85		\$406.85
65192	FIBER MNTHLY INTERNET SRVC AT JER - JAN'26 JAMES E. RUSSELL SPORTS CENTER FACILITY	INTERNET - FIBER/T1	395.00		\$395.00
Total For: FATBEAM LLC					\$801.85
Vendor: FIRST COMMUNICATIONS LLC					
128700514	LONG DISTANCE PHONE CHGS - JAN'26 INFORMATION TECHNOLOGY DIVISION	TELEPHONE - LANDLINE & OTHER	53.01		\$53.01
Total For: FIRST COMMUNICATIONS LLC					\$53.01
Vendor: GALLS LLC					
033667940	POLY VELCRO TIE W BUTTONHOLE POLICE DEPARTMENT	UNIFORM & CLOTHING	17.84		\$17.84
033624547	SPD: TASER DUTY HOLSTER X26P POLICE DEPARTMENT	UNIFORM & CLOTHING	134.66		\$134.66
Total For: GALLS LLC					\$152.50
Vendor: HACH COMPANY					
14798101	WTP: CHLORINE, YELLOW SOLUTION, COLORIMETER WATER TREATMENT	OPERATIONAL SUPPLIES/EQUIPMENT	1,415.87		\$1,415.87
Total For: HACH COMPANY					\$1,415.87
Vendor: HMM ENGINEERING					
M24005-16	CEDAR STREET RECONSTRUCTION SERVICES THRU 11/19/25 STREET CAPITAL & PROJECTS STREET CAPITAL & PROJECTS WATER CAPITAL PROJECTS	OTHER PROF SERVICE - ENGINEERING/ARCHITE CAPITAL IMPROVEMENTS OTHER THAN BUILDING CAPITAL IMPROVEMENTS OTHER THAN BUILDING	322.81 81.47 192.15		\$768.60

Invoice Number	Invoice Description Department/Division	GL Account Description	Line Item Amount	Inv	Item # 2.
M24005-17	WASTEWATER CAPITAL PROJECTS	CAPITAL IMPROVEMENTS OTHER THAN BUILDING	172.17		
	CEDAR STREET RECONSTRUCTION SERVICES THRU 11/16/25				\$939.40
	STREET CAPITAL & PROJECTS	OTHER PROF SERVICE - ENGINEERING/ARCHITE	394.54		
	STREET CAPITAL & PROJECTS	CAPITAL IMPROVEMENTS OTHER THAN BUILDING	99.58		
	WATER CAPITAL PROJECTS	CAPITAL IMPROVEMENTS OTHER THAN BUILDING	234.85		
	WASTEWATER CAPITAL PROJECTS	CAPITAL IMPROVEMENTS OTHER THAN BUILDING	210.43		
Total For: HMH ENGINEERING					\$1,708.00
Vendor: IDAHO CHIEFS OF POLICE ASSOC.					
10384	2026 MEMBERSHIP DUES POLICE DEPARTMENT	LICENSES/DUES & SUBSCR (JOB RELATED)	400.00		\$400.00
Total For: IDAHO CHIEFS OF POLICE ASSOC.					\$400.00
Vendor: IDAHO DEPT OF ENVIRON QUALITY					
2026Q20002	WTP: 2ND QTR DRINK WTR ASSESSMENTS FY'26 WATER TREATMENT	TECH SERVICES - REGULATORY AGENCIES	3,760.50		\$3,760.50
Total For: IDAHO DEPT OF ENVIRON QUALITY					\$3,760.50
Vendor: IDAHO DEPT OF TRANSPORTATION					
A024(687)-1	TAP GRANT BOYER SIDEWALK ADMIN FEE- PROJ A024(687) STREET CAPITAL & PROJECTS	CAPITAL IMPROVEMENTS - IMPACT PATHWAYS	3,000.00		\$3,000.00
Total For: IDAHO DEPT OF TRANSPORTATION					\$3,000.00
Vendor: IDAHO STATE POLICE					
IN3881	ILET ACCESS & FEES QUARTERLY JAN'26-MAR'26 INFORMATION TECHNOLOGY DIVISION	PUBLIC SAFETY-MOTOROLA/ERS-CAD/WATCHGUAR	2,293.75		\$2,293.75
Total For: IDAHO STATE POLICE					\$2,293.75
Vendor: INDEPENDENT HIGHWAY DISTRICT					
109786	ST: BRINE 1000 GAL STREET MAINTENANCE DIVISION	SNOW SUPPLIES/EQUIPMENT	420.00		\$420.00
109787	ST: BRINE 6300 GAL STREET MAINTENANCE DIVISION	SNOW SUPPLIES/EQUIPMENT	2,646.00		\$2,646.00
Total For: INDEPENDENT HIGHWAY DISTRICT					\$3,066.00
Vendor: INNOVATE! INC.					
SI05855	A25-1920-1 GIS SUPPORT SERVICES - DEC'25 INFORMATION TECHNOLOGY DIVISION	TECH SERVICES - GIS SERVICES	4,391.97		\$4,391.97
Total For: INNOVATE! INC.					\$4,391.97
Vendor: INSIGHT DISTRIBUTING INC					
0544743-IN	SHOP: CASE PERFORATED TOWELS (3)				\$1

Invoice Number	Invoice Description Department/Division	GL Account Description	Line Item Amount	Inv	Item # 2.
0545067-IN	STREET MAINTENANCE DIVISION	FACILITY SUPPLIES	49.40		
	WATER DISTRIBUTION	FACILITY SUPPLIES	49.40		
	WASTEWATER TREATMENT	FACILITY SUPPLIES	49.40		
	JAN SUPPLIES: JEFF JONES, CITY HALL, COMM HALL, BEACH, GATEWAY				\$399.37
	PARK MAINTENANCE & CAPITAL	FACILITY SUPPLIES	49.95		
	GOVERNMENT BUILDING & GROUNDS DIVISION	FACILITY SUPPLIES	171.96		
	PARK MAINTENANCE & CAPITAL	FACILITY SUPPLIES	89.18		
	PARK MAINTENANCE & CAPITAL	FACILITY SUPPLIES	44.14		
	GOVERNMENT BUILDING & GROUNDS DIVISION	FACILITY SUPPLIES	44.14		
Total For: INSIGHT DISTRIBUTING INC					\$547.57
Vendor: INTERSTATE CONCRETE & ASPHALT					
755244-1A	PINE ST. MILL AND FILL A25-3100-3 STREET CAPITAL & PROJECTS	CONSTRUCTION SERVICES - NON CAPITAL	37,502.20		\$37,502.20
Total For: INTERSTATE CONCRETE & ASPHALT					\$37,502.20
Vendor: KALISPEL METAL PRODUCTS					
334CE362-0005	TRAVERS PARK PICNIC TABLES, BACKLESS BENCHES, 2 CUSTOM SIGNS				\$10,940.00
	PARK MAINTENANCE & CAPITAL	CAPITAL IMPROVEMENTS OTHER THAN BUILDING	1,560.00		
	PARK MAINTENANCE & CAPITAL	CAPITAL IMPROVEMENTS OTHER THAN BUILDING	8,280.00		
	PARK MAINTENANCE & CAPITAL	CAPITAL IMPROVEMENTS OTHER THAN BUILDING	1,100.00		
Total For: KALISPEL METAL PRODUCTS					\$10,940.00
Vendor: KELLEY CREATE					
40902937	JAN- 2026 PRINTER LEASE POLICE DEPARTMENT	COPIER LEASE	261.02		\$261.02
Total For: KELLEY CREATE					\$261.02
Vendor: KG & T SEPTIC INC					
58698	KG&T PORTABLE TOILET MONTHLY RENTAL AND SERVICE FY26 OCT-DEC (A24-52				\$2,999.85
	PARK MAINTENANCE & CAPITAL	MULTI-PURPOSE WASTE DISPOSAL/PORTALOO	302.00		
	WATER TREATMENT	MULTI-PURPOSE WASTE DISPOSAL/PORTALOO	122.00		
	PARK MAINTENANCE & CAPITAL	MULTI-PURPOSE WASTE DISPOSAL/PORTALOO	278.00		
	PARK MAINTENANCE & CAPITAL	MULTI-PURPOSE WASTE DISPOSAL/PORTALOO	302.00		
	PARK MAINTENANCE & CAPITAL	MULTI-PURPOSE WASTE DISPOSAL/PORTALOO	182.59		
	PARK MAINTENANCE & CAPITAL	MULTI-PURPOSE WASTE DISPOSAL/PORTALOO	302.00		
	RECREATION	MULTI-PURPOSE WASTE DISPOSAL/PORTALOO	198.93		
	RECREATION	MULTI-PURPOSE WASTE DISPOSAL/PORTALOO	167.77		
	PARK MAINTENANCE & CAPITAL	MULTI-PURPOSE WASTE DISPOSAL/PORTALOO	198.93		

Invoice Number	Invoice Description Department/Division	GL Account Description	Line Item Amount	Inv	Item # 2.
	PARK MAINTENANCE & CAPITAL	MULTI-PURPOSE WASTE DISPOSAL/PORTALOO	198.93		
	PARK MAINTENANCE & CAPITAL	MULTI-PURPOSE WASTE DISPOSAL/PORTALOO	365.18		
	PARK MAINTENANCE & CAPITAL	MULTI-PURPOSE WASTE DISPOSAL/PORTALOO	182.59		
	PARK MAINTENANCE & CAPITAL	MULTI-PURPOSE WASTE DISPOSAL/PORTALOO	198.93		
Total For: KG & T SEPTIC INC					\$2,999.85
Vendor: LAKE CITY LAW GROUP PLLC					
44003	LEGAL SERVICES - FY26 DEC'25 LEGAL	OTHER PROF SERVICE - LEGAL - CIVIL	14,190.00		\$14,190.00
44004	LEGAL SRVCS - SYRINGA LITIGATION - DEC'25 WATER DISTRIBUTION	OTHER PROF SERVICE - LEGAL - LIT/OTHER	27.50		\$27.50
Total For: LAKE CITY LAW GROUP PLLC					\$14,217.50
Vendor: LES SCHWAB TIRE CENTER					
10800945406	WWTP: SNOW TIRES, TPMS & BALANCE (RAM 2500) WASTEWATER TREATMENT	SERVICES - AUTOMOTIVE - R&M	1,216.60		\$1,216.60
1080094552	WWTP: WINTER TIRES CHANGEOVER 2021 CANYON WASTEWATER TREATMENT	VEHICLE & MACH SUPPLIES/PARTS	107.96		\$107.96
Total For: LES SCHWAB TIRE CENTER					\$1,324.56
Vendor: MOMENTUM INK LLC					
33506	FIRE: UNIFORM PRINTING FIRE DEPARTMENT - SANDPOINT	UNIFORM & CLOTHING	375.00		\$375.00
Total For: MOMENTUM INK LLC					\$375.00
Vendor: MOTOROLA SOLUTIONS INC					
8282257824	SPD: PORTABLE RADIO BATTERY PACKS IMPRES 2 (23) POLICE DEPARTMENT	OPERATIONAL SUPPLIES/EQUIPMENT	3,786.26		\$3,786.26
8282258263	SPD: DESKTOP CHARGERS (23) & SMART DOCK POLICE DEPARTMENT	OPERATIONAL SUPPLIES/EQUIPMENT	1,199.20		\$4,920.59
	POLICE DEPARTMENT	OPERATIONAL SUPPLIES/EQUIPMENT	3,721.39		
Total For: MOTOROLA SOLUTIONS INC					\$8,706.85
Vendor: NAPA AUTO PARTS					
262881	PW: SUBARU WIPER BLADES & WIPER FLUID PUBLIC WORKS ADMINISTRATION	VEHICLE & MACH SUPPLIES/PARTS	45.14		\$45.14
261945	WTP: COMPRESSION TESTER WASTEWATER TREATMENT	TOOLS	50.40		\$50.40
262644	FIRE: BRSH FOR WSHNG TRCKS FIRE DEPARTMENT - SANDPOINT	VEHICLE & MACH SUPPLIES/PARTS	27.28		\$27.28
257257	WD/SC: BALL MOUNT, INTERCHANGABLE BALL, CLIP				\$100.00

Invoice Number	Invoice Description Department/Division	GL Account Description	Line Item Amount	Invd Item # 2.
	WASTEWATER COLLECTIONS	VEHICLE & MACH SUPPLIES/PARTS	50.35	
	WATER DISTRIBUTION	VEHICLE & MACH SUPPLIES/PARTS	50.34	
256380	WTP: TAILGATE LIGHT			\$5.32
	WATER TREATMENT	VEHICLE & MACH SUPPLIES/PARTS	5.32	
260446	WWTP: DEICER, ELECTRONIC CLEANER CIRUIT TESTER			\$185.27
	WASTEWATER TREATMENT	VEHICLE & MACH SUPPLIES/PARTS	185.27	
Total For: NAPA AUTO PARTS				\$414.10

Vendor: NEOGOV

INV-145105	INSIGHT AND GOVERNMENTJOBS.COM SUBSCRIPTION 11/23/25-11/22/26			\$7,270.19
	INFORMATION TECHNOLOGY DIVISION	SOFTWARE/SAAS - HUMAN RESOURCES	5,973.11	
	INFORMATION TECHNOLOGY DIVISION	SOFTWARE/SAAS - HUMAN RESOURCES	1,297.08	
Total For: NEOGOV				\$7,270.19

Vendor: NORTH 40 OUTFITTERS

050799/B	WWT: PROPANE 14.1 (2), MAX HEAT TORCH & INSPECTION CAMERA			\$123.92
	WASTEWATER TREATMENT	TOOLS	59.99	
	WASTEWATER TREATMENT	TOOLS	49.95	
	WASTEWATER TREATMENT	OPERATIONAL SUPPLIES/EQUIPMENT	13.98	
050920/B	WTP: CARPET DRYER FAN 1/4 HP			\$99.99
	WATER TREATMENT	OPERATIONAL SUPPLIES/EQUIPMENT	99.99	
050276/B	WTP: METAL PLADES AND MARKER			\$43.45
	WATER TREATMENT	TOOLS	43.45	
050913/B	ST: HEAT GUN, CHIP BRISTLES, ROLLERS,PAINTS			\$160.85
	STREET MAINTENANCE DIVISION	SNOW SUPPLIES/EQUIPMENT	160.85	
050872/B	WWTP: HEATER W/THERMOSTAT, ICE MELT			\$114.95
	WASTEWATER TREATMENT	OPERATIONAL SUPPLIES/EQUIPMENT	114.95	
Total For: NORTH 40 OUTFITTERS				\$543.16

Vendor: NORTHERN LIGHTS

94200 12-29	WTP: 856 SCHWEITZER MTN RD 94200 12-29-25 (FY26)			\$1,183.11
	WATER TREATMENT	ELECTRICITY	1,183.11	
94202 12-29	WTP: 295 WOODLAND DR ELECTRIC 12-29-2025 (FY26)			\$204.12
	WATER TREATMENT	ELECTRICITY	204.12	
94201 12-29	WTP: 300 WOODLAND DR ELECTRIC 12-29-25 (FY26)			\$132.70
	WATER TREATMENT	ELECTRICITY	132.70	
3521202 12-29	WWC: ELECTRICITY AIRPRK LIFT STATION 3521202 12-29-2025 (FY26)			\$93.03
	WASTEWATER COLLECTIONS	ELECTRICITY	93.03	
3521203 12-29	BALDY MNT RADIO SITE 1 ELECTRIC 3521203 12-29-2025 (FY26)			\$ 16

Invoice Number	Invoice Description Department/Division	GL Account Description	Line Item Amount	Inv	Item # 2.
	GENERAL GOVERNMENT PROJECTS	ELECTRICITY	92.85		
3521201 12-29	WWC: BOYER AVE JAIL LFT STN N ELECTRIC 12-29-25 (FY26)				\$85.55
	WASTEWATER COLLECTIONS	ELECTRICITY	85.55		
50430350 12-29	WC: ELECTRICITY 3200 GREAT NORTHERN RD 50430350 12-29-25 (FY26)				\$72.78
	WASTEWATER COLLECTIONS	ELECTRICITY	72.78		
50278925 12-29	ST: SPRING HAVEN LIGHTS (BOYER & JENNY) 50278925 12-29-25 (FY26)				\$48.16
	STREET MAINTENANCE DIVISION	ELECTRICITY	48.16		
50242287 12-29	ST: GRAND VIEW STREET LIGHTS 50242287 12-29-25 (FY26)				\$24.78
	STREET MAINTENANCE DIVISION	ELECTRICITY	24.78		
Total For: NORTHERN LIGHTS					\$1,937.08
Vendor: OEDEWALDT, JOSIAH					
PER DIEM T009	IDAHO POST ACADEMY				\$3,922.50
	POLICE DEPARTMENT	TRAINING AND TRAVEL	3,922.50		
Total For: OEDEWALDT, JOSIAH					\$3,922.50
Vendor: OXARC INC					
0032488794	WWTP: CI & AND S02 WWTP				\$12,102.73
	WASTEWATER TREATMENT	CHEMICAL SUPPLIES	12,102.73		
0032477766	SHOP: DRILL BITS, GRIP TAPE, SOAPSTONE & SAFETY GLASSES				\$185.78
	STREET MAINTENANCE DIVISION	OPERATIONAL SUPPLIES/EQUIPMENT	185.78		
0062152641	WWTP: CI AND S02 CYLINDER RENTALS AT WWTP				\$167.27
	WASTEWATER TREATMENT	CHEMICAL SUPPLIES	167.27		
0062201315	WWTP: CI AND S02 CYLINDER RENTALS AT WWTP				\$167.27
	WASTEWATER TREATMENT	CHEMICAL SUPPLIES	167.27		
0062203857	WTP: SANDCREEK CHEMICAL/GASES CYLINDER INV				\$149.44
	WATER TREATMENT	CHEMICAL SUPPLIES	149.44		
Total For: OXARC INC					\$12,772.49
Vendor: PASSPORT LABS INC					
INV-1057859	PARKING TICKET SOFTWARE SVCS - DEC 2025				\$1,088.50
	POLICE DEPARTMENT	TECH SERVICES - PUBLIC SAFETY TICKETING	1,088.50		
Total For: PASSPORT LABS INC					\$1,088.50
Vendor: PASSWORD ANSWER SERVICE INC					
000038-919-541	ANSWERING SERVICES AGREEMENT - JAN'26 (FY26)				\$296.14
	PUBLIC WORKS ADMINISTRATION	TELEPHONE - LANDLINE & OTHER	184.75		
	PUBLIC WORKS ADMINISTRATION	TELEPHONE - LANDLINE & OTHER	111.39		
Total For: PASSWORD ANSWER SERVICE INC					\$296.14
Vendor: PELICANCORP ONE CALL INC					

Invoice Number	Invoice Description Department/Division	GL Account Description	Line Item Amount	Inv	Item # 2.
INV-1565	MONTHLY UTILITY LOCATOR SERVICES DEC'25				\$157.50
	WATER DISTRIBUTION	TELEPHONE - LANDLINE & OTHER	78.75		
	WASTEWATER COLLECTIONS	TELEPHONE - LANDLINE & OTHER	78.75		
Total For: PELICANCORP ONE CALL INC					\$157.50
Vendor: PITNEY BOWES GLOBAL FINANCIAL SERVI					
01092026	POSTAGE REFILL - JAN 2026 (FY26)				\$256.98
	CENTRAL SERVICES DEPARTMENT	POSTAGE	256.98		
Total For: PITNEY BOWES GLOBAL FINANCIAL SERVI					\$256.98
Vendor: REHN & ASSOCIATES					
INV-00211022	COBRA NOTICE LETTER - LESTER, KRISTA				\$25.00
	CENTRAL SERVICES DEPARTMENT	OTHER PROF SERVICE - HUMAN RESOURCES	25.00		
Total For: REHN & ASSOCIATES					\$25.00
Vendor: SANDPOINT BUILDING SUPPLY					
2520966	ALL PARKS: DOUG FIR (6)				\$199.68
	PARK MAINTENANCE & CAPITAL	OPERATIONAL SUPPLIES/EQUIPMENT	199.68		
Total For: SANDPOINT BUILDING SUPPLY					\$199.68
Vendor: SANDPOINT POWERSPORTS, LLC					
305845	KYMCO: SERVICE & PLOW INSTALL				\$2,371.20
	POLICE DEPARTMENT	SERVICES - EQUIPMENT - R&M	453.86		
	GOVERNMENT BUILDING & GROUNDS DIVISION	SERVICES - EQUIPMENT - R&M	1,917.34		
Total For: SANDPOINT POWERSPORTS, LLC					\$2,371.20
Vendor: SANDPOINT SUPER DRUG					
35589/1	WTP: DRYING MAT, TRAY & LINER				\$31.47
	WATER TREATMENT	OPERATIONAL SUPPLIES/EQUIPMENT	31.47		
Total For: SANDPOINT SUPER DRUG					\$31.47
Vendor: SANDPOINT URBAN RENEWAL AGENCY					
12312025	DECEMBER '25 TAX RECEIPTS COLLECTED				\$12,601.75
	UNCLASSIFIED	SANDPOINT URBAN RENEWAL AGENCY - DOWNTOW	10,995.95		
	UNCLASSIFIED	SANDPOINT URBAN RENEWAL AGENCY - NORTH	1,605.80		
12312025 PP TA	DECEMBER '25 PP TAX RECEIPTS COLLECTED				\$23,997.76
	UNCLASSIFIED	SANDPOINT URBAN RENEWAL AGENCY - DOWNTOW	13,667.27		
	UNCLASSIFIED	SANDPOINT URBAN RENEWAL AGENCY - NORTH	10,330.49		
Total For: SANDPOINT URBAN RENEWAL AGENCY					\$36,599.51
Vendor: SEAWESTERN INC					
INV50134	FIRE: PARTICLE BLOCKING HOOD ULRA C6 (10)				\$8

Invoice Number	Invoice Description Department/Division	GL Account Description	Line Item Amount	Inv	Item # 2.
	FIRE DEPARTMENT - SANDPOINT	SAFETY/PPE/MEDICAL SUPPLIES/EQUIPMENT	890.74		
Total For: SEAWESTERN INC					\$890.74
Vendor: SELKIRK PRESS INC					
23198	SPD: BUSINESS CARDS - ENNIS & TRUMBLE POLICE DEPARTMENT	OFFICE SUPPLIES/EQUIPMENT	114.00		\$114.00
23199	PW: BUSINESS CARDS - JESSICA PARKER PUBLIC WORKS ADMINISTRATION	OFFICE SUPPLIES/EQUIPMENT	29.00		\$29.00
Total For: SELKIRK PRESS INC					\$143.00
Vendor: SOUTH FORK HARDWARE (PARKS)					
421514	DRN SNAKE, MS TRP - CITY HALL & COMM HALL GOVERNMENT BUILDING & GROUNDS DIVISION	OPERATIONAL SUPPLIES/EQUIPMENT	10.48		\$16.76
	GOVERNMENT BUILDING & GROUNDS DIVISION	OPERATIONAL SUPPLIES/EQUIPMENT	6.28		
421052	2) GAL PNT, PAIL, SNDNG BLCK, FLX JNT, MSH JNT - MEMORIAL PARK MAINTENANCE & CAPITAL	OPERATIONAL SUPPLIES/EQUIPMENT	50.33		\$50.33
421494	ALL PARKS: YAKTRAX SPIKES FOR TOM PARK MAINTENANCE & CAPITAL	UNIFORM & CLOTHING	32.99		\$32.99
Total For: SOUTH FORK HARDWARE (PARKS)					\$100.08
Vendor: SOUTH FORK HARDWARE (PUB WKS)					
420614	WWTP: BRASS NIPPLES, TEES, PLUGS AND REDUCERS WASTEWATER TREATMENT	VEHICLE & MACH SUPPLIES/PARTS	24.95		\$24.95
421293	WTP: PAINT AND PRIMER WATER TREATMENT	OPERATIONAL SUPPLIES/EQUIPMENT	18.58		\$18.58
Total For: SOUTH FORK HARDWARE (PUB WKS)					\$43.53
Vendor: SPOKANE TESTING SOLUTIONS					
20326	DOT TESTING DEC'25 - 1 POLICE POLICE DEPARTMENT	OTHER PROF SERVICE - MEDICAL	60.00		\$60.00
20073	ANNUAL RANDOM DRUG TEST PROGRAM FEE 2026 CENTRAL SERVICES DEPARTMENT	OTHER PROF SERVICE - HUMAN RESOURCES	200.00		\$200.00
Total For: SPOKANE TESTING SOLUTIONS					\$260.00
Vendor: STEWART CONTRACTING, INC.					
10312025	PRIMARY CLARIFIER REPAIR EMERGENCY REPAIR WASTEWATER TREATMENT	SERVICES - EQUIPMENT - R&M	24,463.94		\$24,463.94
Total For: STEWART CONTRACTING, INC.					\$24,463.94
Vendor: TIM WINGET					
REIMB 122925	WTP: BOOT REIMB - TIM WINGET FY'26				\$119

Invoice Number	Invoice Description Department/Division	GL Account Description	Line Item Amount	Invd	Item # 2.
	WATER TREATMENT	UNIFORM & CLOTHING	125.00		
Total For: TIM WINGET					\$125.00
Vendor: TORK ELECTRIC INC					
9032	PUBLIC WORKS STREET LIGHTING RETROFIT STREET CAPITAL & PROJECTS	TECH SERVICES - ELECTRICAL	27,290.00		\$27,290.00
Total For: TORK ELECTRIC INC					\$27,290.00
Vendor: TRANSUNION RISK AND ALTERNATIVE DATA SOLUTIONS, INC					
5922531 -20251	BACKGROUND CHECK SERVICES - DEC'25 POLICE DEPARTMENT	BACKGROUND CHECK SERVICES	135.00		\$135.00
Total For: TRANSUNION RISK AND ALTERNATIVE DATA SOLUTIONS, INC					\$135.00
Vendor: ULINE					
199804949	10) CRCL BK RCK, 1) GRD BK RCK - SPORTS COMPLEX PARK MAINTENANCE & CAPITAL	CAPITAL IMPROVEMENTS OTHER THAN BUILDING	550.00		\$3,512.12
	PARK MAINTENANCE & CAPITAL	CAPITAL IMPROVEMENTS OTHER THAN BUILDING	2,750.00		
	PARK MAINTENANCE & CAPITAL	CAPITAL IMPROVEMENTS OTHER THAN BUILDING	212.12		
Total For: ULINE					\$3,512.12
Vendor: UNIFORMS 2 GEAR INC					
INV/2025/09/013	POST CLOTHES SP41-BARMORE POLICE DEPARTMENT	UNIFORM & CLOTHING	95.80		\$95.80
INV/2025/09/013	POST CLOTHING - SP40 WILKOWSKI POLICE DEPARTMENT	UNIFORM & CLOTHING	95.80		\$95.80
Total For: UNIFORMS 2 GEAR INC					\$191.60
Vendor: USA BLUE BOOK					
INV00920285	WWTP: LAB SUPPLIES WASTEWATER TREATMENT	LABORATORY SUPPLIES	439.43		\$439.43
Total For: USA BLUE BOOK					\$439.43
Vendor: WHITE BLOCK COMPANY INC					
0333854-IN TAX	WD/SC: 0333854-IN WILL CALL SALES TAX (WA) WATER DISTRIBUTION	OPERATIONAL SUPPLIES/EQUIPMENT	87.14		\$123.29
	WASTEWATER COLLECTIONS	OPERATIONAL SUPPLIES/EQUIPMENT	36.15		
Total For: WHITE BLOCK COMPANY INC					\$123.29
Vendor: WM CORPORATE SERVICES, INC					
JAN26INVOICE	REFUSE AND WASTE CHRGS JAN 2026 - FY26 SANITATION/GARBAGE COLLECTION	TECH SERVICES - GARBAGE REMOVAL	53,512.54		\$53,512.54
Total For: WM CORPORATE SERVICES, INC					\$53,512.54

Invoice Number Invoice Description
Department/Division

GL Account Description

Line Item Amount

Page: 17/17

Inv Item # 2. t

Vendor: WM CORPORATE SERVICES, INC.

0243273-1827-5	CITY PROPERTY REFUSE/WASTE CHARGES NOV'25			\$2,840.00
	GOVERNMENT BUILDING & GROUNDS DIVISION	DISPOSAL (GARBAGE) SERVICES	640.00	
	PARK MAINTENANCE & CAPITAL	DISPOSAL (GARBAGE) SERVICES	480.00	
	WASTEWATER TREATMENT	DISPOSAL (GARBAGE) SERVICES	160.00	
	PARK MAINTENANCE & CAPITAL	DISPOSAL (GARBAGE) SERVICES	480.00	
	PARK MAINTENANCE & CAPITAL	DISPOSAL (GARBAGE) SERVICES	480.00	
	GOVERNMENT BUILDING & GROUNDS DIVISION	DISPOSAL (GARBAGE) SERVICES	40.00	
	PUBLIC WORKS ADMINISTRATION	DISPOSAL (GARBAGE) SERVICES	240.00	
	WATER TREATMENT	DISPOSAL (GARBAGE) SERVICES	320.00	
0243732-1827-0	CITY PROPERTY REFUSE/WASTE CHARGES DEC'25			\$2,990.00
	GOVERNMENT BUILDING & GROUNDS DIVISION	DISPOSAL (GARBAGE) SERVICES	720.00	
	PARK MAINTENANCE & CAPITAL	DISPOSAL (GARBAGE) SERVICES	480.00	
	WASTEWATER TREATMENT	DISPOSAL (GARBAGE) SERVICES	160.00	
	PARK MAINTENANCE & CAPITAL	DISPOSAL (GARBAGE) SERVICES	480.00	
	PARK MAINTENANCE & CAPITAL	DISPOSAL (GARBAGE) SERVICES	480.00	
	GOVERNMENT BUILDING & GROUNDS DIVISION	DISPOSAL (GARBAGE) SERVICES	50.00	
	PUBLIC WORKS ADMINISTRATION	DISPOSAL (GARBAGE) SERVICES	300.00	
	WATER TREATMENT	DISPOSAL (GARBAGE) SERVICES	320.00	
Total For: WM CORPORATE SERVICES, INC.				\$5,830.00

Vendor: ZACHARY NEU

REIMB12102025	WWTP: BOOT REIMBURSEMENT FY26			\$125.00
	WASTEWATER TREATMENT	UNIFORM & CLOTHING	125.00	
Total For: ZACHARY NEU				\$125.00

Payables Total: \$330,550.87

OUT OF CYCLE EFT PAID

VENDOR NAME	CHECK #	REASON OUT OF CYCLE	LINE ITEM AMOUNT	CHECK AMOUNT
Safesave Nov CC Charges	EFT 1285	Out of Sequence EFT	\$542.12	\$542.12
Safesave Dec CC Charges	EFT 1286	Out of Sequence EFT	\$495.47	\$495.47

OUT OF CYCLE CHECK TOTAL \$1,037.59

Grand Total: \$331,558.46

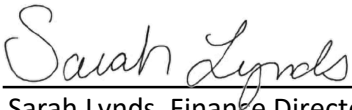
Councilor Signature: _____ Date: _____

Councilor Name: JOEL AISPURO

City of Sandpoint
Financial Report on Cash and Investment Transactions
September 30, 2025

FUND	BALANCE 8/31/25	DEBIT	CREDIT	BALANCE 9/30/25
General Fund Undesignated	10,896,517	1,754,698	1,078,199	11,573,015
General Fund Designated - Reserves	9,102,561	-	56,146	9,046,415
General Fund Designated - Other	2,432,849	122,174	853,505	1,701,518
Special Revenue:				
Fiber	136,369	28,041	-	164,410
Impact Fees	2,101,045	46,502	75,622	2,071,926
Recreation	516,801	50,250	51,716	515,335
Park Capital Improvement	1,381,354	189,664	355,351	1,215,667
Enterprise:				
Sanitation	511,019	74,228	84,163	501,083
Water	7,673,586	656,828	261,177	8,069,237
Water - Reserve Capital	9,689,713	54,330	566	9,743,477
Water - Reserve Watershed Protection	721,360	2,593	7,239	716,714
Water - Restricted	101,564	369	-	101,932
Wastewater	8,406,999	1,068,873	291,952	9,183,920
Wastewater - Reserve I&I Collection	1,947,330	7,070	-	1,954,400
Wastewater - Reserve Capital	11,057,592	51,407	679,889	10,429,110
Water and Wastewater Debt Service	1,015,848	3,688	-	1,019,536
Fiduciary:				
LID Guarantee	39,570	144	-	39,713
LID Combined	209,383	760	-	210,144
Payroll Benefit Clearing	523,038	397,192	273,029	647,201
GRAND TOTAL	68,464,500	4,508,809	4,068,554	68,904,755

I HEREBY SWEAR UNDER OATH THAT THE AMOUNTS REPORTED ABOVE, ON THE CASH BASIS, ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



Sarah Lynds, Finance Director
City of Sandpoint, Idaho

City of Sandpoint
Cash and Investments
September 30, 2025

Description	City's Balance
Wells Fargo Bank	
Checking Account	3,037,140
Idaho State Investment Pool	
State Investment Pool Account	65,866,915
Cash on Hand	
Petty Cash	700
Total	<u><u>68,904,755</u></u>

I HEARBY SWEAR UNDER OATH THAT THE AMOUNTS REPORTED ABOVE ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

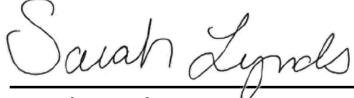
Sarah Lynds

Sarah Lynds, Finance Director
City of Sandpoint, Idaho

City of Sandpoint
Financial Report on Cash and Investment Transactions
October 31, 2025

FUND	BALANCE 9/30/25	DEBIT	CREDIT	BALANCE 10/31/25
General Fund Undesignated	11,573,015	1,903,828	1,511,206	11,965,637
General Fund Designated - Reserves	9,046,415	-	-	9,046,415
General Fund Designated - Other	1,701,518	200,034	41,462	1,860,090
Special Revenue:				
Fiber	164,410	568	-	164,979
Impact Fees	2,071,926	546,034	-	2,617,959
Recreation	515,335	15,757	51,526	479,566
Park Capital Improvement	1,215,667	21,819	83,933	1,153,553
Enterprise:				
Sanitation	501,083	75,072	16,308	559,847
Water	8,069,237	649,899	368,037	8,351,099
Water - Reserve Capital	9,743,477	139,058	-	9,882,535
Water - Reserve Watershed Protection	716,714	2,477	-	719,191
Water - Restricted	101,932	352	-	102,285
Wastewater	9,183,920	662,290	491,858	9,354,353
Wastewater - Reserve I&I Collection	1,954,400	6,754	-	1,961,154
Wastewater - Reserve Capital	10,429,110	119,205	82,285	10,466,029
Water and Wastewater Debt Service	1,019,536	3,523	-	1,023,060
Fiduciary:				
LID Guarantee	39,713	137	-	39,851
LID Combined	210,144	726	-	210,870
Payroll Benefit Clearing	647,201	406,301	403,776	649,726
GRAND TOTAL	68,904,755	4,753,834	3,050,390	70,608,198

I HEREBY SWEAR UNDER OATH THAT THE AMOUNTS REPORTED ABOVE, ON THE CASH BASIS, ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



Sarah Lynds, Finance Director
City of Sandpoint, Idaho

City of Sandpoint
Cash and Investments
October 31, 2025

Description	City's Balance
Wells Fargo Bank	
Checking Account	4,015,951
Idaho State Investment Pool	
State Investment Pool Account	66,591,547
Cash on Hand	
Petty Cash	700
Total	<u><u>70,608,198</u></u>

I HEARBY SWEAR UNDER OATH THAT THE AMOUNTS REPORTED ABOVE ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Sarah Lynds

Sarah Lynds, Finance Director
City of Sandpoint, Idaho

City of Sandpoint
Financial Report on Cash and Investment Transactions
November 30, 2025

FUND	BALANCE 10/31/25	DEBIT	CREDIT	BALANCE 11/30/25
General Fund Undesignated	11,965,637	2,776,207	3,204,538	11,537,306
General Fund Designated - Reserves	9,046,415	-	-	9,046,415
General Fund Designated - Other	1,860,090	56,257	30,086	1,886,261
Special Revenue:				
Fiber	164,979	578	-	165,556
Impact Fees	2,617,959	41,908	-	2,659,867
Recreation	479,566	25,703	29,940	475,329
Park Capital Improvement	1,153,553	13,436	36,320	1,130,669
Enterprise:				
Sanitation	559,847	64,499	69,391	554,955
Water	8,351,099	484,571	255,295	8,580,375
Water - Reserve Capital	9,882,535	34,613	-	9,917,148
Water - Reserve Watershed Protection	719,191	2,519	-	721,710
Water - Restricted	102,285	358	-	102,643
Wastewater	9,354,353	645,405	246,782	9,752,976
Wastewater - Reserve I&I Collection	1,961,154	6,869	-	1,968,023
Wastewater - Reserve Capital	10,466,029	36,657	-	10,502,686
Water and Wastewater Debt Service	1,023,060	3,583	-	1,026,643
Fiduciary:				
LID Guarantee	39,851	140	-	39,990
LID Combined	210,870	739	-	211,608
Payroll Benefit Clearing	649,726	411,195	402,596	658,325
GRAND TOTAL	70,608,198	4,605,237	4,274,949	70,938,486

I HEREBY SWEAR UNDER OATH THAT THE AMOUNTS REPORTED ABOVE, ON THE CASH BASIS, ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Sarah Lynds

Sarah Lynds, Finance Director
City of Sandpoint, Idaho

City of Sandpoint
Cash and Investments
November 30, 2025

Description	City's Balance
Wells Fargo Bank	
Checking Account	2,108,686
Idaho State Investment Pool	
State Investment Pool Account	68,829,300
Cash on Hand	
Petty Cash	500
Total	<u><u>70,938,486</u></u>

I HEARBY SWEAR UNDER OATH THAT THE AMOUNTS REPORTED ABOVE ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Sarah Lynds

Sarah Lynds, Finance Director
City of Sandpoint, Idaho



MEMO

To: Sandpoint City Council
FROM: Mayor Jeremy Grimm
DATE: January 21, 2026
SUBJECT: City Commission, Advisory Committee and Board Appointments

I have reappointed Ned Brandenberger to the Sandpoint Urban Renewal Agency (SURA) for an additional 3-year term, set to expire on December 31, 2029.

I am very appreciative of the time and effort Ned is willing to continue to contribute to our community in this capacity, and I thank you for considering confirmation of his reappointment.

I have also appointed Kate McAlister to serve a 3-year term on SURA, beginning January 21, 2026, and expiring December 31, 2029.

A longtime Sandpoint resident, Kate brings a broad range of experience in local government, including service on the City Council and SURA. She is also deeply involved in the community and has served on the boards of Angels Over Sandpoint, the Panida Theater, and Kaniksu Health Services to name a few.

Thank you for your consideration of the confirmation of these appointments.



January 21, 2026

Ned Brandenberger
813 Bryce Ln.
Sandpoint, ID 83864

Re: Confirmation of Your Reappointment to the Sandpoint Urban Renewal Board

Dear Ned,

I am pleased to inform you that, on January 21, 2026, Sandpoint City Council confirmed your reappointment to the Sandpoint Urban Renewal Agency (SURA) Board of Commissioners. Your new term on the Commission will expire on December 31, 2029.

As you know, SURA Board meetings are held regularly the first Tuesday of each month at 7:30 a.m. in Council chambers at Sandpoint City Hall. If you have any questions or need assistance regarding your seat on the SURA Board, please email or call the Board clerk, Deputy City Clerk Hayley Keys, at cityclerk@sandpointidaho.gov or (208) 263-3310.

Please accept my sincere thanks for your willingness to continue to serve our community in this capacity.

Sincerely,

Jeremy Grimm
Mayor

c: Eric Paull, Chairman, Sandpoint Urban Renewal Agency Board of Commissioners
Sandpoint Deputy City Clerk Hayley Keys, Board Clerk



January 21, 2026

Kate McAlister
314 St. Claire Ave
Sandpoint, ID 83864

Re: Confirmation of Your Appointment to the Sandpoint Urban Renewal Board

Dear Kate,

I am pleased to inform you that, on January 21, 2026, Sandpoint City Council confirmed your appointment to the Sandpoint Urban Renewal Agency (SURA) Board of Commissioners. Your new term on the Commission will expire on December 31, 2029.

As you know, SURA Board meetings are held regularly the first Tuesday of each month at 7:30 a.m. in Council chambers at Sandpoint City Hall. If you have any questions or need assistance regarding your seat on the SURA Board, please email or call the Board clerk, Deputy City Clerk Hayley Keys, at cityclerk@sandpointidaho.gov or (208) 263-3310.

Please accept my sincere thanks for your willingness to serve our community in this capacity.

Sincerely,

Jeremy Grimm
Mayor

c: Eric Paull, Chairman, Sandpoint Urban Renewal Agency Board of Commissioners
Sandpoint Deputy City Clerk Hayley Keys, Board Clerk

KATE MCALISTER
314 St. Claire Avenue
Sandpoint, ID 83864

kate@simplysandpoint.com

Cell: 208.691.7247

CAREER PROFILE

Results producing professional with experience in sales and marketing, management, administration, and leadership. Demonstrated ability to develop, implement, and oversee innovative marketing and promotional campaigns. Consistently successful in building consensus and driving cooperative relationships with staffs, Boards of Directors, government agencies, vendors, and business owners. Creative and practical with proven ability to problem solve complex issues involving multiple internal and external stakeholders. Key competencies include:

- Strategic & Mission Planning
- Project Management
- Sales & Marketing Strategies
- Financial & Budgetary Planning
- Promotional Activities
- Staff Training & Development
- Policy & Procedure Development
- Program Design and Execution
- Public Speaking & Public Relations
- Team Building & Leadership
- Problem Analysis & Resolution
- Diversity, Inclusion and Belonging initiatives

PROFESSIONAL EXPERIENCE

GREATER SANDPOINT CHAMBER OF COMMERCE, Sandpoint ID

2010- 2023

President/CEO

President/CEO with full planning, operating, marketing, financial, legislative/regulatory and administrative responsibility for a growing Chamber with over 415 members. Directed four full- and part-time staff. Worked in cooperation with the Board of Directors to drive strategic planning and annual budgeting processes.

- Initiated a new strategic plan with a complete reorganization to reverse previous financial decline and restore stability. Outsourced non-critical functions and implemented aggressive cost reductions.
- Developed marketing strategy of 35% membership dues/65% non-dues income; stabilized and maintained membership.
- Broadened volunteer base with new Ambassador Program and other committee work.
- Negotiated business partnerships and devised new programs/strategies to further expand market reach and drive member/revenue/profit growth.
- Developed and implemented employee policy and procedure manual as well as financial policy and procedures.
- Developed and produced marketing/promotional material to promote benefits and services, significantly increasing inquiries and community interest.

Achievements:

- Implemented and planned Leadership Sandpoint Program including development and implementation of non-profit Board training curriculum based on John Carver's Board Governance.
- Managed Business Improvement District of downtown core businesses. Including holiday promotions, economic development and issues advocacy
- Negotiated with the Board of Directors to rehabilitate Chamber owned office building eliminating rental fees for long-term effectiveness.
- Researched, managed and implemented Sister City Program with Nelson, BC in 2012 in coordination with both City Councils and respective Mayors
- Successfully increased participation and revenue for local events such as: Scenic Half Marathon – participation increase 20%; Beerfest – participation increase 80%; Taste of Sandpoint – participation increase 25%.
- Increased Idaho State Department of Commerce tourism grant by 56%, from \$86k to current \$205k annually to promote the Greater Sandpoint region.
- Instrumental in Sandpoint being named *Most Beautiful Small Town in America* by USA Today and Rand McNally in 2011.

ITRON, INC., Liberty Lake, WA**1995 – 2009****Community Investment Program Manager****1999 – 2009**

Developed, implemented, and managed national community involvement program. Interfaced regularly with community and civic leaders, executive management, and brand, advertising, and public relations functional areas. Led corporate-wide Community Involvement initiatives and community partnerships. Areas of responsibility included:

- Program Development and Management
- Strategic Corporate Contributions and Funding
- Community Outreach and Public Relations

Achievements

- Founded unique, one of 30 in the nation, internal Employee Crisis Foundation, providing immediate support to employee families. Researched and developed from due diligence to receiving non-profit status in March 2006, including board selection and training.
- As member of Boston College Center for Corporate Citizenship International Community Involvement Roundtable, developed and presented Standards of Excellence for the Community Involvement field ensuring standards developed and adopted throughout practicing community.
- Participated as a speaker at professional development conferences presenting information on community involvement, sponsorships, and corporate citizenship initiatives.

PROFESSIONAL EDUCATION

Buccaneer Scholar – Learning is a lifelong habit. Currently studying neuroplasticity and the aging brain

Boston College, Carroll School of Business, Center for Corporate Citizenship, Boston, MA, 2000 – 2009

Whitworth University

Idaho State University

Certificate in Fundamentals of Leadership and Management, 2003

Certificate in Complex Planning and Risk Management – University of Utah Law Dept - 2021

AFFILIATIONS

Angels Over Sandpoint
President/Board member 2005 – 2021
Member since 2001

International Selkirk Loop Board of Directors
USA Board President – 2011 – current

Forest Bird Charter School Board of Directors 2013
Chair –current

City of Sandpoint City Council Member – 2020- 2024
Idaho House of Representatives Candidate 2016

Sandpoint Urban Renewal Agency – 2013 - 2017
Appointed by Mayor 2013

Panida Theater Board of Directors 2011 - 2014

Boston College Center for Corporate Citizenship International
Community Involvement Roundtable, Member, 2004 – 2009

Itron Employee Emergency Foundation,
Founder and Board Member, 2005 – 2009

Kaniksu Health Services
Board Member, 2018 - current

HONORS

Idaho School Board Association Citizenship Award 2015

Exceptional Dedication to the Corporate Vision Award, Itron, Inc., 2000

Junior Achievement National Bronze Award for Leadership and Support, Jr. Achievement, 2002



AGENDA REPORT

City Council Meeting

TODAY'S DATE: June 10, 2025

MEETING DATE: June 18, 2025

TO: City Council

FROM: Cheryl Hughes, Central Services Director

SUBJECT: Approve Personnel Policy Changes

DESCRIPTION/BACKGROUND:

City Council adopted the current Personnel Policy on April 17, 2019 and last updated in October, 2025. City staff are proposing an addition to this Personnel Policy in relation to Hours of Work. The City implemented a pilot program of a 4/10 work schedule in July, 2025 for City Hall employees, not including public safety employees. The pilot program lasted for 6 months, which ended December, 2025. It has been recognized that this schedule had some challenges with office coverage. As a response, City staff explored a 9/80 schedule, which would provide solutions to the coverage challenges under the 4/10 schedule and provide flexible schedules that have positive impacts on attraction and retention of employees and will ensure services to the public continue to be provided at a high level. A 9/80 schedule means that employees on this schedule would work 9 hours per day Mon-Thurs and would have every other Friday off. On the week the employee works on their Friday on, they would then work 8 hours. Attached to this agenda report is the 9/80 schedule policy.

Please also note that the entire policy is being evaluated and updated and a revised Personnel Policy will be brought to Council for review and adoption when that large exercise is completed.

The portion of the policy being updated is:

1. Section XIV – Compensation Policies
 - a. Section XIV(F) – Hours of Work – adding #4 incorporating a 9/80 Flexible work schedule.

City Hall hours remain Monday thru Friday 8:00 am – 5:00 pm. Changes to this section ensure coverage while providing for flexible work schedules.

STAFF RECOMMENDATION:

Staff recommends City Council consider approving the changes to Section XIV – Compensation Policies adding a section for a 9/80 work schedule for City Hall employees, not including public safety employees.

ACTION:

City Council to approve changes to Section XIV – Compensation Policies adding a section for a 9/80 work schedule for City Hall employees, not including public safety employees.

WILL THERE BE ANY FINANCIAL IMPACT? No HAS THIS ITEM BEEN BUDGETED? N/A

ATTACHMENTS:

- Proposed Resolution
- 9/80 Work Schedule Policy

No: 26-
Date: January 21, 2026

RESOLUTION
OF THE CITY COUNCIL
CITY OF SANDPOINT

TITLE: PERSONNEL POLICY AMENDMENTS

WHEREAS: The City's current Personnel Policy was adopted in April 2019, with a pilot program implemented in July 2025 for City Hall employees, not including public safety employees, to work a 4/10 work schedule;

WHEREAS: The pilot program lasted for 6 months which ended in December 2025 and challenges with office coverage has been recognized;

WHEREAS: As a response, City staff explored a 9/80 schedule, which would provide solutions to the coverage challenges under the 4/10 schedule and provide flexible schedules that have positive impacts on attraction and retention of employees and will ensure services to the public continue to be provided at a high level; and

WHEREAS: At this time, the Mayor and City staff recommend updates to the following section of the policy and an addition, as follows:

1. Section XIV – Compensation Policies

- a. Section XIV(F) – Hours of Work – adding #4 incorporating a 9/80 Flexible work schedule.

NOW, THEREFORE, BE IT RESOLVED THAT: The City of Sandpoint Personnel Policy, updated to reflect the amendments specified herein, is hereby approved, effective immediately.

Jeremy Grimm, Mayor

ATTEST:

Melissa Ward, City Clerk

SECTION XIV - COMPENSATION POLICIES

F.

4. 9/80 Flexible Work Schedule

The City may approve the use of a 9/80 work schedule. This policy applies only to those who work the 9/80 schedule. The 9/80 compressed work schedule is not to be used without the express written approval of the employee's Department Director and Mayor and notification (schedule) provided to Human Resources. A department is not required to provide this alternate schedule to employees if operations do not accommodate this flexible schedule, as determined by the Department Director. At the time a 9/80 schedule is approved for an employee, they are to complete an "Alternate Work Schedule" form (see Appendix A) and submit it to Human Resources to remain on file. The form is to be completed in coordination with the employee's Supervisor and/or Director.

a. Work Week and Work Days

City offices will remain open to internal and external customers during core business hours from 8 a.m. to 5 p.m., Monday through Friday, except official holidays. Under this policy, the work week begins at noon on Friday and ends at 11:59 a.m. on the following Friday. The workday begins at noon on any given day and continues until 11:59 a.m. on the following day. The 9/80 work schedule is consistent and repeatable every two weeks. The City of Sandpoint Personnel Policy includes schedules for all those employees who work schedules other than the 9/80.

Employees on the 9/80 work schedule are required to work nine hours (for example, from 7:30 a.m. to 5:30 p.m.) for eight workdays and eight hours on a ninth workday. Lunch breaks (Rest and Meal periods) may not be used to further compress an employee's work schedule. For example, an employee may not work from 8:00 a.m. to 5:00 p.m. without a lunch break and claim a nine-hour work schedule. Lunch hours can be 30 or 60 minutes as determined by the need of the department and coverage required for department services.

Employees working a 9/80 schedule will have alternate Fridays off (A/B Schedule) within their department in order to ensure coverage, including frontline City Hall coverage, which is to be coordinated across departments. In accordance with the Fair Labor Standards Act, the only day an employee may have as their day off and their "short" eight-hour day is Friday. This day cannot be changed to another day of the week without accommodating overtime to the employee. Therefore, it is the expectation that employees do not swap any other day of the week as their off or "short" eight-hour work day. On the employee's Friday to work, they must work four hours in the morning and four hours in the afternoon. Non-exempt employees cannot adjust their schedule to work more or less in the morning or afternoon on their Friday to work due to the fact that a work week runs from midday Friday to the following midday Friday. Employees are not to swap Fridays to work without

Supervisor and Department Director approval, considering all financial consequences to the change.

b. Effect on Overtime

The work week herein provides for a work schedule of 40 hours in a work week, although the employee would work 44 hours in one calendar week and 36 hours in the second calendar week of the two-week payroll period. Overtime would not be paid unless an employee exceeded 40 hours of work in the work week (not the calendar week). This is consistent with the City's policy of keeping overtime to a minimum and with the Federal Fair Labor Standards Act.

An example 9/80 schedule is provided below.

WEEK1	Monday	Tuesday	Wednesday	Thursday	Friday
40 hours	7 am to 5 pm	7 am to 5 pm	7 am to 5 pm	7 am to 5 pm	8 am to 12
WEEK2	Friday	Monday	Tuesday	Wednesday	Thursday
40 hours	1 pm to 5 pm	7 am to 5 pm	7 am to 5 pm	7 am to 5 pm	7 am to 5

c. Workday Beginning and Ending Times

An employee's starting time can vary between the hours of 7:00 a.m. and 8:00 a.m., provided the employee's starting time is observed on a regular basis. Departments are to ensure coverage is available during core hours of 8:00 a.m. to 5:00 p.m.

d. Holidays

A holiday is an eight-hour day, unless it falls on a 9/80 employee's nine-hour day. For any week in which there is a scheduled holiday, City offices are closed. An employee working a 9/80 work schedule will work their normally-scheduled work days, except for the holiday, and will be paid for 80 hours. In cases where a holiday falls on an employee's regular Friday off, the Holiday provisions of this Personnel Policy shall apply, and the employee would have eight hours placed in their Holiday Bank, as that represents the regular hours worked on the employee's normal Friday schedule.

e. Voluntary Implementation

The City may approve the use of a 9/80 work schedule. The 9/80 compressed work schedule is not to be used without the express written approval of the employee's Department Director. The 9/80 work schedule is discretionary, and employees may request a 9/80 work schedule using the forms provided by Human Resources. The forms will allow for designation by the employee of their starting and ending times for the work day that has been approved by their Department Director, and employees will be permitted to change their regular starting and ending times by providing reasonable notice (i.e., two weeks' notice) to their Department Director, who will either approve or deny the request to change.

f. Failure to Adhere to Work Schedule

Employees are expected to report for work at their scheduled time approved by their Supervisor and Department Director. Employees are to accurately report their time. Each Supervisor and/or Department Director shall review and approve timesheets for all department employees. Failure of an employee to report for work at the time approved by their Supervisor and/or Department Director shall be grounds for a Department Director to revoke approval of the 9/80 schedule. Such revocation shall be in addition to any potential disciplinary action.

APPENDIX A

ALTERNATIVE 9/80 WORK SCHEDULE FORM

If an employee has elected, with the Department Director's approval, to work the 9/80 alternative work schedule, please complete this form and return to Human Resources prior to the change in schedule, and Human Resources will provide the date the 9/80 schedule can commence, in coordination with payroll cycles. Non-exempt employees are subject to the Fair Labor Standards Act wage and hour laws and are eligible for overtime. A non-exempt employee on a 9/80 alternative work schedule would be required to work eight days for nine hours and one day for eight hours, with one day off within a two-week pay period. Non-exempt employees are required to take the same alternating flex day off for the length of the alternative work schedule to remain in compliance with the definition of a workweek under the FLSA guidelines (i.e., regular flex day is Friday, cannot switch to any other day or switch Fridays off).

EMPLOYEE NAME:			EMPLOYEE TITLE:		
SUPERVISOR NAME:			DEPARTMENT:		
SCHEDULE EFFECTIVE DATE: _____					
SCHEDULE					
WEEK1	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
WEEK2	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
Length of lunch period (circle one): 30 minutes 60 minutes					

The standard workweek for overtime purposes is 12:00 pm Friday through 11:59 am the following Friday for those employees who work the 9/80 schedule. Consult with Human Resources to avoid overtime issues as a result of the work schedule change.

Example of a 9/80 work schedule: Nine-hour days, Monday through Thursday 7:30 am to 5:30 pm, with a one-hour uncompensated lunch period. Friday is an eight-hour day, 8:00 am to 5:00 pm, with a one-hour unpaid meal period beginning at noon. This schedule calls for a day off on the other Friday within the pay period.

Employee Signature: _____

Date: _____

Supervisor Signature: _____

Date: _____

Department Director Approval: _____

Date: _____

If you have any questions or concerns regarding this form, please contact the Human Resources Division at hr@sandpointidaho.org or 208-946-2060.

**NOTICE OF
PUBLIC HEARING**

Notice is hereby given that the Sandpoint City Council will hold a public hearing during their meeting on Wednesday, January 21, 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 on a proposal to amend various sections of title 9 of Sandpoint City Code. Proposed amendments will result changes to lot coverage standards in Residential Single Family (RS), Residential Multifamily (RM), Rural Residential 1 and 2 zones, a reduction in the minimum lot size and required frontage on a public street allowed in the RM zone, increases in the density standards in the RM zone, and the removal of a design review requirement for developments of four or more dwelling units on residential substandard original lots of record.

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.

Copies of the complete files for this matter are available for review online at <https://www.sandpointidaho.gov/impervioussurface> or at the Sandpoint City Clerk's office at City Hall (address above). 208-

263-3310. Any written testimony to be considered at this meeting must be delivered to City Hall or by email to cityclerk@sandpointidaho.gov before 5:00 p.m. on Thursday, January 15, 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 hearing.
Legal#7566 AD#44542
January 6, 13, 20, 2026



AGENDA REPORT

City Council Meeting

TODAY'S DATE: January 6, 2026

MEETING DATE: January 21, 2026

TO: Mayor Grimm and members of City Council

FROM: Planning and Community Development Director Jason Welker, Deputy Director and City Planner Bill Dean

SUBJECT: PUBLIC HEARING: Amendments to Sandpoint City Code Title 9 to change lot coverage standards in all residential zones and minimum lot size and density standards in the RM zone.

INTRODUCTION:

The proposed amendments to Sandpoint's residential development standards being presented tonight relate to lot coverage, lot size, and allowed density in the residential single family (RS), residential multifamily (RM) and rural residential zones (RR1 and RR2). Additional amendments to our RS and RM zoning codes are aimed at cleaning up and clarifying language around development standards while maintaining the specific standards from existing code around setbacks, building heights, residential design standards, and garages. Finally, the standards for development of residential substandard original lots of record have been revised to make development on such lots easier to implement and administer.

The staff report will provide context and clarification on three amendments that stand to have the greatest impact on development in the RS and RM zones: 1) Changes to lot coverage standards, 2) changes to minimum lot sizes in the RM zone, and 3) allowed density in the RM zone.

Underlying the proposed amendments is the Planning team's ongoing effort to implement the goals and objectives of the 2024 Comprehensive Plan. The amendments being considered tonight support several Comp Plan goals relating to enabling a variety of housing choices in Sandpoint to promote affordability through the following objectives:

- Promoting **infill and redevelopment** within existing neighborhoods;
- Supporting a **diversity of housing types and affordability**;
- Ensuring **efficient land use** and sustainable growth; and
- Encouraging **compact, connected, and walkable neighborhoods**;

This report presents proposed amendments to Sandpoint City Code Title 9 aimed at increasing the percentage of Sandpoint lots that may be developed with living space while preserving a maximum footprint for two-story structures and a total impervious surface standard that protects the character of Sandpoint's neighborhoods. We also introduce an amendment that allows for the creation of smaller

lots in the residential multi-family (RM) zone, which will bring modern development standards into alignment with those originally in place when much of Sandpoint was platted a century ago.

PLANNING & ZONING COMMISSION RECOMMENDATION

The amendments presented tonight were not prepared for council without considerable input from the Planning & Zoning Commission. Between September and December the Commission allocated six meetings towards fine tuning the code language presented tonight. Their development of these amendments included two noticed public hearings at which over 20 members of the public participated, providing comments, thoughts, feedback, and ideas that informed changes made by the Commission over the months of development.

Finally, on December 16th, 2025 the Planning & Zoning Commission voted in favor of recommending that City Council approve the amendments to Title 9 described in this staff report. It is important for Council members to know that the amendments presented here were not developed by City staff alone, rather, reflect the input and the values of the seven-member P&Z Commission, whose effort was informed by the greater Sandpoint Community through the **2024 Comprehensive Plan**, the vision document for Sandpoint's 20-year horizon in which the goals and objective around *affordability, infill development, and incremental increases in density* these amendments advance.

PART 1 – Lot Coverage Standards:

A basic function of lot coverage standards is to manage the built environment by limiting the percentage of a lot that can be covered by building footprints and impervious surfaces. Sandpoint's current zoning regulations contain two zone districts (Rural Residential 1 "RR1" and Rural Residential 2 "RR2") with a single lot coverage standard and two zone districts (Residential Single-Family "RS" and Residential Multi-family "RM") with two requirements to achieve this objective, often leading to confusion over what portion of a proposed development is regulated/limited by each standard.

The RS zone currently allows a maximum building footprint of 35% of the lot size, with a max impervious surface (including building footprint) up to 65%. The proposal is to keep the 35% maximum building footprint limit currently in code but to change that to apply only to portions of a structure taller than 18 feet, while allowing single-story structures (18 feet or shorter) to exceed the existing 35% cap up to a new proposed maximum impervious surface limit of 70% of lot size (bringing the RS max impervious surface standards to the same level as it is in the RM and mixed-use residential zones). How we settled on these standards relates to the discussions held over four PZC meetings between September and November.

- The initial proposal brought to the PZC in September was to eliminate the maximum building footprint standards in both the RS and the RM zones and replace them with a single impervious surface standard, which, in theory, could have allowed property owners to build structures up to the maximum height in the RS zone (35') consuming up to 70% of the lot (assuming no additional impervious surfaces were included).
- Commissioners expressed concerns about this proposal's potential for allowing "McMansions," or domineering structures built up to or nearly up to the setbacks on RS lots, consuming valuable air, light, and open space currently available to neighbors, with the potential for second story windows peering down into backyards of adjacent property owners.
- Staff brought forth several options at subsequent meetings that would step down the max impervious surface (and thus max building footprint) on lots as lot size increases. Each of these

options had drawbacks, ranging from the “cliffs” that would be created when property owners with larger lots are allowed to cover less of their lot than owners of smaller properties, or the challenges of administering a system in which a mathematical formula is required to calculate the exact square footage of impervious surface allowed on each lot based on its exact size.

- In the end, staff determined that the best option is to keep things simple with a single max impervious standard across all RS lots regardless of size (70%) but keeping the 35% building footprint max in place *for all structures taller than a single story, or eighteen feet*. Limiting building footprint to the current 35% for two-story structures, but allowing single-story structures to exceed that up to 70% of the lot size, achieved the original desired outcomes that inspire the amendment: to allow and encourage single-story *aging-in-place* development on smaller Sandpoint lots, which is not possible when the 35% building footprint max applies to all building heights.

The proposed amendment to standards in the RS zone as it stands tonight is as follows:

- Apply the 35% max building footprint standard to portions of a structure that contain two or more stories or exceed eighteen feet in height.
- Allow a maximum impervious surface (including single-story building footprint beyond the 35% max allowed for two-story structures) of 70% of the lot size.

Meanwhile, in the RM zone we have settled on an amendment that eliminates the maximum building footprint standard altogether and allows development of properties up to the maximum impervious surface standards of 70%. Given the different characters of RS and RM neighborhoods and the intent to promote infill development and attached housing in the RM zone, the two-story building footprint max is not proposed to apply to the RM zone. Allowing structures to consume a larger percentage of a lot in the RM zone (where the max building footprint allowed currently is 40%) will allow for the construction of attached and multi-family housing types that are currently limited under the 40% building footprint maximum. Combined with the increased density standard described in part 3 of this report, the elimination of the building footprint standard in the RM zone will incentivize “more doorknobs per acre” in the RM zone.

The hope is that loosening regulations in current code that tell property owners they are allowed to cover their lots in some types of impervious surfaces (concrete patios, parking areas, driveways) but not others (living space or additional dwelling units) will ultimately contribute to more housing that will mitigate Sandpoint’s increasing rent and housing prices.

A goal of the Comp Plan is to “use land more efficiently” to “prevent sprawl.” By allowing more living space to be provided per square foot of real estate in the RM and RS zones, growth is encouraged where infrastructure already exists, as opposed to sprawling into parts of Sandpoint or beyond City limits into the county where infrastructure (water, sewer, roads, etc.) is limited.

Part 2 – Minimum Lot Size Standards:

Also included in our proposed amendments tonight is a decrease in the minimum lot size and the minimum required street frontage allowed for new lots created in the RM zone. Under current code lots down to 5,000 square feet in size are allowed to be created in both the RS and in the RM zones. In the RM zone a minimum street frontage of 37.5' is required for all newly created lots. However, historically, hundreds of lots in central Sandpoint were platted smaller than what our code currently requires (see figure 1), such that today there exist hundreds of what Sandpoint City Code refers to as “Residential substandard original lots of record” (in other words, lots that wouldn't be allowed to be created today because they are smaller than what current code allows).

Throughout the development of Sandpoint's 2024 Comprehensive Plan the community expressed support for development of standards and policies that allowed for creation of smaller lot sizes and setbacks, which would “promote infill development,” which the plan describes as becoming “increasingly more important as a means for creating housing.” The plan states, “Solutions such as accessory dwelling units, **smaller lot sizes**, attached single-family units (e.g. duplex or townhouse lots), and cottage housing are all options that can create additional units but **may need zoning code changes** to improve feasibility.” Additionally, the Comp Plan revealed that, “Through the Plan's public engagement process, these methods received more positive feedback than larger scale multifamily developments...”

In the Comp Plan's future land use section, Sandpoint's “medium-density residential” land use category (which overlays most of the RM zone in central Sandpoint) is described as having the “potential for **smaller lot sizes** and setbacks,” and supporting, “a mix of housing types often referred to as **‘missing middle’ housing** (single, duplex, fourplex, townhome dwellings) and smaller scale multiple-family buildings (10 or fewer units).”

The proposed amendment allowing for creation of 3,500 square foot lots for individual dwelling units (and as small as 2,500 square feet for common wall townhouse lots) in the RM zone, (down from the 5,000 square feet for lots containing individual dwelling units and 3,500 square feet for townhouse lots) will allow for the creation of new lots that reflect the size, character, and intent of hundreds of lots laid out on Sandpoint's original residential plats. The intent of the City's historic subdivisions was to provide flexibility to property owners for how they could use their land. Where money and resources were limited, individual 25'-wide lots could be bought and smaller homes built; for families with greater means, two or more 25'-wide lots could be combined and larger homes built. Over the last century much of the development in central Sandpoint reflected the latter of those patterns, favoring large lawns and open space over density and doorknobs.

Today, with the pressure Sandpoint's housing market has experienced from the in-flow of residents and the resulting increase in rents **pushing long-time residents out of the housing market**, there is an urgent need to adapt our code to allow for the creation of smaller, more affordable lots that can be



Figure 1: 3,500 sf lots in Central Sandpoint. Hundreds of small lots in Sandpoint are currently “non-conforming”, and today's code prohibits the creation of new small lots.

developed with modestly-priced homes attainable by local workers who cannot afford the large-lot, large home product that has emerged across Sandpoint's RS-zoned neighborhoods and consumed much of the valuable real estate in our RM neighborhoods as well. The amendments considered tonight acknowledge that the demands of today's working-class families in Sandpoint are around **affordability** and **availability** of housing: an objective the relatively large 5,000 sf minimum lot size in the RM zones make difficult to achieve.

Part 3 – RM Density Standard

The final amendment proposed tonight is around the allowed density in the RM zone, as measured by number of dwelling units allowed based on lot size. Under current code, the minimum lot size required to develop a two-unit attached multifamily structure is 6,775 square feet. An additional 1,775 square feet of lot area is required for each additional dwelling unit, up to 10 units, which require 20,975 (roughly half an acre) of lot area. Beyond 10 units an additional 1,000 square feet of lot area is required per unit.

The table below demonstrates an example of the current density allowances in Sandpoint's residential multi-family neighborhoods:

<u>Units</u>	<u>Lot Size (f²)</u>
2	6,775
3	8,550
4	10,325
5	12,100
6	13,875

Currently, any lot smaller than 6,775 square feet in the RM zone is allowed to contain only a single-family structure. The proposed amendment involves increasing the allowable number of primary structures on lots within each size bracket by one unit and reducing the minimum lot size required for the development of a two-unit structure from 6,775 square feet to 5,000 square feet. On lots smaller than 5,000 square feet in the RM zone, only a single primary structure may be constructed. The table below demonstrates an example of the proposed amendment:

<u>Units</u>	<u>Lot Size (f²)</u>
1	0-4,999
2	5,000
3	6,775
4	8,550
5	10,325
6	12,100

For example, if an individual who owned a 10,500 square foot lot in the multifamily zone wished to split it into three 3,500 square foot lots, the resulting lots could be developed with a single housing unit each (with the option to build an ADU in the rear). Alternatively, the same individual could split her 10,500 sf lot into two 5,250 sf lots, each of which could be developed with a duplex, or further subdivided those into four 2,625 sf townhouse lots with a common interior wall.

The net effect of the proposed density increase complements the proposed decrease in the minimum allowable lot size in the RM zone by promoting more doorknobs per square foot of soil in our multifamily neighborhoods. Despite the fact that around half of Sandpoint's residentially zoned property is zoned for multifamily development, our existing regulations make it relatively expensive and therefore undesirable to actually build multifamily housing. Requiring 6,775 square feet of soil for a two-unit attached product results in the multifamily zoned neighborhoods being only marginally denser (and thus marginally more affordable) than Sandpoint's single-family neighborhoods, in which 5,000 square feet is required for a single unit (thus 10,000 square feet for two single family homes).

- Under current zoning, Sandpoint's RM neighborhoods built to maximum density could accommodate **1.47 times the amount of housing** units per unit of land area as Sandpoint's single-family neighborhoods built to maximum density.
- Under the proposed amendment, Sandpoint's RM neighborhoods built to maximum density could be built to **twice the density** of Sandpoint's single-family neighborhoods.

WHY ARE THESE AMENDMENT NEEDED?

Returning to the Comprehensive Plan we can see how the proposed amendments to maximum building footprints and impervious surface standards, minimum lot size standards, and density standards work towards fulfilling the Plan's goals and objective around housing variety, neighborhood character, efficient land use, and housing affordability.

Housing & Neighborhoods, Goal 1: Housing Variety, Objective 1A – Pursue diversity in housing types (*Ch. 4, Housing, Goal 1A*)

- More flexible footprint standards, especially for single-story homes, allow a wider range of housing types (ADUs, small-lot single-family, attached multi-family, attached single-family, and accessible single-level units) that currently cannot fit on RS or RM lots under rigid 35% caps.
- Reducing minimum lot sizes in the RM zone enables attached units, townhouses, duplexes, and "missing middle" forms that the Plan explicitly encourages.
- Increasing allowable density allows duplexes, triplexes, and small multiplexes on appropriately sized RM lots, directly expanding the diversity of attainable housing types.

Goal 3: Existing Neighborhoods, Objective 3G – Ensure new housing types are appropriately scaled (*Ch. 4, Housing, Goal 3G*)

- The 35% cap on two-story portions of structures preserves light, air, and massing patterns characteristic of established RS neighborhoods.
- Smaller RM lots channel higher-intensity housing into RM areas rather than RS neighborhoods, preserving appropriate transitions between housing scales.
- Increased RM density is concentrated in areas intended for more intense development, helping maintain compatible scale in both RS and RM districts.

Livable Community Vision, Respect the scale and character of established neighborhoods (*Ch. 2, Vision: Livable Community*)

- Height-dependent footprint limits prevent overly massive homes while encouraging single-story living forms compatible with existing neighborhood rhythm.

- Allows more modest home sizes and lot sizes consistent with the historic development pattern throughout central Sandpoint.
- Directs added units into RM zones in a controlled manner that maintains the character of RS districts.

Community Character & Design, Goal 1: Character and Identity, Objective 1A – Respect town character in density and site planning (Ch. 3, Goal 1A)

- Balances development flexibility with site-planning outcomes that preserve view corridors, air, and sunlight, reinforcing historic neighborhood character.
- Re-establishes the traditional small-lot pattern that shaped Sandpoint's residential identity for over a century.
- Ensures compact development occurs where intended (within RM neighborhoods) supporting thoughtful density compatible with historic character.

Land Use, Context Area 2 (CA-2: Traditional SF Neighborhoods), Built Form Policy – Structures should respect bulk, mass, and architecture of surroundings (Ch. 6, CA-2 standards)

- Maintaining the 35% cap on taller building mass preserves consistency with traditional CA-2 homes.
- Concentrates higher-density development outside CA-2 RS neighborhoods, preserving historic pattern and scale.
- Additional density is directed to RM zones, avoiding incompatible over-intensification of CA-2 areas.

Quality Places, Goal 4: Efficient Use of Land & Infrastructure, Objective 4G – Allow clustered development and efficient use of utilities (Ch. 6, Goal 4G)

- Coverage reforms allow more living area without expanding sprawl, using land more efficiently.
- Smaller lots reduce infrastructure cost per unit and support compact neighborhoods that make use of existing utilities.
- Increasing density where infrastructure already exists maximizes return on public investment and helps avoid outward expansion.

Overall Housing Affordability Direction, Plan Directive: Create additional units through zoning changes (Ch. 4 & Engagement Summary)

- Enables more feasible single-story and small-lot housing formats, expanding supply.
- Reduces land cost per dwelling and re-legalizes historically affordable lot sizes.
- Allows more units on RM parcels, directly increasing the city's attainable housing stock.

STAFF RECOMMENDATION

Staff recommend that City Council follows the Planning & Zoning Commission's recommendation to approve of the proposed amendments to Title 9 of City Code as presented tonight, including changes to the building footprint and impervious surface standards in the RS, RM, RR1, and RR2 zones, the decrease in the minimum lot size and minimum required street frontage standards in the RM zone, and

the increase in allowable density in the RM zone, along with the several other code language clean-ups proposed in the amendments before you tonight.

ACTION:

City Council is asked to:

1. **Approve the Amendments:** Approve the proposed amendments to Title 9 as presented in this staff report.
2. **Modify the Amendments:** Provide feedback or request revisions to the proposed language.
3. **Deny the Amendments:** Retain the existing standards.

WILL THERE BE ANY FINANCIAL IMPACT? N HAS THIS ITEM BEEN BUDGETED? N/A

ATTACHMENTS:

Draft amendments to title 9

Slideshow presented at the December 16th, PZC meeting

Notice of Public Hearing

Lot Size, Lot Coverage, and Density Amendments

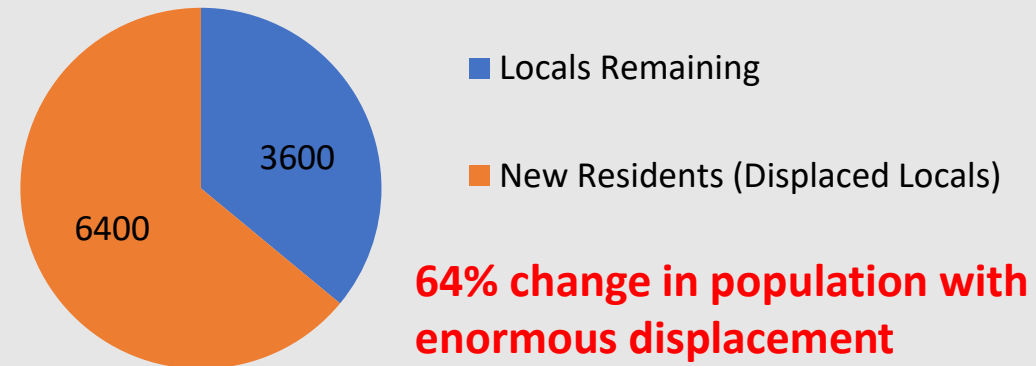
Why small code changes can expand attainable housing options in Sandpoint
Public Hearing (Final) | Sandpoint, Idaho
January 21st, 2026

Thought experiment: What would Sandpoint look like in 20 years with no new housing stock?

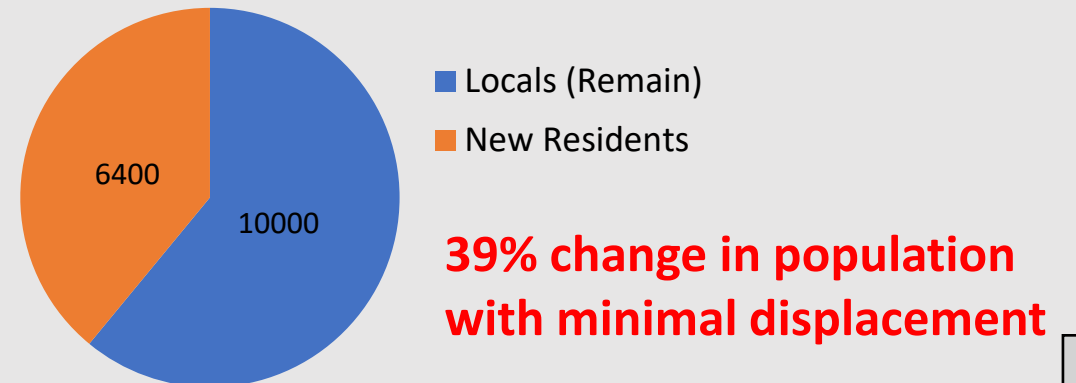
- Demand for housing grows at 2.5% per year
- When housing supply is fixed, increased demand translates to higher prices
- Locals sell to new residents as Sandpoint becomes less affordable.
- Sandpoint's current population is **displaced** by moneyed new residents
- While limiting housing growth may limit population *growth*, it accelerates population *change*.

*Stopping housing growth produces **more change, not less**. These code amendments are not about growing Sandpoint faster—they are about **ensuring the people who live here today are still here tomorrow**.*

Population in 20 years assuming no new housing



Population in 20 years assuming housing keeps pace with demand



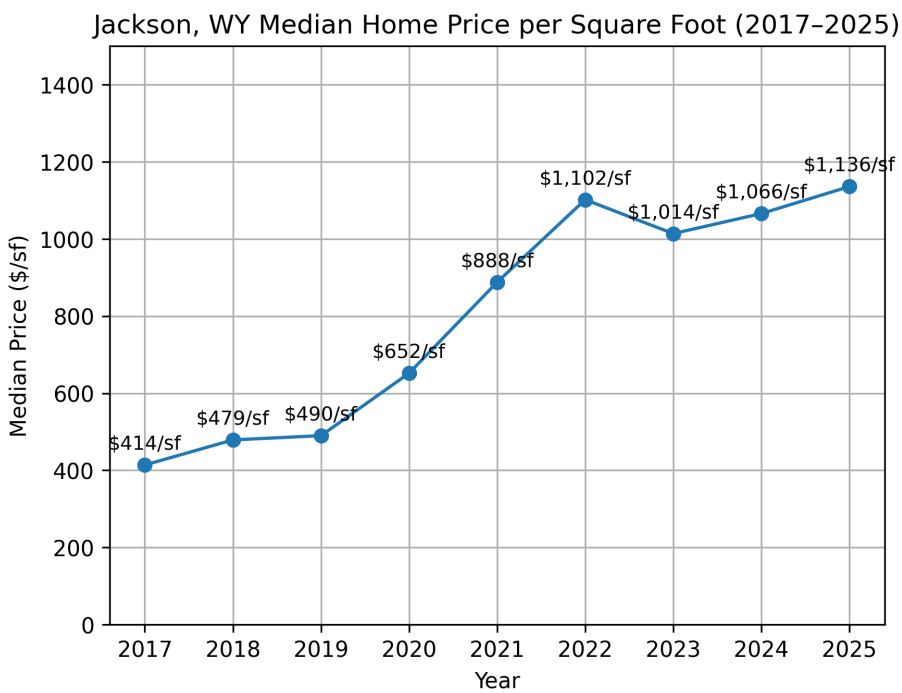
Population Growth is the rate at which *the number of people* living in a place **increases** over time.

Population Change is the rate at which the *people who make up a community* **are different** over time.

Relationship between Growth and Change: Limiting population growth actually accelerates population change, as existing neighborhoods are gentrified by new-money coming in, pushing long-time residents out.

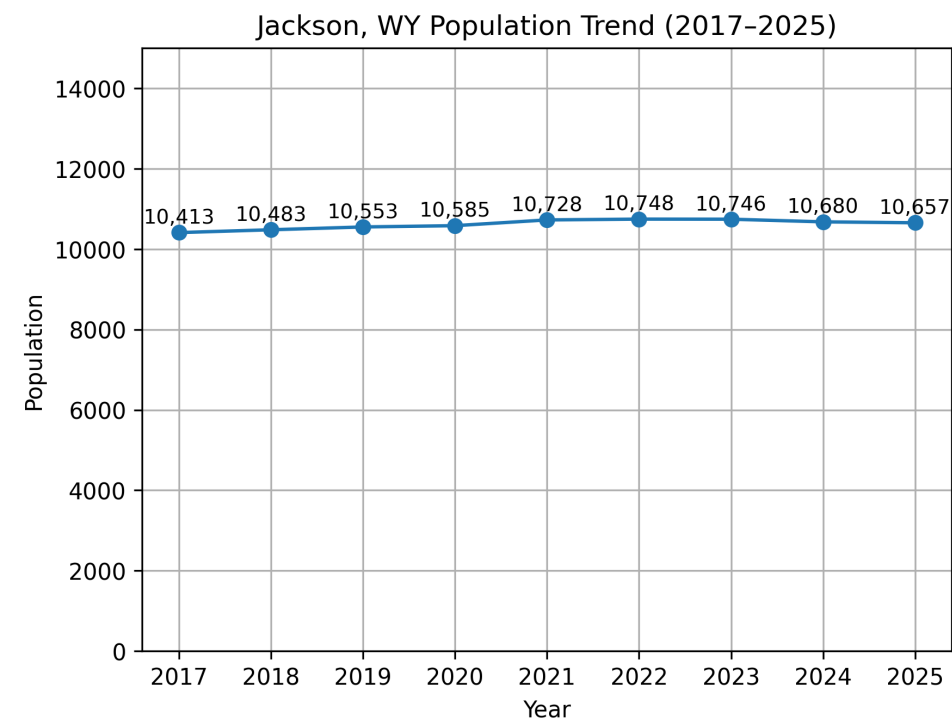
The gentrification so many fear is caused not by new development, but by the absence of new development

In Jackson Hole, population **growth** has remained flat, yet the population **change** has been enormous



Price of housing:
↑ 274%

Population:
↑ 1%



In Jackson hole, housing prices nearly tripled while population stayed flat, meaning not *more people* but *different people*..

No Growth ≠ No Change
Limited housing supply + rising demand = displacement.

Housing Goal 1: Housing Variety

Location: Housing Chapter, p. 57

“A variety of quality housing types is available to serve a broad spectrum of household types and age groups.”

Supporting Objectives

- Permit duplexes, townhouses, stacked flats, ADUs, co-housing, cottage communities and other housing types in neighborhoods
- Encourage attached housing types in and around downtown
- Encourage housing above retail in mixed-use and commercial areas
- Explore alternatives to parking requirements to allow smaller and more attainable housing types

*Current amendments on lot size, lot coverage, and density are **mechanisms** to actually allow these housing types to be built.*

Housing Goal 2: Housing Affordability

Location: Housing Chapter, pp. 63–64

“Housing is available to meet the needs of low- and moderate-income workers.”

Key Objective (especially important):

“Integrate smaller infill units to allow for mixed-income residents.”

This is a **direct policy mandate** for:

- smaller lots
- incremental density
- flexible infill standards





Land Use & Growth – Efficient Land Use

Location: Chapter 4, pp. 52–53

“Sandpoint’s mature and developed areas are invested in and enhanced, reducing pressure to expand into the Area of City Impact.”

Supporting Objectives:

- Incentivize development and redevelopment of vacant and under-utilized properties through zoning and subdivision code changes
- Promote infill development and redevelopment that contributes to the desired mix of land uses
- Encourage housing **above ground-floor commercial** uses

*This explicitly ties **code updates** to **infill** as a growth strategy.*

Residential Neighborhoods Goal 2

Location: Chapter 4, p. 53

The diversity, quality, comfort, and connectivity of Sandpoint's residential neighborhoods is expanded."

Key Objective (use this verbatim):

"Support a variety of lot sizes and housing types while maintaining an overall desired neighborhood density and scale."

This directly refutes the idea that **uniform lot sizes = neighborhood character**

*The Plan explicitly says **variety is part of character***

Future Land Use Plan Context

Location: pp. 40-43

Key findings:

- Historic neighborhoods already include **lots as small as 3,500 sf**
- Some of the **newest neighborhoods are returning to smaller lot sizes** due to land scarcity and cost
- Potential in medium density residential (RM) areas for **smaller lot sizes**
- **Land scarcity is explicitly identified as a problem**

These amendments reflect the physical and economic reality the Plan already identifies.

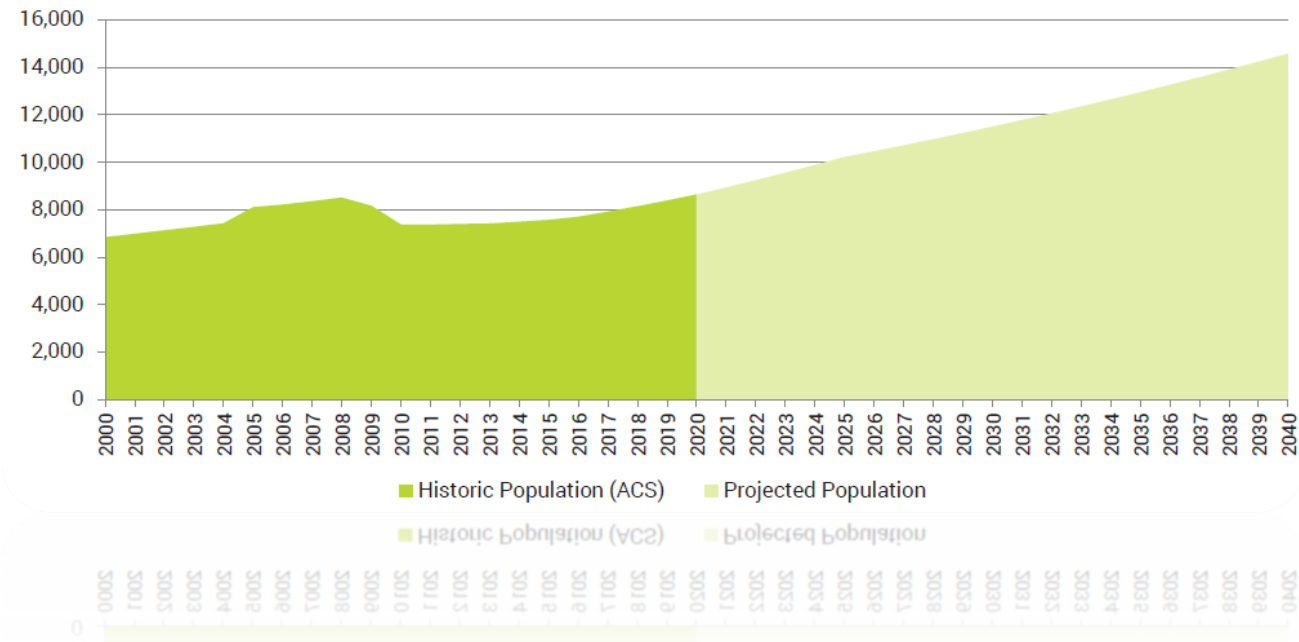
Population Forecast & Housing Demand

Location: pp. 19–20

Key statements:

- Growth is driven **almost exclusively by in-migration**
- Long-term growth assumed at **~2.4% annually**
- This growth implies **~2,500 new housing units needed by 2040**, without which *displacement of current population will occur*

Chart 7. Sandpoint Historic and Projected Population



Demand exists **regardless of whether we allow housing**
The question is whether we house **existing residents** or replace them

Implementation & Zoning Code Updates

Location: pp. 132–133

“This Plan suggests several code updates and revisions to uphold its development framework.”

And:

“Implementation of the Comprehensive Plan will occur through adoption of regulations and ordinances in the Municipal Code.”

These amendments are exactly what the Plan anticipates.



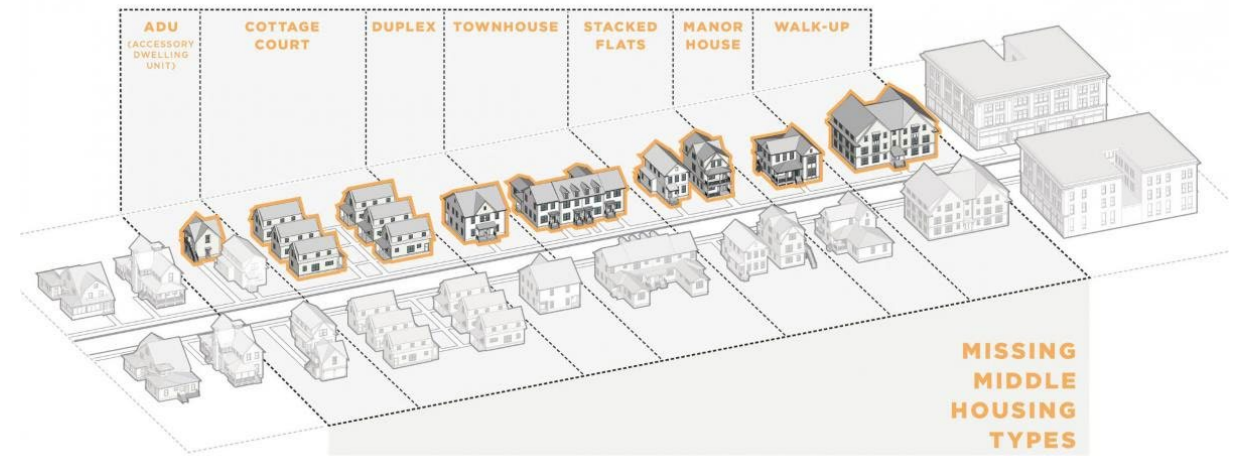
Sandpoint's Comprehensive Plan:

- calls for **housing variety, missing middle, and smaller infill units**
- supports a **range of lot sizes** and compact, walkable neighborhoods
- directs the City to **use zoning code changes to promote infill**
- identifies **housing affordability** and **workforce housing** as key challenges
- anticipates **continued demand** driven by **in-migration**

Council already adopted the policy direction. The question before you is whether we align zoning code with the Comprehensive Plan or continue enforcing standards that undermine it.

These amendments are a local, incremental step to enable more attainable housing in Sandpoint.

- Lower barriers to small-scale infill (small homes, ADUs, duplexes, triplexes, fourplexes, cottage courts).
- Reduce per-unit land cost by allowing more homes on the same land.
- Loosen building footprint maximums to enable more living space per sf of real estate
- Increase supply and choice, so price pressure is not forced into a small set of housing types.



"Missing middle" housing types

IMPLEMENTATION OF COMPREHENSIVE PLAN GOALS AND OBJECTIVES

What's changing? Relaxing building footprint max enables more living space on same amount of land

RS Zone

What is changing?

- Single-story buildings may exceed the current 35% building footprint max (but only for single story construction)

Why it matters:

- Makes detached and attached ADUs feasible on many existing lots
- Allows additional bedrooms or flexible living space in primary homes
- Supports multi-generational living and long-term rentals

Result: More usable living space without increasing building height or neighborhood scale

RM Zone

What is changing?

- Relaxation of the 40% building footprint cap
- Retention of a clear 70% impervious surface maximum

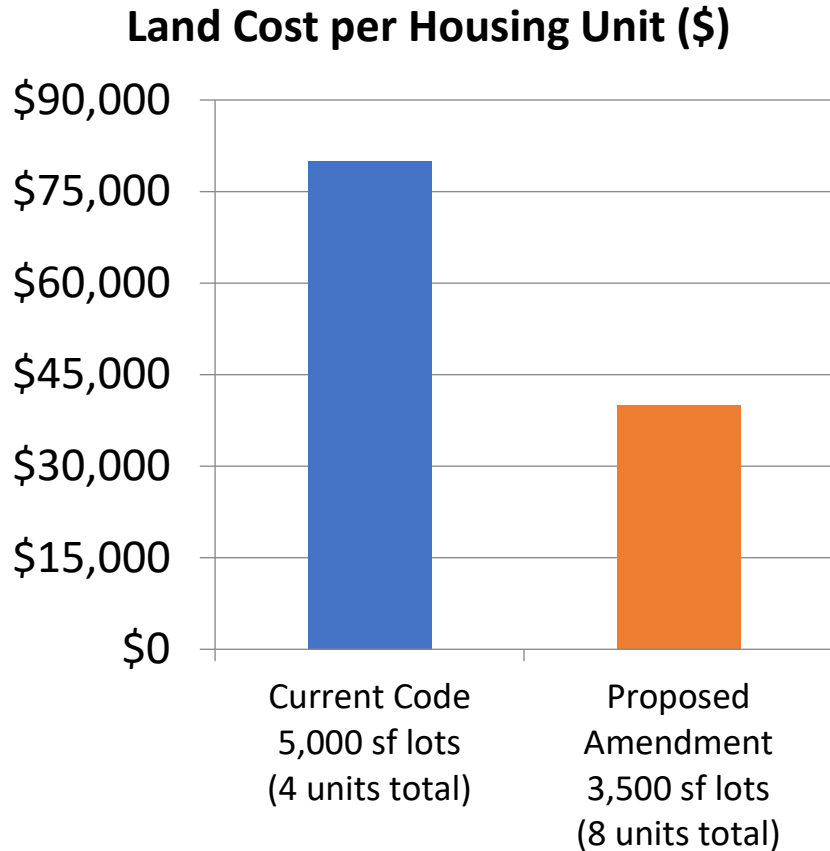
Why it matters:

- Allows additional dwelling units to be accommodated on-site
- Prevents new units from being forced into smaller footprints
- Preserves flexibility in building layout while meeting parking requirements

Result: More homes can be built on the same land area

Important: Max impervious surface standard remains; City provides flexibility for owners to use their land as they desire

What's changing? Reducing minimum lot size in RM zone from 5,000sf to 3,500sf



Illustrative Scenario

Assume there is a 14,000 square foot (0.32-acre) lot in the RM zone that the owner is considering subdividing. Land values in Sandpoint's RM zone are currently around **\$1m per acre**.

- Lot size = 14,000 sf
- Assumed land value = \$320,000

CURRENT CODE: Minimum lot size = 5,000 sf

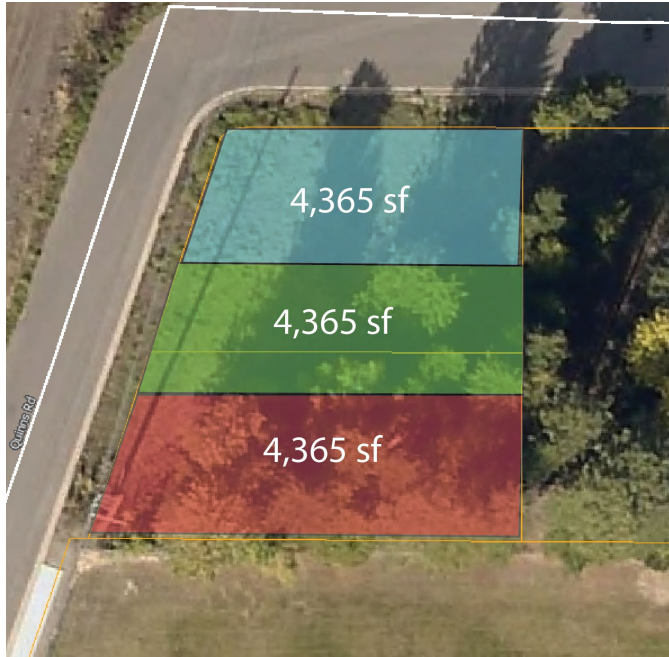
- 2 lots @ ~7,000 sf
- 2 dwelling units / lot (house + ADU or attached MF)
- **Land cost per unit: \$80,000**

PROPOSED AMENDMENT: Minimum lot size = 3,500 sf

- 4 lots @ ~3,500 sf
- 2 dwelling units / lot (house + ADU)
- **Land cost per unit = \$40,000**

Density is not the goal; feasibility is. When small infill is feasible, the market can produce smaller, lower-cost homes.

Example of benefit – Habitat for Humanity property at corner of Sequoia and Quinns Rd



**H4H owns
13,068 sf of
property**



Current regs: 3,500 sf minimum for townhouse lots allow H4H to develop THREE attached single-family homes. Three low to moderate-income families will be provided with a place to live.

Proposed regs: 2,500 sf minimum for townhouse lots allow H4H to develop FIVE attached single-family homes. Two additional low to moderate-income families will be provided with a place to live.

Smaller lot sizes reduce per-unit development cost and will enable more housing units for low and moderate income families.

Across the West, cities similar to Sandpoint routinely allow dwelling units to be built on lots smaller than 5,000 square feet, either explicitly or through modern zoning frameworks that no longer rely on large minimum lots.

<u>City</u>	<u>State</u>	<u>Approx. Population</u>	<u>Does the Code Allow Residential Lots Smaller Than 5,000 sf?</u>	<u>How This Is Achieved</u>
Sandpoint	ID	~9,200	No	Explicit minimum lot size
Whitefish	MT	~8,900	Yes	Explicit smaller minimums in higher-intensity residential districts
Leavenworth	WA	~2,400	Yes	Explicit sub-5,000-sf thresholds for multifamily and infill
Driggs	ID	~2,100	Yes	Explicit 3,000-sf residential lots
Victor	ID	~2,400	Yes	Explicit 4,000-sf residential lots
Hailey	ID	~9,000	Yes	Explicit minimums below 5,000 sf
Ketchum	ID	~3,600	Yes	Explicit smaller lots and historic infill standards
Ashland	OR	~21,000	Yes	Explicit smaller minimums in residential zones
Ellensburg	WA	~19,000	Yes	No minimum lot size in higher-density zones
McCall	ID	~3,700	Yes	Density- and form-based standards

Smaller lots provide a pathway to attainable home ownership

Item # 10.

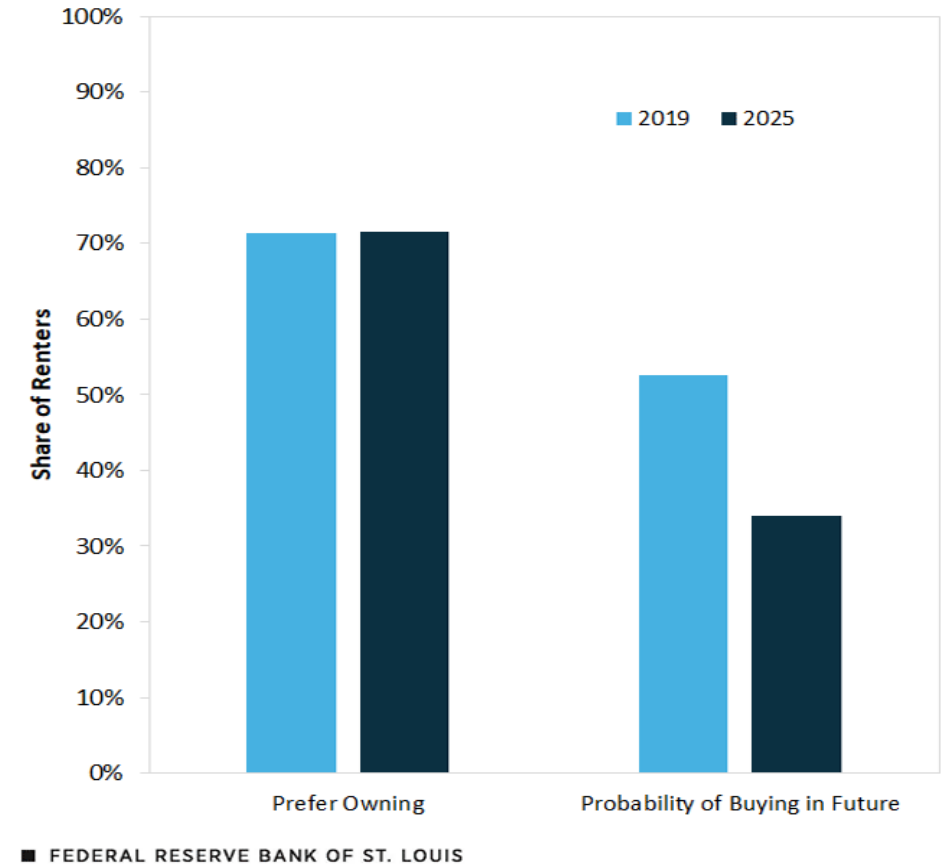
According to the Federal Reserve:

- American households **prefer home ownership to renting 70% to 30%.**
- Meanwhile, the probability of Americans buying a home in the future is lower today than ever before (35% down from 55% pre-pandemic).

Sandpoint's multifamily rental market is extremely tight.

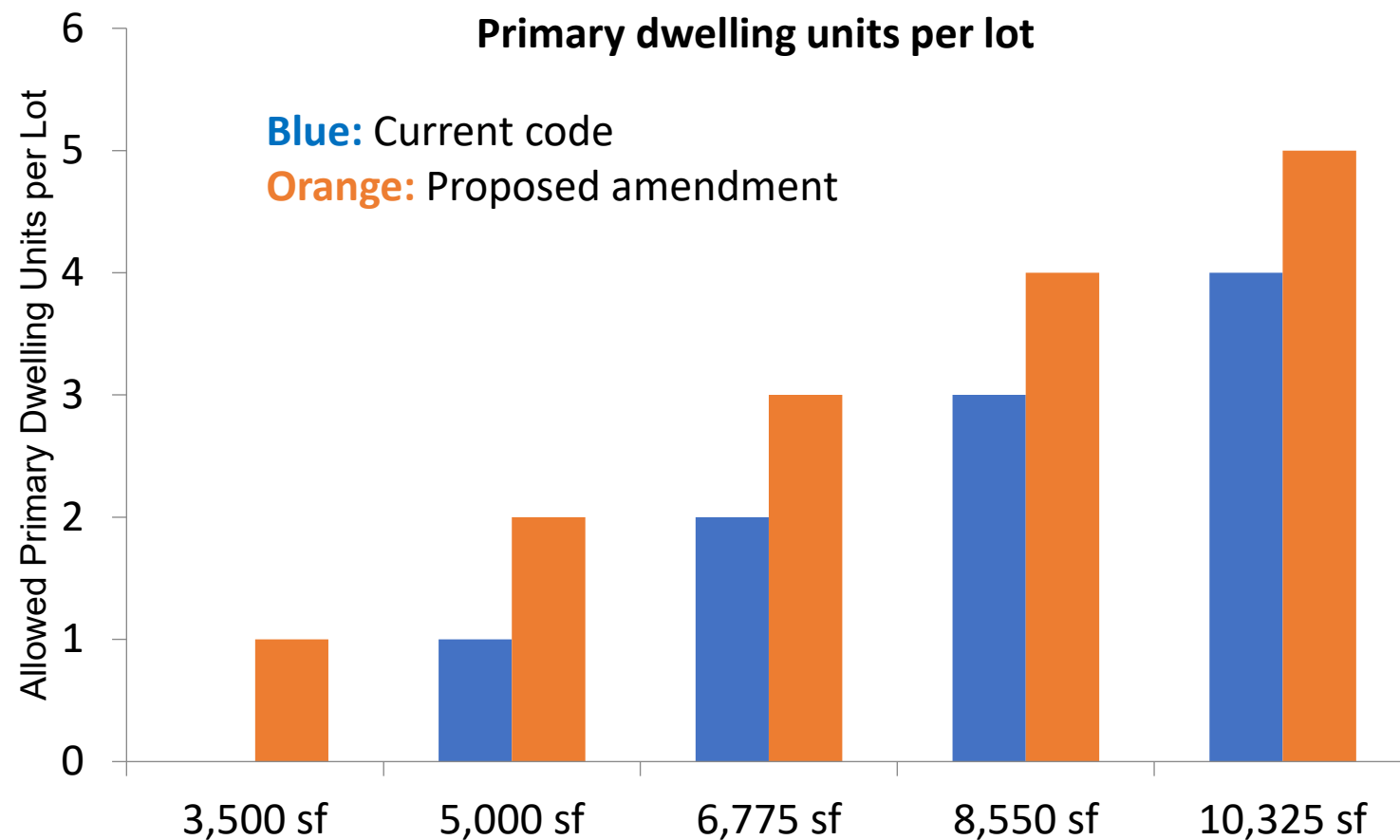
- **26 apartment units available** for rent City-wide as of today
- Average rent = **\$1,785**
- **1,550** total multifamily housing units
- **1.7% vacancy rate**

Sandpoint's Median household income is **\$5,650/month**, putting rent for available rental housing *above the threshold of affordability of \$1,695/month* (30% of household income)



Takeaway: Most households prefer homeownership, yet Sandpoint's rental market is both **scarce** and **unaffordable**. Affordability requires more multifamily housing **and** more attainable ownership options.

What's changing? RM density increasing to allow *One More Unit* on lots in all size ranges



Illustrative Scenario:

- Minimum lot size for 2 units reduced from 6,775 sf to 5,000 sf
- On lots $\geq 6,775$ sf, allowable dwelling units increase by one unit in every lot-size tier
- ADUs remain allowed on all lots, regardless of unit count

Result: Smaller lots can be created, and every larger lot can support more homes.

Amendment allows land to support more households without expanding the city footprint.

What's changing? Nothing! Same housing types, same setbacks, same height max, as under current code in residential zones

RS Zone

Allowed:

- Single family detached (on lots $\geq 5,000$ sf)
- Single family attached (on existing lots $\leq 5,000$ sf)

RM Zone

Allowed:

- Single family detached
- Single family attached
- Duplex (2 units on a single lot)
- Multi-family (>2 units on a single lot e.g. apartments)

Limiting types of housing allowed based on underlying zoning preserves character of existing neighborhoods while allowing for modest increases in density as envisioned in the Comprehensive Plan

Bottom line

Small, targeted code changes help Sandpoint's housing supply respond to demand

- Enable small-scale infill that is currently difficult or infeasible under minimum lot size and density limits.
- Reduce embedded land cost per unit by allowing more homes on the same land base.
- Expand options for local households across life stages, incomes, and tenure (owners and renters).

If communities limit the ability to build new housing, demand does not disappear, it competes more intensely for the homes already in place.

Community Character or the Characters that Make Up Our Community?

Item # 10.

Community Character – what is it?

- Lot size?
- # of dwelling units per acre?
- % of impervious surface?
- Setbacks?
- Architecture?

**YES! It is all
these things!**
But there's so much
more to it...

When considering the goals of the Comprehensive Plan enacted through tonight's amendments, don't forget the **Characters of our Community**

- The working parents, the kids, the social groups, the nonprofit organizations, the events, festivities, arts, culture, and personalities that give Sandpoint its character.
- **If we don't make rules today that enable our children and grandchildren to stay here, the characters that make Sandpoint a community will be disappear as new arrivals displace locals.**

Question to consider: Do you want City policies that promote population change while limiting growth, or policies that mitigate population change by enabling housing types that promote affordability and reduce the rate of displacement of today's residents?



Affordable Housing – a tough nut to crack

“We absolutely need **subsidized affordable housing**. And a lot more of it. *The market alone will not solve poverty.*

But we cannot protect our affordable neighborhoods by *starving them of new inventory.*

We have to stop judging housing by **whether it fits our aesthetic nostalgia or our price point**, and start judging it by **what it *does* to the system...**

If we truly care about affordable housing, we have to be brave enough to build the one thing that actually protects it: Abundance.

*We aren't fighting displacement by blocking these buildings. **We're causing it.***

Jeff Kerr, professional urban planner and landscape architect, “*The Hermit Crab Economy: A New Theory on Affordable Housing*” January 13, 2026,

<https://escapinggenerica.substack.com/p/building-a-hermit-crab-housing-economy?r=88b1e>

Option 1 – Adopt the Amendments (Recommended by PZC)

Approve the proposed lot size, lot coverage, and density amendments as presented.

Effect: Implements the adopted 2024 Comprehensive Plan by enabling small-scale infill, missing-middle housing, and more attainable housing options while maintaining neighborhood scale and character through existing zoning distinctions.

Option 2 – Adopt with Direction for Targeted Revisions

Approve the amendments with specific direction to staff on limited modifications

Effect: Advances Comprehensive Plan housing and infill objectives while allowing Council to refine implementation details.

Option 3 – Continue the Public Hearing

Continue the hearing to a date certain and direct staff to provide additional analysis or revisions on identified issues.

Effect: Defers implementation of Comprehensive Plan housing policies while maintaining the current regulatory framework.

Option 4 – Reject the Amendments and Direct Comprehensive Plan Amendments

Deny the proposed amendments and direct staff to initiate amendments to the 2024 Comp Plan to remove or revise goals and objectives related to:

- Housing Affordability
- Smaller lot sizes and compact development
- Infill and missing-middle housing
- Increased residential density and ADUs

Effect: Explicitly prioritizes preservation of existing residential built form over affordability, infill, and housing-choice objectives adopted in the Comprehensive Plan and realigns policy direction accordingly.

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.)

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.

~~**DUPLEX:** A two family dwelling where neither unit contains less than twenty five percent (25%) of the total habitable floor area of the structure.~~

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 ~~OR TWO-FAMILY~~: A building, including modular housing, containing two (2) dwelling units with a common wall located on a single lot.

DWELLING, SINGLE-FAMILY ATTACHED: An ~~individually owned~~ single-family attached 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 dwelling unit and not including timeshare ownership of that dwelling unit.

DWELLING UNIT: One or more rooms designed for occupancy by one family for living purposes and having only one 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 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 housekeeping unit using one kitchen.

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

FRONTAGE: All property on one 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 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 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 on one 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 ~~parcel or~~ plot of land legally divided from a larger area of land occupied or suitable for occupancy by one 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 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 ~~or parcel~~ that does not meet the minimum lot width or area requirements of the district in which it is located. Such lot ~~or parcel~~ may be utilized for those uses permitted within its zoning district if all other requirements of this title are met. ~~For the purpose of this definition, residentially zoned lots or parcels must have been created prior to March 10, 1980, and industrially zoned lots or parcels must have been created prior to April 20, 2011, or they must have existed prior to their annexation into the city of Sandpoint, whichever occurred first.~~ 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 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 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 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 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 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)

9-4-1: Residential Single-Family (RS) Zone:

9-4-1-1: Purpose:

The Single-Family Zone is intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the comprehensive plan policies and designations for single-family housing in the CA-2 areas identified in the 2009 comprehensive plan.

(Ord. 1263, 12-29-2011)

9-4-1-2: Use Regulations:

The use regulations are intended to create, maintain and promote single dwelling neighborhoods. They allow for some nonhousehold living uses but not to such an extent as to sacrifice the overall image and character of the single dwelling neighborhood.

The following regulations shall apply:

- P Permitted use
- C Conditional use¹
- N Not permitted

Residential <u>(except for uses located on original substandard lots of record)</u> :	
Accessory dwellings as provided in section 9-1-8 of this title	P
~~Attached housing~~	~~P²~~
<u>Duplex on a single lot</u>	<u>N</u>
Cottage housing in accordance with section 9-4-7 of this chapter	P ³
Gated communities	N
Manufactured homes subject to the following provisions, conditions, and regulations:	P
A. The manufactured home shall be multi-sectional, unless sited in a recognized, existing or newly created manufactured housing community.	
B. The manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter in such a manner that the home is located not more than twelve inches (12") above grade.	

C. In addition to the provisions of subsection A of this use, a manufactured home shall be subject to any development standard, architectural requirements and minimum size requirements to which a conventional single-family residential dwelling on the same lot would be subjected.	
Multi-family dwellings	N
Short term rentals subject to the licensing requirements set forth in title 3, chapter 12 of this Code	P
Single-family dwellings, private garages, and such outbuildings as may be incidental thereto. Such outbuildings shall not be used, occupied or equipped for a permanent dwelling or guesthouse and not more than 1 dwelling shall occupy 1 lot, except as otherwise provided for in this title	P
Residential (located on original substandard lots of record):	
<u>Single-family dwellings</u>	<u>P²</u>
<u>Duplex on a single lot</u>	<u>N</u>
<u>Attached housing (two or three units)</u>	<u>P²</u>
Nonresidential:	
Cemeteries	C
Churches and accessory buildings used for religious teachings	C
Community centers, nonmunicipally owned	N
Daycare, including homeschooling:	
Home (6 or less - home occupation)	P
Group (7—12)	N
Daycare facilities (13+)	N
Fire stations	N
Home occupations	P
Kennels; commercial or private, even as a home occupation	N
Libraries	C
Municipally owned facilities	P
Other uses not specifically listed	N
Parks or playgrounds:	
Private	C
Public	P
Police stations	N
Public utility facilities	P
Recreation buildings, nonmunicipally owned	N
Schools, public or private, except those schools of vocational nature which operate similarly to a retail business where a product or products may be purchased on the premises	C

Notes:

- Any use legally established as a permitted use now subject to conditional use approval shall be subject to conditional use approval to expand such use.
- Subject to standards set forth for ~~the standards for~~ development of residential original substandard lots of record, SCC 9-4-6.
- Subject to standards set forth for cottage housing development.
- ~~Development of attached housing units or cottage housing in the RS Zone shall not be restricted by this provision.~~

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(Supp. No. 2, Update 1)

(Ord. 1263, 12-29-2011; amd. Ord. 1281, 5-15-2013; Ord. 1336, 11-2-2016; Ord. 1353, 6-6-2018)

9-4-1-3: Development Standards:

The development standards for the Residential Single-Family Zone preserve the character of single-family neighborhoods and provide flexibility to allow different densities and development standards. The development standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The site development standards allow for flexibility of development while maintaining compatibility within the city's various single-family neighborhoods. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

- A. Lot Areas: No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following described yards and lot areas are provided and maintained in connection with said building, structure or enlargement:

Every building erected shall be on a lot having an area of not less than five thousand (5,000) square feet with a frontage on public streets of not less than fifty feet (50') and shall have a width of not less than fifty feet (50') at the front building line. Lots with frontage on a cul-de-sac shall have a minimum frontage on a public road of not less than fifty feet (50').

- B. Setbacks:

1. Purpose: The setback regulations for buildings and garage entrances serve several purposes:
 - a. They maintain light, air, separation for fire protection, and access for firefighting;
 - b. They reflect the general building scale and placement of houses in the city's single-family neighborhoods;
 - c. They promote a reasonable physical relationship between residences;
 - d. They promote options for privacy for neighboring properties;
 - e. They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;
 - f. They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity; and
 - g. They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.
2. General Exception to all Setbacks: Minor features of a building such as eaves, chimneys, water collection cisterns and planters, air conditioning units, bay windows, uncovered balconies, covered side and rear entryway overhangs, may extend into the required setback. Bays and bay windows encroaching into the setback also must meet the following requirements: a) each bay and bay window may be up to twelve feet (12') long, but the total area of all bays and bay windows on a building facade cannot be more than thirty percent (30%) of the linear total of the facade; b) bays and bay windows must cantilever beyond the foundation of the building; and c) the bay may not include any doors.
3. Front Yard Limits Setbacks: Each lot shall have a front ~~yard~~ setback of not less than twenty feet (20') in depth from front lot line ~~unless provided for elsewhere in this code, except as follows:-~~

- a. Porches: Unenclosed front porches may encroach into the front yard setback up to ten feet (10') from the front lot line.
 - b. Garages: Any garage, detached or attached, shall be set back a minimum of twenty-five feet (25') from the front lot line.
3. Side Yard Setbacks: Each lot shall have a side setback of not less than five feet (5') in depth from the side lot line, except as follows:
 - a. On interior lots there shall be a side yard on each side of the outer walls of any building constructed thereon of not less than five feet (5').
 - ba. Street Side Yard Setback: Buildings erected upon corner lots need only comply with the front yard requirement with regard to their primary facade, which is designated as having the primary entrance. A side yard setback is required for flanking streets on corner lots. The street side setback shall be twenty feet (20') unless features such as projections, recessions, windows, or other architectural treatment are incorporated to prevent a blank wall appearance, in which case the street side setback may be reduced to ten feet (10'). This standard does not apply to garages accessed off the side street.
 - b. Garages:
 - i. Detached garages on interior lots shall have a side setback of no less than three feet (3').
 - ii. Garages accessed from on a street side lot line yard which include parking between the garage and the lot line shall have a setback of no less than twenty-five feet (25') from the street side yard lot line
 - iii. Garages accessed from a street side lot line which do not include parking between the garage and the lot line shall have a setback of no more than three feet (3') and no less than one foot (1') to prevent parking overhang onto the public right of way.
 - iv. Garages accessed from an alley shall adhere to the street side setback as established above in 3a.
 - c. Accessory buildings/structures shall have a setback from the side lot line of five feet (5').
 - d. Accessory dwelling units shall follow the regulations of accessory buildings unless located above a garage, in which case they shall follow the standards for garages regulations.
4. Rear Yard Setbacks: Each lot upon which a dwelling is constructed shall have a rear yard setback of not less than fifteen feet (15') in depth from the property lot line, except as follows:
 - a. Alley accessed garages shall have a setback from the rear lot line of one foot (1')
 - b. Accessory buildings shall have a setback from the rear lot line of five feet (5')
 - c. Accessory dwelling units shall follow the regulations of accessory buildings unless located above a garage, in which case they shall follow the standards for garages.
5. Garage and Parking Entrance Setback: To avoid vehicles parking on the sidewalk, no front entry garage shall be constructed within twenty-five feet (25') of a property line having frontage along a public street. Any uncovered off-street parking developed within the front yard setback shall have a minimum depth of twenty-five feet (25').
6. Riparian and Shoreline Setback:

- a. Purpose: The purpose of this subsection B.6. is to protect scenic and recreational resources, water quality and natural shoreline habitat. In addition, shoreline setbacks and buffers help avoid damage to development from erosion and flooding.

The waterfront building setback for new development and redevelopment (tear downs) along waterfront properties within the city of Sandpoint shall be a minimum of forty feet (40') from the artificial high water mark. For purposes of this subsection B.6., the artificial high water mark shall be considered according to the North American vertical datum of 1988 (NAVD88) as 2,066.4 or 2,062.5 feet using the national geodetic vertical datum of 1929 (NGVD29).

New development adhering to the forty foot (40') setback and/or reconstruction that involves issuance of a building permit for greater than twenty-five thousand dollars (\$25,000.00) of improvements, shall be required to plant fifty percent (50%) of the area in the minimum twenty-five foot (25') building setback with native vegetation comprised of a mixture of grasses and shrubs. For the purpose of this subsection B6, building permit valuation shall be a cumulative aggregate from the date of the adoption hereof forward.

The city shall assist the applicant in determining appropriate native vegetation required, and will coordinate with the applicant on the planting success the following year.

The building setback can be reduced to twenty-five feet (25') if the setback area is revegetated with primarily native vegetation. Establishment of a tree canopy is encouraged. No constructed structures other than those required for waterfront access/docks are allowed within the twenty-five foot (25') setback. The applicant shall record on the title documentation from the city of Sandpoint confirming that the structure has been built under the flexible setback option and as such, the structure is conforming and the area within the twenty-five foot (25') lakefront setback is to remain planted primarily with native vegetation (as described above).

A variance may be sought for those projects or activities for which it can be demonstrated that strict compliance would result in a practical difficulty. City owned property shall be exempt from the required standards.

- b. Shoreline Setback Exceptions: Placement of constructed trams, rails, uncovered steps, stairs or walkways, any of which shall be five feet (5') or less in width and installed to provide access to the shoreline, are permitted within the shoreline setback. Such structures shall not be constructed in a manner that is parallel to the shoreline that would create a boardwalk along the waterfront (except where steep slopes require switchback designs).

~~7. Exceptions To The Required Setbacks: Certain parts of structures may be allowed to encroach into the required setbacks as described herein. Setbacks are modified further for attached housing, cottage housing and substandard lots.~~

- ~~a. Maximum Encroachment: No part of any structure shall encroach within fifteen feet (15') of the front property line, three feet (3') of the side property line(s) and ten feet (10') of the rear property line.~~

- ~~b. General Exceptions: The following shall be permitted to encroach up to the maximum encroachment:~~

- ~~(1) Established Building Lines: Sites with legally existing nonconforming development in a required setback are eligible for a onetime reduction to the required setbacks. The building line created by the nonconforming wall serves as the reduced setback line. At a maximum, the nonconforming wall may be doubled in length, e.g., a two foot (2') long wall within the side yard setback~~

may be lengthened to four feet (4') total. The vertical height of the wall shall not be increased, e.g., a second story cannot be placed up to the reduced setback line if the existing nonconforming wall is only one story high.

- (2) ~~Minor Features: Minor features of a building such as eaves, chimneys, water collection cisterns and planters, bay windows, and uncovered balconies, may extend into the required setback. Bays and bay windows encroaching into the setback also must meet the following requirements: a) each bay and bay window may be up to twelve feet (12') long, but the total area of all bays and bay windows on a building facade cannot be more than thirty percent (30%) of the linear total of the facade; b) bays and bay windows must cantilever beyond the foundation of the building; and c) the bay may not include any doors.~~

8. ~~Specific Exceptions: The following shall be permitted to encroach up to the maximum encroachment. Any structure shall be limited to fifteen feet (15') in height above grade for that portion within the setback area.~~

- a. ~~Adjacent Structures: Where both adjacent lots on the primary frontage are developed with structures and both adjacent structures have front yard setbacks less than the minimum, the subject lot may build within the front setback to the maximum encroachment.~~
- b. ~~Porches: Unenclosed front porches may encroach into the front yard setback up to ten feet (10') from the front property line.~~
- c. ~~Garages: Garages shall not be permitted to encroach on the front yard setback but may be used in calculating adjacent structure setbacks as described above. Detached garages may encroach on side and rear setbacks up to the maximum encroachment. Detached garages are subject to additional requirements.~~

C. Lot Coverage and Impervious Surface:

1. ~~Purpose: The building coverage standards, together with the height and setback standards control the overall bulk of structures. They are intended to assure that taller buildings will not have such a large footprint that their total bulk will overwhelm adjacent houses. Additionally, the standards help define the character of the different zones by limiting the amount of buildings allowed on a site. The lot coverage, building footprint, and impervious surface standards in the RS zone are intended to balance development flexibility with the preservation of neighborhood character, access to light and air, and the traditional open, landscaped qualities of single-family residential areas. By limiting the extent of impervious surfaces, including buildings, driveways, patios, and similar improvements, the code promotes landscaping, shade trees, gardens, and other pervious outdoor spaces that define the visual and environmental character of Sandpoint's neighborhoods.~~

In addition, the two-story building footprint limit is intended to manage the bulk and massing of taller residential structures. This standard accommodates larger single-story homes while preventing the construction of disproportionately large or imposing two-story forms that diminish neighboring access to light, air, and privacy. Together, these standards provide a clear and predictable framework that supports homeowner flexibility and housing choice while ensuring that new development remains compatible with the scale and livability of established RS neighborhoods.

2. ~~Building Footprint: Each lot upon which a dwelling, private garage or other outbuilding is constructed shall have a maximum thirty-five percent (35%) building footprint and a maximum thirty percent (30%) impervious surface.~~

2. Maximum Impervious Surface: Each lot upon which a dwelling, garage or other accessory structure is constructed shall have a maximum impervious surface (including building footprint and surfaces such as driveways, walkways, patios, and parking areas) of 70% of the lot size.

D. ~~Building Height: No structure shall exceed a building height of thirty-five feet (35') above the average elevation of the finished grade at the front of the building.~~

1. Purpose: The building height standards are intended to maintain an appropriate sense of scale within Sandpoint's single-family residential neighborhoods by preventing individual structures from dominating the built environment or encroaching on adjacent homes. By linking maximum height to the proportion of lot area covered by a structure, these standards encourage a variety of building forms, preserve access to light and air, reduce the visual mass of two-story construction, and support the open, traditional character of Sandpoint's residential areas. The standards work in concert with setbacks and impervious surface limits to promote compatible development patterns and protect neighborhood livability.

2. No structure on a lot shall exceed the following height limits as measured from the finished grade:

<u>Lot coverage percentage</u>	<u>Building height</u>
<u>Up to 35%</u>	<u>35' maximum</u>
<u>Greater than 35% up to 70%</u>	<u>18' maximum</u>

For the purposes of this section, any horizontal area of a building or structure that is located below any portion of a roof or building element whose height exceeds eighteen feet (18') above finished grade shall be counted towards the lot coverage for structures exceeding eighteen feet (18'). This includes, but is not limited to:

- a. All floor area, enclosed or unenclosed, located beneath a roof plane that reaches or exceeds 18' in height;
- b. Cantilevers, covered porches, decks, breezeways, or other projections whose covering or structure support exceeds 18'; and
- c. Any vertical building element, such as walls, gables, dormers, roof extensions, or architectural projections, whose highest point exceeds 18'.

~~13.~~ Exceptions To The Maximum Height:

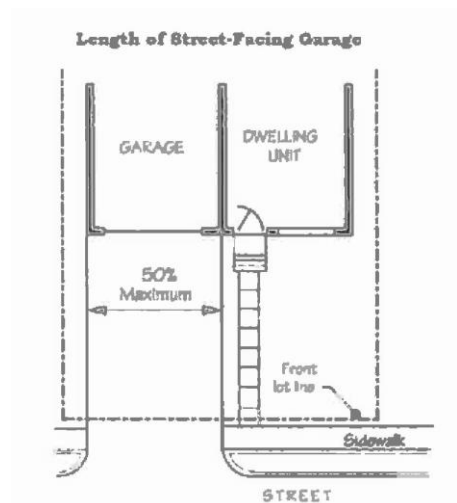
- a. Chimneys, flagpoles, satellite receiving dishes, roof mounted solar panels and other similar items may extend above the height limit, as long as they do not exceed five feet (5') above the top of the highest point of the roof.
- b. Utility power poles, and public safety facilities are exempt from the height limit.

E. ~~Garages~~ Design Standards:

1. Purpose: Together with the main entrance and street facing facade standards, these standards ensure that there is a physical and visual connection between the living area of the residence and the street. Additionally these standards:
 - a. Ensure that the location and amount of the living area of the residence, as seen from the street, is more prominent than the garage;

- b. Prevent garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent entrance;
 - c. Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk; and
 - d. Enhance public safety by discouraging garages from blocking views of the street from inside the residence.
2. ~~Where These Standards Apply Applicability:~~ The regulations of this subsection E apply to all attached or detached garages in the residential single-family zone. ~~On corner lots, only one street facing garage wall must meet the standards of this subsection E.~~
3. ~~The Standards:~~
 - a. ~~Dimensions:~~
 - (1)a. ~~The length of the Any~~ garage ~~wall entrance~~ facing the street may be up to fifty percent (50%) of the ~~length width~~ of the street facing unit facade (see figure 1 of this section).
 - (2) ~~For attached houses on corner lots, garage walls are limited to twenty five feet (25') in length.~~

Figure 1



- (2)b. Garages shall be recessed, or may be flush to the primary facade when the primary facade contains an unenclosed porch having a depth of seven feet (7') or greater and occupying a minimum of twenty-five percent (25%) of the linear primary structure facade. ~~No portion of a garage may protrude past the front of the primary facade of the dwelling unit.~~
- (3)c. Garages ~~walls facing the street having building walls~~ greater than twelve feet (12') in height ~~or facade walls greater than or~~ twenty-four feet (24') in length shall include architectural detail to break up and limit the massive appearance of the wall. Doing so requires utilizing at least two (2) of the following architectural features on street facade:
 - (A) i. Dormers;
 - (B) ii. Gables;

- ~~(C) iii.~~ Covered porch entries;
- ~~(D) iv.~~ Pillars or posts;
- ~~(E) v.~~ Eaves;
- ~~(F) vi.~~ Offsets in building face or roof (minimum of sixteen inches (16"));
- ~~(G) vii.~~ Window trim;
- ~~(H) viii.~~ Bay windows;
- ~~(I) ix.~~ Balconies;
- ~~(J) x.~~ An alternative feature providing for visual relief, ~~similar to subsections E.3.a.(3)(A) through E.3.a.(3)(I) of this section.~~

~~b.d. On corner lots, walls facing the side street must meet the standards of subsection E, 3, c.~~

~~e. Street-facing garages are prohibited on lots narrower than 37.5 feet in the residential single-family zone.~~

~~b. Side and Rear Setbacks: In the residential single family zone, detached garages are allowed in the side and rear building setbacks if all of the following are met:~~

- ~~(1) The garage is set back at least twenty five feet (25') from a front lot line, and if on a corner or alley accessible lot, it may be constructed one foot (1') from a flanking street or alley lot line;~~
- ~~(2) Dormers are set back at least five feet (5') from the side and rear lot lines.~~
- ~~(3) Second floor windows facing abutting lots utilize appropriate material (glass block or opaque glass) to maintain privacy of adjacent property.~~
- ~~(4) Maintenance easements are provided by adjacent property owner when utilizing less than a two foot (2') setback from adjacent property line.~~
- ~~(5) Snow drop and stormwater runoff from the structure are contained on site.~~

4. Existing Detached Garages:

- a. Change of Use: In the residential single-family zone, a detached garage that is in the side or rear setback may be converted to another type of detached covered accessory structure so long as it is compliant with regulations specified in section 9-1-8 or 9-1-5 of this title. Second floor windows facing abutting lots utilize appropriate material (glass block or opaque glass) to maintain privacy of adjacent property.
- b. Rebuilding: A detached garage that is nonconforming due to its location in a setback, may be rebuilt on the footprint of the existing foundation, if the garage was originally constructed legally. Where the structure facade faces a street, garages utilizing this provision shall be designed and reconstructed in a manner to prevent a blank wall appearance through the utilization of projections, recessions, windows or other architectural treatment.
- c. Additions: An addition may be made to a detached garage that is nonconforming due to its location in a setback ~~as follows provided the expansion complies with all other standards of this section.:~~
 - ~~(1) The expanded garage complies with all other standards of this section.~~

F. Main Entrances Design Standards:

1. Purpose: These standards:

- a. Together with the street facing facade and garage standards, ensure that there is a physical and visual connection between the living area of the residence and the street;
- b. Enhance public safety for residents and visitors and provide opportunities for community interaction;
- c. Ensure that the pedestrian entrance is visible or clearly identifiable from the street by its orientation or articulation; and
- d. Ensure that pedestrians can easily find the main entrance, and so establish how to enter the residence.
- e. Ensure a connection to the public realm for development on lots fronting both private and public streets by making the pedestrian entrance visible or clearly identifiable from the public street.

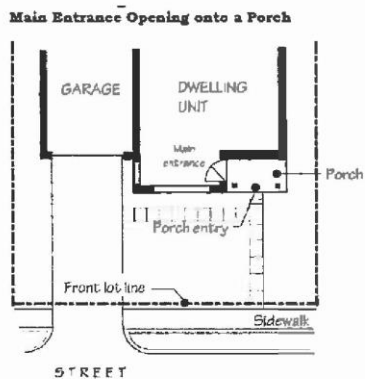
2. Where These Standards Apply Applicability:

- a. The standards of this subsection F apply to houses, attached houses, and manufactured homes, in the residential single-family zone;
- b. Where a proposal is for an alteration or addition to existing development, the standards of this subsection F apply only to the portion being altered or added;
- c. On sites with frontage on both a private street and a public street, the standards apply to the site frontage on the public street. On all other sites with more than one street frontage, the applicant may choose on which frontage to meet the standards.

3. The Standard:

- a. Location: At least one main entrance for each structure must:
 - (1) Either:
 - (A) Face the street;
 - (B) Be at an angle of up to forty-five degrees (45°) from the street; or
 - (C) Open onto a porch. See figure 2 of this section. The porch must be a covered unenclosed porch with a minimum of twenty-five (25) square feet in area.

Figure 2



G. Street Facing Facades Design Standards:

1. Purpose: ~~This~~ These standards:

- a. Together with the main entrance and garage standards, ensures that there is a visual connection between the living area of the residence and the street;
- b. Enhances public safety by allowing people to survey their neighborhood from inside their residences; and
- c. Provides a more pleasant pedestrian environment by preventing large expanses of blank facades along streets.

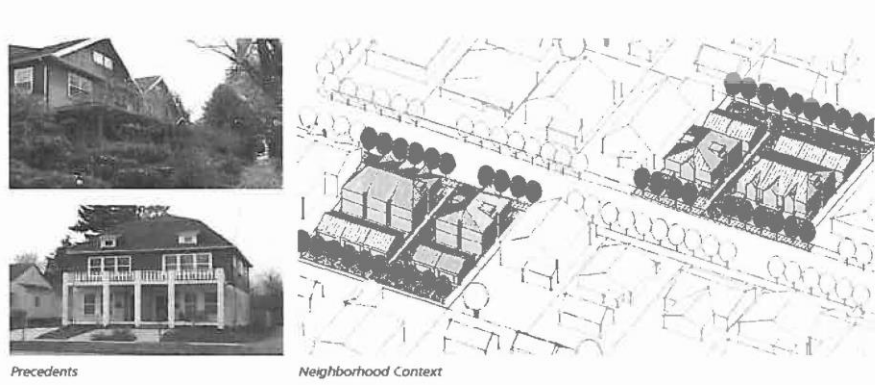
2. Where This Standard Applies Applicability: The standard of this subsection G applies to houses, attached homes, and manufactured homes in the residential single-family zone. Where a proposal is for an alteration or addition to existing development, the applicant may choose to apply the standard either to the portion being altered or added, or to the entire street facing facade.
3. The Standards: At least fifteen percent (15%) of the square footage area of each facade that faces a street lot line must be comprised of windows or main entrance doors. ~~Windows used to meet this standard must allow views from the building to the street. Glass block does not meet this standard. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. To count toward meeting this standard, a door must be at the main entrance and facing a street lot line. Glass block does not meet this standard.~~

H. Attached Housing Options:

1. Purpose: The alternative development options allow for variety in development standards while maintaining the overall character of a single dwelling neighborhood. These options have several public benefits:
 - a. They allow for development which is more sensitive to the environment, especially in hilly areas and areas with water features and natural drainageways;
 - b. They allow for the preservation of open and natural areas;
 - c. They promote better site layout and opportunities for private recreational areas;
 - d. They promote opportunities for affordable housing;

- e. They promote energy efficient development; and
 - f. They allow for the provision of alternative structure types where density standards are met.
 - g. They reduce the impact that new development may have on surrounding residential development.
 - h. Attached housing allows for more efficient use of land and for energy conserving housing.
2. Where This Standard Applies: The regulations of this subsection apply to all attached housing in the residential single-family zone. The alternative development options listed in this subsection H are allowed by right unless specifically stated otherwise. The project must comply with all of the applicable development standards of this subsection H. The project must also conform to all other development standards of the base zone unless those standards are superseded by the standards in this subsection H.
3. The Standard:
- a. Area Requirements:
 - (1) Lot Dimensions: Attached housing must be on a lot that has a minimum area of ten thousand (10,000) square feet unless otherwise stated by this code.
 - (2) Building Setbacks:
 - (A) Interior (Noncorner) Lots: On interior lots the side building setback on the side containing the common wall is reduced to zero. The reduced setback applies to all buildings on the lot and extends along the full length of the lot line that contains the common or abutting wall. The side building setback on the side opposite the common wall must be ten feet (10').
 - (B) Corner Lots: On corner lots either the rear setback or nonstreet side setback may be reduced to five feet (5'). However, the remaining nonstreet setback must comply with the requirements for a standard rear setback.
 - b. Number of Units: A maximum of two (2) units are allowed per structure. Attached houses may have a common wall. Accessory dwelling units are prohibited on lots developed with attached housing.
 - c. Single-Family Character: Attached housing shall contribute to the single-family character of the neighborhood by utilizing exemplary design and architecture to seamlessly integrate with other structures in the vicinity. (See figure 3 of this section.)

Figure 3



- d. **Second Story Design:** A second story of any attached housing unit requires additional design standards. Along the street facing facade, the building shall incorporate features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces. Such features shall occur at a minimum of every twelve feet (12') along the vertical face of the facade, and each floor shall contain a minimum of offsets or breaks in facade of two feet (2') or greater in depth.
- e. **Landscape Standards:** The following landscape standards must be met on lots in the residential single-family zone to qualify for attached housing development:
 - (1) A minimum of three (3) front yard trees with a minimum dbh of two inches (2") shall be planted per unit.

(Ord. 1263, 12-29-2011; Ord. 1336, 11-2-2016)

9-4-2: Residential Multi-Family (RM) Zone:

9-4-2-1: Purpose:

Areas zoned as Residential Multi-Family (RM) are intended to preserve land for housing and to provide diversity in housing options. This zone implements the comprehensive plan policies for those areas identified as CA-3 in the 2009 comprehensive plan.

(Ord. 1263, 12-29-2011)

9-4-2-2: Use Regulations:

These use regulations are intended to create opportunities for new types of housing that seamlessly integrate with existing neighborhoods in the area. The regulations allow for a wider range of housing types compared to Residential Single-Family (RS) in order to create a denser neighborhood form.

The following regulations shall apply:

- P Permitted use
- C Conditional use¹

N Not permitted

Residential <u>(except for uses located on original substandard lots of record)</u> :	
Accessory dwellings as provided in section 9-1-8 of this title	P
Attached housing	P ²
Clubs, lodges, fraternal organizations, when not operated for profit	P
Cottage housing	P ³
<u>Duplex</u>	<u>P</u>
Gated communities	N
Manufactured homes subject to following provisions, conditions and regulations:	P ⁴
A. The manufactured home shall be multi-sectional, unless sited in a recognized, existing or newly created manufactured housing community.	
B. The manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter in such a manner that the home is located not more than 12 inches above grade.	
C. In addition to the provisions of subsection A of this use, a manufactured home shall be subject to any development standard, architectural requirements and minimum size requirements to which a conventional single-family residential dwelling on the same lot would be subjected.	
Multi-family dwellings:	
7 units or less	P
8 units or more	C
Short term rentals subject to the licensing requirements set forth in title 3, chapter 12 of this Code	P
Single-family dwellings, private garages, and such outbuildings as may be incidental thereto. Such outbuildings shall not be used, occupied or equipped for a permanent dwelling or guesthouse and not more than 1 dwelling shall occupy 1 lot, except as otherwise provided for in this title	P
Nonresidential:	
Cemeteries	C
Churches and accessory buildings used for religious teachings	C
Community centers, nonmunicipally owned	C
Community garden. No commerce/retail sales permitted on site	P
Daycare, including homeschooling:	
Home (6 or less - home occupation)	P
Group (7—12)	C
Daycare facilities (13+)	C
Fire stations	N
Home occupations	P
Kennels; commercial or private, even as a home occupation	N
Libraries	C

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(Supp. No. 2, Update 1)

Neighborhood eatery. Performance standards that apply to neighborhood eatery uses in this zone consist of, but are not limited to, the following criteria:	C
A. The premises must be owner occupied.	
B. Entrances shall be located along the primary street frontage.	
C. Hours of operation between 7:00 a.m. — 10:00 p.m.	
D. Delivery times shall be limited to hours of operation.	
Municipally owned facilities	P
Other uses not specifically listed	N
Parks or playgrounds:	
Private	C
Public	P
Police stations	N
Public utility facilities	C
Recreation buildings, nonmunicipally owned	N
Schools, public or private, except those schools of vocational nature which operate similarly to a retail business where a product or products may be purchased on the premises	C

Notes:

- Any use legally established as a permitted use now subject to conditional use approval shall be subject to conditional use approval to expand such use.
- Subject to standards set forth for the standards for development of residential original substandard lots of record.
- Subject to standards set forth for cottage housing development.
- The recognized, existing communities within the RM Zone at the time of adoption hereof include the 6-unit Lines Mobile Home Park located at the southeast corner of Division Avenue and Church Street and the 16-unit Wikiup Mobile Home Park located on the east side of Florence Avenue between Fir and Larch Streets.

(Ord. 1263, 12-29-2011; amd. Ord. 1281, 5-15-2013; Ord. 1336, 11-2-2016; Ord. 1353, 6-6-2018)

9-4-2-3: Development Standards:

- A. Lot Areas: Every individual dwelling erected shall be on a lot having an area of not less than ~~five thousand (5,000)~~ three thousand and five hundred (3,500) square feet and frontage on a public street of not less than ~~thirty-seven and one-half feet (37.5')~~ twenty five feet (25') and shall have a width of not less than ~~thirty-seven and one-half feet (37.5')~~ twenty five feet (25') at the front building line. Townhouse lots which are designed for common wall construction on a common interior lot line shall not have an area less than two thousand five hundred (2,500) square feet per lot and frontage on a public street of not less than eighteen and three quarters feet (18.75') per lot. Lots with frontage on a cul-de-sac shall have a minimum frontage on a public road of not less than thirty feet (30').

Additional units may be developed as follows:

AREA INCREASES PER UNIT

	Units	Lot Size	<u>Minimum</u> Road Frontage
Permitted use:			
	<u>1</u>	<u>0-4,999</u>	<u>25</u>

An additional 1,775 square feet of area, and an additional 12.5 feet, but no more than 130 feet of frontage	<u>2</u>	<u>5,000</u>	<u>37.5</u>
	~~2-3~~	6,775	50
	~~3-4~~	8,550	62.5
	~~4-5~~	10,325	75
	~~5-6~~	12,100	87.5
	~~6-7~~	13,875	100
	~~7-8~~	15,650	112.5
Conditional use:			
	~~8-9~~	17,425	125
	~~9-10~~	19,200	130
	~~10-11~~	20,975	130
	~~11-12+~~	+1,000 each unit	130

B. Setbacks:

1. Purpose: The setback regulations for buildings and garage entrances serve several purposes:
 - a. They maintain light, air, separation for fire protection, and access for firefighting;
 - b. They reflect the general building scale and placement of houses;
 - c. They promote a reasonable physical relationship between residences;
 - d. They promote options for privacy for neighboring properties;
 - e. They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;
 - f. They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity; and
 - g. They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.
2. General Exception to all Setbacks: Minor features of a building such as eaves, chimneys, water collection cisterns and planters, air conditioning units, bay windows, uncovered balconies, covered side and rear entryway overhangs, may extend into the required setback. Bays and bay windows encroaching into the setback also must meet the following requirements: a) each bay and bay window may be up to twelve feet (12') long, but the total area of all bays and bay windows on a building facade cannot be more than thirty percent (30%) of the linear total of the facade; b) bays and bay windows must cantilever beyond the foundation of the building; and c) the bay may not include any doors.
3. Front ~~Yard Limits~~ Setbacks: Each lot shall have a front ~~yard~~ setback of not less than fifteen feet (15') in depth from front lot line, ~~unless provided for elsewhere in this code~~ except as follows:-

- a. Porches: Unenclosed front porches shall be setback ten feet (10') front the front lot line.
- b. Garages: Any garage, detached or attached, shall be set back a minimum of twenty five feet (25') from the front lot line. Street facing garages shall not be permitted on lots with less than 37.5' of frontage on a public street.
3. Side Yard Setbacks: Each lot shall have a side setback of not less than five feet (5') in depth from the lot line, except as follows:
- a. On interior lots there shall be a side yard on each side of the outer walls of any building constructed thereon of not less than five feet (5').
- a. On interior lots smaller than 5,000 square feet there shall be a side setback on each side of the outer walls of any building constructed thereon of not less than three feet (3'). If the interior side setback is less than five feet (5') and the roof slopes toward the interior side property line, then the roof shall incorporate either (a) snow-retention devices designed to prevent snow and ice shedding beyond the property line, or (b) roof geometries demonstrating, through acceptable engineering analysis, that snow shed will fall entirely within the required setback.
- b. Buildings erected upon corner lots need only comply with the front yard requirement with regard to their primary facade, which is designated as having the primary entrance. A side yard setback is required for secondary frontages on corner lots. Flanking street setbacks may be reduced from fifteen feet (15') to ten feet (10') but shall include design features such as projections, recessions, windows or other architectural treatment to prevent a blank wall appearance. Street Side Setback: The street side setback shall be fifteen feet (15') unless features such as projections, recessions, windows, or other architectural treatment are incorporated to prevent a blank wall appearance, in which case the street side setback may be reduced to ten feet (10'). This standard does not apply to garages accessed off the side street.
- c. Garages:
- i. Detached garages on interior lots shall have a side setback of no less than three feet (3').
- ii. Garages accessed from ~~on~~ a street side lot line ~~yard~~ which include parking between the garage and the lot line shall have a setback of no less than twenty-five feet (25') from the street side ~~yard~~ lot line
- iii. Garages accessed from a street side lot line which do not include parking between the garage and the lot line shall have a setback of no more than three feet (3') and no less than one foot (1') to prevent parking overhang onto the public right of way.
- iv. Garages accessed from an alley shall adhere to the street side setback as established above in 3a.
4. Rear Yard Setbacks: Each lot ~~upon which a dwelling is constructed~~ shall have a rear ~~yard~~ setback of not less than fifteen feet (15') in depth from the lot line, except as follows:-
- a. Alley accessed garages shall have a setback from the rear lot line of one foot (1')
- b. Accessory buildings shall have a setback from the rear lot line of five feet (5')
- c. Accessory dwelling units shall follow the regulations of accessory buildings unless located above a garage, in which case they shall follow the standards for garages ~~regulations.~~
5. Garage and Parking Entrance Setback: To avoid vehicles parking on the sidewalk, no street facing garage shall be constructed within twenty five feet (25') of a property line having frontage along a

~~public street. Any uncovered off-street parking developed within the front yard setback shall have a minimum depth of twenty-five feet (25').~~

6. Riparian and Shoreline Setback:

- a. Purpose: The purpose of this subsection B.6. is to protect scenic and recreational resources, water quality and natural shoreline habitat. In addition, shoreline setbacks and buffers help avoid damage to development from erosion and flooding.

The waterfront building setback for new development and redevelopment (tear downs) along waterfront properties within the city of Sandpoint shall be a minimum of forty feet (40') from the artificial high water mark. For purposes of this subsection B.6., artificial high water marks shall be considered according to the North American vertical datum of 1988 (NAVD88).

New development adhering to the forty foot (40') setback and/or reconstruction that involves issuance of a building permit for greater than twenty-five thousand dollars (\$25,000.00) of improvements, shall be required to plant fifty percent (50%) of the area in the minimum twenty-five foot (25') building setback with native vegetation comprised of a mixture of grasses and shrubs. For the purpose of this subsection B.6., building permit valuation shall be a cumulative aggregate from the date of the adoption hereof forward.

The city shall assist the applicant in determining appropriate native vegetation required, and will coordinate with the applicant on the planting success the following year.

The building setback can be reduced to twenty-five feet (25') if the setback area is revegetated with primarily native vegetation. Establishment of a tree canopy is encouraged. No constructed structures other than those required for waterfront access/docks are allowed within the twenty-five foot (25') setback. The applicant shall record on the title documentation from the City of Sandpoint confirming that the structure has been built under the flexible setback option and as such, the structure is conforming and the area within the twenty-five foot (25') lakefront setback is to remain planted primarily with native vegetation (as described above).

A variance may be sought for those projects or activities for which it can be demonstrated that strict compliance would result in a practical difficulty. City owned property shall be exempt from the required standards.

- b. Shoreline Setback Exceptions: Placement of constructed trams, rails, uncovered steps, stairs or walkways, any of which shall be five feet (5') or less in width and installed to provide access to the shoreline, are permitted within the shoreline setback. Such structures shall not be constructed in a manner that is parallel to the shoreline that would create a boardwalk along the waterfront (except where steep slopes require switchback designs).

~~7. Exceptions To The Required Setbacks: Certain parts of structures may be allowed to encroach into the required setbacks as described herein. Setbacks are modified further for attached housing, cottage housing and substandard lots.~~

~~8. Maximum Encroachment: No part of any structure shall encroach within ten feet (10') of the front property line, three feet (3') of the side property line(s) and five feet (5') of the rear property line.~~

~~9. General Exceptions: The following shall be permitted to encroach up to the maximum encroachment:~~

- ~~a. Established Building Lines: Sites with legally existing nonconforming development in a required setback are eligible for a onetime reduction to the required setbacks. The building line created by the nonconforming wall serves as the reduced setback line. At a maximum, the nonconforming wall may be doubled in length, e.g., a two foot (2') long wall within the side yard setback may be lengthened to four feet (4') total. The vertical height of the wall shall not be increased, e.g., a~~

~~second story cannot be placed up to the reduced setback line if the existing nonconforming wall is only one story high.~~

- ~~b. Minor Features: Minor features of a building such as eaves, chimneys, water collection cisterns and planters, bay windows, and uncovered balconies, may extend into the required setback. Bays and bay windows encroaching into the setback also must meet the following requirements: 1) each bay and bay window may be up to twelve feet (12') long, but the total area of all bays and bay windows on a building facade cannot be more than thirty percent (30%) of the linear total of the facade; 2) bays and bay windows must cantilever beyond the foundation of the building; and 3) the bay may not include any doors.~~
- ~~10. Specific Exceptions: The following shall be permitted to encroach up to the maximum encroachment and any structure shall be limited to fifteen feet (15') in height above grade for that portion encroaching into the setback area:~~
 - ~~a. Adjacent Structures: Where both adjacent lots on the primary frontage are developed with structures and both adjacent structures have front yard setbacks less than the minimum, the subject lot may build within the front setback to the maximum encroachment.~~
 - ~~b. Porches: Unenclosed front porches may encroach into the front yard setback up to the maximum encroachment.~~
 - ~~c. Garages: Garages shall not be permitted to encroach on the front yard setback but may be used in calculating adjacent structure setbacks as described above. Detached garages may encroach on side and rear setbacks up to the maximum encroachment. Detached garages are subject to additional requirements.~~

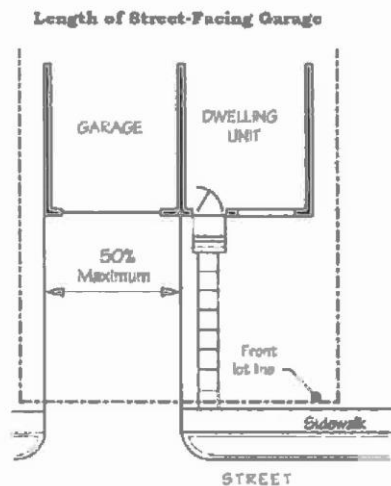
C. ~~Lot Coverage Impervious Surface:~~

- ~~1. Purpose: The building coverage standards, together with the height and setback standards control the overall bulk of structures. They are intended to assure that taller buildings will not have such a large footprint that their total bulk will overwhelm adjacent houses. Additionally, the standards help define the character of the different zones by limiting the amount of buildings allowed on a site. The impervious surface standards are intended to balance development flexibility with neighborhood livability and character. By limiting the total area of buildings, driveways, patios, and other hard surfaces on a lot, the ability to ensure open, outdoor character of residential areas to include lawns, landscaping, shade trees, natural spaces and gardens is enhanced. A single impervious surface limit provides a clear and predictable standard while allowing homeowners and builders flexibility in the arrangement of structures and improvements.~~
- ~~2. Building Footprint Impervious Surface: Each lot upon which a dwelling, private garage or other outbuilding is constructed shall have a maximum thirty five percent (35%) building footprint and a maximum thirty percent (30%) impervious surface, including building footprint, of 70% of the lot size.~~
- D. Building Height: No structure shall exceed a building height of forty feet (40') above the average elevation of the finished grade at the front of the building. On lots smaller than 5,000 square feet no structure shall exceed a building height of thirty feet (30') above the average elevation of the finished grade at the front of the building.
 - 1. Exceptions To The Maximum Height:
 - a. Chimneys, flagpoles, satellite receiving dishes, roof mounted solar panels and other similar items may extend above the height limit, as long as they do not exceed five feet (5') above the top of the highest point of the roof.
 - b. Utility power poles, and public safety facilities are exempt from the height limit.

E. Garages Design Standards:

1. Purpose: Together with the main entrance and street facing facade standards, these standards ensure that there is a physical and visual connection between the living area of the residence and the street. Additionally these standards:
 - a. Ensure that the location and amount of the living area of the residence, as seen from the street, is more prominent than the garage;
 - b. Prevent garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent entrance;
 - c. Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk; and
 - d. Enhance public safety by discouraging garages from blocking views of the street from inside the residence.
2. ~~Where These Standards Apply~~ Applicability: The regulations of this subsection E apply to all attached or detached garages in the residential multi-family zone. ~~On corner lots, only one street-facing garage wall must meet the standards of this subsection E.~~
3. ~~The Standards:~~
 - a. ~~Dimensions:~~
 - (1)a. ~~The length of the~~ Any garage wall entrance facing the street may be up to fifty percent (50%) of the length width of the street facing unit façade (see figure 1 of this section).

Figure 1



- (2)b. Garages shall be recessed, or may be flush to the primary facade when the primary facade contains an unenclosed porch having a depth of seven feet (7') or greater and occupying a minimum of twenty-five percent (25%) of the linear primary structure facade. No portion of a garage may protrude past the front of the primary facade of the dwelling unit.
- (3)c. Garages walls facing the street having building walls greater than twelve feet (12') in height ~~or facade walls greater than~~ or twenty-four feet (24') in length shall include architectural detail to

break up and limit the massive appearance of the wall. Doing so requires utilizing at least two (2) of the following architectural features on street facade:

- ~~(A) i.~~ Dormers;
- ~~(B) ii.~~ Gables;
- ~~(C) iii.~~ Covered porch entries;
- ~~(D) iv.~~ Pillars or posts;
- ~~(E) v.~~ Eaves;
- ~~(F) vi.~~ Offsets in building face or roof (minimum of sixteen inches (16"));
- ~~(G) vii.~~ Window trim;
- ~~(H) viii.~~ Bay windows;
- ~~(I) ix.~~ Balconies;
- ~~(J) x.~~ An alternative feature providing for visual relief, similar to subsections E.3.a.(3)(A) through E.3.a.(3)(I) of this section.

~~d. On corner lots, walls facing the side street must meet the standards of subsection E, 3, c.~~

~~e. Street-facing garages are prohibited on lots narrower than 37.5 feet in the residential multi-family zone.~~

~~b. Side and Rear Setbacks: In the residential multi-family zone, detached garages are allowed in the side and rear building setbacks if all of the following are met:~~

- ~~(1) The garage is set back at least twenty five feet (25') from a front lot line, and if on a corner or alley accessible lot, it may be constructed one foot from a flanking street or alley lot line;~~
- ~~(2) Dormers are set back at least five feet (5') from the side and rear lot lines.~~
- ~~(3) Second floor windows facing abutting lots utilize appropriate material (glass block or opaque glass) to maintain privacy of adjacent property.~~
- ~~(4) Maintenance easements are provided by adjacent property owner when utilizing less than a two foot (2') setback from adjacent property line.~~
- ~~(5) Snow drop and stormwater runoff from the structure are contained on site.~~

c. Existing Detached Garages:

- (1) Change of Use: In the residential multi-family zone, a detached garage that is in the side or rear setback may be converted to another type of detached covered accessory structure so long as it is compliant with regulations specified in section 9-1-8 or 9-1-5 of this title. Second floor windows facing abutting lots utilize appropriate material (glass block or opaque glass) to maintain privacy of adjacent property.
- (2) Rebuilding: A detached garage that is nonconforming due to its location in a setback, may be rebuilt on the footprint of the existing foundation, if the garage was originally constructed legally. Where the structure facade faces a street, garages utilizing this provision shall be designed and reconstructed in a manner to prevent a blank wall appearance through the utilization of projections, recessions, windows or other architectural treatment.

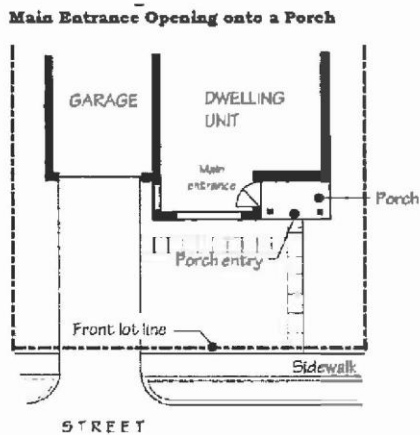
- (3) Additions: An addition may be made to a detached garage that is nonconforming due to its location in a setback ~~as follows provided the expansion complies with all other standards of this section.~~

~~(1) The expanded garage complies with all other standards of this section.~~

F. Main Entrances Design Standards:

1. Purpose: These standards:
 - a. Together with the street facing facade and garage standards, ensure that there is a physical and visual connection between the living area of the residence and the street;
 - b. Enhance public safety for residents and visitors and provide opportunities for community interaction;
 - c. Ensure that the pedestrian entrance is visible or clearly identifiable from the street by its orientation or articulation; and
 - d. Ensure that pedestrians can easily find the main entrance, and so establish how to enter the residence.
 - e. Ensure a connection to the public realm for development on lots fronting both private and public streets by making the pedestrian entrance visible or clearly identifiable from the public street.
2. Where These Standards Apply Applicability:
 - a. The standards of this subsection F apply to houses, attached houses, and manufactured homes, in the residential multi-family zone;
 - b. Where a proposal is for an alteration or addition to existing development, the standards of this subsection F apply only to the portion being altered or added;
 - c. On sites with frontage on both a private street and a public street, the standards apply to the site frontage on the public street. On all other sites with more than one street frontage, the applicant may choose on which frontage to meet the standards.
3. The Standards:
 - a. Location: At least one main entrance for each structure must:
 - (1) Either:
 - (A) Face the street. Be at an angle of up to forty-five degrees (45°) from the street; or
 - (B) Open onto a porch. See figure 2 of this section. The porch must be a covered unenclosed porch with a minimum of twenty-five (25) square feet in area.

Figure 2



G. Street Facing Facades Design Standards:

1. Purpose: ~~This~~ These standards:

- a. Together with the main entrance and garage standards, ensures that there is a visual connection between the living area of the residence and the street;
- b. Enhances public safety by allowing people to survey their neighborhood from inside their residences; and
- c. Provides a more pleasant pedestrian environment by preventing large expanses of blank facades along streets.

2. Where This Standard Applies Applicability: The standard of this subsection G applies to houses, attached homes, and manufactured homes in the residential multi-family zone. Where a proposal is for an alteration or addition to existing development, the applicant may choose to apply the standard either to the portion being altered or added, or to the entire street facing facade. PUDs that received preliminary plan approval prior to the adoption of this section are exempt from this standard.

3. The Standards: At least fifteen percent (15%) of the square footage area of each facade that faces a street lot line must be comprised of windows or main entrance doors. ~~Windows used to meet this standard must allow views from the building to the street. Glass block does not meet this standard. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. To count toward meeting this standard, a door must be at the main entrance and facing a street lot line.~~

H. Additional Standards Applicable ~~To~~ Multi-Family Development:

1. Purpose and Intent: The following design standards were established to improve the appearance, quality, and functions of multi-family housing. The standards herein apply to the development of multi-family housing in the "RM" zone of four (4) or more units including, but not limited to, apartments and condominiums.
2. Conflicting Standards: In the event that other standards of this title conflict with standards in this provision, the standards within this provision shall prevail.
3. Building Mechanicals, Service Elements, and Resident Amenities:

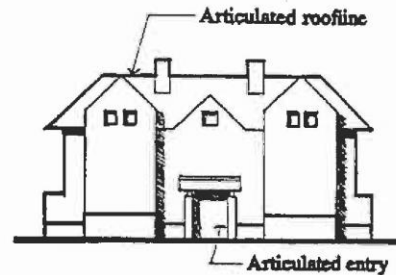
- a. Service areas, utility meters, and building mechanicals shall not be located on the street side of the building, nor on a side wall closer than ten feet (10') to the street side of the building. Screening of meters and mechanicals is required, regardless of location. Mailboxes are permitted within ten feet (10') of the front of the building if not visible from the street.
 - b. Trash and recycling containers, including cans and dumpsters, shall be screened so as not to be visible from the street or from neighboring properties. Screening shall be one foot higher than the container but not higher than six feet (6'), however roofed enclosures may exceed this limit.
 - c. Bike racks shall be provided and shall include space for at least two (2) bikes per unit.
 - d. Bike racks shall be located near building entries, shall not interfere with pedestrian circulation, and shall be well lit.
4. Pedestrian Circulation:
- a. There shall be a hard surfaced (e.g., pavement, pavers, concrete) pedestrian route from the sidewalk or street to the main building entrance and from the parking area to the nearest building entrance. Buildings with more than one entrance shall provide a designated pedestrian route between those entrances (e.g., from front to back).
5. Landscaping, Open Space, and Plantings:
- a. All portions of the site not covered by buildings, paving material, or other planned approved surfaces shall be considered "landscaped area" and shall be planted with living plant materials and/or mulches. Overall site landscaping shall include not less than:
 - (1) One front yard shade tree with a caliper no smaller than two inches (2") dbh per twenty-five (25) linear feet of lot frontage.
 - (2) One tree with a caliper no smaller than two inches (2") and ten (10) shrubs per six hundred (600) square feet of landscaped area.
 - b. Existing healthy trees shall be preserved to the greatest extent practicable; however, invasive or nuisance trees shall be removed. Existing damaged, decayed, or diseased trees should be removed to protect remaining trees. Construction near existing trees should follow best management practices to ensure their survival.
 - c. Landscaping should reinforce pedestrian circulation routes and obstruct undesired routes of convenience. Bushes, trees, rocks, and other landscape features should be used to indicate where pedestrians should and should not travel. Native and low water demand plantings are encouraged.
 - d. Outdoor seating including elements such as a bench or chair shall be provided at the ratio of one seating area per three (3) units which are to be incorporated into or adjacent to usable open space.
 - e. One functional outdoor open space with a minimum dimension of five hundred (500) square feet shall be provided per five (5) units.
6. Neighborhood Scale: The scale of those buildings developed within an existing neighborhood shall conform to the established scale. Appropriate scale multi-family development shall be achieved through the adherence of the following:
- a. The overall height of the multi-family structure shall relate to that of adjacent structures by avoiding construction that varies greatly in height from adjacent buildings. New multi-family structures shall graduate their maximum height based on adjacent structures using stepped roofs and/or partial stories. For example, the portion of a multi-family structure constructed adjacent

to a single story structure is limited to one and a half (1 ½) stories, and if constructed adjacent to a one and one-half (1½) story structure, the adjacent facade would be limited to two (2) stories.

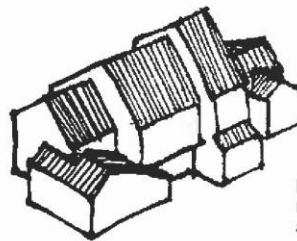
- b. Multi-family structures shall utilize a variety of building forms and roof shapes rather than boxlike forms with large, unvaried roofs. The building design shall provide manipulations to create clusters of units and variations of height, setback and roof shape.
7. Building Entrances:
- a. The primary entrance to the building shall be on the front elevation and shall face the street.
 - b. Building entrances shall be emphasized through projecting or recessing forms, detail, color, or materials.
 - c. A covering over the main entrance shall extend at least four feet (4') from the main door. Entrance features may encroach into the front yard setback a maximum of four feet (4').
8. Facade and Articulation:
- a. Buildings shall be divided into modules by using articulation or modulation at least every thirty (30) linear feet. Buildings shall use a common, unifying design theme throughout the project but not repeat the same pattern of architectural elements for more than four (4) consecutive modules. The use of at least one of the following techniques is required:
 - (1) Step the front facade building wall back or forward at least four feet (4') and change the roof shape or step the ridgeline to correspond to the wall change.
 - (2) Change several of the architectural elements for the width of the module, such as primary siding material, decks, windows, and entry designs.
 - (3) Break up the roofline and wall heights by use of dormers, gables, and similar variations. When flat roofs are used, add architectural detail such as cornice or fascia and modulation to reduce the perceived mass of the walls.
 - b. Buildings shall incorporate architectural details that will provide visual interest at a human scale. At least three (3) of the following shall be utilized:
 - (1) A one-story porch at entrances.
 - (2) Decorative details such as columns, bay windows, dormers, multi-lite windows, trim, or moldings to articulate the building facade.
 - (3) Roof details like brackets, wide (twelve inches (12") or more) cornices and wide (sixteen inches (16") or more) overhangs.
 - (4) Materials and/or color variations that coordinate with changes in the building modules and differentiate ground floors from upper floors.

Definitions:

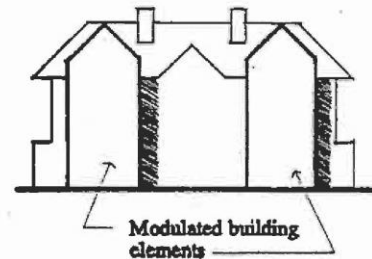
Articulation is the giving of emphasis to architectural elements (like windows, balconies, entries, etc.) that create a complementary pattern, or rhythm, dividing large buildings into smaller identifiable pieces.



Modulation is a measured offset or setback in a building's face.



Reduce the apparent size of a building by using modulation and articulation.



- c. Architectural treatment, similar to that provided to the front facade shall be provided to the sides and rear of the building to mitigate any negative view from any location off site and any public area (e.g., parking lots, walkways, etc.) on site.
 - d. The total area of windows and doors on the street facing facade, including trim, shall not be less than twenty percent (20%) of the total area of the facade, excluding gables. The first floor facade shall include windows to provide visual interest and visual connection to the street.
9. Parking: All parking areas shall be compliant with chapter 5 of this title. In addition, parking areas shall be designed to avoid their dominance of the streetscape. Parking shall be provided at the rear or side of the site to allow a majority of the dwelling units to "front on" the street.
- a. Parking areas shall be separated from primary buildings by a landscaped buffer of at least fifteen feet (15') in width.
10. Walls and Fences:
- a. Walls and fences exceeding fifty feet (50') in length shall provide variety and articulation at intervals not exceeding twenty-five feet (25') through at least one of the following methods:
 - (1) Expression of structure, such as post, column, or pilaster.
 - (2) Variation of material.
 - b. Chainlink fencing is prohibited except in circumstances where fencing is provided for recreational courts (basketball, etc.).
11. Design Standard Waivers: An applicant may request a waiver from one or more of the standards listed above. All requests for waivers shall be heard and decided by the planning commission or such design review subcommittee as may be created for such purpose. A waiver shall not be considered a right or special privilege but may be granted to an applicant that can meet the following findings:

- a. That the granting of the waiver will not be in conflict with the intent of the multi-family design standards, shall not negatively impact the existing neighborhood and shall enhance the overall design quality of the project;
- b. That there is an exceptional circumstance relating to the design or configuration of the property, which is not generally applicable to other properties or otherwise anticipated by the standards in the district.
- c. The granting of such relief will not be materially detrimental to the public health, safety or welfare, or injurious to the property, improvements or the quiet enjoyment of the surrounding properties and neighborhood.
- d. The granting of such relief will not be in conflict with the goals and policies of the comprehensive plan.

(Ord. 1263, 12-29-2011)

9-4-3: Reserved:

Editor's note(s)—Ord. No. 1383, adopted December 16, 2020, repealed § 9-4-3 which pertained to the watershed protection zone. Similar provisions can now be found in Title 7, Chapter 16, Watershed Protection and Access.

9-4-4: Rural Residential RR-1 Zone:

- A. Permitted Use Regulations: Permitted uses are single-family dwellings, horticultural uses for personal use only and not for profit with the exception of tree farms, home occupations, a dwelling unit with an attached or detached accessory dwelling unit as provided for in section 9-1-8 of this title, short term rentals subject to the licensing requirements set forth in title 3, chapter 12 of this code and parks.

Also permitted are fairground facilities, related events and activities lawfully established prior to the effective date of this section. (A list dated January 13, 1998, of the qualifying facilities, related events and activities which were lawfully established prior to the effective date of this section was provided by the Fair Association and shall be filed with the Sandpoint City Clerk by Bonner County.)

- B. Conditional Uses: Churches, police and fire stations, public utility facilities, schools public or private, except those schools of vocational nature which operate similarly to a retail business where a product or products may be purchased on the premises, expansion of existing or addition of new fairground facilities, barns, exhibit buildings, food facilities, storage buildings, indoor or outdoor arenas, similarly classified facilities and accessory buildings, and events related to the fairgrounds. Provided that a conditional use permit shall not be required to expand an existing event or add a new one that falls below the following thresholds for both event length and maximum attendance:

Event Length	Maximum Attendance For Entire Event
1 day	3,500
2—7 days	12,500 total event or 3,500 per day, whichever is less
8+ days	14,000 total event or 3,500 per day, whichever is less

Temporary expansions, structures or parking areas which will be in place for less than thirty (30) days and are directly related to an existing or new event that falls below the thresholds noted above do not require a conditional use permit.

- C. Prohibited Uses: The raising of poultry and animal kennels for commercial purposes.
- D. Areas: No building or structure, nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following described yards and lot areas are provided and maintained in connection with said building, structure or enlargement:
1. Yard Limits: Each lot upon which a dwelling, private garage or other outbuilding is constructed shall have a front yard of not less than twenty-five feet (25') in depth from the front lot line. Where lots comprising forty percent (40%) or more of the frontage between two (2) intersecting streets are developed with buildings having front yards, the average of such front yards shall establish the minimum front yard depth for the entire frontage; provided, however, that in no case shall said front yard be less than said twenty-five feet (25').
 2. Side Yard: On interior lots there shall be a side yard on each side of the outer walls of any building constructed thereon of not less than fifteen feet (15'). Buildings erected upon corner lots shall comply with the front yard requirement with regard to both streets; provided, however, that in the event it is impractical or would work great or unusual hardship upon any owner of a corner lot to require him to conform to such front yard requirements regarding both streets, then the commission may in its discretion permit such property owner to locate such building so that the front thereof conforms to the front yard requirement on the street upon which said building fronts and the side of such building may be such distance from the street right-of-way line as the commission may deem desirable; however, no nearer to the street right-of-way line than fifteen feet (15').
 3. Rear Yard: Each lot upon which a dwelling is constructed shall have a rear yard of not less than fifteen feet (15').
 4. Lot Areas: Every building erected shall be on a lot having an area of not less than one-half (½) acre.
 5. Lot Coverage: Each lot upon which a dwelling, private garage or other outbuilding is constructed shall have not more than thirty-five percent (35%) ~~of the lot occupied by such structures~~ impervious surface, including building footprint.
 6. Building Height: No structure shall exceed a building height of thirty-five feet (35') or two and one-half (2 ½) stories above the average elevation of the finished grade at the front of the building. Antennas are excluded from the requirements.

(Ord. 1236, 6-23-2010; amd. Ord. 1263, 12-29-2011; Ord. 1281, 5-15-2013; Ord. 1353, 6-6-2018)

9-4-5: Rural Residential RR-2 Zone:

- A. Permitted Use Regulations: Permitted uses are single-family dwellings, a dwelling unit with an attached accessory apartment occupying not more than thirty-three percent (33%) of the total floor area of the structure, tree farms, greenhouses and horticultural uses where no retail sales take place on the premises, bed and breakfast establishments providing not more than three (3) rooms are rented plus one family has a live in tenant, the raising of livestock for noncommercial purposes providing the livestock density does not exceed one animal for parcels of land totaling one acre or three (3) animals per two (2) acres and one additional animal per acre thereafter, home occupations, tourist homes and parks.
- B. Conditional Uses: Family daycare center, churches, police and fire stations, public utility facilities, schools public or private, except those schools of vocational nature which operate similarly to a retail business where a product or products may be purchased on the premises.
- C. Prohibited Uses: The raising of livestock for commercial purposes, kennels for commercial purposes.

- D. Areas: No building or structure, nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following described yards and lot areas are provided and maintained in connection with said building, structure or enlargement:
1. Yard Limits: Each lot upon which a dwelling, private garage or other outbuilding is constructed shall have a front yard of not less than twenty-five feet (25') in depth from the front lot line. Where lots comprising forty percent (40%) or more of the frontage between two (2) intersecting streets are developed with buildings having front yards, the average of such front yards shall establish the minimum front yard depth for the entire frontage; provided, however, that in no case shall said front yard be less than said twenty-five feet (25').
 2. Side Yard: On interior lots there shall be a side yard on each side of the outer walls of any building constructed thereon of not less than twenty-five feet (25'). Buildings erected upon corner lots shall comply with the front yard requirement with regard to both streets; provided, however, that in the event it is impractical or would work great or unusual hardship upon any owner of a corner lot to require him to conform to such front yard requirements regarding both streets, then the commission may in its discretion permit such property owner to locate such building so that the front thereof conforms to the front yard requirement on the street upon which said building fronts and the side of such building may be such distance from the street right of way line as the commission may deem desirable; however, no nearer to the street right of way line than twenty-five feet (25').
 3. Rear Yard: Each lot upon which a dwelling is constructed shall have a rear yard of not less than twenty-five feet (25').
 4. Lot Areas: Minimum lot size required shall be not less than two (2) acres.
 5. Lot Coverage: Each lot upon which a dwelling, private garage or other outbuilding is constructed shall have not more than twenty-five percent (25%) ~~of the lot occupied by such structures~~ impervious surface, including building footprint.
 6. Building Height: No structure shall exceed a building height of thirty-five feet (35') or two and one-half (2 ½) stories above the average elevation of the finished grade at the front of the building. Antennas are excluded from the requirements.

(Ord. 1236, 6-23-2010; amd. Ord. 1263, 12-29-2011; Ord. 1281, 5-15-2013)

9-4-6: Standards for Development of Residential Substandard Original Lots of Record:

9-4-6-1: Purpose and Intent:

The purpose of these provisions is to guide residential development on substandard lots, ensuring that the developments are compatible with the character and the scale of established housing.

- A. Applicability and General Provisions: The following standards and procedures apply to residential development of substandard lots as defined in section 9-1-3 of this title, and apply to:
1. Substandard lots in the residential single-family (RS) zone having a lot area of less than five thousand (5,000) square feet and/or a lot width of less than fifty feet (50'), and
 2. Substandard lots in the residential multi-family zone having a lot area of less than ~~five thousand (5,000)~~ three thousand five hundred (3,500) square feet and/or a lot width of less than twenty five feet (25'), except for townhouse lots which may have a lot size as small as two thousand five hundred (2,500) square feet and frontage as narrow as eighteen and three quarters feet (18.75').

3. ~~Development of single substandard corner lots with a width of less than thirty feet (30') shall not be allowed. Reconfiguration of two (2) contiguous substandard lots where one is a corner lot may be accomplished as provided for in title 10, chapter 2 of this code so long as their lot area is not reduced.~~
4. ~~These standards do not apply to lots that are part of a planned unit development and they do not take precedence over any note recorded on a subdivision plat.~~
5. ~~These standards do not apply to remodels of or expansions to legally established dwellings previously constructed on such lots, so long as other area requirements of the district are met.~~

(Ord. 1263, 12-29-2011)

9-4-6-2: Use Regulations:

Permitted land uses and building types shall be as set forth in this chapter.

(Ord. 1263, 12-29-2011)

9-4-6-3: Development Standards:

- ~~A. Design Review Required For Development of Substandard Lots: Development of three (3) or fewer dwelling units on three (3) contiguous substandard lots shall be subject to staff level review in conjunction with their building permit application.~~

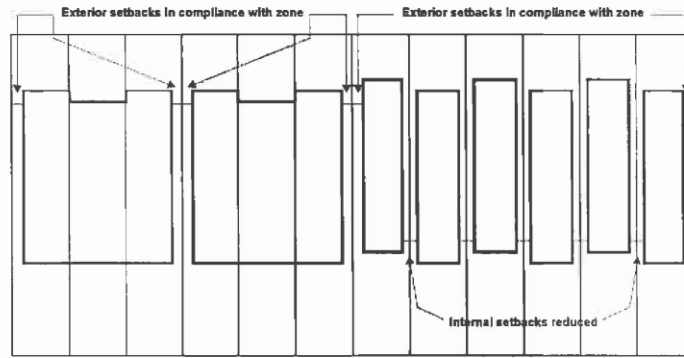
~~Except as otherwise provided herein, design review for the development of four (4) or more dwelling units, as well as the development of units with front loading garages, shall include referral to the planning commission or such design review subcommittee as may be created for such purpose, in conjunction with site plan review as provided for in subsection 9-1-4C of this title. Additional design review standards and guidelines are contained herein.~~

~~Adjoining property owners shall be notified of any development proposed under these provisions that is subject to review by the commission as noted above. Said notice shall inform such owners they may comment on the application during a period of not less than fifteen (15) days after mailing of the notice and prior to final action on said application.~~

BA. Setbacks in the RS zone:

1. Front Setbacks: The front ~~yard~~ setback for livable space and porches shall be allowed as provided in the ~~property's underlying RS zone. Adjoining lots developed at the same time shall contain different setbacks.~~
2. ~~s~~Street side ~~yard~~ setbacks: Street side yard setbacks shall be ten feet (10') for livable space and porches and twenty-five feet (25') for parking, ~~unless one of the following is applied:~~
23. Interior Side Setbacks (between structures in a common development): Interior side setbacks shall be in accordance with the ~~applicable RS zone, unless one of the following is applied:~~
 - a. Common Lot Line Attached Units in the RS zone: Up to three (3) units may be attached at the common lot lines, ~~provided that the exterior setbacks (unattached side setbacks) adhere to those required by the zone.~~
 - b. Detached Units ~~On~~ Contiguous Lots: When two (2) or more ~~detached~~ single-family units are proposed as a development project on contiguous lots, the interior side yard setbacks may be reduced to three feet (3') ~~provided that the exterior setbacks to the development adhere to the setbacks that are required by the zone.~~

4. Non-street Side Exterior Setbacks: When two (2) or more attached or detached single-family units are proposed as a development project on contiguous lots, the exterior side yard setbacks shall adhere to those required by the RS zone.
5. The second story of a two-story attached building shall be set back a minimum of eight feet (8') from the side property line; provided, bay windows, pop outs or other architectural appurtenances may be allowed at the setback line required by the RS zone.



~~Such reduced interior side yard setback shall be measured from property line to eave rather than building wall; as may otherwise be allowed and may require compliance with additional building and fire code provisions (i.e., roof designed for higher snow load and provision of snow stops, installation of residential sprinkler system).~~



36. Rear Setbacks: Rear ~~yard~~ setbacks shall be as required by the RS zoning district ~~in which the substandard lot is located.~~
47. Garage: A single-story, detached garage, a maximum of five hundred (500) square feet, accessed off of an alley may have a three foot (3') side setback.

(Ord. 1263, 12-29-2011)

9-4-6-4: Building Height:

- A. In the RM zone, structures on substandard lots ~~structures~~ shall not exceed two (2) stories or thirty feet (30'), whichever is lower.



- B. In the RS zone, new structures on substandard lots ~~structures~~ shall not exceed ~~twenty~~ twenty-five feet (~~20'25'~~) or ~~one and a half~~ two stories, whichever is lower. ~~A one and a half story structure can be defined as:~~
1. ~~A structure that includes a daylight basement that is sunk into the ground a minimum of four feet (4').~~



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2. ~~A structure that contains the second story within the pitched roofline.~~



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- C. ~~In the RS zone, a two-story structure less than twenty-five feet (25') may be permitted where:~~

1. ~~Both adjacent properties are developed with two-story structures; or~~
2. ~~The development has been designed to minimize impacts to adjoining properties, as determined by the planning director. The factors to consider shall include: the size and height of the adjacent dwelling units; privacy impacts on adjacent properties; the height, mass, window placement and roofline pitch of the proposed structure; and the overall design of the upper story of the proposed structure. Upper story limitations or setbacks on the new building may be an acceptable means of ensuring compatibility with adjacent structures of smaller size.~~



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~~{Ord. 1263, 12-29-2011}~~

~~9-4-6-5: Private Open Space:~~

~~All substandard lots must provide a minimum of three hundred seventy-five (375) square feet of private open space in the rear yard. This open space must be configured as a fifteen by twenty five foot (15 × 25') open space (which includes the required setbacks) of that required space a minimum dimension of ten by fifteen feet (10 × 15') shall be open to the sky. Covered unenclosed rear porches are allowed to be calculated as part of the private open space area.~~

~~{Ord. 1263, 12-29-2011}~~

~~9-4-6-6: Landscaping:~~

~~At a minimum, landscaping for each nonconforming lot of record shall include the planting of one tree of not less than two inches (2") dbh within the front yard setback.~~

~~{Ord. 1263, 12-29-2011}~~

9-4-6-75: Parking:

- A. Each dwelling shall be provided with off-street parking in accordance with chapter 5 of this title.
- B. Vehicular access and parking shall be provided according to the following standards:
 1. Parking accessed via alleys is ~~encouraged~~ required where possible.

~~2. Street-facing garages are prohibited on lots with frontage of less than thirty-seven and a half feet (37.5').~~

~~3. Garages shall be developed in accordance with the requirements of the underlying zone.~~

~~2. Units with front loading garages (where access to alley is not available or practical):~~

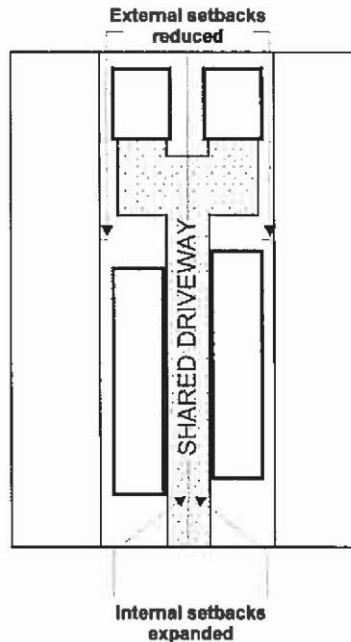
- ~~a. Any attached, front loading garage shall include design elements that will provide varied rooflines, dormers within the roofline or other architectural treatments that will avoid the appearance of garage domination. The setback of the garage face shall be twenty five feet (25').~~
- ~~b. Porches, living space, or other projecting features above such front loading garages are required. Structures incorporating such features above a front loading garage shall not be subject to review by the commission.~~



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- ~~c. Attached, front loading garages shall be limited to single car width; two (2) car garages must be designed for tandem parking.~~
- ~~d. The use of a ten foot (10') wide shared driveway providing access to rear yard garages that are attached with a common wall on the property line is allowed.~~
- ~~e. Where a shared driveway is proposed between two (2) units, each unit may be allowed to reduce the outside side yard setback from five feet (5') to three feet (3') to provide for a driveway width greater than ten feet (10').~~

~~Such reduction is contingent upon approval of a stormwater plan. In addition, the reduced setback shall be measured from property line to eave rather than building wall as may otherwise be allowed and may require compliance with additional building and fire code provisions (i.e., roof designed for higher snow load and provision of snow stops, installation of residential sprinkler system).~~



3. ~~The driveway may be designed with concrete wheel strips or grass pavers that are separated by vegetation.~~

(Ord. 1263, 12-29-2011)

9-4-6-8: Attached Housing Arrangements:

A. ~~Attached Units Encouraged: Attaching single-family units in multiples of two (2) or three (3) on common lot lines is encouraged as a means of creating more substantial structures that will be imitative of standard width single-family homes. Such units remain subject to the general design criteria stated in this chapter and do not require a planned unit development application.~~

1. ~~In the RS zone, no greater than three (3) contiguous attached dwelling units shall be permitted. In the RS zone, attached housing shall contribute to the single-family character of the neighborhood by utilizing exemplary design and architecture to seamlessly integrate with other structures in the vicinity.~~

B. ~~Additional Requirements for Attached Buildings:~~

1. ~~Attached buildings shall be constructed to comply with townhouse construction standards in accordance with the building code adopted by the city of Sandpoint.~~
2. ~~The city attorney shall review and approve all easement agreements an applicant or builder seeks to obtain for the use and maintenance of common facilities such as driveways, parking sites and common party walls. All such easements shall be recorded in the records of Bonner County prior to an applicant or builder seeking a building permit under this chapter.~~
3. ~~Adjustments to lot lines and reduction in the number of lots within the same parcel are subject to review and approval pursuant to all applicable city of Sandpoint subdivision and zoning regulations. The applicant shall obtain approval from the city of Sandpoint and record any lot line adjustments or reduction in lots with the Bonner County recorder prior to submission for a building permit.~~
4. ~~The first story of a two-story attached building shall be set back a minimum of five feet (5') from the side property line. The second story of a two-story attached building shall be set back a minimum of~~

eight feet (8') from the side property line; provided, bay windows, pop outs or other architectural appurtenances may be allowed at the five foot (5') setback line in the residential multi-family zone.

(Ord. 1263, 12-29-2011)

~~9-4-6-9: Design Guidelines for Substandard Lots:~~

Development on substandard lots requires site plan review approval. As applicable to their required review process, city staff and the planning commission or such design review subcommittee as may be created for such purpose shall take into account the location and design of adjacent buildings, landscaping and right-of-way improvements, and shall apply the following criteria as appropriate: Each substandard lot shall be developed in accordance with the design guidelines for the underlying zone.

~~A. Front Facade Design Requirements:~~

- ~~1. Homes shall have a front door that faces the street. When a unit is built on a corner lot, the door shall face the dominant street.~~
- ~~2. In lieu of a street facing front door, the applicant may construct a prominent front porch that is a minimum of six feet (6') in depth and the dwelling shall have A dwelling shall have a minimum of twenty five percent (25%) of the front facade comprised of windows and/or door openings. For homes with front loaded garages, the garage door shall not count toward the window opening requirements. The garage door shall include design elements such as: panels, windows, trim features, cross members, or other architectural features as determined by the commission or staff.~~
- ~~3. Detached dwelling units shall provide a facade that substantially differs from the facade of adjacent structures. Variations in materials alone will not be considered sufficient. The unique facade may be obtained through the use of structural changes or through the use of substantial design elements. In addition to complying with the preceding design guidelines, tThe front facade shall include multiple design elements such as: multipaned windows, varied rooflines, dormers, bay windows, wainscoting, a covered front door, a usable front porch or other elements as approved by the commission or staff that create a unique facade. Articulated designs may repeat on noncontiguous lots.~~
- ~~4. Attached units shall provide modulation and architectural design features to prevent flat facade wall planes.~~

~~B. Orientation of Buildings: All buildings shall be oriented toward a public street. When buildings cannot be oriented toward a public street due to inadequate street frontage or similar circumstances, the buildings shall be oriented toward a private street or lane that conforms to city standards.~~

~~C. Stormwater Runoff: Stormwater runoff shall be directed to the front or rear yard and shall be treated in accordance with standards of the Sandpoint stormwater ordinance.~~

(Ord. 1263, 12-29-2011)

~~9-4-6-10: Design Guideline and Development Standards Waivers for Substandard Lots:~~

~~A. The applicant may request a waiver from one or more of the standards listed in section 9-4-6-9 of this chapter or from the height and parking requirements of sections 9-4-6-4 and 9-4-6-7 of this chapter. All requests for waivers shall be heard and decided by the planning commission or such design review subcommittee as may be created for such purpose. A waiver shall not be considered a right or special privilege but may be granted to an applicant that can meet the following findings:~~

- ~~1. That the granting of the waiver will not be in conflict with the intent of the substandard lot ordinance, shall not negatively impact the existing neighborhood and shall enhance the overall design quality of the project;~~
 - ~~2. That there is an exceptional circumstance relating to the design or configuration of the property, which is not generally applicable to other properties or otherwise anticipated by the standards in the district.~~
 - ~~3. The granting of such relief will not be materially detrimental to the public health, safety or welfare, or injurious to the property, improvements or the quiet enjoyment of the surrounding properties and neighborhood.~~
 - ~~4. The granting of such relief will not be in conflict with the goals and policies of the comprehensive plan.~~
- ~~(Ord. 1263, 12-29-2011)~~

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.)

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.

DUPLEX: A two family dwelling where neither unit contains less than twenty five percent (25%) of the total habitable floor area of the structure.

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 OR TWO-FAMILY:~~ A building, including modular housing, containing two (2) dwelling units with a common wall located on a single lot.

DWELLING, SINGLE-FAMILY ATTACHED: An ~~individually owned~~ single-family attached 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 dwelling unit and not including timeshare ownership of that dwelling unit.

DWELLING UNIT: One or more rooms designed for occupancy by one family for living purposes and having only one 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 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 housekeeping unit using one kitchen.

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

FRONTAGE: All property on one 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 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 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 on one 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 ~~parcel or~~ plot of land legally divided from a larger area of land occupied or suitable for occupancy by one 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 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 ~~or parcel~~ that does not meet the minimum lot width or area requirements of the district in which it is located. Such lot ~~or parcel~~ may be utilized for those uses permitted within its zoning district if all other requirements of this title are met. ~~For the purpose of this definition, residentially zoned lots or parcels must have been created prior to March 10, 1980, and industrially zoned lots or parcels must have been created prior to April 20, 2011, or they must have existed prior to their annexation into the city of Sandpoint, whichever occurred first.~~ 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 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 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 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 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 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)

9-4-1: Residential Single-Family (RS) Zone:

9-4-1-1: Purpose:

The Single-Family Zone is intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the comprehensive plan policies and designations for single-family housing in the CA-2 areas identified in the 2009 comprehensive plan.

(Ord. 1263, 12-29-2011)

9-4-1-2: Use Regulations:

The use regulations are intended to create, maintain and promote single dwelling neighborhoods. They allow for some nonhousehold living uses but not to such an extent as to sacrifice the overall image and character of the single dwelling neighborhood.

The following regulations shall apply:

- P Permitted use
- C Conditional use¹
- N Not permitted

<u>Residential (except for uses located on original substandard lots of record):</u>	
Accessory dwellings as provided in section 9-1-8 of this title	P
~~Attached housing~~	~~P²~~
<u>Duplex on a single lot</u>	<u>N</u>
Cottage housing in accordance with section 9-4-7 of this chapter	P ³
Gated communities	N
Manufactured homes subject to the following provisions, conditions, and regulations:	P
A. The manufactured home shall be multi-sectional, unless sited in a recognized, existing or newly created manufactured housing community.	
B. The manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter in such a manner that the home is located not more than twelve inches (12") above grade.	

C. In addition to the provisions of subsection A of this use, a manufactured home shall be subject to any development standard, architectural requirements and minimum size requirements to which a conventional single-family residential dwelling on the same lot would be subjected.	
Multi-family dwellings	N
Short term rentals subject to the licensing requirements set forth in title 3, chapter 12 of this Code	P
Single-family dwellings, private garages, and such outbuildings as may be incidental thereto. Such outbuildings shall not be used, occupied or equipped for a permanent dwelling or guesthouse and not more than 1 dwelling shall occupy 1 lot, except as otherwise provided for in this title	P
<u>Residential (located on original substandard lots of record):</u>	
<u>Single-family dwellings</u>	<u>P²</u>
<u>Duplex on a single lot</u>	<u>N</u>
<u>Attached housing (two or three units)</u>	<u>P²</u>
<u>Nonresidential:</u>	
Cemeteries	C
Churches and accessory buildings used for religious teachings	C
Community centers, nonmunicipally owned	N
Daycare, including homeschooling:	
Home (6 or less - home occupation)	P
Group (7—12)	N
Daycare facilities (13+)	N
Fire stations	N
Home occupations	P
Kennels; commercial or private, even as a home occupation	N
Libraries	C
Municipally owned facilities	P
Other uses not specifically listed	N
Parks or playgrounds:	
Private	C
Public	P
Police stations	N
Public utility facilities	P
Recreation buildings, nonmunicipally owned	N
Schools, public or private, except those schools of vocational nature which operate similarly to a retail business where a product or products may be purchased on the premises	C

Notes:

- Any use legally established as a permitted use now subject to conditional use approval shall be subject to conditional use approval to expand such use.
- Subject to standards set forth for the standards for development of residential original substandard lots of record, SCC 9-4-6.
- Subject to standards set forth for cottage housing development.
- ~~Development of attached housing units or cottage housing in the RS Zone shall not be restricted by this provision.~~

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(Supp. No. 2, Update 1)

(Ord. 1263, 12-29-2011; amd. Ord. 1281, 5-15-2013; Ord. 1336, 11-2-2016; Ord. 1353, 6-6-2018)

9-4-1-3: Development Standards:

The development standards for the Residential Single-Family Zone preserve the character of single-family neighborhoods and provide flexibility to allow different densities and development standards. The development standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The site development standards allow for flexibility of development while maintaining compatibility within the city's various single-family neighborhoods. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

- A. Lot Areas: No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following described yards and lot areas are provided and maintained in connection with said building, structure or enlargement:

Every building erected shall be on a lot having an area of not less than five thousand (5,000) square feet with a frontage on public streets of not less than fifty feet (50') and shall have a width of not less than fifty feet (50') at the front building line. Lots with frontage on a cul-de-sac shall have a minimum frontage on a public road of not less than fifty feet (50').

- B. Setbacks:

1. Purpose: The setback regulations for buildings and garage entrances serve several purposes:
 - a. They maintain light, air, separation for fire protection, and access for firefighting;
 - b. They reflect the general building scale and placement of houses in the city's single-family neighborhoods;
 - c. They promote a reasonable physical relationship between residences;
 - d. They promote options for privacy for neighboring properties;
 - e. They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;
 - f. They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity; and
 - g. They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.
2. General Exception to all Setbacks: Minor features of a building such as eaves, chimneys, water collection cisterns and planters, air conditioning units, bay windows, uncovered balconies, covered side and rear entryway overhangs, may extend into the required setback. Bays and bay windows encroaching into the setback also must meet the following requirements: a) each bay and bay window may be up to twelve feet (12') long, but the total area of all bays and bay windows on a building facade cannot be more than thirty percent (30%) of the linear total of the facade; b) bays and bay windows must cantilever beyond the foundation of the building; and c) the bay may not include any doors.
3. Front Yard Limits Setbacks: Each lot shall have a front yard setback of not less than twenty feet (20') in depth from front lot line ~~unless provided for elsewhere in this code, except as follows:-~~

- a. Porches: Unenclosed front porches may encroach into the front yard setback up to ten feet (10') from the front lot line.
 - b. Garages: Any garage, detached or attached, shall be set back a minimum of twenty-five feet (25') from the front lot line.
- 3. Side Yard Setbacks: Each lot shall have a side setback of not less than five feet (5') in depth from the side lot line, except as follows:
 - a. On interior lots there shall be a side yard on each side of the outer walls of any building constructed thereon of not less than five feet (5').
 - ba. Street Side Yard Setback: Buildings erected upon corner lots need only comply with the front yard requirement with regard to their primary facade, which is designated as having the primary entrance. A side yard setback is required for flanking streets on corner lots. The street side setback shall be twenty feet (20') unless features such as projections, recessions, windows, or other architectural treatment are incorporated to prevent a blank wall appearance, in which case the street side setback may be reduced to ten feet (10'). This standard does not apply to garages accessed off the side street.
 - b. Garages:
 - i. Detached garages on interior lots shall have a side setback of no less than three feet (3').
 - ii. Garages accessed from on a street side lot line yard which include parking between the garage and the lot line shall have a setback of no less than twenty-five feet (25') from the street side yard lot line
 - iii. Garages accessed from a street side lot line which do not include parking between the garage and the lot line shall have a setback of no more than three feet (3') and no less than one foot (1') to prevent parking overhang onto the public right of way.
 - iv. Garages accessed from an alley shall adhere to the street side setback as established above in 3a.
 - c. Accessory buildings/structures shall have a setback from the side lot line of five feet (5').
 - d. Accessory dwelling units shall follow the regulations of accessory buildings unless located above a garage, in which case they shall follow the standards for garages regulations.
- 4. Rear Yard Setbacks: Each lot upon which a dwelling is constructed shall have a rear yard setback of not less than fifteen feet (15') in depth from the property lot line, except as follows:
 - a. Alley accessed garages shall have a setback from the rear lot line of one foot (1')
 - b. Accessory buildings shall have a setback from the rear lot line of five feet (5')
 - c. Accessory dwelling units shall follow the regulations of accessory buildings unless located above a garage, in which case they shall follow the standards for garages.
- 5. Garage and Parking Entrance Setback: To avoid vehicles parking on the sidewalk, no front entry garage shall be constructed within twenty-five feet (25') of a property line having frontage along a public street. Any uncovered off-street parking developed within the front yard setback shall have a minimum depth of twenty-five feet (25').
- 65. Riparian and Shoreline Setback:

- a. Purpose: The purpose of this subsection B.6. is to protect scenic and recreational resources, water quality and natural shoreline habitat. In addition, shoreline setbacks and buffers help avoid damage to development from erosion and flooding.

The waterfront building setback for new development and redevelopment (tear downs) along waterfront properties within the city of Sandpoint shall be a minimum of forty feet (40') from the artificial high water mark. For purposes of this subsection B.6., the artificial high water mark shall be considered according to the North American vertical datum of 1988 (NAVD88) as 2,066.4 or 2,062.5 feet using the national geodetic vertical datum of 1929 (NGVD29).

New development adhering to the forty foot (40') setback and/or reconstruction that involves issuance of a building permit for greater than twenty-five thousand dollars (\$25,000.00) of improvements, shall be required to plant fifty percent (50%) of the area in the minimum twenty-five foot (25') building setback with native vegetation comprised of a mixture of grasses and shrubs. For the purpose of this subsection B6, building permit valuation shall be a cumulative aggregate from the date of the adoption hereof forward.

The city shall assist the applicant in determining appropriate native vegetation required, and will coordinate with the applicant on the planting success the following year.

The building setback can be reduced to twenty-five feet (25') if the setback area is revegetated with primarily native vegetation. Establishment of a tree canopy is encouraged. No constructed structures other than those required for waterfront access/docks are allowed within the twenty-five foot (25') setback. The applicant shall record on the title documentation from the city of Sandpoint confirming that the structure has been built under the flexible setback option and as such, the structure is conforming and the area within the twenty-five foot (25') lakefront setback is to remain planted primarily with native vegetation (as described above).

A variance may be sought for those projects or activities for which it can be demonstrated that strict compliance would result in a practical difficulty. City owned property shall be exempt from the required standards.

- b. Shoreline Setback Exceptions: Placement of constructed trams, rails, uncovered steps, stairs or walkways, any of which shall be five feet (5') or less in width and installed to provide access to the shoreline, are permitted within the shoreline setback. Such structures shall not be constructed in a manner that is parallel to the shoreline that would create a boardwalk along the waterfront (except where steep slopes require switchback designs).

~~7. Exceptions To The Required Setbacks: Certain parts of structures may be allowed to encroach into the required setbacks as described herein. Setbacks are modified further for attached housing, cottage housing and substandard lots.~~

- ~~a. Maximum Encroachment: No part of any structure shall encroach within fifteen feet (15') of the front property line, three feet (3') of the side property line(s) and ten feet (10') of the rear property line.~~

- ~~b. General Exceptions: The following shall be permitted to encroach up to the maximum encroachment:~~

- ~~(1) Established Building Lines: Sites with legally existing nonconforming development in a required setback are eligible for a onetime reduction to the required setbacks. The building line created by the nonconforming wall serves as the reduced setback line. At a maximum, the nonconforming wall may be doubled in length, e.g., a two foot (2') long wall within the side yard setback~~

may be lengthened to four feet (4') total. The vertical height of the wall shall not be increased, e.g., a second story cannot be placed up to the reduced setback line if the existing nonconforming wall is only one story high.

- (2) ~~Minor Features: Minor features of a building such as eaves, chimneys, water collection cisterns and planters, bay windows, and uncovered balconies, may extend into the required setback. Bays and bay windows encroaching into the setback also must meet the following requirements: a) each bay and bay window may be up to twelve feet (12') long, but the total area of all bays and bay windows on a building facade cannot be more than thirty percent (30%) of the linear total of the facade; b) bays and bay windows must cantilever beyond the foundation of the building; and c) the bay may not include any doors.~~

8. ~~Specific Exceptions: The following shall be permitted to encroach up to the maximum encroachment. Any structure shall be limited to fifteen feet (15') in height above grade for that portion within the setback area.~~

- a. ~~Adjacent Structures: Where both adjacent lots on the primary frontage are developed with structures and both adjacent structures have front yard setbacks less than the minimum, the subject lot may build within the front setback to the maximum encroachment.~~
- b. ~~Porches: Unenclosed front porches may encroach into the front yard setback up to ten feet (10') from the front property line.~~
- c. ~~Garages: Garages shall not be permitted to encroach on the front yard setback but may be used in calculating adjacent structure setbacks as described above. Detached garages may encroach on side and rear setbacks up to the maximum encroachment. Detached garages are subject to additional requirements.~~

C. Lot Coverage and Impervious Surface:

1. ~~Purpose: The building coverage standards, together with the height and setback standards control the overall bulk of structures. They are intended to assure that taller buildings will not have such a large footprint that their total bulk will overwhelm adjacent houses. Additionally, the standards help define the character of the different zones by limiting the amount of buildings allowed on a site. The lot coverage, building footprint, and impervious surface standards in the RS zone are intended to balance development flexibility with the preservation of neighborhood character, access to light and air, and the traditional open, landscaped qualities of single-family residential areas. By limiting the extent of impervious surfaces, including buildings, driveways, patios, and similar improvements, the code promotes landscaping, shade trees, gardens, and other pervious outdoor spaces that define the visual and environmental character of Sandpoint's neighborhoods.~~

In addition, the two-story building footprint limit is intended to manage the bulk and massing of taller residential structures. This standard accommodates larger single-story homes while preventing the construction of disproportionately large or imposing two-story forms that diminish neighboring access to light, air, and privacy. Together, these standards provide a clear and predictable framework that supports homeowner flexibility and housing choice while ensuring that new development remains compatible with the scale and livability of established RS neighborhoods.

2. ~~Building Footprint: Each lot upon which a dwelling, private garage or other outbuilding is constructed shall have a maximum thirty five percent (35%) building footprint and a maximum thirty percent (30%) impervious surface.~~

2. Maximum Impervious Surface: Each lot upon which a dwelling, garage or other accessory structure is constructed shall have a maximum impervious surface (including building footprint and surfaces such as driveways, walkways, patios, and parking areas) of 70% of the lot size.
- D. ~~Building Height: No structure shall exceed a building height of thirty-five feet (35') above the average elevation of the finished grade at the front of the building.~~
1. Purpose: The building height standards are intended to maintain an appropriate sense of scale within Sandpoint's single-family residential neighborhoods by preventing individual structures from dominating the built environment or encroaching on adjacent homes. By linking maximum height to the proportion of lot area covered by a structure, these standards encourage a variety of building forms, preserve access to light and air, reduce the visual mass of two-story construction, and support the open, traditional character of Sandpoint's residential areas. The standards work in concert with setbacks and impervious surface limits to promote compatible development patterns and protect neighborhood livability.
 2. No structure on a lot shall exceed the following height limits as measured from the finished grade:

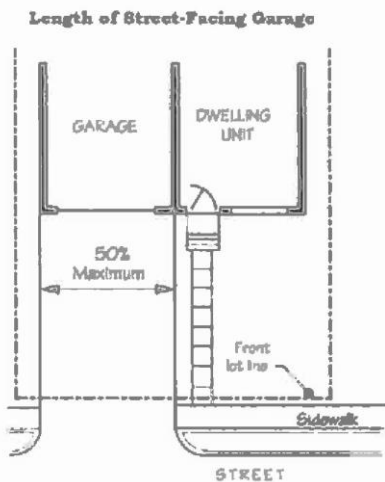
<u>Lot coverage percentage</u>	<u>Building height</u>
<u>Up to 35%</u>	<u>35' maximum</u>
<u>Greater than 35% up to 70%</u>	<u>18' maximum</u>

For the purposes of this section, any horizontal area of a building or structure that is located below any portion of a roof or building element whose height exceeds eighteen feet (18') above finished grade shall be counted towards the lot coverage for structures exceeding eighteen feet (18'). This includes, but is not limited to:

- a. All floor area, enclosed or unenclosed, located beneath a roof plane that reaches or exceeds 18' in height;
 - b. Cantilevers, covered porches, decks, breezeways, or other projections whose covering or structure support exceeds 18'; and
 - c. Any vertical building element, such as walls, gables, dormers, roof extensions, or architectural projections, whose highest point exceeds 18'.
13. Exceptions To The Maximum Height:
- a. Chimneys, flagpoles, satellite receiving dishes, roof mounted solar panels and other similar items may extend above the height limit, as long as they do not exceed five feet (5') above the top of the highest point of the roof.
 - b. Utility power poles, and public safety facilities are exempt from the height limit.
- E. Garages Design Standards:
1. Purpose: Together with the main entrance and street facing facade standards, these standards ensure that there is a physical and visual connection between the living area of the residence and the street. Additionally these standards:
 - a. Ensure that the location and amount of the living area of the residence, as seen from the street, is more prominent than the garage;

- b. Prevent garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent entrance;
 - c. Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk; and
 - d. Enhance public safety by discouraging garages from blocking views of the street from inside the residence.
2. ~~Where These Standards Apply~~ Applicability: The regulations of this subsection E apply to all attached or detached garages in the residential single-family zone. ~~On corner lots, only one street facing garage wall must meet the standards of this subsection E.~~
3. ~~The Standards:~~
- a. ~~Dimensions:~~
- (1)a. ~~The length of the~~ Any garage wall entrance facing the street may be up to fifty percent (50%) of the ~~length~~ width of the street facing unit facade (see figure 1 of this section).
 - (2) ~~For attached houses on corner lots, garage walls are limited to twenty five feet (25') in length.~~

Figure 1



- (2)b. Garages shall be recessed, or may be flush to the primary facade when the primary facade contains an unenclosed porch having a depth of seven feet (7') or greater and occupying a minimum of twenty-five percent (25%) of the linear primary structure facade. No portion of a garage may protrude past the front of the primary facade of the dwelling unit.
- (3)c. ~~Garages walls facing the street having building walls greater than twelve feet (12') in height or facade walls greater than or twenty-four feet (24') in length shall include architectural detail to break up and limit the massive appearance of the wall. Doing so requires utilizing at least two (2) of the following architectural features on street facade:~~
 - (A)i. Dormers;
 - (B)ii. Gables;

~~(C) iii.~~ Covered porch entries;

~~(D) iv.~~ Pillars or posts;

~~(E) v.~~ Eaves;

~~(F) vi.~~ Offsets in building face or roof (minimum of sixteen inches (16"));

~~(G) vii.~~ Window trim;

~~(H) viii.~~ Bay windows;

~~(I) ix.~~ Balconies;

~~(J) x.~~ An alternative feature providing for visual relief, ~~similar to subsections E.3.a.(3)(A) through E.3.a.(3)(I) of this section.~~

~~b.d.~~ On corner lots, walls facing the side street must meet the standards of subsection E, 3, c.

e. Street-facing garages are prohibited on lots narrower than 37.5 feet in the residential single-family zone.

~~b. Side and Rear Setbacks: In the residential single family zone, detached garages are allowed in the side and rear building setbacks if all of the following are met:~~

~~(1) The garage is set back at least twenty five feet (25') from a front lot line, and if on a corner or alley accessible lot, it may be constructed one foot (1') from a flanking street or alley lot line;~~

~~(2) Dormers are set back at least five feet (5') from the side and rear lot lines.~~

~~(3) Second floor windows facing abutting lots utilize appropriate material (glass block or opaque glass) to maintain privacy of adjacent property.~~

~~(4) Maintenance easements are provided by adjacent property owner when utilizing less than a two foot (2') setback from adjacent property line.~~

~~(5) Snow drop and stormwater runoff from the structure are contained on site.~~

4. Existing Detached Garages:

a. Change of Use: In the residential single-family zone, a detached garage that is in the side or rear setback may be converted to another type of detached covered accessory structure so long as it is compliant with regulations specified in section 9-1-8 or 9-1-5 of this title. Second floor windows facing abutting lots utilize appropriate material (glass block or opaque glass) to maintain privacy of adjacent property.

b. Rebuilding: A detached garage that is nonconforming due to its location in a setback, may be rebuilt on the footprint of the existing foundation, if the garage was originally constructed legally. Where the structure facade faces a street, garages utilizing this provision shall be designed and reconstructed in a manner to prevent a blank wall appearance through the utilization of projections, recessions, windows or other architectural treatment.

c. Additions: An addition may be made to a detached garage that is nonconforming due to its location in a setback ~~as follows~~ provided the expansion complies with all other standards of this section.

~~(1) The expanded garage complies with all other standards of this section.~~

F. Main Entrances Design Standards:

1. Purpose: These standards:

- a. Together with the street facing facade and garage standards, ensure that there is a physical and visual connection between the living area of the residence and the street;
- b. Enhance public safety for residents and visitors and provide opportunities for community interaction;
- c. Ensure that the pedestrian entrance is visible or clearly identifiable from the street by its orientation or articulation; and
- d. Ensure that pedestrians can easily find the main entrance, and so establish how to enter the residence.
- e. Ensure a connection to the public realm for development on lots fronting both private and public streets by making the pedestrian entrance visible or clearly identifiable from the public street.

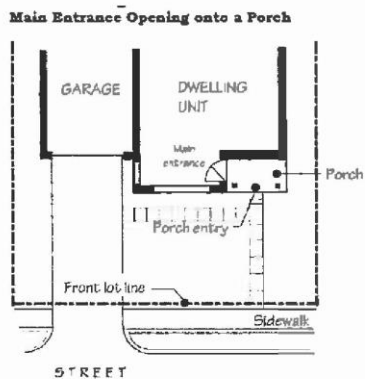
2. ~~Where These Standards Apply~~ Applicability:

- a. The standards of this subsection F apply to houses, attached houses, and manufactured homes, in the residential single-family zone;
- b. Where a proposal is for an alteration or addition to existing development, the standards of this subsection F apply only to the portion being altered or added;
- c. On sites with frontage on both a private street and a public street, the standards apply to the site frontage on the public street. On all other sites with more than one street frontage, the applicant may choose on which frontage to meet the standards.

3. ~~The Standards:~~

- a. Location: At least one main entrance for each structure must:
 - (1) Either:
 - (A) Face the street;
 - (B) Be at an angle of up to forty-five degrees (45°) from the street; or
 - (C) Open onto a porch. See figure 2 of this section. The porch must be a covered unenclosed porch with a minimum of twenty-five (25) square feet in area.

Figure 2



G. Street Facing Facades Design Standards:

1. Purpose: ~~This~~ These standards:

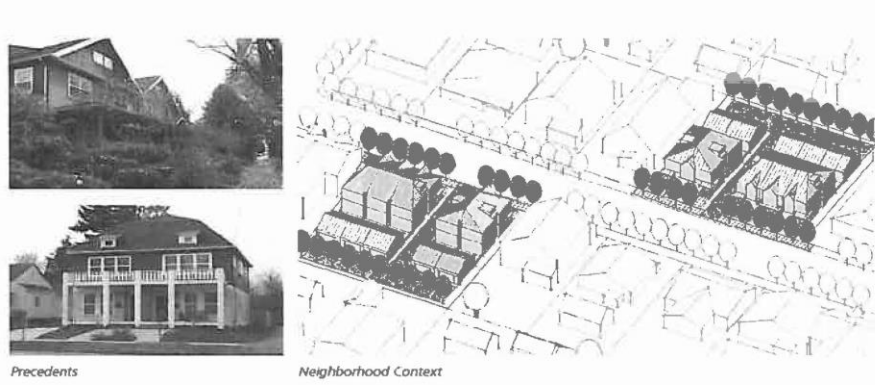
- a. Together with the main entrance and garage standards, ensures that there is a visual connection between the living area of the residence and the street;
- b. Enhances public safety by allowing people to survey their neighborhood from inside their residences; and
- c. Provides a more pleasant pedestrian environment by preventing large expanses of blank facades along streets.

2. ~~Where This Standard Applies~~ Applicability: The standard of this subsection G applies to houses, attached homes, and manufactured homes in the residential single-family zone. Where a proposal is for an alteration or addition to existing development, the applicant may choose to apply the standard either to the portion being altered or added, or to the entire street facing facade.
3. ~~The Standards:~~ At least fifteen percent (15%) of the square footage area of each facade that faces a street lot line must be comprised of windows or main entrance doors. ~~Windows used to meet this standard must allow views from the building to the street. Glass block does not meet this standard. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. To count toward meeting this standard, a door must be at the main entrance and facing a street lot line. Glass block does not meet this standard.~~

H. Attached Housing Options:

1. Purpose: The alternative development options allow for variety in development standards while maintaining the overall character of a single dwelling neighborhood. These options have several public benefits:
 - a. They allow for development which is more sensitive to the environment, especially in hilly areas and areas with water features and natural drainageways;
 - b. They allow for the preservation of open and natural areas;
 - c. They promote better site layout and opportunities for private recreational areas;
 - d. They promote opportunities for affordable housing;

- e. They promote energy efficient development; and
 - f. They allow for the provision of alternative structure types where density standards are met.
 - g. They reduce the impact that new development may have on surrounding residential development.
 - h. Attached housing allows for more efficient use of land and for energy conserving housing.
2. Where This Standard Applies: The regulations of this subsection apply to all attached housing in the residential single-family zone. The alternative development options listed in this subsection H are allowed by right unless specifically stated otherwise. The project must comply with all of the applicable development standards of this subsection H. The project must also conform to all other development standards of the base zone unless those standards are superseded by the standards in this subsection H.
3. The Standard:
- a. Area Requirements:
 - (1) Lot Dimensions: Attached housing must be on a lot that has a minimum area of ten thousand (10,000) square feet unless otherwise stated by this code.
 - (2) Building Setbacks:
 - (A) Interior (Noncorner) Lots: On interior lots the side building setback on the side containing the common wall is reduced to zero. The reduced setback applies to all buildings on the lot and extends along the full length of the lot line that contains the common or abutting wall. The side building setback on the side opposite the common wall must be ten feet (10').
 - (B) Corner Lots: On corner lots either the rear setback or nonstreet side setback may be reduced to five feet (5'). However, the remaining nonstreet setback must comply with the requirements for a standard rear setback.
 - b. Number of Units: A maximum of two (2) units are allowed per structure. Attached houses may have a common wall. Accessory dwelling units are prohibited on lots developed with attached housing.
 - c. Single-Family Character: Attached housing shall contribute to the single-family character of the neighborhood by utilizing exemplary design and architecture to seamlessly integrate with other structures in the vicinity. (See figure 3 of this section.)

Figure 3

- d. **Second Story Design:** A second story of any attached housing unit requires additional design standards. Along the street facing facade, the building shall incorporate features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces. Such features shall occur at a minimum of every twelve feet (12') along the vertical face of the facade, and each floor shall contain a minimum of offsets or breaks in facade of two feet (2') or greater in depth.
- e. **Landscape Standards:** The following landscape standards must be met on lots in the residential single-family zone to qualify for attached housing development:
 - (1) A minimum of three (3) front yard trees with a minimum dbh of two inches (2") shall be planted per unit.

(Ord. 1263, 12-29-2011; Ord. 1336, 11-2-2016)

9-4-2: Residential Multi-Family (RM) Zone:

9-4-2-1: Purpose:

Areas zoned as Residential Multi-Family (RM) are intended to preserve land for housing and to provide diversity in housing options. This zone implements the comprehensive plan policies for those areas identified as CA-3 in the 2009 comprehensive plan.

(Ord. 1263, 12-29-2011)

9-4-2-2: Use Regulations:

These use regulations are intended to create opportunities for new types of housing that seamlessly integrate with existing neighborhoods in the area. The regulations allow for a wider range of housing types compared to Residential Single-Family (RS) in order to create a denser neighborhood form.

The following regulations shall apply:

- P Permitted use
- C Conditional use¹

N Not permitted

<u>Residential (except for uses located on original substandard lots of record):</u>	
Accessory dwellings as provided in section 9-1-8 of this title	P
Attached housing	P ²
Clubs, lodges, fraternal organizations, when not operated for profit	P
Cottage housing	P ³
<u>Duplex</u>	<u>P</u>
Gated communities	N
Manufactured homes subject to following provisions, conditions and regulations:	P ⁴
A. The manufactured home shall be multi-sectional, unless sited in a recognized, existing or newly created manufactured housing community.	
B. The manufactured home shall be placed on an excavated and backfilled foundation and enclosed at the perimeter in such a manner that the home is located not more than 12 inches above grade.	
C. In addition to the provisions of subsection A of this use, a manufactured home shall be subject to any development standard, architectural requirements and minimum size requirements to which a conventional single-family residential dwelling on the same lot would be subjected.	
Multi-family dwellings:	
7 units or less	P
8 units or more	C
Short term rentals subject to the licensing requirements set forth in title 3, chapter 12 of this Code	P
Single-family dwellings, private garages, and such outbuildings as may be incidental thereto. Such outbuildings shall not be used, occupied or equipped for a permanent dwelling or guesthouse and not more than 1 dwelling shall occupy 1 lot, except as otherwise provided for in this title	P
<u>Nonresidential:</u>	
Cemeteries	C
Churches and accessory buildings used for religious teachings	C
Community centers, nonmunicipally owned	C
Community garden. No commerce/retail sales permitted on site	P
Daycare, including homeschooling:	
Home (6 or less - home occupation)	P
Group (7—12)	C
Daycare facilities (13+)	C
Fire stations	N
Home occupations	P
Kennels; commercial or private, even as a home occupation	N
Libraries	C

Neighborhood eatery. Performance standards that apply to neighborhood eatery uses in this zone consist of, but are not limited to, the following criteria:	C
A. The premises must be owner occupied.	
B. Entrances shall be located along the primary street frontage.	
C. Hours of operation between 7:00 a.m. — 10:00 p.m.	
D. Delivery times shall be limited to hours of operation.	
Municipally owned facilities	P
Other uses not specifically listed	N
Parks or playgrounds:	
Private	C
Public	P
Police stations	N
Public utility facilities	C
Recreation buildings, nonmunicipally owned	N
Schools, public or private, except those schools of vocational nature which operate similarly to a retail business where a product or products may be purchased on the premises	C

Notes:

- Any use legally established as a permitted use now subject to conditional use approval shall be subject to conditional use approval to expand such use.
- Subject to standards set forth for the standards for development of residential original substandard lots of record.
- Subject to standards set forth for cottage housing development.
- The recognized, existing communities within the RM Zone at the time of adoption hereof include the 6-unit Lines Mobile Home Park located at the southeast corner of Division Avenue and Church Street and the 16-unit Wikiup Mobile Home Park located on the east side of Florence Avenue between Fir and Larch Streets.

(Ord. 1263, 12-29-2011; amd. Ord. 1281, 5-15-2013; Ord. 1336, 11-2-2016; Ord. 1353, 6-6-2018)

9-4-2-3: Development Standards:

- A. Lot Areas: Every individual dwelling erected shall be on a lot having an area of not less than ~~five thousand (5,000)~~ three thousand and five hundred (3,500) square feet and frontage on a public street of not less than ~~thirty seven and one half feet (37.5')~~ twenty five feet (25') and shall have a width of not less than ~~thirty seven and one half feet (37.5')~~ twenty five feet (25') at the front building line. Townhouse lots which are designed for common wall construction on a common interior lot line shall not have an area less than two thousand five hundred (2,500) square feet per lot and frontage on a public street of not less than eighteen and three quarters feet (18.75') per lot. Lots with frontage on a cul-de-sac shall have a minimum frontage on a public road of not less than thirty feet (30').

Additional units may be developed as follows:

AREA INCREASES PER UNIT

	Units	Lot Size	<u>Minimum</u> Road Frontage
Permitted use:			
	<u>1</u>	<u>0-4,999</u>	<u>25</u>

An additional 1,775 square feet of area, and an additional 12.5 feet, but no more than 130 feet of frontage	<u>2</u>	<u>5,000</u>	<u>37.5</u>
	~~2-3~~	6,775	50
	~~3-4~~	8,550	62.5
	~~4-5~~	10,325	75
	~~5-6~~	12,100	87.5
	~~6-7~~	13,875	100
	~~7-8~~	15,650	112.5
Conditional use:			
	~~8-9~~	17,425	125
	~~9-10~~	19,200	130
	~~10-11~~	20,975	130
	~~11-12+~~	+1,000 each unit	130

B. Setbacks:

1. Purpose: The setback regulations for buildings and garage entrances serve several purposes:
 - a. They maintain light, air, separation for fire protection, and access for firefighting;
 - b. They reflect the general building scale and placement of houses;
 - c. They promote a reasonable physical relationship between residences;
 - d. They promote options for privacy for neighboring properties;
 - e. They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;
 - f. They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity; and
 - g. They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.
2. General Exception to all Setbacks: Minor features of a building such as eaves, chimneys, water collection cisterns and planters, air conditioning units, bay windows, uncovered balconies, covered side and rear entryway overhangs, may extend into the required setback. Bays and bay windows encroaching into the setback also must meet the following requirements: a) each bay and bay window may be up to twelve feet (12') long, but the total area of all bays and bay windows on a building facade cannot be more than thirty percent (30%) of the linear total of the facade; b) bays and bay windows must cantilever beyond the foundation of the building; and c) the bay may not include any doors.
3. Front Yard Limits Setbacks: Each lot shall have a front yard setback of not less than fifteen feet (15') in depth from front lot line, ~~unless provided for elsewhere in this code~~ except as follows:-

- a. Porches: Unenclosed front porches shall be setback ten feet (10') front the front lot line.
- b. Garages: Any garage, detached or attached, shall be set back a minimum of twenty five feet (25') from the front lot line. Street facing garages shall not be permitted on lots with less than 37.5' of frontage on a public street.
3. Side Yard Setbacks: Each lot shall have a side setback of not less than five feet (5') in depth from the lot line, except as follows:
- a. On interior lots there shall be a side yard on each side of the outer walls of any building constructed thereon of not less than five feet (5').
- a. On interior lots smaller than 5,000 square feet there shall be a side setback on each side of the outer walls of any building constructed thereon of not less than three feet (3'). If the interior side setback is less than five feet (5') and the roof slopes toward the interior side property line, then the roof shall incorporate either (a) snow-retention devices designed to prevent snow and ice shedding beyond the property line, or (b) roof geometries demonstrating, through acceptable engineering analysis, that snow shed will fall entirely within the required setback.
- b. Buildings erected upon corner lots need only comply with the front yard requirement with regard to their primary facade, which is designated as having the primary entrance. A side yard setback is required for secondary frontages on corner lots. Flanking street setbacks may be reduced from fifteen feet (15') to ten feet (10') but shall include design features such as projections, recessions, windows or other architectural treatment to prevent a blank wall appearance. Street Side Setback: The street side setback shall be fifteen feet (15') unless features such as projections, recessions, windows, or other architectural treatment are incorporated to prevent a blank wall appearance, in which case the street side setback may be reduced to ten feet (10'). This standard does not apply to garages accessed off the side street.
- c. Garages:
- i. Detached garages on interior lots shall have a side setback of no less than three feet (3').
- ii. Garages accessed from ~~on~~ a street side lot line ~~yard~~ which include parking between the garage and the lot line shall have a setback of no less than twenty-five feet (25') from the street side ~~yard~~ lot line
- iii. Garages accessed from a street side lot line which do not include parking between the garage and the lot line shall have a setback of no more than three feet (3') and no less than one foot (1') to prevent parking overhang onto the public right of way.
- iv. Garages accessed from an alley shall adhere to the street side setback as established above in 3a.
4. Rear Yard Setbacks: Each lot ~~upon which a dwelling is constructed~~ shall have a rear ~~yard~~ setback of not less than fifteen feet (15') in depth from the lot line, except as follows:-
- a. Alley accessed garages shall have a setback from the rear lot line of one foot (1')
- b. Accessory buildings shall have a setback from the rear lot line of five feet (5')
- c. Accessory dwelling units shall follow the regulations of accessory buildings unless located above a garage, in which case they shall follow the standards for garages ~~regulations~~.
5. Garage and Parking Entrance Setback: To avoid vehicles parking on the sidewalk, no street facing garage shall be constructed within twenty five feet (25') of a property line having frontage along a

~~public street. Any uncovered off-street parking developed within the front yard setback shall have a minimum depth of twenty-five feet (25').~~

6. Riparian and Shoreline Setback:

- a. Purpose: The purpose of this subsection B.6. is to protect scenic and recreational resources, water quality and natural shoreline habitat. In addition, shoreline setbacks and buffers help avoid damage to development from erosion and flooding.

The waterfront building setback for new development and redevelopment (tear downs) along waterfront properties within the city of Sandpoint shall be a minimum of forty feet (40') from the artificial high water mark. For purposes of this subsection B.6., artificial high water marks shall be considered according to the North American vertical datum of 1988 (NAVD88).

New development adhering to the forty foot (40') setback and/or reconstruction that involves issuance of a building permit for greater than twenty-five thousand dollars (\$25,000.00) of improvements, shall be required to plant fifty percent (50%) of the area in the minimum twenty-five foot (25') building setback with native vegetation comprised of a mixture of grasses and shrubs. For the purpose of this subsection B.6., building permit valuation shall be a cumulative aggregate from the date of the adoption hereof forward.

The city shall assist the applicant in determining appropriate native vegetation required, and will coordinate with the applicant on the planting success the following year.

The building setback can be reduced to twenty-five feet (25') if the setback area is revegetated with primarily native vegetation. Establishment of a tree canopy is encouraged. No constructed structures other than those required for waterfront access/docks are allowed within the twenty-five foot (25') setback. The applicant shall record on the title documentation from the City of Sandpoint confirming that the structure has been built under the flexible setback option and as such, the structure is conforming and the area within the twenty-five foot (25') lakefront setback is to remain planted primarily with native vegetation (as described above).

A variance may be sought for those projects or activities for which it can be demonstrated that strict compliance would result in a practical difficulty. City owned property shall be exempt from the required standards.

- b. Shoreline Setback Exceptions: Placement of constructed trams, rails, uncovered steps, stairs or walkways, any of which shall be five feet (5') or less in width and installed to provide access to the shoreline, are permitted within the shoreline setback. Such structures shall not be constructed in a manner that is parallel to the shoreline that would create a boardwalk along the waterfront (except where steep slopes require switchback designs).

~~7. Exceptions To The Required Setbacks: Certain parts of structures may be allowed to encroach into the required setbacks as described herein. Setbacks are modified further for attached housing, cottage housing and substandard lots.~~

~~8. Maximum Encroachment: No part of any structure shall encroach within ten feet (10') of the front property line, three feet (3') of the side property line(s) and five feet (5') of the rear property line.~~

~~9. General Exceptions: The following shall be permitted to encroach up to the maximum encroachment:~~

- ~~a. Established Building Lines: Sites with legally existing nonconforming development in a required setback are eligible for a onetime reduction to the required setbacks. The building line created by the nonconforming wall serves as the reduced setback line. At a maximum, the nonconforming wall may be doubled in length, e.g., a two foot (2') long wall within the side yard setback may be lengthened to four feet (4') total. The vertical height of the wall shall not be increased, e.g., a~~

~~second story cannot be placed up to the reduced setback line if the existing nonconforming wall is only one story high.~~

- ~~b. Minor Features: Minor features of a building such as eaves, chimneys, water collection cisterns and planters, bay windows, and uncovered balconies, may extend into the required setback. Bays and bay windows encroaching into the setback also must meet the following requirements: 1) each bay and bay window may be up to twelve feet (12') long, but the total area of all bays and bay windows on a building facade cannot be more than thirty percent (30%) of the linear total of the facade; 2) bays and bay windows must cantilever beyond the foundation of the building; and 3) the bay may not include any doors.~~
- ~~10. Specific Exceptions: The following shall be permitted to encroach up to the maximum encroachment and any structure shall be limited to fifteen feet (15') in height above grade for that portion encroaching into the setback area:~~
 - ~~a. Adjacent Structures: Where both adjacent lots on the primary frontage are developed with structures and both adjacent structures have front yard setbacks less than the minimum, the subject lot may build within the front setback to the maximum encroachment.~~
 - ~~b. Porches: Unenclosed front porches may encroach into the front yard setback up to the maximum encroachment.~~
 - ~~c. Garages: Garages shall not be permitted to encroach on the front yard setback but may be used in calculating adjacent structure setbacks as described above. Detached garages may encroach on side and rear setbacks up to the maximum encroachment. Detached garages are subject to additional requirements.~~

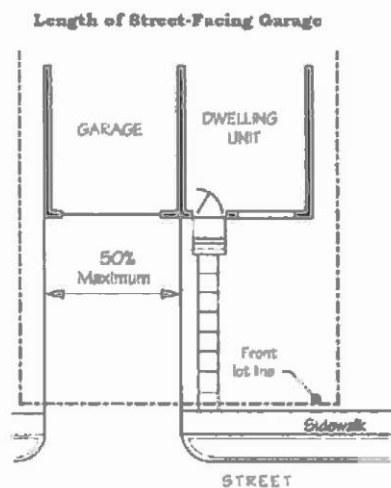
C. Lot Coverage-Impervious Surface:

- 1. Purpose: The building coverage standards, together with the height and setback standards control the overall bulk of structures. They are intended to assure that taller buildings will not have such a large footprint that their total bulk will overwhelm adjacent houses. Additionally, the standards help define the character of the different zones by limiting the amount of buildings allowed on a site. The impervious surface standards are intended to balance development flexibility with neighborhood livability and character. By limiting the total area of buildings, driveways, patios, and other hard surfaces on a lot, the ability to ensure open, outdoor character of residential areas to include lawns, landscaping, shade trees, natural spaces and gardens is enhanced. A single impervious surface limit provides a clear and predictable standard while allowing homeowners and builders flexibility in the arrangement of structures and improvements.
- 2. ~~Building Footprint-Impervious Surface:~~ Each lot upon which a dwelling, private garage or other outbuilding is constructed shall have a maximum ~~thirty five percent (35%) building footprint and a maximum thirty percent (30%) impervious surface, including building footprint, of 70% of the lot size.~~
- D. Building Height: No structure shall exceed a building height of forty feet (40') above the average elevation of the finished grade at the front of the building. On lots smaller than 5,000 square feet no structure shall exceed a building height of thirty feet (30') above the average elevation of the finished grade at the front of the building.
 - 1. Exceptions To The Maximum Height:
 - a. Chimneys, flagpoles, satellite receiving dishes, roof mounted solar panels and other similar items may extend above the height limit, as long as they do not exceed five feet (5') above the top of the highest point of the roof.
 - b. Utility power poles, and public safety facilities are exempt from the height limit.

E. Garages Design Standards:

1. Purpose: Together with the main entrance and street facing facade standards, these standards ensure that there is a physical and visual connection between the living area of the residence and the street. Additionally these standards:
 - a. Ensure that the location and amount of the living area of the residence, as seen from the street, is more prominent than the garage;
 - b. Prevent garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent entrance;
 - c. Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk; and
 - d. Enhance public safety by discouraging garages from blocking views of the street from inside the residence.
2. ~~Where These Standards Apply~~ Applicability: The regulations of this subsection E apply to all attached or detached garages in the residential multi-family zone. ~~On corner lots, only one street-facing garage wall must meet the standards of this subsection E.~~
3. ~~The Standards:~~
 - a. ~~Dimensions:~~
 - (1)a. ~~The length of the~~ Any garage wall entrance facing the street may be up to fifty percent (50%) of the length width of the street facing unit façade (see figure 1 of this section).

Figure 1



- (2)b. Garages shall be recessed, or may be flush to the primary facade when the primary facade contains an unenclosed porch having a depth of seven feet (7') or greater and occupying a minimum of twenty-five percent (25%) of the linear primary structure facade. No portion of a garage may protrude past the front of the primary facade of the dwelling unit.
- (3)c. ~~Garages walls facing the street having building walls greater than twelve feet (12') in height or facade walls greater than or twenty-four feet (24') in length shall include architectural detail to~~

break up and limit the massive appearance of the wall. Doing so requires utilizing at least two (2) of the following architectural features on street facade:

- ~~(A)~~ i. Dormers;
- ~~(B)~~ ii. Gables;
- ~~(C)~~ iii. Covered porch entries;
- ~~(D)~~ iv. Pillars or posts;
- ~~(E)~~ v. Eaves;
- ~~(F)~~ vi. Offsets in building face or roof (minimum of sixteen inches (16"));
- ~~(G)~~ vii. Window trim;
- ~~(H)~~ viii. Bay windows;
- ~~(I)~~ ix. Balconies;
- ~~(J)~~ x. An alternative feature providing for visual relief, similar to subsections E.3.a.(3)(A) through E.3.a.(3)(I) of this section.

d. On corner lots, walls facing the side street must meet the standards of subsection E, 3, c.

e. Street-facing garages are prohibited on lots narrower than 37.5 feet in the residential multi-family zone.

~~b. Side and Rear Setbacks: In the residential multi-family zone, detached garages are allowed in the side and rear building setbacks if all of the following are met:~~

- ~~(1) The garage is set back at least twenty five feet (25') from a front lot line, and if on a corner or alley accessible lot, it may be constructed one foot from a flanking street or alley lot line;~~
- ~~(2) Dormers are set back at least five feet (5') from the side and rear lot lines.~~
- ~~(3) Second floor windows facing abutting lots utilize appropriate material (glass block or opaque glass) to maintain privacy of adjacent property.~~
- ~~(4) Maintenance easements are provided by adjacent property owner when utilizing less than a two foot (2') setback from adjacent property line.~~
- ~~(5) Snow drop and stormwater runoff from the structure are contained on site.~~

c. Existing Detached Garages:

- (1) Change of Use: In the residential multi-family zone, a detached garage that is in the side or rear setback may be converted to another type of detached covered accessory structure so long as it is compliant with regulations specified in section 9-1-8 or 9-1-5 of this title. Second floor windows facing abutting lots utilize appropriate material (glass block or opaque glass) to maintain privacy of adjacent property.
- (2) Rebuilding: A detached garage that is nonconforming due to its location in a setback, may be rebuilt on the footprint of the existing foundation, if the garage was originally constructed legally. Where the structure facade faces a street, garages utilizing this provision shall be designed and reconstructed in a manner to prevent a blank wall appearance through the utilization of projections, recessions, windows or other architectural treatment.

- (3) Additions: An addition may be made to a detached garage that is nonconforming due to its location in a setback ~~as follows provided the expansion complies with all other standards of this section.~~

~~(1) The expanded garage complies with all other standards of this section.~~

F. Main Entrances Design Standards:

1. Purpose: These standards:

- a. Together with the street facing facade and garage standards, ensure that there is a physical and visual connection between the living area of the residence and the street;
- b. Enhance public safety for residents and visitors and provide opportunities for community interaction;
- c. Ensure that the pedestrian entrance is visible or clearly identifiable from the street by its orientation or articulation; and
- d. Ensure that pedestrians can easily find the main entrance, and so establish how to enter the residence.
- e. Ensure a connection to the public realm for development on lots fronting both private and public streets by making the pedestrian entrance visible or clearly identifiable from the public street.

2. ~~Where These Standards Apply~~ Applicability:

- a. The standards of this subsection F apply to houses, attached houses, and manufactured homes, in the residential multi-family zone;
- b. Where a proposal is for an alteration or addition to existing development, the standards of this subsection F apply only to the portion being altered or added;
- c. On sites with frontage on both a private street and a public street, the standards apply to the site frontage on the public street. On all other sites with more than one street frontage, the applicant may choose on which frontage to meet the standards.

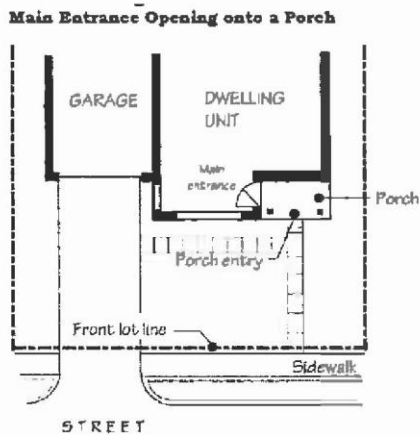
3. ~~The Standards:~~

- a. Location: At least one main entrance for each structure must:

(1) Either:

- (A) Face the street. Be at an angle of up to forty-five degrees (45°) from the street;
or
- (B) Open onto a porch. See figure 2 of this section. The porch must be a covered unenclosed porch with a minimum of twenty-five (25) square feet in area.

Figure 2



G. Street Facing Facades Design Standards:

1. Purpose: ~~This~~ These standards:

- a. Together with the main entrance and garage standards, ensures that there is a visual connection between the living area of the residence and the street;
- b. Enhances public safety by allowing people to survey their neighborhood from inside their residences; and
- c. Provides a more pleasant pedestrian environment by preventing large expanses of blank facades along streets.

2. Where This Standard Applies Applicability: The standard of this subsection G applies to houses, attached homes, and manufactured homes in the residential multi-family zone. Where a proposal is for an alteration or addition to existing development, the applicant may choose to apply the standard either to the portion being altered or added, or to the entire street facing facade. PUDs that received preliminary plan approval prior to the adoption of this section are exempt from this standard.
3. The Standards: At least fifteen percent (15%) of the square footage area of each facade that faces a street lot line must be comprised of windows or main entrance doors. ~~Windows used to meet this standard must allow views from the building to the street. Glass block does not meet this standard. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. To count toward meeting this standard, a door must be at the main entrance and facing a street lot line.~~

H. Additional Standards Applicable ~~To~~ Multi-Family Development:

1. Purpose and Intent: The following design standards were established to improve the appearance, quality, and functions of multi-family housing. The standards herein apply to the development of multi-family housing in the "RM" zone of four (4) or more units including, but not limited to, apartments and condominiums.
2. Conflicting Standards: In the event that other standards of this title conflict with standards in this provision, the standards within this provision shall prevail.
3. Building Mechanicals, Service Elements, and Resident Amenities:

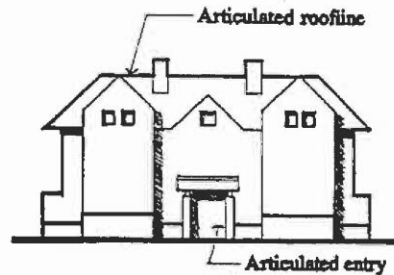
- a. Service areas, utility meters, and building mechanicals shall not be located on the street side of the building, nor on a side wall closer than ten feet (10') to the street side of the building. Screening of meters and mechanicals is required, regardless of location. Mailboxes are permitted within ten feet (10') of the front of the building if not visible from the street.
 - b. Trash and recycling containers, including cans and dumpsters, shall be screened so as not to be visible from the street or from neighboring properties. Screening shall be one foot higher than the container but not higher than six feet (6'), however roofed enclosures may exceed this limit.
 - c. Bike racks shall be provided and shall include space for at least two (2) bikes per unit.
 - d. Bike racks shall be located near building entries, shall not interfere with pedestrian circulation, and shall be well lit.
4. Pedestrian Circulation:
- a. There shall be a hard surfaced (e.g., pavement, pavers, concrete) pedestrian route from the sidewalk or street to the main building entrance and from the parking area to the nearest building entrance. Buildings with more than one entrance shall provide a designated pedestrian route between those entrances (e.g., from front to back).
5. Landscaping, Open Space, and Plantings:
- a. All portions of the site not covered by buildings, paving material, or other planned approved surfaces shall be considered "landscaped area" and shall be planted with living plant materials and/or mulches. Overall site landscaping shall include not less than:
 - (1) One front yard shade tree with a caliper no smaller than two inches (2") dbh per twenty-five (25) linear feet of lot frontage.
 - (2) One tree with a caliper no smaller than two inches (2") and ten (10) shrubs per six hundred (600) square feet of landscaped area.
 - b. Existing healthy trees shall be preserved to the greatest extent practicable; however, invasive or nuisance trees shall be removed. Existing damaged, decayed, or diseased trees should be removed to protect remaining trees. Construction near existing trees should follow best management practices to ensure their survival.
 - c. Landscaping should reinforce pedestrian circulation routes and obstruct undesired routes of convenience. Bushes, trees, rocks, and other landscape features should be used to indicate where pedestrians should and should not travel. Native and low water demand plantings are encouraged.
 - d. Outdoor seating including elements such as a bench or chair shall be provided at the ratio of one seating area per three (3) units which are to be incorporated into or adjacent to usable open space.
 - e. One functional outdoor open space with a minimum dimension of five hundred (500) square feet shall be provided per five (5) units.
6. Neighborhood Scale: The scale of those buildings developed within an existing neighborhood shall conform to the established scale. Appropriate scale multi-family development shall be achieved through the adherence of the following:
- a. The overall height of the multi-family structure shall relate to that of adjacent structures by avoiding construction that varies greatly in height from adjacent buildings. New multi-family structures shall graduate their maximum height based on adjacent structures using stepped roofs and/or partial stories. For example, the portion of a multi-family structure constructed adjacent

to a single story structure is limited to one and a half (1 ½) stories, and if constructed adjacent to a one and one-half (1½) story structure, the adjacent facade would be limited to two (2) stories.

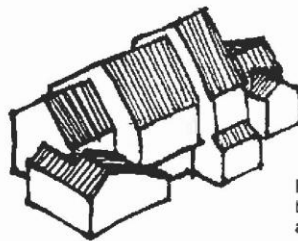
- b. Multi-family structures shall utilize a variety of building forms and roof shapes rather than boxlike forms with large, unvaried roofs. The building design shall provide manipulations to create clusters of units and variations of height, setback and roof shape.
7. Building Entrances:
- a. The primary entrance to the building shall be on the front elevation and shall face the street.
 - b. Building entrances shall be emphasized through projecting or recessing forms, detail, color, or materials.
 - c. A covering over the main entrance shall extend at least four feet (4') from the main door. Entrance features may encroach into the front yard setback a maximum of four feet (4').
8. Facade and Articulation:
- a. Buildings shall be divided into modules by using articulation or modulation at least every thirty (30) linear feet. Buildings shall use a common, unifying design theme throughout the project but not repeat the same pattern of architectural elements for more than four (4) consecutive modules. The use of at least one of the following techniques is required:
 - (1) Step the front facade building wall back or forward at least four feet (4') and change the roof shape or step the ridgeline to correspond to the wall change.
 - (2) Change several of the architectural elements for the width of the module, such as primary siding material, decks, windows, and entry designs.
 - (3) Break up the roofline and wall heights by use of dormers, gables, and similar variations. When flat roofs are used, add architectural detail such as cornice or fascia and modulation to reduce the perceived mass of the walls.
 - b. Buildings shall incorporate architectural details that will provide visual interest at a human scale. At least three (3) of the following shall be utilized:
 - (1) A one-story porch at entrances.
 - (2) Decorative details such as columns, bay windows, dormers, multi-lite windows, trim, or moldings to articulate the building facade.
 - (3) Roof details like brackets, wide (twelve inches (12") or more) cornices and wide (sixteen inches (16") or more) overhangs.
 - (4) Materials and/or color variations that coordinate with changes in the building modules and differentiate ground floors from upper floors.

Definitions:

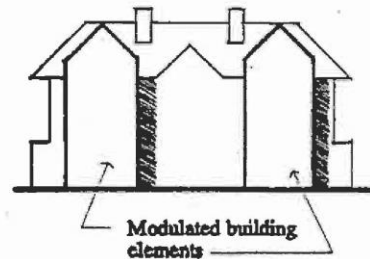
Articulation is the giving of emphasis to architectural elements (like windows, balconies, entries, etc.) that create a complementary pattern, or rhythm, dividing large buildings into smaller identifiable pieces.



Modulation is a measured offset or setback in a building's face.



Reduce the apparent size of a building by using modulation and articulation.



- c. Architectural treatment, similar to that provided to the front facade shall be provided to the sides and rear of the building to mitigate any negative view from any location off site and any public area (e.g., parking lots, walkways, etc.) on site.
 - d. The total area of windows and doors on the street facing facade, including trim, shall not be less than twenty percent (20%) of the total area of the facade, excluding gables. The first floor facade shall include windows to provide visual interest and visual connection to the street.
9. Parking: All parking areas shall be compliant with chapter 5 of this title. In addition, parking areas shall be designed to avoid their dominance of the streetscape. Parking shall be provided at the rear or side of the site to allow a majority of the dwelling units to "front on" the street.
- a. Parking areas shall be separated from primary buildings by a landscaped buffer of at least fifteen feet (15') in width.
10. Walls and Fences:
- a. Walls and fences exceeding fifty feet (50') in length shall provide variety and articulation at intervals not exceeding twenty-five feet (25') through at least one of the following methods:
 - (1) Expression of structure, such as post, column, or pilaster.
 - (2) Variation of material.
 - b. Chainlink fencing is prohibited except in circumstances where fencing is provided for recreational courts (basketball, etc.).
11. Design Standard Waivers: An applicant may request a waiver from one or more of the standards listed above. All requests for waivers shall be heard and decided by the planning commission or such design review subcommittee as may be created for such purpose. A waiver shall not be considered a right or special privilege but may be granted to an applicant that can meet the following findings:

- a. That the granting of the waiver will not be in conflict with the intent of the multi-family design standards, shall not negatively impact the existing neighborhood and shall enhance the overall design quality of the project;
- b. That there is an exceptional circumstance relating to the design or configuration of the property, which is not generally applicable to other properties or otherwise anticipated by the standards in the district.
- c. The granting of such relief will not be materially detrimental to the public health, safety or welfare, or injurious to the property, improvements or the quiet enjoyment of the surrounding properties and neighborhood.
- d. The granting of such relief will not be in conflict with the goals and policies of the comprehensive plan.

(Ord. 1263, 12-29-2011)

9-4-3: Reserved:

Editor's note(s)—Ord. No. 1383, adopted December 16, 2020, repealed § 9-4-3 which pertained to the watershed protection zone. Similar provisions can now be found in Title 7, Chapter 16, Watershed Protection and Access.

9-4-4: Rural Residential RR-1 Zone:

- A. Permitted Use Regulations: Permitted uses are single-family dwellings, horticultural uses for personal use only and not for profit with the exception of tree farms, home occupations, a dwelling unit with an attached or detached accessory dwelling unit as provided for in section 9-1-8 of this title, short term rentals subject to the licensing requirements set forth in title 3, chapter 12 of this code and parks.

Also permitted are fairground facilities, related events and activities lawfully established prior to the effective date of this section. (A list dated January 13, 1998, of the qualifying facilities, related events and activities which were lawfully established prior to the effective date of this section was provided by the Fair Association and shall be filed with the Sandpoint City Clerk by Bonner County.)

- B. Conditional Uses: Churches, police and fire stations, public utility facilities, schools public or private, except those schools of vocational nature which operate similarly to a retail business where a product or products may be purchased on the premises, expansion of existing or addition of new fairground facilities, barns, exhibit buildings, food facilities, storage buildings, indoor or outdoor arenas, similarly classified facilities and accessory buildings, and events related to the fairgrounds. Provided that a conditional use permit shall not be required to expand an existing event or add a new one that falls below the following thresholds for both event length and maximum attendance:

Event Length	Maximum Attendance For Entire Event
1 day	3,500
2—7 days	12,500 total event or 3,500 per day, whichever is less
8+ days	14,000 total event or 3,500 per day, whichever is less

Temporary expansions, structures or parking areas which will be in place for less than thirty (30) days and are directly related to an existing or new event that falls below the thresholds noted above do not require a conditional use permit.

- C. Prohibited Uses: The raising of poultry and animal kennels for commercial purposes.
- D. Areas: No building or structure, nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following described yards and lot areas are provided and maintained in connection with said building, structure or enlargement:
1. Yard Limits: Each lot upon which a dwelling, private garage or other outbuilding is constructed shall have a front yard of not less than twenty-five feet (25') in depth from the front lot line. Where lots comprising forty percent (40%) or more of the frontage between two (2) intersecting streets are developed with buildings having front yards, the average of such front yards shall establish the minimum front yard depth for the entire frontage; provided, however, that in no case shall said front yard be less than said twenty-five feet (25').
 2. Side Yard: On interior lots there shall be a side yard on each side of the outer walls of any building constructed thereon of not less than fifteen feet (15'). Buildings erected upon corner lots shall comply with the front yard requirement with regard to both streets; provided, however, that in the event it is impractical or would work great or unusual hardship upon any owner of a corner lot to require him to conform to such front yard requirements regarding both streets, then the commission may in its discretion permit such property owner to locate such building so that the front thereof conforms to the front yard requirement on the street upon which said building fronts and the side of such building may be such distance from the street right-of-way line as the commission may deem desirable; however, no nearer to the street right-of-way line than fifteen feet (15').
 3. Rear Yard: Each lot upon which a dwelling is constructed shall have a rear yard of not less than fifteen feet (15').
 4. Lot Areas: Every building erected shall be on a lot having an area of not less than one-half (½) acre.
 5. Lot Coverage: Each lot upon which a dwelling, private garage or other outbuilding is constructed shall have not more than thirty-five percent (35%) ~~of the lot occupied by such structures~~ impervious surface, including building footprint.
 6. Building Height: No structure shall exceed a building height of thirty-five feet (35') or two and one-half (2 ½) stories above the average elevation of the finished grade at the front of the building. Antennas are excluded from the requirements.

(Ord. 1236, 6-23-2010; amd. Ord. 1263, 12-29-2011; Ord. 1281, 5-15-2013; Ord. 1353, 6-6-2018)

9-4-5: Rural Residential RR-2 Zone:

- A. Permitted Use Regulations: Permitted uses are single-family dwellings, a dwelling unit with an attached accessory apartment occupying not more than thirty-three percent (33%) of the total floor area of the structure, tree farms, greenhouses and horticultural uses where no retail sales take place on the premises, bed and breakfast establishments providing not more than three (3) rooms are rented plus one family has a live in tenant, the raising of livestock for noncommercial purposes providing the livestock density does not exceed one animal for parcels of land totaling one acre or three (3) animals per two (2) acres and one additional animal per acre thereafter, home occupations, tourist homes and parks.
- B. Conditional Uses: Family daycare center, churches, police and fire stations, public utility facilities, schools public or private, except those schools of vocational nature which operate similarly to a retail business where a product or products may be purchased on the premises.
- C. Prohibited Uses: The raising of livestock for commercial purposes, kennels for commercial purposes.

- D. Areas: No building or structure, nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following described yards and lot areas are provided and maintained in connection with said building, structure or enlargement:
1. Yard Limits: Each lot upon which a dwelling, private garage or other outbuilding is constructed shall have a front yard of not less than twenty-five feet (25') in depth from the front lot line. Where lots comprising forty percent (40%) or more of the frontage between two (2) intersecting streets are developed with buildings having front yards, the average of such front yards shall establish the minimum front yard depth for the entire frontage; provided, however, that in no case shall said front yard be less than said twenty-five feet (25').
 2. Side Yard: On interior lots there shall be a side yard on each side of the outer walls of any building constructed thereon of not less than twenty-five feet (25'). Buildings erected upon corner lots shall comply with the front yard requirement with regard to both streets; provided, however, that in the event it is impractical or would work great or unusual hardship upon any owner of a corner lot to require him to conform to such front yard requirements regarding both streets, then the commission may in its discretion permit such property owner to locate such building so that the front thereof conforms to the front yard requirement on the street upon which said building fronts and the side of such building may be such distance from the street right of way line as the commission may deem desirable; however, no nearer to the street right of way line than twenty-five feet (25').
 3. Rear Yard: Each lot upon which a dwelling is constructed shall have a rear yard of not less than twenty-five feet (25').
 4. Lot Areas: Minimum lot size required shall be not less than two (2) acres.
 5. Lot Coverage: Each lot upon which a dwelling, private garage or other outbuilding is constructed shall have not more than twenty-five percent (25%) ~~of the lot occupied by such structures~~ impervious surface, including building footprint.
 6. Building Height: No structure shall exceed a building height of thirty-five feet (35') or two and one-half (2 ½) stories above the average elevation of the finished grade at the front of the building. Antennas are excluded from the requirements.

(Ord. 1236, 6-23-2010; amd. Ord. 1263, 12-29-2011; Ord. 1281, 5-15-2013)

9-4-6: Standards for Development of Residential Substandard Original Lots of Record:

9-4-6-1: Purpose and Intent:

The purpose of these provisions is to guide residential development on substandard lots, ensuring that the developments are compatible with the character and the scale of established housing.

- A. Applicability and General Provisions: The following standards and procedures apply to residential development of substandard lots as defined in section 9-1-3 of this title, and apply to:
1. Substandard lots in the residential single-family (RS) zone having a lot area of less than five thousand (5,000) square feet and/or a lot width of less than fifty feet (50'), and
 2. Substandard lots in the residential multi-family zone having a lot area of less than ~~five thousand (5,000)~~ three thousand five hundred (3,500) square feet and/or a lot width of less than twenty five feet (25'), except for townhouse lots which may have a lot size as small as two thousand five hundred (2,500) square feet and frontage as narrow as eighteen and three quarters feet (18.75').

3. ~~Development of single substandard corner lots with a width of less than thirty feet (30') shall not be allowed. Reconfiguration of two (2) contiguous substandard lots where one is a corner lot may be accomplished as provided for in title 10, chapter 2 of this code so long as their lot area is not reduced.~~
4. ~~These standards do not apply to lots that are part of a planned unit development and they do not take precedence over any note recorded on a subdivision plat.~~
5. ~~These standards do not apply to remodels of or expansions to legally established dwellings previously constructed on such lots, so long as other area requirements of the district are met.~~

(Ord. 1263, 12-29-2011)

9-4-6-2: Use Regulations:

Permitted land uses and building types shall be as set forth in this chapter.

(Ord. 1263, 12-29-2011)

9-4-6-3: Development Standards:

- A. ~~Design Review Required For Development of Substandard Lots: Development of three (3) or fewer dwelling units on three (3) contiguous substandard lots shall be subject to staff level review in conjunction with their building permit application.~~

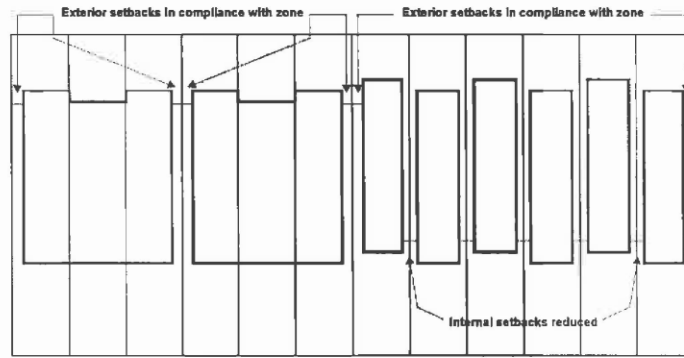
~~Except as otherwise provided herein, design review for the development of four (4) or more dwelling units, as well as the development of units with front loading garages, shall include referral to the planning commission or such design review subcommittee as may be created for such purpose, in conjunction with site plan review as provided for in subsection 9-1-4C of this title. Additional design review standards and guidelines are contained herein.~~

~~Adjoining property owners shall be notified of any development proposed under these provisions that is subject to review by the commission as noted above. Said notice shall inform such owners they may comment on the application during a period of not less than fifteen (15) days after mailing of the notice and prior to final action on said application.~~

BA. Setbacks in the RS zone:

1. ~~Front Setbacks: The front yard setback for livable space and porches shall be allowed as provided in the property's underlying RS zone. Adjoining lots developed at the same time shall contain different setbacks.~~
2. ~~Street side yard setbacks: Street side yard setbacks shall be ten feet (10') for livable space and porches and twenty-five feet (25') for parking, unless one of the following is applied:~~
23. Interior Side Setbacks (between structures in a common development): Interior side setbacks shall be in accordance with the applicable RS zone, unless one of the following is applied:
 - a. Common Lot Line Attached Units in the RS zone: Up to three (3) units may be attached at the common lot lines, ~~provided that the exterior setbacks (unattached side setbacks) adhere to those required by the zone.~~
 - b. Detached Units on Contiguous Lots: When two (2) or more detached single-family units are proposed as a development project on contiguous lots, the interior side yard setbacks may be reduced to three feet (3') ~~provided that the exterior setbacks to the development adhere to the setbacks that are required by the zone.~~

4. Non-street Side Exterior Setbacks: When two (2) or more attached or detached single-family units are proposed as a development project on contiguous lots, the exterior side yard setbacks shall adhere to those required by the RS zone.
5. The second story of a two-story attached building shall be set back a minimum of eight feet (8') from the side property line; provided, bay windows, pop outs or other architectural appurtenances may be allowed at the setback line required by the RS zone.



~~Such reduced interior side yard setback shall be measured from property line to eave rather than building wall, as may otherwise be allowed and may require compliance with additional building and fire code provisions (i.e., roof designed for higher snow load and provision of snow stops, installation of residential sprinkler system).~~

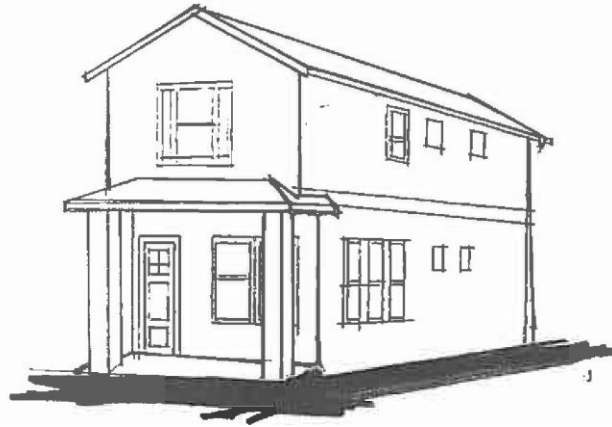


36. ~~Rear Setbacks: Rear yard setbacks shall be as required by the RS zoning district in which the substandard lot is located.~~
47. ~~Garage: A single-story, detached garage, a maximum of five hundred (500) square feet, accessed off of an alley may have a three foot (3') side setback.~~

(Ord. 1263, 12-29-2011)

9-4-6-4: Building Height:

- A. In the RM zone, structures on substandard lots ~~structures~~ shall not exceed two (2) stories or thirty feet (30'), whichever is lower.



- B. In the RS zone, ~~new structures on substandard lots~~ structures shall not exceed ~~twenty~~ twenty-five feet (20'25') or one and a half ~~two~~ stories, whichever is lower. ~~A one and a half story structure can be defined as:~~
1. ~~A structure that includes a daylight basement that is sunk into the ground a minimum of four feet (4').~~



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2. ~~A structure that contains the second story within the pitched roofline.~~



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- C. ~~In the RS zone, a two-story structure less than twenty-five feet (25') may be permitted where:~~

1. ~~Both adjacent properties are developed with two-story structures; or~~
2. ~~The development has been designed to minimize impacts to adjoining properties, as determined by the planning director. The factors to consider shall include: the size and height of the adjacent dwelling units; privacy impacts on adjacent properties; the height, mass, window placement and roofline pitch of the proposed structure; and the overall design of the upper story of the proposed structure. Upper story limitations or setbacks on the new building may be an acceptable means of ensuring compatibility with adjacent structures of smaller size.~~



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{Ord. 1263, 12-29-2011}

~~9-4-6-5: Private Open Space:~~

~~All substandard lots must provide a minimum of three hundred seventy-five (375) square feet of private open space in the rear yard. This open space must be configured as a fifteen by twenty five foot (15 × 25') open space (which includes the required setbacks) of that required space a minimum dimension of ten by fifteen feet (10 × 15') shall be open to the sky. Covered unenclosed rear porches are allowed to be calculated as part of the private open space area.~~

{Ord. 1263, 12-29-2011}

~~9-4-6-6: Landscaping:~~

~~At a minimum, landscaping for each nonconforming lot of record shall include the planting of one tree of not less than two inches (2") dbh within the front yard setback.~~

{Ord. 1263, 12-29-2011}

~~9-4-6-75: Parking:~~

- A. Each dwelling shall be provided with off-street parking in accordance with chapter 5 of this title.
- B. Vehicular access and parking shall be provided according to the following standards:
 1. Parking accessed via alleys is ~~encouraged~~ required where possible.

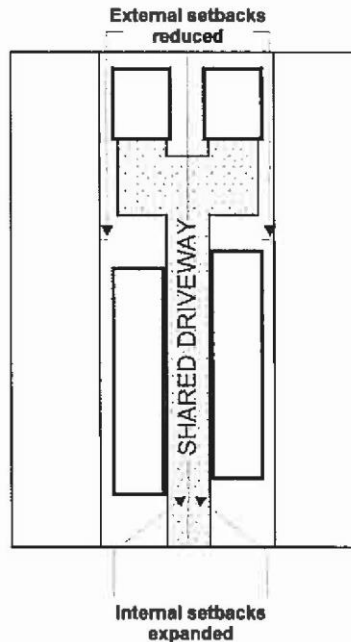
2. Street-facing garages are prohibited on lots with frontage of less than thirty-seven and a half feet (37.5').
3. Garages shall be developed in accordance with the requirements of the underlying zone.
2. Units with front loading garages (where access to alley is not available or practical):
 - a. Any attached, front loading garage shall include design elements that will provide varied rooflines, dormers within the roofline or other architectural treatments that will avoid the appearance of garage domination. The setback of the garage face shall be twenty five feet (25').
 - b. Porches, living space, or other projecting features above such front loading garages are required. Structures incorporating such features above a front loading garage shall not be subject to review by the commission.



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- c. Attached, front loading garages shall be limited to single car width; two (2) car garages must be designed for tandem parking.
- d. The use of a ten foot (10') wide shared driveway providing access to rear yard garages that are attached with a common wall on the property line is allowed.
- e. Where a shared driveway is proposed between two (2) units, each unit may be allowed to reduce the outside side yard setback from five feet (5') to three feet (3') to provide for a driveway width greater than ten feet (10').

Such reduction is contingent upon approval of a stormwater plan. In addition, the reduced setback shall be measured from property line to eave rather than building wall as may otherwise be allowed and may require compliance with additional building and fire code provisions (i.e., roof designed for higher snow load and provision of snow stops, installation of residential sprinkler system).



3. The driveway may be designed with concrete wheel strips or grass pavers that are separated by vegetation.

(Ord. 1263, 12-29-2011)

~~9-4-6-8: Attached Housing Arrangements:~~

A. ~~Attached Units Encouraged: Attaching single-family units in multiples of two (2) or three (3) on common lot lines is encouraged as a means of creating more substantial structures that will be imitative of standard width single-family homes. Such units remain subject to the general design criteria stated in this chapter and do not require a planned unit development application.~~

- ~~1. In the RS zone, no greater than three (3) contiguous attached dwelling units shall be permitted. In the RS zone, attached housing shall contribute to the single-family character of the neighborhood by utilizing exemplary design and architecture to seamlessly integrate with other structures in the vicinity.~~

B. ~~Additional Requirements for Attached Buildings:~~

- ~~1. Attached buildings shall be constructed to comply with townhouse construction standards in accordance with the building code adopted by the city of Sandpoint.~~
- ~~2. The city attorney shall review and approve all easement agreements an applicant or builder seeks to obtain for the use and maintenance of common facilities such as driveways, parking sites and common party walls. All such easements shall be recorded in the records of Bonner County prior to an applicant or builder seeking a building permit under this chapter.~~
- ~~3. Adjustments to lot lines and reduction in the number of lots within the same parcel are subject to review and approval pursuant to all applicable city of Sandpoint subdivision and zoning regulations. The applicant shall obtain approval from the city of Sandpoint and record any lot line adjustments or reduction in lots with the Bonner County recorder prior to submission for a building permit.~~
- ~~4. The first story of a two-story attached building shall be set back a minimum of five feet (5') from the side property line. The second story of a two-story attached building shall be set back a minimum of~~

eight feet (8') from the side property line; provided, bay windows, pop outs or other architectural appurtenances may be allowed at the five foot (5') setback line in the residential multi-family zone.

(Ord. 1263, 12-29-2011)

9-4-6-9: Design Guidelines for Substandard Lots:

Development on substandard lots requires site plan review approval. As applicable to their required review process, city staff and the planning commission or such design review subcommittee as may be created for such purpose shall take into account the location and design of adjacent buildings, landscaping and right-of-way improvements, and shall apply the following criteria as appropriate: Each substandard lot shall be developed in accordance with the design guidelines for the underlying zone.

A. Front Facade Design Requirements:

1. ~~Homes shall have a front door that faces the street. When a unit is built on a corner lot, the door shall face the dominant street.~~
2. ~~In lieu of a street facing front door, the applicant may construct a prominent front porch that is a minimum of six feet (6') in depth and the dwelling shall have a minimum of twenty five percent (25%) of the front facade comprised of windows and/or door openings. For homes with front loaded garages, the garage door shall not count toward the window opening requirements. The garage door shall include design elements such as: panels, windows, trim features, cross members, or other architectural features as determined by the commission or staff.~~
3. ~~Detached dwelling units shall provide a facade that substantially differs from the facade of adjacent structures. Variations in materials alone will not be considered sufficient. The unique facade may be obtained through the use of structural changes or through the use of substantial design elements. In addition to complying with the preceding design guidelines, tThe front facade shall include multiple design elements such as: multipaned windows, varied rooflines, dormers, bay windows, wainscoting, a covered front door, a usable front porch or other elements as approved by the commission or staff that create a unique facade. Articulated designs may repeat on noncontiguous lots.~~
4. ~~Attached units shall provide modulation and architectural design features to prevent flat facade wall planes.~~

B. Orientation of Buildings: All buildings shall be oriented toward a public street. When buildings cannot be oriented toward a public street due to inadequate street frontage or similar circumstances, the buildings shall be oriented toward a private street or lane that conforms to city standards.

C. Stormwater Runoff: Stormwater runoff shall be directed to the front or rear yard and shall be treated in accordance with standards of the Sandpoint stormwater ordinance.

(Ord. 1263, 12-29-2011)

9-4-6-10: Design Guideline and Development Standards Waivers for Substandard Lots:

- A.** ~~The applicant may request a waiver from one or more of the standards listed in section 9-4-6-9 of this chapter or from the height and parking requirements of sections 9-4-6-4 and 9-4-6-7 of this chapter. All requests for waivers shall be heard and decided by the planning commission or such design review subcommittee as may be created for such purpose. A waiver shall not be considered a right or special privilege but may be granted to an applicant that can meet the following findings:~~

1. ~~That the granting of the waiver will not be in conflict with the intent of the substandard lot ordinance, shall not negatively impact the existing neighborhood and shall enhance the overall design quality of the project;~~
 2. ~~That there is an exceptional circumstance relating to the design or configuration of the property, which is not generally applicable to other properties or otherwise anticipated by the standards in the district.~~
 3. ~~The granting of such relief will not be materially detrimental to the public health, safety or welfare, or injurious to the property, improvements or the quiet enjoyment of the surrounding properties and neighborhood.~~
 4. ~~The granting of such relief will not be in conflict with the goals and policies of the comprehensive plan.~~
- ~~(Ord. 1263, 12-29-2011)~~

January 6, 10, 20, 2020

**NOTICE OF
PUBLIC HEARING**

Notice is hereby given that
the Sandpoint City Council will
hold a public hearing during

their meeting on Wednesday, January 21, 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 Council considers a recommendation to amend Sandpoint City Code Title 3, Chapter 12, "Short Term Rental of Dwelling Units" to bring the city code regulating short-term rentals into alignment with Idaho Code §67-6539, including the removal of the cap on the number of non-owner occupied STRs in residential zoning districts, distinguishing between standard and high-occupancy STRs, and streamlining permitting procedures and performance standards.

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.

Copies of the complete files for this matter are available for review online at <https://www.sandpointidaho.gov/community-planning-development/page/code-amendment-ss3-12-short-term-rental-dwelling-units> or at the Sandpoint City Clerk's office at City Hall (address above), 208-263-3310. Any written testimony to be considered at this meeting must be delivered to City Hall or by email to cityclerk@sandpointidaho.gov before 5:00 p.m. on Thursday, January 15, 2026.

To request special accommodation to view the application files or participate in the above-noticed meeting, contact the City

Item # 11.

via the email address or phone
number stated above no later
than two (2) business days prior
to the date of the hearing.
Legal#7565 AD#44540
January 6, 13, 20, 2026

NOTICE OF



AGENDA REPORT

City Council Meeting

TODAY'S DATE: January 6, 2026

MEETING DATE: January 21st, 2026

TO: Mayor Grimm, members of City Council

FROM: Jason Welker, Planning & Community Development Director

SUBJECT: PUBLIC HEARING: Amendments to Title 3, Chapter 12: Short Term Rental of Dwelling Units

PURPOSE:

The purpose of this item is to consider proposed amendments to Sandpoint City Code Title 3, Chapter 12, regulating short-term rental (STR) operations within city limits. The amendments modernize the existing ordinance, clarify permitting and enforcement provisions, and align the City's regulations with Idaho Code §67-6539, which affirms the authority of municipalities to regulate STRs in order to protect public health, safety, and neighborhood character while respecting private property rights.

PLANNING & ZONING COMMISSION RECOMMENDATION

Leading up to tonight's public hearing, two previous hearings were held at the Planning & Zoning Commission level: the first on November 17th and the second on December 16th. At the December 16th meeting the Commission voted 5-0 in favor of recommending City Council adopt the amendments to the STR ordinance as presented in this staff report.

BACKGROUND

Sandpoint first adopted regulations governing short-term rentals (STRs) in 2018, with minor amendments made in 2020. In the years since, Idaho's legal and regulatory landscape surrounding STRs has continued to evolve, shaped most recently by two significant court decisions. In *Idaho Association of Realtors, Inc. v. City of Lava Hot Springs* (2025), the Idaho Supreme Court invalidated that city's prohibition on non-owner-occupied STRs in residential zones, holding that Idaho Code §676539 expressly forbids any ordinance that has the "express or practical effect" of prohibiting short-term rentals of any type. Soon after, in *Scott v. City of McCall* (2025), the Fourth District Court largely upheld McCall's STR ordinance as a reasonable exercise of local police power under the same statute—emphasizing that municipalities retain authority to impose objective, health, safety, and welfare-based regulations so long as they do not amount to a functional ban.

Together, these rulings have clarified the boundaries of permissible STR regulation in Idaho, confirming that while cities may not prohibit STRs outright or by effect, they may regulate them to mitigate impacts on neighborhood character and livability. Recognizing that Sandpoint's current ordinance predates these precedents and includes provisions, such as a numerical cap on non-owner-occupied STRs, that are increasingly difficult to defend under state law, the proposed amendments remove that cap while preserving and strengthening the City's ability to regulate operational and neighborhood impacts

through reasonable, objective standards related to parking, noise, occupancy, and safety. These changes ensure the City's STR regulations remain legally defensible, enforceable, and consistent with Idaho Code §67-6539.

OVERVIEW OF CHANGES

The proposed amendment to Sandpoint City Code Title 3, Chapter 12 modernizes and simplifies the City's short-term rental regulations to improve clarity, enforceability, and alignment with Idaho state law. The ordinance has been reorganized for better structure, now moving logically from purpose and applicability to definitions, permitting, operational standards, and enforcement. The purpose statement has been rewritten to clearly align with Idaho Code §67-6539, affirming the City's authority to regulate short-term rentals in order to protect public health, safety, and neighborhood character while balancing private property rights and housing opportunities.

The amended ordinance removes the outdated cap limiting non-owner-occupied short-term rentals in residential zones and eliminates references to owner-occupied distinctions, which are increasingly inconsistent with state law and have been subject to legal challenges in other Idaho cities. In its place, the ordinance introduces two clear permit types, Standard and High-Occupancy, based on guest capacity. High-Occupancy rentals, defined as those accommodating twelve or more guests, require a conditional use permit in residential zones but not in commercial districts.

Other updates consolidate and clarify administrative procedures, including annual renewal requirements and non-transferability of permits. Operational standards have been expanded to include off-street parking requirements to mitigate neighborhood impacts, while existing safety and inspection requirements remain in place. Enforcement language has been strengthened, with fines now tied to the City's adopted fee schedule and clarified provisions for revocation, appeal, and illegal advertising.

Overall, the proposed amendments eliminate outdated and potentially unenforceable restrictions, provide clearer direction to both staff and property owners, and ensure that Sandpoint's short-term rental regulations are consistent with state law and best practices statewide.

DECEMBER 16, 2025 UPDATE TO PZ COMMISSION

Following the November 18th public hearing at which amendments were first presented and discussed, staff implemented additional changes to the proposed amendments based on commissioner and community feedback. Those changes are summarized below:

1. **Addition of a definition of "neighborhood integrity":** State law Title 67, chapter 6539 of Idaho code allows counties and cities to enact and enforce ordinances that "protect the integrity of residential neighborhoods in which short-term rentals or vacation rentals operate." However, neither state law nor local ordinance has provided a definition of "neighborhood integrity." In response to the Planning & Zoning Commission's request to adopt such a definition, staff have developed the following:
 - *Neighborhood integrity: "The condition in which residential areas function in a manner consistent with their intended character and density, such that short-term rental activities do not generate impacts such as noise, traffic, parking congestion, or public nuisance, beyond those normally associated with lawful long-term residential use."*
2. **Creation of a new type of STR permit:** In the November 18th presentation the draft amendment proposed requiring High-Occupancy Short Term Rentals (HSTRs, defined as STRs advertising occupancy for 11 or more guests) to obtain a Conditional Use Permit (CUP). Staff have since determined that the better option is to create a new type of STR permit specifically for high-occupancy units, and keeping the permitting process separated from the CUP process, which typically relates to regulation of land use under Title 9, Zoning.
 - The proposed HSTR permit process mirrors the process for a CUP closely, requiring the same noticing and public hearing at which the PZC has authority over approval or denial of a HSTR permit.

- The new permit includes specific requirements regarding performance and impacts on the proposed HSTR.
 - Findings include requirements that the HSTR will “maintain the integrity of the surrounding residential neighborhood”.
3. **Updated parking requirements:** The draft brought to the November 18th meeting required a minimum of two off-street parking spaces for an STR, with requirements increasing with additional bedrooms beyond three. The updated proposal brings this requirement more into line with the residential parking requirements and the nature and reality of transient occupancy of STRs.
- One off-street parking space is required for STRs advertising accommodation for five or fewer guests.
 - Two spaces are required for STRs advertising 6 – 10 guests.
 - Rationale is most vehicles can accommodate up to five passengers. It is reasonable to tie off-street parking requirements to likely demand for parking resulting from STR operation.
 - HSTR parking requirements to be established as a condition of approval by the PZC.

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The proposed amendments to the City’s short-term rental regulations are generally consistent with the goals and policies of Sandpoint’s 2024 Comprehensive Plan, particularly those addressing neighborhood preservation, housing availability, and livability.

The Comprehensive Plan acknowledges that approximately 20% of Sandpoint’s housing stock is used for seasonal, recreational, or occasional purposes and notes that the proliferation of short-term rentals has a direct impact on the availability of year-round housing. It further recognizes community concern over the effects of STRs on neighborhood character, affordability, and sense of community, stating that “residents continue to want regulations and enforcement of short-term rentals to ensure neighborhood residential character is maintained.”

Within Chapter 5: Housing and Neighborhoods, the Plan sets forth policies to (1) protect the residential character of existing neighborhoods and (2) continue to manage short-term rentals to mitigate adverse impacts on year-round residential neighborhoods as allowed by law (Goal 3, Policy C).

The proposed ordinance advances these goals by strengthening operational standards that address neighborhood impacts, such as parking, occupancy, and safety, while improving clarity and enforceability. It aligns with state law by removing numerical caps that have proven difficult to defend legally, shifting instead toward impact-based regulation consistent with the Comprehensive Plan’s intent to “manage” rather than prohibit short-term rentals.

However, staff acknowledge that removal of the citywide cap on non-owner-occupied short-term rentals may represent a partial divergence from the Plan’s policy direction to maintain housing availability for full-time residents. While the proposed amendment upholds the Plan’s neighborhood protection objectives, it does so through administrative and operational controls rather than through quantitative limits on the number of STRs.

Overall, the proposed changes maintain substantial consistency with the Comprehensive Plan by focusing regulation on mitigating neighborhood and housing impacts, ensuring compliance with Idaho Code §67-6539, and preserving the City’s ability to monitor and manage STR activity as part of its broader housing strategy.

LEGISLATIVE THREAT TO CONTINUED REGULATION OF STRs AND THE AIRBnB LOBBYING EFFORT IN BOISE – WHAT IT MEANS FOR THE FUTURE OF STR REGULATION IN SANDPOINT

While staff have continued refining our local STR ordinance, the Idaho Vacation Rental Association and its Silicon Valley backers (notably AirBnB) have drafted a bill amending State Law Title 67-6539,

“Limitations on regulation of short-term rentals and vacation rentals” to further strip City’s rights and abilities to regulate STRs to mitigate their impacts on neighborhood integrity. Notable changes to State law being proposed include,

1. Changing language that currently states, *“A county or city may implement such reasonable regulations **as it deems necessary** to safeguard the public health, safety and general welfare in order to protect the integrity of residential neighborhoods in which short-term rentals or vacation rentals operate”* to *“...regulations **contained in subsections (4) and (5)** to safeguard the public health...”*
 - Cities would no longer be permitted to determine what regulations are necessary and instead would be limited to regulations the state says we are allowed to implement. Those included in (4) and (5) include:
 4. *Cities may require smoke alarms, fire extinguishers, removable fire escape ladders in sleeping areas above the main floor, carbon monoxide detectors, set maximum occupancy limits based on the international fire code, and require the owner to provide informational handouts regarding location of exits, fire extinguishers, and first aid kits.*
 5. *Other reasonable regulations that “shall not impose greater restrictions or obligations on the short-term rental than are imposed on similar dwelling units not used as short-term rentals.”*
2. Eliminating city and county’s licensing / permitting authority for operation of STRs, such that Cities are prohibited from requiring STRs to register with the City.

If the bill amending the State’s STR laws makes it through the legislature in the upcoming session, Sandpoint will be required to further amend our own STR ordinance to remove permit requirements and any performance standards beyond those identified in (4) and (5) above.

STAFF RECOMMENDATION:

Staff recommend that the City Council approve adoption of the proposed amendments to Sandpoint City Code Title 3, Chapter 12, as presented. The revised code provides a clearer, more enforceable, and legally defensible framework for regulating short-term rentals consistent with state law and community objectives.

ACTION:

Council may choose from the following actions:

1. **Approve** the proposed amendment to Sandpoint City Code, Title 3, Chapter 12, as presented;
2. **Modify** the proposed amendment;
3. **Postpone or table** consideration to a date certain to allow for additional information or revisions; or
4. **Deny** of the proposed amendment.

WILL THERE BE ANY FINANCIAL IMPACT? N HAS THIS ITEM BEEN BUDGETED? N/A

ATTACHMENTS:

Draft amendments to §3-12 Short Term Rental of Dwelling Units

Notice of Public Hearing

District Court Decision: McCall v. Scott

Supreme Court Opinion: Taylor v. City of Lava Hot Springs

RENTAL OF DWELLING UNITS

CHAPTER 12 SHORT TERM RENTAL OF DWELLING UNITS

3-12-1: Purpose:

~~The purpose of this chapter is to protect the integrity of the city's residential neighborhoods and private property rights by limiting non-owner occupied short term rentals within residential neighborhoods and by regulating all short term rentals of dwelling units to safeguard the health, safety and welfare of short term rental occupants and that of neighboring residents.~~

The purpose of this chapter is to:

- (a) establish reasonable regulations for the operation of short-term rentals, consistent with the Idaho Short-term Rental and Vacation Rental Act currently set forth in Idaho Code §63-1801 et. seq. and §67-6539, in order to safeguard the public health, safety, and general welfare;
- (b) protect the integrity of Sandpoint's neighborhoods by ensuring that short-term rentals (e.g. short-term occupancy) have no greater impacts (such as noise, parking congestion, traffic, and changes to neighborhood character) than typical long-term occupancy;
- (c) support private property rights and preserve housing opportunities for the community.

These regulations are adopted pursuant to the city's authority under Idaho Code § 67-6539 to protect the public health, safety, and welfare.

(Ord. 1353, 6-6-2018)

3-12-32: ~~Requirements~~Applicability:

- A. Permit Required: No person shall occupy, use, operate or manage, nor offer or negotiate to use, lease or rent a dwelling unit for short-term rental occupancy within the city without first obtaining a short-term rental permit as provided in this chapter. Commencing on the effective date hereof, any person who is permitted to engage in the rental of a dwelling for short-term occupancy shall have obtained one of the following short-term rental permits, depending on the type of operation:
 - 1. Standard STR permit: for a short-term rental that accommodates fewer than twelve (12) overnight guests.
 - 2. High-occupancy STR permit: for a short-term rental advertising occupancy for eleven (11) or more overnight guests. High Occupancy STRs are subject to additional review and shall be required to obtain a High-occupancy (HSTR) permit from the Planning & Zoning Commission when located within residential zoning districts. High-occupancy STRs located within Commercial zoning districts are not subject to the HSTR permit requirements set forth in this chapter.
- B. Compliance with Chapter: Permits for short-term rentals are allowed subject to all provisions of this chapter.
- C. Occupancy Tax: Compliance with the requirements of chapter 10, "Hotel-Motel Occupancy Tax", of this title is required.

- D. Residential Zones: Within residential zones, short-term rentals shall have a minimum two (2) nights stay ~~and shall be limited to one per parcel. All STRs in residential zones shall be limited to one (1) per parcel.~~
- E. ~~Non Owner Occupied Short Term Rentals: The sum total of all non-owner occupied short term rentals within the entirety of all residential zones shall not exceed thirty five (35) units, except as provided below:~~
- ~~1. Where the short term rental unit is included in a multi-unit development with the following standards:~~
 - ~~a. Such development must include not less than ten (10) units.~~
 - ~~b. Such development must include property that adjoins the waterfront.~~
 - ~~c. Such development must be within one thousand five hundred feet (1,500') of the downtown core defined as being within the boundaries of First Avenue, Cedar Street, Fifth Avenue and Pine Street. Developments located farther than one thousand five hundred feet (1,500') from the downtown core that meet standards in subsections E.1.a. and E.1.b. of this section may only be allowed non-owner occupied short term rentals at a ratio of one per ten (10) units.~~
 - ~~2. Where approved for greater short term rental density as part of an approved planned unit development. Existing approved planned unit developments must be formally amended to be eligible for this greater density.~~
 - ~~3. Where the short term rental was approved prior to the effective date of this chapter.~~

(Ord. 1353, 6-6-2018)

3-12-~~23~~: Definitions:

HIGH-OCCUPANCY STR: A short-term rental permitted for occupancy for eleven (11) or more overnight guests. High Occupancy STRs are subject to additional review and shall be required to obtain a High-Occupancy STR permit, in accordance with the provisions of this chapter, when located within residential zoning districts.

LOCAL REPRESENTATIVE: An area property manager, owner, or agent of the owner, who is readily available to respond to tenant and neighborhood or city questions or concerns, and who resides within twenty (20) miles of Sandpoint city limits.

NEIGHBORHOOD INTEGRITY: The condition in which residential areas function in a manner consistent with their intended character and density, such that short-term rental activities do not generate impacts such as noise, traffic, parking congestion, or public nuisance, beyond those normally associated with lawful long-term residential use.

OWNER: The person or entity that holds legal and/or equitable title to the private property. The owner may act through an agent or property manager, but the owner shall remain responsible for compliance with these provisions.

~~OWNER OCCUPIED: Where the owner of a dwelling unit resides on the parcel for a minimum of six (6) months out of a calendar year. Homeowner-occupied tax exempt status shall be considered to be proof of homeowner occupied status for the purposes of this code.~~

SHORT-TERM RENTAL (STR): The use of a dwelling unit, or a portion thereof which is rented for the purpose of overnight lodging for a period of thirty (30) days or less per occurrence. Short-term rentals are also commonly referred to as vacation homes, tourist homes, bed and breakfast establishments or vacation rentals. Short-term rental does not include traditional bed and breakfast establishments licensed separately under city code (as defined in § 9-1-3).

STANDARD STR: A short-term rental that accommodates no more than two (2) persons per bedroom plus two (2) additional persons, up to a maximum of 10 persons. For the purposes of this definition a studio is considered to be a one (1) bedroom dwelling unit.

(Ord. 1353, 6-6-2018)

3-12-4: Permit Administration

- A. Issuance: Application for a short-term rental permit shall be made upon suitable forms furnished by the city. Each permit is valid for one calendar year, beginning January 1 and expiring December 31. Mid-year applications will be pro-rated. The issuance of a short-term rental permit shall be subject to the following requirements:
 - 1. Inspection: At the time of application for a new short-term rental permit, the dwelling unit shall be subject to inspection by the building official or their designee. Prior to the issuance of the short-term rental permit, the owner of the dwelling unit shall make all necessary alterations to the dwelling required by the building official pursuant to the requirements of this chapter.
 - 2. For renewals, applicants shall be required to submit a statement affirming compliance with the standards set forth in this chapter by completing a city provided self-inspection checklist.
 - 3. Any inspections required under this chapter may be conducted by a private inspector certified by the International Code Council at the owner's expense.
- B. Renewal: To remain active, permits must be renewed prior to expiration. Renewal requires submission of a complete permit renewal application and payment of the reduced renewal fee established by resolution of the City Council. If a permit is not renewed before expiration, it shall be deemed lapsed, and a new permit application with the full fee shall be required to continue operation.
- C. Transferability: Permits are non-transferable and shall lapse upon any change of ownership, except where the property is transferred into an entity wholly owned by the permit holder for estate or liability purposes.
- D. High-Occupancy STR (HSTR) Permit Procedures: HSTR permits may be granted only upon findings by the Planning & Zoning Commission that the proposal meets all of the following requirements
 - 1. Application form: The owner or authorize agent shall submit an HSTR permit application on forms provided by the City.
 - 2. Required materials: A complete application shall include
 - i. Site plan showing building footprint(s), driveways, parking layout, trash/recycling storage, and adjacent properties.
 - ii. Floor plan identifying all sleeping areas and proposed maximum overnight occupancy.
 - iii. A narrative describing:
 - 1. Maximum advertised occupancy;
 - 2. Parking management plan;
 - 3. Noise management and quiet-hours plan;
 - 4. Local representative contact information;
 - 5. Procedures for compliance with the City's STR standards.
 - iv. Proof of property ownership.

- v. Application fee established by resolution of the City Council.
- vi. Any additional information reasonably required by the City to evaluate the application.
- 3. Completeness review: An application shall not be scheduled for public hearing until the Planning and Community Development Director determines that it is complete.
- 4. Noticing requirements:
 - i. Mailed notice: At least 15 days prior to the hearing, written notice shall be mailed to all property owners within 300 feet of the subject parcel.
 - ii. Published notice: Notice of the public hearing shall be published in the official newspaper of the City not less than 14 days prior to the hearing date.
 - iii. On-site posting: A public notice sign shall be posted on the property in a conspicuous location visible from the public right-of-way at least 10 days prior to the hearing.
- 5. Review procedures: The Community Planning and Development Department shall prepare a staff report evaluating the application's consistency with this Chapter and impacts on surrounding properties.
- 6. Public hearing:
 - i. The Planning & Zoning Commission shall conduct a public hearing in accordance with the procedures of Idaho Code §67-6512 and Title 9, Chapter 9-5 of the Sandpoint City Code.
 - 1. The Commission shall have final decision-making authority to approve, approve with conditions, or deny an HSTR permit.
 - ii. Findings of fact for approval of HSTR permit: Prior to approval of a HSTR permit, the Planning & Zoning Commission shall make all of the following findings, based on substantial evidence in the record.
 - 1. The-proposed maximum occupancy is supported by the physical capacity of the structure, parking availability, and access;
 - 2. The HSTR complies with building, fire, health, and life-safety requirements;
 - 3. The HSTR has demonstrated adequate management measures (local representative, guest behavior expectations, parking management, quiet hours, garbage) to protect residential quality of life;
 - 4. The HSTR will maintain the integrity of the surrounding residential neighborhood and will not generate noise, traffic, parking demand, occupancy-related impacts, or other off-site effects that exceed those typical of long-term residential use, with adequate measures in place to prevent or mitigate such impacts;
 - 5. The proposal meets the intent of this Chapter and applicable standards of Title 9.
 - iii. Conditions of approval: The Planning & Zoning Commission may impose reasonable conditions necessary to:
 - 1. Mitigate adverse noise, lighting, and parking impacts;
 - 2. Ensure compliance with neighborhood compatibility standards;
 - 3. Protect public health, safety, and welfare.

4. Reduce occupancy, impose parking limits or restrictions, impose noise mitigation, or other operational standards in order to reduce such impacts.
 - iv. The Planning & Zoning Commission shall approve, deny, or continue consideration of the application until such time as any necessary information sought has been provided to the Planning & Zoning Commission. The Planning & Zoning Commission may issue a tentative decision at the close of the public hearing. The final decision shall be a written decision approved by the Planning and Zoning Commission, and shall take effect twenty (20) days following the written decision, unless an appeal has been timely submitted pursuant to subsection 7, below.
7. Appeals
- i. Appeal authority: Decisions of the Planning & Zoning Commission on HSTR permits may be appealed to the City Council.
 - ii. Filing and appeal: Appeals must be submitted in writing to the City Clerk within 20 days of the Planning & Zoning Commission written decision. The appeal shall state the specific grounds for appeal and be accompanied by the applicable fee.
 - iii. Hearing on appeal: The City Council shall conduct a noticed public hearing consistent with Idaho Code §67-6512 on the appeal. The Council may uphold, modify, or overturn the Commission's decision.
8. Revocation: An HSTR permit may be revoked following a public hearing before the Planning & Zoning Commission if any of the following occur revocation decisions may be appealed to City Council consistent with subsection 7:
- i. Three violations under §3-12-6 occur within a twelve-month period, or
 - ii. The owner fails to comply with any conditions of approval, or
 - iii. Operational impacts are found to be substantially detrimental to nearby properties. And
 - iv. The property owner has been notified by mail of the violations and the revocation public hearing;

3-12-4~~5~~: Standards:

- A. A short-term rental shall comply with the following standards:

~~1. Permit:~~

- ~~a. Commencing on the effective date hereof, any person who is permitted to engage in the rental of a dwelling for short term occupancy shall have obtained a short term rental permit.~~

~~Application for such a permit shall be made upon suitable forms furnished by the city. The permit is valid for one year and must be renewed annually. Renewal of the permit requires a complete permit application and fee. If a complete application and applicable fees have not been received by the city on the annual renewal date, the short term rental shall be conclusively presumed to be discontinued and the city shall revoke the short term rental permit.~~

- ~~b. A short-term rental permit is issued to a specific owner of a dwelling unit. The short term rental permit shall be revoked when the permit holder sells or transfers the real property. For purposes of this section, "sale or transfer" shall mean any change of ownership during the lifetime of the permit holder or after the death of the permit holder whether there is consideration or not, except a change in ownership where title is held in survivorship with a spouse or child or~~

~~transfers on the owner's death to a trust which benefits only a spouse or child. A permit holder may transfer ownership of the real property to: a trustee, a limited liability company, a corporation, a partnership, a limited partnership, a limited liability partnership, or other similar entity and not be subject to permit revocation pursuant to this section so long as the transferor lives and remains the only owner of the entity. When the permit holder sells or transfers the real property the new owner shall apply for and receive a short_term rental permit before using the dwelling as a short_term rental.~~

2. ~~Issuance:~~ The issuance of a short_term rental permit shall be subject to the following requirements:
 - a. ~~Inspection:~~
 - (1) ~~At the time of application for a new short_term rental permit, the dwelling unit shall be subject to inspection by the building official or their designee. Prior to the issuance of the short_term rental permit, the owner of the dwelling unit shall make all necessary alterations to the dwelling required by the building official pursuant to the requirements of this chapter.~~
 - (2) ~~For renewals, applicants shall be required to submit a statement affirming compliance with the standards set forth in this chapter by completing a city provided self-inspection checklist.~~
 - (3) ~~Any inspections required under this chapter may be conducted by a private inspector certified by the International Code Council at the owner's expense.~~
 - B1. Windows: Bedroom windows shall be operable to allow for emergency egress in accordance with the most recent building and fire codes as adopted and amended by the State of Idaho.
 - E2. Smoke Alarms: Single or multiple-station smoke alarms shall be installed and maintained in accordance with manufacturers' specification:
 - (~~1a~~) On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
 - (~~2b~~) In each room used for sleeping purposes.
 - (~~3c~~) In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
 - ~~d3.~~ CO Detectors: A CO detector is required on each floor if: there is a garage, solid fuel appliance or gas appliance.
 - E4. Fire Extinguishers: The short_term rental shall be equipped with one 2A:10BC type extinguisher per floor. Fire extinguisher(s) shall be mounted in visible locations with the tops of the fire extinguishers mounted between three feet (3') and five feet (5') above the floor, and shall be accessible to occupants at all times.
 - F5. Occupancy:
 - (a) No recreational vehicle, travel trailer, tent or other temporary shelter shall be used as a short-term rental;
 - (b) Standard Short-Term Rentals shall contain no more than two (2) persons per bedroom, plus two additional persons. Total maximum occupancy of the Short-Term Rental shall not exceed ten (10) persons without the issuance of a High Occupancy STR Permit (HSTR).

~~g6.~~ Local Representative:

- ~~(1a)~~ Each short-term rental shall list a local representative who permanently resides within twenty (20) vehicular miles of Sandpoint City limits.
- ~~(2b)~~ If the Police Department is not able to contact the local representative in a timely manner more than twice during the term of the annual permit, this shall be considered a violation pursuant to section 3-12-5 of this chapter.
- ~~(3c)~~ The designated local representative may be changed by the permit holder from time to time throughout the term of the permit. However, to change the local representative, the permit holder must file a revised permit application that includes the name, address and telephone number of the new local representative. Failure to notify the city of a change in the local representative constitutes a violation pursuant to section 3-12-56 of this chapter.
- ~~(4d)~~ For ~~non-owner occupied~~ short-term rentals within the residential zones ~~that do not meet the standards of subsection 3-12-3.E.1. of this chapter,~~ property owners and/or residents within two hundred feet (200') of the dwelling shall be provided with the name and telephone number of the owner or the local representative. The permit holder shall provide documentation to the city of this notification and list of the owners and/or residents contacted as part of the permit application process.

~~h7.~~ Permit Posting: The short-term rental permit shall be posted within the dwelling adjacent to the front door. At a minimum, the permit will contain the following information:

- ~~(1a)~~ The name of the local representative and a telephone number where the representative may be reached;
- ~~(2b)~~ The name and a telephone number where the property owner can be reached;
- ~~(3c)~~ The telephone number and website address of the City of Sandpoint and the Sandpoint Police Department;
- ~~(4d)~~ The maximum number of occupants permitted to stay in the dwelling;
- ~~(5e)~~ The solid waste and recycling collection day; and
- ~~(6f)~~ The Sandpoint snowplowing regulations.

8. Parking: Short-term rentals shall provide and maintain adequate off-street parking as follows:

- (1) One (1) off-street parking space is required for standard STRs advertising accommodation for five (5) or fewer guests.
- (2) Two off-street parking spaces are required for standard STRs advertising accommodation for six (6) or more guests.
- (3) Parking requirements for High-Occupancy STRs shall be established by the Planning & Zoning Commission as a condition of approval for the HSTR Permit and shall not be fewer than two (2) off-street spaces.
- (4) Any existing off-street parking in excess of the required parking for the residential use, including tandem spaces in driveways, or covered spaces in carports or garages, may count toward the requirement if they do not obstruct sidewalks, pedestrian routes, or emergency access.
- (5) On-street parking shall not count toward the minimum requirement.

~~i. Inactivity: License issuance and continued validity for non-owner occupied short term rental shall be contingent upon the owner's good faith effort to actively engage in the rental of the property. Failure~~

~~to provide documentation of rental activity for a minimum of twelve (12) nights during a twelve (12) month period, pro-rated quarterly, prior to the short-term rental permit renewal deadline shall constitute an immediate forfeiture of the license.~~

(Ord. 1353, 6-6-2018; amd. Ord. 1380, 11-4-2020)

3-12-~~56~~: Violation; Infraction; Penalty:

- A. The following conduct shall constitute a violation for which the penalties and sanctions specified in this section may be imposed:
1. Violations:
 - a. The tenants of the dwelling have created noise, disturbances, or nuisances, in violation of this code, or violations of State law pertaining to the consumption of alcohol, or the use of illegal drugs.
 - b. The owner has failed to comply with the standards of section 3-12-4 and 3-12-5 of this chapter.
 2. Penalties:
 - a. For the first two (2) violations within a twelve (12) month period, the sanction shall be a warning notice.
 - b. For the third violation within a twelve (12) month period, the sanction shall be a revocation of the permit.
 3. Written Notice: The city shall provide the permit holder with a written notice of any violation of this section that has occurred. If applicable, a copy of the warning notice shall be sent to the local representative.
 4. Appeal of Suspension or Revocation: Pursuant to this section, the city shall provide the permit holder with a written notice of the permit suspension or revocation and the reasons therefor. The permit holder may appeal the suspension or revocation to the city council by filing a letter of appeal to the city clerk within twenty (20) days after the date of the mailing of the Planning Director's order to suspend or revoke the permit. The Planning Director's suspension or revocation shall be stayed until the appeal has been determined by the city council. The city council shall conduct a hearing on the appeal within sixty (60) days of the date of the filing of the letter of appeal. At the appeal, the permit holder may present such evidence as may be relevant. At the conclusion of the hearing, based on the evidence it has received, the council may uphold, modify, or overturn the decision of the Planning Director to suspend or revoke the permit based on the evidence received.
 5. Application for Permit After Revocation: A person who has had a short-term rental permit revoked shall not be permitted to apply for a subsequent short-term rental permit for a period of two (2) years from the date of revocation.
 6. Infraction: Unless otherwise provided, any person who shall commence or continue to operate a short-term rental for which a permit is required by any provision of this title without first procuring the same obtaining such permit shall be deemed guilty of an infraction and, upon conviction thereof, shall be fined one hundred dollars (\$100.00) an amount established in the City's adopted fee schedule, as set by resolution of the City Council. An infraction is a civil public offense, not constituting a crime, for which no period of incarceration is imposed. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

7. Advertisement of Short-Term Rental: An advertisement promoting the availability of short-term rental property in violation of this code is prima facie evidence of a violation and may be grounds for denial, suspension or revocation of a license.

Advertising that offers a property as a residential short-term rental shall constitute prima facie evidence of the operation of a residential short-term rental and the burden of proof shall be on the owner, operator, or lessee of record to establish that the subject property is being used as a legal residential short-term rental or is not in operation.

Any communication by a property owner, manager, operator, or lessee to any person where the owner, manager, operator, or lessee offers their home for rent as a residential short-term rental shall constitute prima facie evidence of the operation of a residential short-term rental and the burden of proof shall be on the owner, operator, or lessee of record to establish that the subject property is being used as a legal residential short-term rental or is not in operation.

Other evidence of the operation of a residential short-term rental without a valid permit number may include, but is not limited to: guest testimony, rental agreements, advertisements, and receipts or bank statements showing payments to the owner by a guest.

(Ord. 1353, 6-6-2018)

RENTAL OF DWELLING UNITS

CHAPTER 12 SHORT TERM RENTAL OF DWELLING UNITS

3-12-1: Purpose:

~~The purpose of this chapter is to protect the integrity of the city's residential neighborhoods and private property rights by limiting non-owner occupied short term rentals within residential neighborhoods and by regulating all short term rentals of dwelling units to safeguard the health, safety and welfare of short term rental occupants and that of neighboring residents.~~

The purpose of this chapter is to:

- (a) establish reasonable regulations for the operation of short-term rentals, consistent with the Idaho Short-term Rental and Vacation Rental Act currently set forth in Idaho Code §63-1801 et. seq. and §67-6539, in order to safeguard the public health, safety, and general welfare;
- (b) protect the integrity of Sandpoint's neighborhoods by ensuring that short-term rentals (e.g. short-term occupancy) have no greater impacts (such as noise, parking congestion, traffic, and changes to neighborhood character) than typical long-term occupancy;
- (c) support private property rights and preserve housing opportunities for the community.

These regulations are adopted pursuant to the city's authority under Idaho Code § 67-6539 to protect the public health, safety, and welfare.

(Ord. 1353, 6-6-2018)

3-12-32: ~~Requirements~~Applicability:

- A. Permit Required: No person shall occupy, use, operate or manage, nor offer or negotiate to use, lease or rent a dwelling unit for short-term rental occupancy within the city without first obtaining a short-term rental permit as provided in this chapter. Commencing on the effective date hereof, any person who is permitted to engage in the rental of a dwelling for short-term occupancy shall have obtained one of the following short-term rental permits, depending on the type of operation:
 - 1. Standard STR permit: for a short-term rental that accommodates fewer than twelve (12) overnight guests.
 - 2. High-occupancy STR permit: for a short-term rental advertising occupancy for eleven (11) or more overnight guests. High Occupancy STRs are subject to additional review and shall be required to obtain a High-occupancy (HSTR) permit from the Planning & Zoning Commission when located within residential zoning districts. High-occupancy STRs located within Commercial zoning districts are not subject to the HSTR permit requirements set forth in this chapter.
- B. Compliance with Chapter: Permits for short-term rentals are allowed subject to all provisions of this chapter.
- C. Occupancy Tax: Compliance with the requirements of chapter 10, "Hotel-Motel Occupancy Tax", of this title is required.

- D. Residential Zones: Within residential zones, short-term rentals shall have a minimum two (2) nights stay ~~and shall be limited to one per parcel.~~ All STRs in residential zones shall be limited to one (1) per parcel.
- E. ~~Non Owner Occupied Short Term Rentals: The sum total of all non owner occupied short term rentals within the entirety of all residential zones shall not exceed thirty five (35) units, except as provided below:~~
1. ~~Where the short term rental unit is included in a multi-unit development with the following standards:~~
 - a. ~~Such development must include not less than ten (10) units.~~
 - b. ~~Such development must include property that adjoins the waterfront.~~
 - c. ~~Such development must be within one thousand five hundred feet (1,500') of the downtown core defined as being within the boundaries of First Avenue, Cedar Street, Fifth Avenue and Pine Street. Developments located farther than one thousand five hundred feet (1,500') from the downtown core that meet standards in subsections E.1.a. and E.1.b. of this section may only be allowed non-owner occupied short term rentals at a ratio of one per ten (10) units.~~
 2. ~~Where approved for greater short term rental density as part of an approved planned unit development. Existing approved planned unit developments must be formally amended to be eligible for this greater density.~~
 3. ~~Where the short term rental was approved prior to the effective date of this chapter.~~

(Ord. 1353, 6-6-2018)

3-12-23: Definitions:

HIGH-OCCUPANCY STR: A short-term rental permitted for occupancy for eleven (11) or more overnight guests. High Occupancy STRs are subject to additional review and shall be required to obtain a High-Occupancy STR permit, in accordance with the provisions of this chapter, when located within residential zoning districts.

LOCAL REPRESENTATIVE: An area property manager, owner, or agent of the owner, who is readily available to respond to tenant and neighborhood or city questions or concerns, and who resides within twenty (20) miles of Sandpoint city limits.

NEIGHBORHOOD INTEGRITY: The condition in which residential areas function in a manner consistent with their intended character and density, such that short-term rental activities do not generate impacts such as noise, traffic, parking congestion, or public nuisance, beyond those normally associated with lawful long-term residential use.

OWNER: The person or entity that holds legal and/or equitable title to the private property. The owner may act through an agent or property manager, but the owner shall remain responsible for compliance with these provisions.

~~OWNER OCCUPIED: Where the owner of a dwelling unit resides on the parcel for a minimum of six (6) months out of a calendar year. Homeowner occupied tax exempt status shall be considered to be proof of homeowner occupied status for the purposes of this code.~~

SHORT-TERM RENTAL (STR): The use of a dwelling unit, or a portion thereof which is rented for the purpose of overnight lodging for a period of thirty (30) days or less per occurrence. Short-term rentals are also commonly referred to as vacation homes, tourist homes, bed and breakfast establishments or vacation rentals. Short-term rental does not include traditional bed and breakfast establishments licensed separately under city code (as defined in § 9-1-3).

STANDARD STR: A short-term rental that accommodates no more than two (2) persons per bedroom plus two (2) additional persons, up to a maximum of 10 persons. For the purposes of this definition a studio is considered to be a one (1) bedroom dwelling unit.

(Ord. 1353, 6-6-2018)

3-12-4: Permit Administration

- A. Issuance: Application for a short-term rental permit shall be made upon suitable forms furnished by the city. Each permit is valid for one calendar year, beginning January 1 and expiring December 31. Mid-year applications will be pro-rated. The issuance of a short-term rental permit shall be subject to the following requirements:
 - 1. Inspection: At the time of application for a new short-term rental permit, the dwelling unit shall be subject to inspection by the building official or their designee. Prior to the issuance of the short-term rental permit, the owner of the dwelling unit shall make all necessary alterations to the dwelling required by the building official pursuant to the requirements of this chapter.
 - 2. For renewals, applicants shall be required to submit a statement affirming compliance with the standards set forth in this chapter by completing a city provided self-inspection checklist.
 - 3. Any inspections required under this chapter may be conducted by a private inspector certified by the International Code Council at the owner's expense.
- B. Renewal: To remain active, permits must be renewed prior to expiration. Renewal requires submission of a complete permit renewal application and payment of the reduced renewal fee established by resolution of the City Council. If a permit is not renewed before expiration, it shall be deemed lapsed, and a new permit application with the full fee shall be required to continue operation.
- C. Transferability: Permits are non-transferable and shall lapse upon any change of ownership, except where the property is transferred into an entity wholly owned by the permit holder for estate or liability purposes.
- D. High-Occupancy STR (HSTR) Permit Procedures: HSTR permits may be granted only upon findings by the Planning & Zoning Commission that the proposal meets all of the following requirements
 - 1. Application form: The owner or authorize agent shall submit an HSTR permit application on forms provided by the City.
 - 2. Required materials: A complete application shall include
 - i. Site plan showing building footprint(s), driveways, parking layout, trash/recycling storage, and adjacent properties.
 - ii. Floor plan identifying all sleeping areas and proposed maximum overnight occupancy.
 - iii. A narrative describing:
 - 1. Maximum advertised occupancy;
 - 2. Parking management plan;
 - 3. Noise management and quiet-hours plan;
 - 4. Local representative contact information;
 - 5. Procedures for compliance with the City's STR standards.
 - iv. Proof of property ownership.

- v. Application fee established by resolution of the City Council.
 - vi. Any additional information reasonably required by the City to evaluate the application.
- 3. Completeness review: An application shall not be scheduled for public hearing until the Planning and Community Development Director determines that it is complete.
- 4. Noticing requirements:
 - i. Mailed notice: At least 15 days prior to the hearing, written notice shall be mailed to all property owners within 300 feet of the subject parcel.
 - ii. Published notice: Notice of the public hearing shall be published in the official newspaper of the City not less than 14 days prior to the hearing date.
 - iii. On-site posting: A public notice sign shall be posted on the property in a conspicuous location visible from the public right-of-way at least 10 days prior to the hearing.
- 5. Review procedures: The Community Planning and Development Department shall prepare a staff report evaluating the application's consistency with this Chapter and impacts on surrounding properties.
- 6. Public hearing:
 - i. The Planning & Zoning Commission shall conduct a public hearing in accordance with the procedures of Idaho Code §67-6512 and Title 9, Chapter 9-5 of the Sandpoint City Code.
 - 1. The Commission shall have final decision-making authority to approve, approve with conditions, or deny an HSTR permit.
 - ii. Findings of fact for approval of HSTR permit: Prior to approval of a HSTR permit, the Planning & Zoning Commission shall make all of the following findings, based on substantial evidence in the record.
 - 1. The-proposed maximum occupancy is supported by the physical capacity of the structure, parking availability, and access;
 - 2. The HSTR complies with building, fire, health, and life-safety requirements;
 - 3. The HSTR has demonstrated adequate management measures (local representative, guest behavior expectations, parking management, quiet hours, garbage) to protect residential quality of life;
 - 4. The HSTR will maintain the integrity of the surrounding residential neighborhood and will not generate noise, traffic, parking demand, occupancy-related impacts, or other off-site effects that exceed those typical of long-term residential use, with adequate measures in place to prevent or mitigate such impacts;
 - 5. The proposal meets the intent of this Chapter and applicable standards of Title 9.
 - iii. Conditions of approval: The Planning & Zoning Commission may impose reasonable conditions necessary to:
 - 1. Mitigate adverse noise, lighting, and parking impacts;
 - 2. Ensure compliance with neighborhood compatibility standards;
 - 3. Protect public health, safety, and welfare.

4. Reduce occupancy, impose parking limits or restrictions, impose noise mitigation, or other operational standards in order to reduce such impacts.
 - iv. The Planning & Zoning Commission shall approve, deny, or continue consideration of the application until such time as any necessary information sought has been provided to the Planning & Zoning Commission. The Planning & Zoning Commission may issue a tentative decision at the close of the public hearing. The final decision shall be a written decision approved by the Planning and Zoning Commission, and shall take effect twenty (20) days following the written decision, unless an appeal has been timely submitted pursuant to subsection 7, below.
7. Appeals
- i. Appeal authority: Decisions of the Planning & Zoning Commission on HSTR permits may be appealed to the City Council.
 - ii. Filing and appeal: Appeals must be submitted in writing to the City Clerk within 20 days of the Planning & Zoning Commission written decision. The appeal shall state the specific grounds for appeal and be accompanied by the applicable fee.
 - iii. Hearing on appeal: The City Council shall conduct a noticed public hearing consistent with Idaho Code §67-6512 on the appeal. The Council may uphold, modify, or overturn the Commission's decision.
8. Revocation: An HSTR permit may be revoked following a public hearing before the Planning & Zoning Commission if any of the following occur. Revocation decisions may be appealed to City Council consistent with subsection 7:
- i. Three violations under §3-12-6 occur within a twelve-month period, or
 - ii. The owner fails to comply with any conditions of approval, or
 - iii. Operational impacts are found to be substantially detrimental to nearby properties. And
 - iv. The property owner has been notified by mail of the violations and the revocation public hearing;

3-12-45: Standards:

- A. A short-term rental shall comply with the following standards:

1. Permit:

- a. ~~Commencing on the effective date hereof, any person who is permitted to engage in the rental of a dwelling for short term occupancy shall have obtained a short term rental permit.~~

~~Application for such a permit shall be made upon suitable forms furnished by the city. The permit is valid for one year and must be renewed annually. Renewal of the permit requires a complete permit application and fee. If a complete application and applicable fees have not been received by the city on the annual renewal date, the short term rental shall be conclusively presumed to be discontinued and the city shall revoke the short term rental permit.~~

- b. ~~A short-term rental permit is issued to a specific owner of a dwelling unit. The short term rental permit shall be revoked when the permit holder sells or transfers the real property. For purposes of this section, "sale or transfer" shall mean any change of ownership during the lifetime of the permit holder or after the death of the permit holder whether there is consideration or not, except a change in ownership where title is held in survivorship with a spouse or child or~~

~~transfers on the owner's death to a trust which benefits only a spouse or child. A permit holder may transfer ownership of the real property to: a trustee, a limited liability company, a corporation, a partnership, a limited partnership, a limited liability partnership, or other similar entity and not be subject to permit revocation pursuant to this section so long as the transferor lives and remains the only owner of the entity. When the permit holder sells or transfers the real property the new owner shall apply for and receive a short_term rental permit before using the dwelling as a short_term rental.~~

2. Issuance: The issuance of a short_term rental permit shall be subject to the following requirements:
 - a. ~~Inspection:~~
 - (1) ~~At the time of application for a new short_term rental permit, the dwelling unit shall be subject to inspection by the building official or their designee. Prior to the issuance of the short_term rental permit, the owner of the dwelling unit shall make all necessary alterations to the dwelling required by the building official pursuant to the requirements of this chapter.~~
 - (2) ~~For renewals, applicants shall be required to submit a statement affirming compliance with the standards set forth in this chapter by completing a city provided self-inspection checklist.~~
 - (3) ~~Any inspections required under this chapter may be conducted by a private inspector certified by the International Code Council at the owner's expense.~~
 - B1. Windows: Bedroom windows shall be operable to allow for emergency egress in accordance with the most recent building and fire codes as adopted and amended by the State of Idaho.
 - C2. Smoke Alarms: Single or multiple-station smoke alarms shall be installed and maintained in accordance with manufacturers' specification:
 - (1a) On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
 - (2b) In each room used for sleeping purposes.
 - (3c) In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
 - d3. CO Detectors: A CO detector is required on each floor if: there is a garage, solid fuel appliance or gas appliance.
 - E4. Fire Extinguishers: The short_term rental shall be equipped with one 2A:10BC type extinguisher per floor. Fire extinguisher(s) shall be mounted in visible locations with the tops of the fire extinguishers mounted between three feet (3') and five feet (5') above the floor, and shall be accessible to occupants at all times.
 - f5. Occupancy:
 - (a) No recreational vehicle, travel trailer, tent or other temporary shelter shall be used as a short-term rental;
 - (b) Standard Short-Term Rentals shall contain no more than two (2) persons per bedroom, plus two additional persons. Total maximum occupancy of the Short-Term Rental shall not exceed ten (10) persons without the issuance of a High Occupancy STR Permit (HSTR).

~~g6.~~ Local Representative:

- ~~(1a)~~ Each short-term rental shall list a local representative who permanently resides within twenty (20) vehicular miles of Sandpoint City limits.
- ~~(2b)~~ If the Police Department is not able to contact the local representative in a timely manner more than twice during the term of the annual permit, this shall be considered a violation pursuant to section 3-12-5 of this chapter.
- ~~(3c)~~ The designated local representative may be changed by the permit holder from time to time throughout the term of the permit. However, to change the local representative, the permit holder must file a revised permit application that includes the name, address and telephone number of the new local representative. Failure to notify the city of a change in the local representative constitutes a violation pursuant to section 3-12-56 of this chapter.
- ~~(4d)~~ For ~~non-owner occupied~~ short-term rentals within the residential zones ~~that do not meet the standards of subsection 3-12-3.E.1. of this chapter,~~ property owners and/or residents within two hundred feet (200') of the dwelling shall be provided with the name and telephone number of the owner or the local representative. The permit holder shall provide documentation to the city of this notification and list of the owners and/or residents contacted as part of the permit application process.

~~h7.~~ Permit Posting: The short-term rental permit shall be posted within the dwelling adjacent to the front door. At a minimum, the permit will contain the following information:

- ~~(1a)~~ The name of the local representative and a telephone number where the representative may be reached;
- ~~(2b)~~ The name and a telephone number where the property owner can be reached;
- ~~(3c)~~ The telephone number and website address of the City of Sandpoint and the Sandpoint Police Department;
- ~~(4d)~~ The maximum number of occupants permitted to stay in the dwelling;
- ~~(5e)~~ The solid waste and recycling collection day; and
- ~~(6f)~~ The Sandpoint snowplowing regulations.

8. Parking: Short-term rentals shall provide and maintain adequate off-street parking as follows:

- (1) One (1) off-street parking space is required for standard STRs advertising accommodation for five (5) or fewer guests.
- (2) Two off-street parking spaces are required for standard STRs advertising accommodation for six (6) or more guests.
- (3) Parking requirements for High-Occupancy STRs shall be established by the Planning & Zoning Commission as a condition of approval for the HSTR Permit and shall not be fewer than two (2) off-street spaces.
- (4) Any existing off-street parking in excess of the required parking for the residential use, including tandem spaces in driveways, or covered spaces in carports or garages, may count toward the requirement if they do not obstruct sidewalks, pedestrian routes, or emergency access.
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~~i. Inactivity: License issuance and continued validity for non-owner occupied short term rental shall be contingent upon the owner's good faith effort to actively engage in the rental of the property. Failure~~

~~to provide documentation of rental activity for a minimum of twelve (12) nights during a twelve (12) month period, pro-rated quarterly, prior to the short-term rental permit renewal deadline shall constitute an immediate forfeiture of the license.~~

(Ord. 1353, 6-6-2018; amd. Ord. 1380, 11-4-2020)

3-12-56: Violation; Infraction; Penalty:

- A. The following conduct shall constitute a violation for which the penalties and sanctions specified in this section may be imposed:
1. Violations:
 - a. The tenants of the dwelling have created noise, disturbances, or nuisances, in violation of this code, or violations of State law pertaining to the consumption of alcohol, or the use of illegal drugs.
 - b. The owner has failed to comply with the standards of section 3-12-4 and 3-12-5 of this chapter.
 2. Penalties:
 - a. For the first two (2) violations within a twelve (12) month period, the sanction shall be a warning notice.
 - b. For the third violation within a twelve (12) month period, the sanction shall be a revocation of the permit.
 3. Written Notice: The city shall provide the permit holder with a written notice of any violation of this section that has occurred. If applicable, a copy of the warning notice shall be sent to the local representative.
 4. Appeal of Suspension or Revocation: Pursuant to this section, the city shall provide the permit holder with a written notice of the permit suspension or revocation and the reasons therefor. The permit holder may appeal the suspension or revocation to the city council by filing a letter of appeal to the city clerk within twenty (20) days after the date of the mailing of the Planning Director's order to suspend or revoke the permit. The Planning Director's suspension or revocation shall be stayed until the appeal has been determined by the city council. The city council shall conduct a hearing on the appeal within sixty (60) days of the date of the filing of the letter of appeal. At the appeal, the permit holder may present such evidence as may be relevant. At the conclusion of the hearing, based on the evidence it has received, the council may uphold, modify, or overturn the decision of the Planning Director to suspend or revoke the permit based on the evidence received.
 5. Application for Permit After Revocation: A person who has had a short-term rental permit revoked shall not be permitted to apply for a subsequent short-term rental permit for a period of two (2) years from the date of revocation.
 6. Infraction: Unless otherwise provided, any person who shall commence or continue to operate a short-term rental for which a permit is required by any provision of this title without first ~~procuring the same~~ obtaining such permit shall be deemed guilty of an infraction and, upon conviction thereof, shall be fined ~~one hundred dollars (\$100.00)~~ an amount established in the City's adopted fee schedule, as set by resolution of the City Council. An infraction is a civil public offense, not constituting a crime, for which no period of incarceration is imposed. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

7. Advertisement of Short-Term Rental: An advertisement promoting the availability of short-term rental property in violation of this code is prima facie evidence of a violation and may be grounds for denial, suspension or revocation of a license.

Advertising that offers a property as a residential short-term rental shall constitute prima facie evidence of the operation of a residential short-term rental and the burden of proof shall be on the owner, operator, or lessee of record to establish that the subject property is being used as a legal residential short-term rental or is not in operation.

Any communication by a property owner, manager, operator, or lessee to any person where the owner, manager, operator, or lessee offers their home for rent as a residential short-term rental shall constitute prima facie evidence of the operation of a residential short-term rental and the burden of proof shall be on the owner, operator, or lessee of record to establish that the subject property is being used as a legal residential short-term rental or is not in operation.

Other evidence of the operation of a residential short-term rental without a valid permit number may include, but is not limited to: guest testimony, rental agreements, advertisements, and receipts or bank statements showing payments to the owner by a guest.

(Ord. 1353, 6-6-2018)

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

DAN and DIANE SCOTT, husband and wife, JAMES BUATTI, as sole trustee of The James V. Buatti and Colleen E. McAvoy revocable living trust dated 11/09/2000, SEASONS AT MCCALL LLC, an Idaho limited liability company, and CRISPIN MBR LLC, a Washington limited liability company,

Plaintiffs,

vs.

CITY OF McCALL, a municipal corporation,

Defendant.

Case No. CV43-24-60

MEMORANDUM DECISION AND
ORDER ON SUMMARY JUDGMENT

In late 2022, Defendant City of McCall adopted an ordinance regulating the use of dwellings as short-term rentals (“STRs”). The ordinance affects Plaintiffs’ properties, which they had been using—and still use—as STRs. They challenge its lawfulness. Each side moves for summary judgment. The motions were argued on May 16, 2025, and taken under advisement on June 2, 2025—when post-hearing briefs were filed. For the reasons that follow, the City largely prevails.

I.

BACKGROUND

Between them, Plaintiffs own four single-family residential properties in McCall, each of which has been used for years as an STR with a self-imposed occupancy limit ranging from fourteen to nineteen guests. (Scott Decl. ¶¶ 2–3;

Buatti Decl. ¶¶ 2–4; DeWitt Decl. ¶¶ 2–4; Crispin Decl. ¶¶ 2–6.) Plaintiffs have made good money using their properties as STRs. (Scott Decl. ¶ 3; Buatti Decl. ¶ 5; DeWitt Decl. ¶ 4; Crispin Decl. ¶ 7.) On September 8, 2022, however, the City of McCall enacted an ordinance regulating STRs (“STR Ordinance”), (O’Bannon Decl. Ex. 1, Apr. 18, 2025), which, some Plaintiffs say, has reduced their STR income, (Buatti Decl. ¶ 5; DeWitt Decl. ¶ 5).

The STR Ordinance’s express purposes are to “ensure . . . [STRs] have no greater impacts than would be created by long-term residential occupancy,” “protect the health, safety, and general welfare of occupants of [STRs] and the surrounding property owners,” and “protect the rights of property owners adjacent to [STRs] to a quiet, safe and neighborly environment free from nuisances that would not exist or would be less intensive but for the use of a Dwelling as an [STR].” McCall City Code § 3.13.09(A). To these ends, it requires an annual permit to use a property as an STR, plus a separate conditional use permit if more than ten occupants would be allowed. McCall City Code §§ 3.13.09(B), (C)(3), 4.13.02, .03. All STR parking must be on site (not on the street) and may not exceed one vehicle per bedroom, McCall City Code § 3.13.09(C)(2), with “bedroom” defined to exclude unenclosed rooms and rooms lacking an interior closet, McCall City Code § 3.2.02. Occupancy is limited to two people per bedroom, plus another two people. McCall City Code § 3.13.09(C)(3). An STR may not, without a separate conditional use permit, host events (such as weddings, family reunions, seminars, or retreats) involving the presence of more people than the occupancy limit set by its annual permit. McCall City Code

§§ 3.2.02, 3.13.09(C)(7). And “any . . . noise that can be heard beyond the [STR’s] perimeter . . . between the hours of 10:00 p.m. and 8:00 a.m. the following day” is prohibited. McCall City Code § 3.13.09(C)(4).

On February 13, 2024, Plaintiffs filed suit, challenging the STR Ordinance’s validity. The amended complaint filed on December 31, 2024—their operative pleading—asserts four claims. Count One seeks a declaratory judgment that the STR Ordinance conflicts with I.C. §§ 67-6539 and -6511, so it is invalid. (1st Am. Compl. ¶¶ 40–63.) Count Two seeks a declaratory judgment that Plaintiffs’ right to due process of law under the federal and state constitutions entitles them to maintain their preexisting use of their properties as though the STR Ordinance was never adopted. (*Id.* ¶¶ 64–72.) Count Three seeks a declaratory judgment that the STR Ordinance violates Plaintiffs’ right to equal protection of the law under the federal and state constitutions. (*Id.* ¶¶ 73–79.) Finally, Count Four seeks a declaratory judgment that the STR Ordinance violates Plaintiffs’ right to substantive due process under the federal and state constitutions because it arbitrarily and irrationally infringes on their property rights. (*Id.* ¶¶ 80–86.)

The parties filed cross-motions for summary judgment that, as already noted, were argued on May 16. Five days after the hearing, the Idaho Supreme Court issued an opinion applying section 67-6539. *See Idaho Ass’n of Realtors, Inc. v. City of Lava Hot Springs*, No. 50888, 2025 WL 1450018 (Idaho May 21, 2025). The Court immediately invited supplemental briefing addressing this new opinion’s implications, if any, for the cross-motions. On May 23, the parties stipulated to

vacate the bench trial then set to begin in about three months, not wanting to prepare for trial while awaiting a decision on the cross-motions. The Court promptly approved the stipulation. On June 2, the parties filed supplemental briefs as invited, at which point the cross-motions are deemed to have been taken under advisement.¹ They are ready for decision.

II.

LEGAL STANDARD

Summary judgment is proper “if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” I.R.C.P. 56(a).

To obtain summary judgment against a claim of the nonmovant, the movant must show that the evidence doesn’t support an element of the claim. *E.g.*, *Holdaway v. Broulim’s Supermarket*, 158 Idaho 606, 611, 349 P.3d 1197, 1202 (2015). This showing is made by offering evidence disproving the element, by demonstrating that the nonmovant can’t prove it, or in both ways. *E.g., id.; Fisk v. McDonald*, 167 Idaho 870, 891, 477 P.3d 924, 945 (2020) (“A defendant . . . may shift the burden to the plaintiff on . . . summary judgment in more than one way.”); *see also* I.R.C.P. 56(c)(1). The movant then is entitled to summary judgment unless the nonmovant presents “specific facts” showing “a genuine issue for trial.” *Haight v. Idaho Dep’t of Transp.*, 163 Idaho 383, 387, 414 P.3d 205, 209 (2018).

¹ Two of Plaintiffs’ briefs include objections to portions of the City’s evidence. Not relying on the challenged evidence, the Court leaves these objections alone.

To obtain summary judgment on its own claim, the movant must cite particular parts of the record for proof of the facts essential to the claim or defense. I.R.C.P. 56(c)(1)(A). The burden then shifts to the nonmovant to show that a genuine factual dispute must be resolved before judgment can be awarded to the movant. *E.g., Boise Mode, LLC v. Donahoe Pace & Partners Ltd.*, 154 Idaho 99, 104, 294 P.3d 1111, 1116 (2013). To carry that burden, the nonmovant “may not rest upon mere allegations in the pleadings, but must set forth by affidavit specific facts showing there is a genuine issue for trial.” *Id.* (quotation marks omitted).

In either case, “[a] mere scintilla of evidence or only slight doubt as to the facts is not sufficient” for the nonmovant to avoid summary judgment. *E.g., Holdaway*, 158 Idaho at 610, 349 P.3d at 1201 (quoting *AED, Inc. v. KDC Invs., LLC*, 155 Idaho 159, 163, 307 P.3d 176, 180 (2013)). Although the record normally must be construed in the light most favorable to the nonmovant, *e.g., id.*, the trial court, when the trier of fact, may “arrive at the most probable inferences based upon the undisputed evidence properly before it and grant the summary judgment despite the possibility of conflicting inferences.” *J.R. Simplot Co. v. Bosen*, 144 Idaho 611, 615, 167 P.3d 748, 752 (2006) (quoting *Shawver v. Huckleberry Estates, L.L.C.*, 140 Idaho 354, 360–61, 93 P.3d 685, 691–92 (2004)).

III.

ANALYSIS

The Court’s analysis begins with Count One. Under the doctrine of constitutional avoidance, it should be decided first; it isn’t a constitutional claim, and were Plaintiffs to win it, the need to decide their constitutional claims (Counts

MEMORANDUM DECISION AND ORDER ON SUMMARY JUDGMENT - 5

Two, Three, and Four) would be avoided. *See, e.g., Miller v. Idaho State Patrol*, 150 Idaho 856, 864, 252 P.3d 1274, 1282 (2011). Because Count One largely fails, though, Counts Two, Three, and Four are addressed in turn.

A. Count One, claiming the STR Ordinance conflicts with STR statutes

Cities may adopt ordinances exercising their police power, but the ordinances may not conflict with state law. *See* Idaho Const. art. XII, § 2; I.C. § 50-302(1). In Count One of their amended complaint, Plaintiffs claim the STR Ordinance is invalid because it conflicts with Idaho’s STR statutes, (1st Am. Compl. ¶¶ 40–62), specifically I.C. §§ 67-6539 and -6511, (Mem. Supp. Pls.’ Mot. Summ. J. 28–36; Mem. Opp’n City’s Mot. Summ. J. 2–6). The STR Ordinance’s ostensible conflict with section 67-6539 is the place to start.

1. The STR Ordinance’s ostensible conflict with section 67-6539

Under section 67-6539, “[n]either a county nor a city may enact or enforce any ordinance that has the express or practical effect of prohibiting short-term rentals or vacation rentals in the county or city.” I.C. § 67-6539(1). Plaintiffs acknowledge the STR Ordinance doesn’t expressly prohibit STRs but say it conflicts with section 67-6539 because it prohibits them as a practical matter. (Mem. Supp. Pls.’ Mot. Summ. J. 34–35.) This argument doesn’t merit much discussion because it has no factual support. Plaintiffs admit they still earn substantial income from using their properties as STRs despite the STR Ordinance, though some of them say it has caused their STR income to decline. (Scott Decl. ¶ 3; Buatti Decl. ¶ 5; DeWitt Decl. ¶¶ 4–5; Crispin Decl. ¶ 7.) Summary judgment is entered against Plaintiffs’

theory that the STR Ordinance violates section 67-6539 by prohibiting STRs as a practical matter. It simply doesn't do that.

Plaintiffs have a second theory under which the STR Ordinance conflicts with section 67-6539. Under section 67-6539, “[a] county or city may implement such reasonable regulations as it deems necessary to safeguard the public health, safety and general welfare in order to protect the integrity of residential neighborhoods in which short-term rentals or vacation rentals operate.” I.C. § 67-6539(1). Plaintiffs say the STR Ordinance isn't reasonable, so it conflicts with section 67-6539. (Mem. Supp. Pls.' Mot. Summ. J. 30–33.) This theory fails to the extent it challenges the STR Ordinance as a whole rather than asks the Court to take a scalpel to it, excise the ostensibly unreasonable provisions, and leave the rest in place. Plaintiffs have no good argument that the STR Ordinance either (i) is unreasonable in its entirety, or (ii) includes so many unreasonable requirements that what would be left once the unreasonable requirements are invalidated wouldn't be a workable ordinance. Summary judgment is entered against Plaintiffs' theory that the entire STR Ordinance must be invalidated as an unreasonable regulation of STRs.

What's left is the notion that some of the STR Ordinance's regulations are unreasonable and, as such, conflict with section 67-6539.

In that vein, Plaintiffs' best argument concerns the STR Ordinance's noise regulation. (See Mem. Supp. Pls.' Mot. Summ. J. 10, 34, 36.) It prohibits “any . . . noise that can be heard beyond the [STR's] perimeter . . . between the hours of 10:00 p.m. and 8:00 a.m. the following day.” McCall City Code § 3.13.09(C)(4). This

regulation is unreasonably restrictive. One example of how it works is enough to prove the point. Activating an STR's automatic garage door opener—or even using its front door normally—to leave for a fishing trip at 7:30 a.m. would violate the STR Ordinance by generating noise audible beyond the STR's perimeter (though undoubtedly too slight to disturb the neighbors). So, as a practical matter, the noise regulation prohibits coming and going between 10:00 p.m. and 8:00 a.m. Because it is unreasonably restrictive, it conflicts with section 67-6539 and is invalid.²

Plaintiffs are granted summary judgment on Count One in this limited respect.³

Plaintiffs also challenge the parking regulation, (Mem. Supp. Pls.' Mot. Summ. J. 10, 34), which requires parking on site (not on the street) and limits parking to one vehicle per bedroom, McCall City Code § 3.13.09(C)(2). The City offers reasonable rationales for prohibiting street parking. (*See* Mem. Supp. Def.'s Mot. Summ. J. 23–24.) Its rationale for the one-vehicle-per-bedroom regulation—a backdoor means of enforcing occupancy limits and a visible indicator of potential occupancy-limit violations, (*id.* at 24)—may be less compelling, but it too is reasonable. Plaintiffs point out that, in the case of a one-bedroom STR, a couple spending a few days in an STR can't drive separately, (Mem. Pls.' Mot. Summ. J. 4),

² A less restrictive, reasonable noise regulation can be adopted to replace this one. A potentially reasonable approach might be to employ—as the City does in its public parks noise ordinance—a decibels-and-distance threshold to distinguish disruptive noise from innocuous noise. McCall City Code § 8.14.5.

³ Because noise regulation's conflict with section 67-6539 renders it invalid, there is no need to consider whether it is also invalid on constitutional grounds. So, it won't be considered in deciding Counts Two, Three, or Four.

but this isn't a class action and Plaintiffs' STRs range from three to seven bedrooms, (Scott Decl. ¶ 3; Buatti Decl. ¶ 4; DeWitt Decl. ¶ 4; Crispin Decl. ¶ 6), so the parking regulation's application to one-bedroom STRs isn't at issue. The evidence doesn't show that it is unreasonable to limit their three-to-seven-bedroom STRs to one vehicle per bedroom. The City is granted summary judgment against Plaintiffs' theory that the parking regulation is unreasonable and, hence, in conflict with section 67-6539.

Plaintiffs' other reasonableness arguments also fail as a matter of law. The STR Ordinance's occupancy regulations, McCall City Code §§ 3.2.02, 3.13.09(C)(3), aren't unreasonable. They promote the City's eminently reasonable—and perfectly lawful—objectives of “ensur[ing] . . . [STRs] have no greater impacts than would be created by long-term residential occupancy” and “protect[ing] the rights of property owners adjacent to [STRs] to a quiet, safe and neighborly environment free from nuisances that would not exist or would be less intensive but for the use of a Dwelling as an [STR].” McCall City Code § 3.13.09(A). The same goes for the regulation that prohibits using an STR as an events center without a conditional use permit. McCall City Code §§ 3.2.02, 3.13.09(C)(7). And, though Plaintiffs try, (Mem. Supp. Pls'. Mot. Summ. J. 11–12), it is hard to dismiss as unreasonable the STR Ordinance's requirement that STRs must meet certain safety standards, (1st Am. Compl. Ex. D), as determined in an inspection by the fire department, McCall City Code § 3.13.09(C)(5). In any event, the Court doesn't understand Plaintiffs to contend that their STRs don't meet the safety standards. Again, this isn't a class

action, so the reasonableness of any safety standard met by Plaintiffs' STRs isn't at issue. Finally, the STR Ordinance's limitation of one STR per single-family residential property, McCall City Code § 3.13.09(C)(8), is a reasonable intensity limitation, despite that it aggrieves Plaintiff Crispin MBR LLC, which, from time to time in the past, separately rented out the basement and the upper levels of its single-family residential property, (Crispin Decl. ¶¶ 2, 11).

In sum, the STR Ordinance's noise regulation is invalid because it conflicts with section 67-6539, but there is no other conflict with section 67-6539 that invalidates any other challenged provision of the STR Ordinance.

2. The alleged conflict between the STR Ordinance and section 67-6511

Under section 67-6511, "[a]ll standards shall be uniform for each class or kind of buildings throughout each [zoning] district, but the standards in one (1) district may differ from those in another district." I.C. § 67-6511(1)(a). Plaintiffs say the STR Ordinance's occupancy limits and inspection requirement, among other provisions, violate this uniformity mandate because neighboring homes not used as STRs need not meet them. (Mem. Supp. Pls.' Mot. Summ. J. 35–36.) The City argues, however, that the uniformity mandate, as applied to the zoning districts in which Plaintiffs' properties are located, pertains to the way homes are built, not how they are used, and, in any event, can't be read to negate section 67-6539, which specifically authorizes subjecting STRs to reasonable regulations. (Mem. Supp. Def.'s Mot. Summ. J. 10–12.)

The Court accepts the second of these arguments, eliminating any need to address the first. Section 67-6539 authorizes subjecting STRs to "reasonable

regulations . . . to protect the integrity of residential neighborhoods in which [they] operate,” with no proviso that the rest of the homes in these neighborhoods must be subjected to the same regulations. I.C. § 67-6539(1). It is a legislative judgment that STR use and long-term residential use differ, and the former—if not specially regulated—imperils the latter’s desirability. If, as Plaintiffs say, section 67-6511 requires regulating homes used as STRs and other homes in the same neighborhood in the same way, it conflicts with section 67-6539, which envisions specially regulating homes used as STRs.⁴

Section 67-6511’s general uniformity mandate is decades-old, *see, e.g.*, 1987 Idaho Sess. Laws, ch. 329, § 1, while section 67-6539 is specific to the context of STRs and much more recent, 2017 Idaho Sess. Laws, ch. 239, § 2. Accordingly, section 67-6539 controls here. *See, e.g.*, *Eller v. Idaho State Police*, 165 Idaho 147, 154, 443 P.3d 161, 168 (2019) (“[W]here two statutes conflict, courts should apply the more recent and more specifically applicable statute.”). STR regulations must be reasonable, but they aren’t automatically invalid if they don’t also apply to

⁴ Underscoring the conflict is Plaintiffs’ argument that the STR Ordinance violates section 67-6511’s uniformity mandate by requiring “posted notices” at STRs but not at other homes. (Mem. Supp. Pls.’ Mot. Summ. J. 36.) The STR Ordinance requires posting a notice “that describes restrictions on use of the unit,” including “the structure’s maximum occupancy, parking requirements, solid waste and fireplace ash disposal, quiet hours, noise restrictions, and restrictions on outdoor activity,” plus a notice “detailing the emergency exiting plan approved by the Fire Code Official . . . and the [property owner’s] name and phone number.” McCall City Code § 3.13.09(C)(6). An absurd consequence of accepting Plaintiffs’ uniformity argument would be that if the City wants to require STR owners to post information their transiently present guests may need, it must require resident homeowners to see the same information day after day, year after year.

homes not used as STRs. Summary judgment is entered against Plaintiffs' theory that the STR Ordinance is invalid because it conflicts with section 67-6511.

B. Count Two, claiming a due-process right to maintain a “nonconforming use”

In Count Two of their amended complaint, Plaintiffs seek a declaratory judgment that their due-process rights under the federal and state constitutions entitle them to maintain their preexisting use of their properties even though it doesn't fully conform to the STR Ordinance—in other words, to maintain an ostensible “nonconforming use,” without need to comply with the STR Ordinance. (1st Am. Compl. ¶¶ 64–72.) A “nonconforming use” is “a use of land which lawfully existed prior to the enactment of a zoning ordinance” and which, by virtue of the landowner's due-process rights, may be “maintained after the effective date of the ordinance even though not in compliance with use restrictions.” *Eddins v. City of Lewiston*, 150 Idaho 30, 34, 244 P.3d 174, 178 (2010) (quoting *Baxter v. City of Preston*, 115 Idaho 607, 608–09, 768 P.2d 1340, 1341–42 (1989)); see also *Use*, *Black's Law Dictionary* (12th ed. 2024) (defining “nonconforming use” as a “[l]and use that is impermissible under current zoning restrictions but that is allowed because the use existed lawfully before the restrictions took effect.”). The City contends Count Two fails because the STR Ordinance permits Plaintiffs to continue using their properties as STRs, so no true nonconforming use is at issue, and even if a true nonconforming use were at issue, the right to maintain a nonconforming use doesn't confer immunity from police-power regulations. (Mem. Supp. Def.'s Mot. Summ. J. 11–18.) The City is right on both counts.

As the City says, the STR Ordinance permits Plaintiffs to use their properties as STRs. *See* McCall City Code § 3.13.09. In section III.A.1, *supra*, the Court rejects Plaintiffs' baseless assertion that the STR Ordinance prohibits STRs not expressly but as a practical matter, so reiterating that assertion in this context, (Mem. Supp. Pls.' Mot. Summ. J. 6), gets Plaintiffs nowhere. Because the STR Ordinance allows Plaintiffs to continue the preexisting STR use of their properties (albeit subject to regulations that didn't previously exist), the "nonconforming use" doctrine doesn't apply here.

Regardless, "nonconforming status is not a talisman from which all zoning controls must retreat. Rather, the public policy embodied in zoning laws 'dictates the firm regulation of nonconforming uses with a view to their eventual elimination.'" *Bastian v. City of Twin Falls*, 104 Idaho 307, 309, 658 P.2d 978, 980 (Ct. App. 1983) (quoting 1 R. Anderson, *American Law of Zoning (Second)* § 6.07 (1976)); *see also, e.g., Heck v. Comm'rs of Canyon Cnty.*, 123 Idaho 826, 829, 853 P.2d 571, 574 (1993) ("There is abundant authority to support the commissioners' position that due process does not absolutely prevent the county from exercising its police power, even though the exercise may affect the preexisting use of property.") (citing *Queenside Hills Realty Co. v. Saxl*, 328 U.S. 80 (1946)); *Rhod-A-Zalea & 35th, Inc. v. Snohomish Cnty.*, 959 P.2d 1024, 1028 (Wash. 1998) ("Nonconforming uses generally are held to be subject to later police power regulations imposed by statute or local ordinances regulating the manner or operation of use. These regulatory restrictions often take the form of licensing or special permit

requirements.”) (quoting 4 Arden H. Rathkopf, *The Law of Zoning and Planning* § 51A.02 (Edward H. Ziegler ed. 1991)). So, even if the “nonconforming use” doctrine applies here, Plaintiffs’ properties are subject to the STR Ordinance—a generally valid exercise of the City’s police power—in the same way it applies to properties that hadn’t been used as STRs before its adoption.

For these reasons, summary judgment is entered against Count Two.

C. Count Three, claiming a violation of the right to equal protection

In Count Three of their amended complaint, Plaintiffs seek a declaratory judgment that the STR Ordinance violates their right to equal protection of the laws under the federal and state constitutions by imposing a variety of STR regulations on them but not on the ostensibly similarly situated owners of certain other properties not regulated as STRs. (1st Am. Compl. ¶¶ 73–79.) Specifically, Plaintiffs say they are similarly situated to (i) the owners of single-family residential properties leased to long-term tenants, and (ii) the owner of Brundage Bungalows. (*E.g.*, Mem. Opp’n City’s Mot. Summ. J. 13–14.) The City argues in its opening brief that the rational-basis test applies, and Plaintiffs concede the point by countering with an argument that the STR Ordinance fails the rational-basis test but no alternative argument that it should be subjected to heightened scrutiny. (Mem. Supp. Def.’s Mot. Summ. J. 19–21; Mem. Opp’n City’s Mot. Summ. J. 12–19.)

Under the rational-basis test, a legislative classification withstands a challenge on equal-protection grounds if it “rationally further[s] a legitimate state interest.” *Nordlinger v. Hahn*, 505 U.S. 1, 10 (1992). Described more fully, the rational-basis test works as follows:

In general, the Equal Protection Clause is satisfied so long as there is a plausible policy reason for the classification, the legislative facts on which the classification is apparently based rationally may have been considered to be true by the governmental decisionmaker, and the relationship of the classification to its goal is not so attenuated as to render the distinction arbitrary or irrational.

Id. at 11 (internal citations and quotation marks omitted); *see also City of Lewiston v. Knieriem*, 107 Idaho 80, 85, 685 P.2d 821, 826 (1984) (“Under the ‘rational basis’ test, equal protection is offended only if the classifications are based solely on reasons totally unrelated to the pursuit of the State’s goals and only if no grounds can be conceived to justify them.”) (quotation marks omitted). Further, “those attacking the rationality of the legislative classification have the burden ‘to negative every conceivable basis which might support it.’” *Jones v. Lynn*, 169 Idaho 545, 563, 498 P.3d 1174, 1192 (2021) (quoting *Coghlan v. Beta Theta Pi Fraternity*, 133 Idaho 388, 396, 987 P.2d 300, 308 (1999)).

Plaintiffs haven’t met that burden—not by a long shot. The City says two key differences between STRs and single-family residential properties leased to long-term tenants justify subjecting only the former to the regulations in the STR Ordinance: unlike long-term tenants, STR occupants are present only transiently, and STRs tend to be more heavily occupied. (Mem. Supp. Def.’s Mot. Summ. J. 22.) The difference in occupancy duration is undeniable; by definition, STR occupancy is short-term, while occupancy under a long-term lease is long-term. The difference in occupancy intensity, though not definitional, is about as obvious. One of Plaintiffs’ complaints about the STR Ordinance is that it requires them to obtain a conditional use permit to have more than ten occupants at a time in their STRs—fewer than

the fourteen to nineteen occupants they had been allowing. (Scott Decl. ¶ 3; Buatti Decl. ¶ 4; DeWitt Decl. ¶ 4; Crispin Decl. ¶ 6.) Plaintiffs haven't shown it would be irrational for the City's decision-makers to think single-family residential properties leased to long-term tenants tend to have fewer occupants.

Neither would it be irrational for the City's decision-makers to think these differences in occupancy duration and intensity justify regulations particular to STRs to serve the purposes identified in the STR Ordinance. *See* McCall City Code § 3.13.09(A). Occupancy transience rationally can be thought to increase, among other risks, the risk of disruptive behavior; an STR's transient occupants don't need good relationships with the people who live in neighboring homes. Heavy occupancy intensity rationally can be thought to increase that same risk, as well as safety risks and parking problems. Specially regulating STRs is rational. Indeed, it is invited by section 67-6539, a statute whose constitutionality Plaintiffs don't question. *See* I.C. § 67-6539(1) ("A county or city may implement such reasonable regulations as it deems necessary to safeguard the public health, safety and general welfare in order to protect the integrity of residential neighborhoods in which short-term rentals or vacation rentals operate.").

Not only is it rational as a general matter to regulate STRs differently than single-family residential properties leased to long-term tenants, but also the City's particular regulations are rationally related to the STR Ordinance's objectives. *See* McCall City Code § 3.13.09(A). The City's opening briefly nicely summarizes why. (*See* Mem. Supp. Def.'s Mot. Summ. 26.) And, in section III.A.1, *supra*, the Court

concludes that the challenged regulations, except the noise regulation, are reasonable approaches to limiting the potential negative impacts of STRs, as the STR Ordinance seeks to do. Count Three fails as a matter of law, then, to the extent it claims equal-protection violations based on the City's different treatment of STRs and single-family residential properties leased to long-term tenants.

Left is the notion that subjecting STRs, but not Brundage Bungalows, to the STR Ordinance is an equal-protection violation. Brundage Bungalows is a series of small, jointly managed cabins located on a single parcel of property right beside Highway 55. (McQuade Decl. Ex. 2, at 29:10–22, 38:17–23, 46:1–6 & Exs. T–U.) It is in an R-4 low-density residential zone under the City's current zoning ordinance, but it was built around the 1950s, before the City had a zoning ordinance, and is regarded by the City as a historic property. (*Id.* Ex. 2, at 29:2–22.) The City regulates it as a hotel—a commercial use of property—but allows it to operate in a residential zone under the “nonconforming use” doctrine discussed in section III.B, *supra*. (See *id.* Ex. 2, at 29:10–22, 32:10–14.) Unlike Plaintiffs' properties, Brundage Bungalows isn't—and never was—a single-family residential property. Indeed, it better resembles a motel property than a single-family residential property. Under the City's zoning ordinance, a “hotel or motel” isn't an STR. McCall City Code § 3.2.02 (defining “hotel or motel” to exclude STRs). It isn't arbitrary or irrational for the City to treat Brundage Bungalows—a series of cabins built about seventy years ago on a single parcel of land right beside Highway 55—as a hotel or motel not subject to the STR Ordinance, despite that Plaintiffs' properties

are subject to it. Count Three also fails as a matter of law to the extent the claimed equal-protection violation lies in not being treated like Brundage Bungalows.

D. Count Four, claiming a violation of the right to due process

Finally, in Count Four of their amended complaint, Plaintiffs seek a declaratory judgment that the STR Ordinance violates their right to substantive due process under the federal and state constitutions by arbitrarily or irrationally restricting their use of their properties as STRs, thus depriving them of a property or liberty interest. (1st Am. Compl. ¶¶ 80–86.) In their opening briefs, the parties seem to agree that the STR Ordinance’s restrictions don’t violate Plaintiffs’ right to substantive due process if there is a rational basis for them. (Mem. Supp. Pls.’ Mot. Summ. J. 44–45; Mem. Supp. Def.’s Mot. Summ. J. 29–31.) In their brief opposing the City’s motion, however, Plaintiffs contend—in what appears to be an argument for a change in existing law—that the Court should subject the STR Ordinance to strict or intermediate scrutiny rather than apply the rational-basis test. (Mem. Opp’n City’s Mot. Summ. J. 20–23.)

The rational-basis test generally applies to due-process challenges to zoning ordinances. *See, e.g., Cooper v. Bd. of Ada Cnty. Comm’rs*, 96 Idaho 656, 659, 534 P.2d 1096, 1099 (1975) (“Essentially herein we are asked to review and reverse legislative judgments. Those judgments should not be overturned by this court unless it can be shown that the [zoning] ordinance bears no rational relationship to a permissible state objective.”). Plaintiffs press no discernible theory for the mode of review being intermediate scrutiny except the observation that courts in some states so apply the due-process clauses in their state constitutions. That revolution

can start, if at all, in the Idaho Supreme Court; it has no support in Idaho’s existing jurisprudence. And strict scrutiny doesn’t apply, even though property rights are at stake. *See, e.g., Planned Parenthood Great Nw. v. State*, 171 Idaho 374, 416–17, 522 P.3d 1132, 1174–75 (2023) (“[T]he ‘right to own and enjoy private property’ is secured by the [Idaho Constitution’s] Inalienable Rights Clause but it is also subject to ‘reasonable limitation and regulation by the state’ despite its status as ‘one of the natural, inherent and inalienable rights of free men.’”) (quoting *Newland v. Child*, 73 Idaho 530, 537, 254 P.2d 1066, 1069 (1953)); *Bradbury v. Idaho Jud. Council*, 136 Idaho 63, 69, 28 P.3d 1006, 1012 (2001) (“Where no fundamental right or suspect classification is involved or when dealing with legislation involving social or economic interests, courts apply the rational basis test’s deferential standard of review.”) (emphasis added). The rational-basis test applies to Plaintiffs’ claim that the STR Ordinance’s modest limitations on their property rights violate their right to substantive due process.

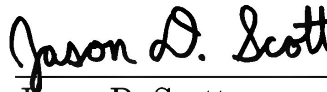
The parties’ rational-basis briefing on Count Four mainly hearkens back to their rational-basis briefing on Count Three. (*E.g.*, Mem. Supp. Pls.’ Mot. Summ. J. 45; Mem. Supp. Def.’s Mot. Summ. J. 30.) In section III.C, *supra*, the Court concludes in the context of Count Three that there is a rational basis for applying the STR Ordinance’s restrictions to Plaintiffs’ properties and that those restrictions are rationally related to the STR Ordinance’s objectives. These conclusions apply with equal force to Count Four. Consequently, summary judgment is entered against Count Four.

Accordingly,

IT IS ORDERED that Plaintiffs' motion for summary judgment is denied in all respects but one: Plaintiffs are granted summary judgment on Count One of their amended complaint to the extent they claim the noise regulation in McCall City Code § 3.13.09(C)(4) is invalid because it conflicts with I.C. § 67-6539.

IT IS FURTHER ORDERED that the City's motion for summary judgment is granted in all respects but one: the City is denied summary judgment on Count One to the extent Plaintiffs claim the noise regulation is invalid.

IT IS FURTHER ORDERED that the scheduling conference set for 2:00 p.m. on July 18, 2025, is vacated.

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Jason D. Scott
DISTRICT JUDGE

CERTIFICATE OF SERVICE

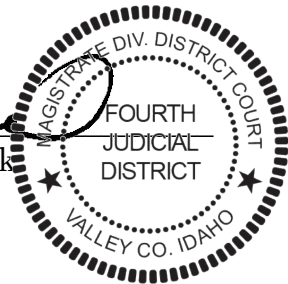
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By: *Lf Zunker*
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IN THE SUPREME COURT OF THE STATE OF IDAHO
Docket No. 50888

IDAHO ASSOCIATION OF REALTORS, INC., an Idaho non-profit corporation; and JOHN and MICHELLE TAYLOR, a marital community,

Petitioners-Appellants,

V.

**CITY OF LAVA HOT SPRINGS, an
Idaho municipality.**

Respondent.

Boise, January 2025 Term

Opinion filed: May 21, 2025

Melanie Gagnepain, Clerk

Appeal from the District Court of the Sixth Judicial District of the State of Idaho, Bannock County. Robert C. Naftz, District Judge.

The decision of the district court is reversed.

Risch Pisca, PLLC, Boise, attorney for Appellants. Jason S. Risch argued.

Hall Angell & Associates LLP, Idaho Falls; Cooper & Larsen Chartered, Pocatello, attorneys for Respondent. Gary L. Cooper argued.

BEVAN, Chief Justice.

This case requires us to interpret the Short-term Rental and Vacation Rental Act, Idaho Code section 63-1801 to 1804, and Idaho Code section 67-6539 (collectively “Act”). Generally, the Act limits the kind of prohibitions or regulations municipalities may enforce with respect to short-term rentals. The City of Lava Hot Springs regulates short-term rentals based on whether they are occupied by an owner or manager. A short-term rental that is not occupied by an owner or manager is prohibited in residential zones and only permitted in the City’s commercial zones. Bed and breakfast-type establishments that are occupied by the owner or manager are permitted in both commercial and residential zones.

This dispute arose when the City denied John and Michelle Taylor’s application for a business license to operate a non-owner-occupied short-term rental in the City’s residential zone. The Idaho Association of Realtors (“Realtors”) and the Taylors sued the City alleging that its regulatory scheme violated the Act, which prohibits a city from enforcing any ordinance “that has the express or practical effect of prohibiting short-term rentals or vacation rentals in the city.” But the Act also allows municipalities to enforce reasonable regulations of short-term rentals to “safeguard the public health, safety and general welfare in order to protect the integrity of residential neighborhoods in which short-term rentals . . . operate.” The City brought a summary judgment motion based on its view that its regulation of short-term rentals did not violate the Act. The district court granted the City’s motion, finding that the City’s regulations did not have the express or practical effect of prohibiting short-term rentals and that the City’s regulations were permissible under the health, safety and welfare exception in the Act. The Taylors and the Realtors appeal. We reverse the decision of the district court.

I. FACTUAL AND PROCEDURAL BACKGROUND

Lava Hot Springs is a small town along the Portneuf River in Eastern Idaho. Despite its small size, tourists flock to Lava Hot Springs to float the river, soak in hot pools, and camp. The Chamber of Commerce estimates that over 400,000 tourists visit the City each year. Some of these tourists bring noise, alcohol consumption, and other problems. Lava Hot Springs does not have a police department to help deal with these problems. Instead, the Bannock County Sheriff’s Office provides deputies who enforce state statutes and the City’s open container ordinance. However, the deputies do not issue citations for violating the City’s building, zoning, business license, traffic, noise or parking ordinances. Lava Hot Springs has one code compliance officer who may only issue citations if he witnesses a violation. Additionally, the City has experienced a steady decline in permanent residents over the last two decades: from 521 in 2000 to 358 in 2020. The City Planner, Bruce Parker, attributes the city’s decline in permanent residents to decreasing housing stock and increasing housing prices.¹

¹ In 2022, Parker supervised a study conducted by graduate students at the University of Utah. The study found that Lava Hot Springs had approximately 259 housing units. Of those 259 units, 76 were listed as short-term rentals. This is about thirty percent of the City’s housing supply. Additionally, the value of homes within Lava Hot Springs increased 262% from 2013 to 2022. About two-thirds of local residents shared that they were “very” or “extremely” concerned about short-term rentals. Other concerns included: parking, home affordability, noise, community cohesion, and safety.

In 2006, the City amended Lava Hot Springs' zoning code to include Ordinance 2006-5. Under that ordinance, the property at issue here is considered a vacation rental:

VACATION RENTAL. (Also Tourist Home): A single family dwelling unit or multiple family dwelling unit, built or converted, where, for compensation, lodging facilities are provided for a duration for less than thirty (30) days, but not including a tent, recreational coach, motor home, camper, hotel, motel, hospital, yurt or nursing home.

(Capitalization in original). The ordinance prohibits vacation rentals in the City's residential zones. They are allowed in commercial (C-1 and C-2) zones, subject to certain regulatory requirements, such as the requirement to obtain a business license and limitations on on-street parking. The only vacation rentals allowed in residential zones must be owner or manager occupied, which are defined as "BED AND BREAKFAST" short term rentals. These dwellings are allowed in the R-3 residential zone and are a conditional use in the R-2 residential zone. They are also a permitted use in the C-1 and C-2 commercial zones, the same as vacation rentals.

The Taylors own two properties in the City. Realtors is a nonprofit corporation that strives "to protect private property rights, promote equal housing opportunity and preserve the American dream of homeownership." The Taylors sought a business license from the City to operate a "Vacation Rental" as defined under Ordinance 2006-5 at their property, which is located in the R-2 residential zone. As noted above, the City permits short-term rentals in its commercial zones, but it prohibits non-owner-occupied short-term rentals in its residential zones. The Taylors' property qualifies as a short-term rental under the Act. I.C. § 63-1803(4). The City Council denied the Taylors' application because the property was not located in a commercial zone, even after the Taylors pointed out the potential conflict between Ordinance 2006-5 and the Act, which prohibits counties and cities from enacting ordinances that have the effect of prohibiting short-term rentals. After this denial, the Realtors and the Taylors (hereinafter "Petitioners")² filed a petition for declaratory judgment—asking that the district court declare that the City's regulatory scheme violated the Idaho Constitution and exceeded the City's statutory authority under Idaho Code section 67-6539. The Petitioners also sought a writ of prohibition precluding the City from enforcing its ordinance. The Petitioners argued that Ordinance 2006-5 conflicted with the Act.

² Three other residents challenged the City's regulatory scheme. The district court consolidated the cases. The other three cases were dismissed with prejudice, and the plaintiffs in those cases have not appealed, leaving only Idaho Association of Realtors and the Taylors as petitioners.

The City moved for summary judgment, arguing that there was no conflict between the ordinance and the Act. The City included several declarations from residents about the problems short-term rentals pose to the community and referencing a study conducted with the oversight of Bruce Parker, the city planner. The City argued that the Act does not require the City to allow every type of short-term rental in every part of town. The City also argued that Ordinance 2006-5 does not prohibit vacation rentals but merely regulates them, and that the regulations are necessary to promote the health and welfare of the citizens and visitors to Lava Hot Springs. Thus, the ordinance does not violate the Act.

The district court agreed with the City, concluding that “[b]ecause at least one of the three types of short-term rentals identified by [Idaho Code section] 63-1803(4) are allowed within residential zones, the City has not prohibited short-term rentals in violation of Idaho Code [section] 67-6539.” The district court also found that Ordinance 2006-5 was necessary “to safeguard the public health, safety and general welfare of the City’s residents and visitors and . . . to protect the integrity of residential neighborhoods.” The district court noted that the Petitioners did not provide any evidence to dispute the need for the regulations. Summary judgment was granted in favor of the City. The Petitioners timely appealed.

II. ISSUES ON APPEAL

1. Whether Ordinance 2006-5 violates the Short-term Rental and Vacation Rental Act.
2. Whether either party is entitled to attorney fees on appeal.

III. STANDARDS OF REVIEW

“The interpretation of a statute is a question of law over which this Court exercises free review.” *City of Idaho Falls v. H-K Contractors, Inc.*, 163 Idaho 579, 581, 416 P.3d 951, 953 (2018) (alteration and citation omitted). “In addition, this Court reviews an appeal from an order of summary judgment *de novo*, and this Court’s standard of review is the same as the standard used by the trial court in ruling on a motion for summary judgment.” *Id.* Summary judgment is proper if the “movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” I.R.C.P. 56(a).

IV. ANALYSIS

A. **Ordinance 2006-5 violates the Short-term Rental and Vacation Rental Act.**

The standard this Court applies when interpreting statutes is well established:

Interpretation of a statute begins with an examination of the statute’s literal words. Where the language of a statute is plain and unambiguous, courts give effect to the

statute as written, without engaging in statutory construction. Only where the language is ambiguous will this Court look to rules of construction for guidance and consider the reasonableness of proposed interpretations.

City of Idaho Falls, 163 Idaho at 582, 416 P.3d at 954. “The statute should be considered as a whole, and words should be given their plain, usual, and ordinary meanings.” *Id.* “[T]he Court must give effect to all the words and provisions of the statute so that none will be void, superfluous, or redundant.” *TCR, LLC v. Teton Cnty.*, 174 Idaho 624, ___, 559 P.3d 302, 319 (2024) (quoting *Nelson v. Evans*, 166 Idaho 815, 820, 464 P.3d 301, 306 (2020)). Accordingly, we turn first to the language of the Act.

The Act defines a short-term rental or vacation rental as a dwelling offered for a fee for thirty days or less:

“Short-term rental” or “vacation rental” means any individually or collectively owned single-family house or dwelling unit or any unit or group of units in a condominium, cooperative or timeshare, or owner-occupied residential home that is offered for a fee and for thirty (30) days or less. Short-term rental or vacation rental does not include a unit that is used for any retail, restaurant, banquet space, event center or another similar use.

I.C. § 63-1803(4). The Act limits how cities may regulate short-term rentals or vacation rentals:

Neither a county nor a city may enact or enforce any ordinance that has the express or practical effect of prohibiting short-term rentals or vacation rentals in the county or city. A county or city may implement such reasonable regulations as it deems necessary to safeguard the public health, safety and general welfare in order to protect the integrity of residential neighborhoods in which short-term rentals or vacation rentals operate. A short-term rental or vacation rental shall be classified as a residential land use for zoning purposes subject to all zoning requirements applicable thereto.

I.C. § 67-6539(1). Thus, no city may enact or enforce any ordinance that has the express or practical effect of prohibiting either short-term or vacation rentals *in the city*. A city may, however, enact “reasonable regulations” to “safeguard the public health, safety and general welfare in order to protect the integrity of residential neighborhoods in which short-term rentals or vacation rentals operate.” *Id.*

The City prevailed below by arguing that its ban on vacation rentals in the City’s residential zones is permissible because its ordinance allows bed and breakfasts, one of the three types of short-term rentals defined in Idaho Code section 63-1804(4), in its residential zones. The argument is essentially that, so long as at least one type of short-term rental is allowed in its residential zones, the City has complied with the Act. We disagree.

“Language of a particular section need not be viewed in a vacuum. And all sections of applicable statutes must be construed together so as to determine the legislature’s intent.” *Friends of Farm to Mkt. v. Valley Cnty.*, 137 Idaho 192, 197, 46 P.3d 9, 14 (2002) (quotation marks and citation omitted). Although sections 63-1801, *et seq.* and section 67-6539 are in different titles of the Idaho Code, we do not look at each provision in a vacuum because they were enacted in the same bill, which dealt exclusively with short-term rentals. See H.B. 216, 2017 Idaho Sess. Laws 591–92.

The plain language of the Act provides clear understanding of the intent of our legislature as stated in Idaho Code section 63-1802:

This act is designed to promote access to short-term rentals and vacation rentals by limiting local governmental authority to prohibit these beneficial property uses, or to specifically target them for regulation, except in circumstances necessary to safeguard public health and welfare. This act is also designed to preserve personal property rights and promote property owner access to platforms for offering their properties as short-term rentals and vacation rentals, and enhancing local tax revenue by permitting platforms to assume tax collection and remittance responsibilities.

The legislative intent in adopting the Act is not just to foster access to some short-term or vacation rentals within a city, but to all of them. The Act “is designed to promote access to [both] short-term rentals *and* vacation rentals by limiting local governmental authority to prohibit these beneficial property uses, or to specifically target them for regulation” *Id.* (emphasis added). The Act is also to be construed to “preserve personal property rights and promote property owner access to platforms for offering their properties as . . . vacation rentals” *Id.* We thus take the legislature at its word: the Act expressly disallows any city regulation that “has the express or practical effect of prohibiting short-term rentals *or* vacation rentals in the . . . city.” I.C. §67-6539(1).

The City advocates that the use of the disjunctive language in the statute, defining short term rentals as “any individually *or* collectively owned single-family house *or* dwelling unit *or* any unit or group of units in a condominium, cooperative or timeshare, *or* owner-occupied residential home,” I.C. § 63-1803(4) (emphasis added), allows it to prohibit certain types of short-term or vacation rentals as long as at least one of the listed categories remains permitted. We disagree. First, because the statute prohibits restrictions on either “short-term rentals *or* vacation rentals,” it necessarily applies to all forms of short-term rentals encompassed by the definition, regardless of whether they are owner occupied. Second, nothing in the Act authorizes the City’s

spot-zoning approach, in which vacation rentals are selectively prohibited in residential zones—precisely the areas where such rentals are most naturally situated.

The City’s retort, which the district court accepted, is that notwithstanding the broad-ranging scope of the Act, the City is explicitly granted the right to “implement such reasonable regulations as it deems necessary to safeguard the public health, safety and general welfare in order to protect the integrity of residential neighborhoods in which short-term rentals or vacation rentals operate.” We acknowledge the numerous declarations from City residents and employees about the effects that vacation rentals can have on City residents. Even so, the second and third sentences of section 67-6539(1) reinforce our reading of the Act.

Regulations are distinct from prohibitions. To prohibit is to “forbid” or “prevent, preclude, or severely hinder.” *Prohibit*, BLACK’S LAW DICTIONARY (12th ed. 2024). To regulate is to control, especially through the implementation of rules. *Regulate*, BLACK’S LAW DICTIONARY (12th ed. 2024). Under the plain language of the Act, cities are free to implement necessary regulations to safeguard the public health, safety, and general welfare of residential neighborhoods. I.C. § 67-6539(1). We express no opinion about what might constitute a reasonable regulation. But such regulations may not amount to express or practical prohibitions on any one of the three types of short-term rentals defined by section 63-1803(4).

We thus hold that Ordinance 2006-5 violates the Short-term Rental and Vacation Rental Act. Ordinance 2006-5 expressly prohibits the operation of vacation rentals, a type of short-term rental, in the City’s residential zones. As such, Ordinance 2006-5 violates Idaho Code section 67-6539, which precludes the City from enacting any ordinance that has the express effect of prohibiting short-term rentals in the City. Accordingly, Ordinance 2006-5 is invalidated. *KGF Dev., LLC v. City of Ketchum*, 149 Idaho 524, 531, 236 P.3d 1284, 1291 (2010).

B. Neither party is awarded attorney fees on appeal.

The Petitioners do not request attorney fees on appeal, but they do request costs under Idaho Appellate Rule 40. The City requests attorney fees on appeal pursuant to Idaho Code sections 12-121 and 12-117. Because the City has not prevailed on appeal, we decline to award attorney fees. Costs are awarded to Petitioners as the prevailing party under Idaho Appellate Rule 40.

V. CONCLUSION

We reverse the district court’s ruling and vacate its grant of summary judgment. Costs on appeal are awarded to Petitioners.

Justices BRODY, MOELLER, ZAHN, and MEYER CONCUR.