



PLANNING AND ZONING COMMISSION MEETING AGENDA

August 19, 2025 at 5:30 PM

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

Call to Order, Roll Call and Pledge of Allegiance

Announcements

Consent Calendar - *action item*

1. Approval of Minutes from the Commission's July 15, 2025, Meeting - *action item*

Matters from the Public - General Comments

Public Hearing

2. Public Hearing/Recommendation - Title 9 Chapter 9 and Title 10 Chapter 3 Proposed Amendments - *action item*

New Business - none

Old/Unfinished Business - none

Commissioner Roundtable - none

Adjourn

Public Participation Notice

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



PLANNING AND ZONING COMMISSION MEETING MINUTES

July 15, 2025 at 5:30 PM

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

Call to Order, Roll Call and Pledge of Allegiance

Chairman Mose Dunkel called the regular meeting of the Sandpoint Planning and Zoning Commission to order at 5:30 p.m. on Tuesday, July 15, 2025, in Council chambers at City Hall, 1123 W. Lake St., Sandpoint, Idaho.

PRESENT

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

Chairman Dunkel led all present in the Pledge of Allegiance.

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

Consent Calendar

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

Motion made by Commissioner Benner, Seconded by Commissioner Simmons

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

1. The minutes from the Commission's June 17, 2025, meeting were approved as presented.

Matters from the Public/General Public Comments

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

Public Hearings

2. Public Hearing/Decision: Request for consideration of the Preliminary Plat for the Great Northern Commerce Subdivision.

Chairman Dunkel announced that the next item on the agenda was a public hearing and request for Consideration of the Preliminary Plat for the Great Northern Commerce Subdivision and recited the order and procedure for the public hearing.

City Planner Bill Dean provided a staff presentation and fielded questions from Commissioners. Drew Dittman from Lake City Engineering, representing applicant Big Creek Land Company, also provided a short presentation.

Following the presentation, Chairman Dunkel recited instructions for the public hearing, reminding all in attendance of the City's rules of civility and meeting decorum and providing for up to three (3) minutes of testimony from each speaker, with the option for those in the room to donate their time to another speaker in the room, for a total of up to six (6) minutes for a speaker who received gifted time.

The Chairman then **opened the public hearing**.

There was no public testimony on this matter.

With confirmation that all who wished to speak had the opportunity to do so, Chairman Dunkel **closed the public hearing**.

Following closure of the public hearing, the Commissioners deliberated and asked questions of City staff.

Commissioner Simmons then made a motion to recommend to City Council approval of the preliminary plat with the following conditions as recommended by staff:

1. Prior to approval of any Final Plat the developer shall provide CCR's that address common maintenance of parking and landscaped areas to the satisfaction of the City Planner.
2. Final planting locations, tree type, and landscape plan details in final Construction Plans shall be to the satisfaction of the City Forrester.
3. Prior to construction of any utilities or street infrastructure within the proposed right of way, final improvement plans, stamped by a professional engineer and marked "released for construction" shall be submitted for review and approval by the City Engineer, and a separate public infrastructure permit shall be issued by the City Engineer, meeting the requirements of Title 10, Chapter 1.
4. Prior to construction of the proposed pressure sewer main shown on the preliminary improvement plans, the applicant shall obtain approval of the plans from the Idaho Department of Environmental Quality. Qualified Licensed Professional Engineer review (QLPE) through the City of Sandpoint is not allowed for pressure sewer mains.
5. Prior to approval of any Final Plat, revise plans and Plat to reflect that the streets of the North Addition to Sandpoint Airpark (to the east) are private and not Public R-O-W. 6. Prior to approval of any Final Plat, a mid-block crossing shall be installed at the driveway entrance to the "Project Bulldog" property to the west, approximately 470 feet south of Woodland Drive to the satisfaciton of the City Engineer.

Commissioner Benner seconded the motion, and Commissioners voted as follows:

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

Motion passed, and this matter will be referred to the Sandpoint City Council.

3. Public Hearing/Decision: Request for Elimination of Sandpoint's Area of Impact

Commissioner Dunkel announced that the next item on the agenda was a public hearing and decision on the request to eliminate Sandpoint's Area of Impact

Community Planning and Development Director Jason Welker provided a staff presentation and fielded questions from Commissioners.

Following the presentation, Chairman Dunkel reminded those present that the rules for public testimony recited earlier were still in effect.

The Chairman then **opened the public hearing.**

There was no public testimony on this matter.

With confirmation that all who wished to speak had the opportunity to do so, Chairman Dunkel **closed the public hearing.**

Following closure of the hearing, the Commissioners deliberated, with staff and legal counsel fielding questions.

Commissioner Rimar then made a motion to recommend to City Council the elimination of the City's area of impact. Commissioner Benner seconded the motion, and Commissioners voted unanimously in favor, as follows:

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

4. Public Hearing/Decision: Recommendation Decision for Amending the Definitions in Sandpoint City Code Related to Alleys and Parking Areas.

Commissioner Dunkel announced that the next item on the agenda was a public hearing and decision on a recommendation to City Council to amend the definitions in Sandpoint City Code related to alleys and parking areas.

City Planner Bill Dean provided a staff presentation and fielded questions from Commissioners.

Following the presentation, Chairman Dunkel reminded those present that the rules for public testimony recited earlier were still in effect.

The Chairman then **opened the public hearing.**

There was no public testimony on this matter.

With confirmation that all who wished to speak had the opportunity to do so, Chairman Dunkel **closed the public hearing.**

Following closure of the hearing, the Commissioners deliberated, with staff fielding questions.

Commissioner Simmons then made a motion to recommend to City Council the approval of the proposed amendments to City Code regarding alleys and parking areas, as presented by City staff. Commissioner Benner seconded the motion, and Commissioners voted unanimously in favor, as follows:

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

Old Business – none

New Business

5. Decision: Request for Extension of Conditional Use Permit (PCUP23-0004) – 56 Bridge Street Hotel/Resort

This item was removed from the agenda to be rescheduled for a later date.

Matters from City Staff

There were no general matters from staff.

Commissioner Roundtable

The Commissioners and staff briefly discussed, in general, city area of impact.

Adjourn

With no further business before the Commission, the meeting was adjourned at 7:05 p.m.

I presided over this meeting and can confirm that the foregoing minutes, prepared by the Board Clerk, were approved by the Commission during their meeting held _____, 2025.

Mose Dunkel, Chair

Attest: Mandy Brown, Board Clerk



Staff Report

To: Planning and Zoning Commission
From: Bill Dean, City Planner
Report: August 13, 2025
Hearing: August 19, 2025
Item: Sandpoint City Code Title 9 Chapter 9 and Title 10 proposed amendments
Applicant: City Initiated

Please Note: The Application and all materials related to this request are provided on the City's website at: www.sandpointidaho.gov/currentprojects

1) Introduction and Background

The proposed ordinance amending Sandpoint City Code Title 9 (Zoning Administration) and Title 10 (Land Subdivisions, which also contains the PUD ordinance) stems from recent activity on the University Place project where a Planned Unit Development (PUD) expired. In an effort to provide additional clarity, the portions of both Title 9 Chapter 9 and Title 10 Chapter 3 related to permit and PUD lifespans and expirations are being clarified. Namely, the amendment addresses the effective dates of Conditional Use Permits, Variances, and PUDs and adds that extension requests need to be filed prior to the expiration dates.

In addition, staff's efforts resulted in reviewing the PUD ordinance holistically with the goal of adding clarity to existing regulations. As a result of staff review there are several proposed minor amendments throughout the ordinance clarifying requirements for preliminary and final development plans. Staff are suggesting modifying the size requirement of PUDs from 2-acres to 1/2 -acre as a means to open up the creative land use processes inherent in PUDs to more properties.

Overall, the ordinance amendments are a continuation of recent efforts to provide clarity and predictability in development procedures.

2) Relevant Comprehensive Plan Objectives

The City's 2024 Comprehensive Plan (Comp Plan) contains objectives and policies that serve to guide any proposed code amendment. Consideration and regulations for development processing are loosely identified in the City's Comp Plan, and encouragement for continued improvement in code clarity can be viewed as related to the following Comp Plan guidance:

Public Facilities, Services and Utilities:

Goal 8: The participation of community members in civic affairs is valued and representative.

Policy D: Continuously improve the overall performance and cost efficiency of city government.

Policy E: Explore opportunities to improve outcomes through intergovernmental cooperation.

3) Overview of Proposed Amendments

The following is a summary of the proposed amendments to Title 9, Chapter 9 Zoning Administration

- 1) 9-9-1 No proposed changes.
- 2) 9-9-2 No proposed changes.
- 3) 9-9-3 No proposed changes.
- 4) 9-9-4 No proposed changes.
- 5) 9-9-5 No proposed changes.
- 6) 9-5-6 Planning Commission Action and Notification: Adding clarifying language expressly stating that this code section refers to Conditional Use Permits and Variances; removes the word “special” in reference to use permits because the code otherwise refers to them as Conditional Use Permits. The use of the word “special” is used together with “conditional” in state law ([Idaho Code 67-6512](#)) and this edit is to provide clarity.
- 7) 9-9-6 A(6) Action by the Planning Commission: Because the zoning ordinance does not include a “special” use permit, the language is edited to refer solely to conditional use permits.
- 8) 9-9-6 A(7) Commencement of Work: This section is re-worded to refer to the “effective date” of the permit instead of generically referring to PZC action.
- 9) 9-9-6 A(8) Extension of Time: This is a new section added to establish the PZC may grant a time extension request to a prior approved conditional use permit, provided that the extension request is filed prior to expiration and work has been diligently pursued and establishes that no more than 2 extensions may be granted.
- 10) 9-9-6 B(5) Commencement of work: Added clarity on the when a variance begins its lifespan.
- 11) 9-9-6 B(6) This is a new section added to establish the PZC may grant a time extension request to a prior approved variance, provided that the extension request is filed prior to expiration and work has been diligently pursued and establishes that no more than 2 extensions may be granted.
- 12) 9-9-7 Time Limit for PZC Actions: Adding clarifying language expressly stating that this code section refers to Conditional Use Permits and Variances.
- 13) 9-9-8 Effective Date of PZC Decision: Clarifies that this code section refers to CUPs and variances. Additionally clarifies that the permits take effect upon approval of the written decision.

Clarifying the City’s Zoning Administration ordinance adds to the transparency and predictability of the development process, including:

- Provides that this section of the code refers solely to conditional use permits and variances
- Provides clarity on the lifespan of permits
- Clarified methods to extend the lifespan of permits
- Establishes clear effective dates for permits

The following is a summary of the proposed amendments to Title 10, Chapter 3 Planned Unit Developments

- 1) 10-3-1 Purpose: Clarifies that a Planned Unit Development is a special land use approval that is processed like a permit following the procedures set forth in the PUD chapter. Also, language is included that expressly states that PUDs are also intended to implement and further the goals of the city’s Comprehensive Plan.
- 2) 10-3-2 Application: This section has been modified to expressly state that a PUD is a permit comprised of two components: a preliminary development plan and a final development plan. The edit furthers the use of consistent terminology and clarify who is entitled to file an application for a final development plan.
- 3) 10-3-3 Minimum Area: no proposed changes.
- 4) 10-3-4 Uses Permitted: Clarified that the city has zoning districts, not “land use” districts; updated references to

Residential Multi-family zone and Residential single-family zone instead of prior names of zoning districts. Updated language to correctly refer to City Council authority instead of PZC in making final findings for land use allowances in a PUD.

- 5) 10-3-5 Increased Residential Density: This section was very confusing and has been clarified as to how the incentive for increased density. Prior (existing) language includes confusing parameters to link certain project amenities to an amount of density increase. For example, the language specifying that an increase in landscaping may allow for an increase in density (of up to 10%) yet doesn't specify how much additional landscaping is required. Similarly, the use of "focal points" or use of existing "wind orientation" may be justification for a 10% density increase, yet no measurable amount of amenity items is included. For the purposes of conversation and to create more measurable tradeoffs (density increase for amenities or desired items in a PUD) staff set a measurable increase in density tied directly to an increase in affordable housing. Discussion should ensure with PZC to ascertain if other site/development amenities can or should be used (and quantified) in such density increases/tradeoffs.
- 6) 10-3-6 Common Open Space: Clarifying language that council is the approval authority in PUD decisions.
- 7) 10-3-7 Performance Standards: Clarifying language that council is the approval authority in PUD decisions.
- 8) 10-3-8 Utility Requirements: Clarifying language that council is the approval authority in PUD decisions.
- 9) 10-3-9: No proposed changes
- 10) 10-3-10 Approval Procedure: This section has been updated to refer to the council as the approval authority and the PZC as a recommending authority. The draft removes reference to processing PUDs under the general standards for Conditional Use Permits. This is removed because it is redundant with findings already contained in the PUD ordinance, and there is no need to refer to different findings. The draft clarifies that one finding for approval relates to required utilities. This draft also clarifies expiration timeframes and PUD lifespans.

4) Planning Commission Action

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

Recommend City Council adopt the ordinance as drafted

Recommend City Council adopt the ordinance after making changes

Direct staff to revise the ordinance before taking action

Recommend City Council Deny the ordinance.

5) Attachments

1. Redline Version of Draft Proposed Amendments to Sandpoint City Code Title 9 Chapter 9 and Title 10 Chapter 3

9-9-6: Planning Commission Action and Notification on Conditional Use Permits and Variances:

Conditional use permits and variances may be granted only upon findings by the planning commission that the proposal meets all of the following criteria:

- A. Conditional Use Permit Procedures:
1. Grant of Permit: A conditional use permit may be granted to an applicant if the proposed use is listed in the Sandpoint Code as a conditional use, and if it is not in conflict with the comprehensive plan.
 2. Application: Application for a conditional use permit shall be made to the planning department as provided for in this chapter.
 3. Contents of Application: A conditional use permit request shall not be heard by the planning commission unless and until an application for a conditional use permit has been submitted to the planning department and the planning commission containing the following:
 - a. Name, address and telephone number of the applicant.
 - b. Legal description of the property.
 - c. Proof of ownership.
 - d. Signature of legal title holder approving the application.
 - e. The name and addresses of all adjoining property owners within three hundred feet (300') of the external boundaries of the subject property, provided on a separate sheet of labels.
 - f. A vicinity map at the scale of one hundred feet to the inch (1" = 100') showing the current land segregations and existing land use within three hundred feet (300') of the subject property.
 - g. Eight (8) copies of the following plans (suggested scale: 1" = 20'):
 - (1) Site plans showing the location and dimensions of all building setbacks, road frontage, curb cuts, circulation patterns, loading service areas, parking, sidewalks, landscaped areas, signs, lighting, easements, utilities and drainage patterns and listing the total open space area, impervious surfaces, lot size and total building floor area.
 - (2) Floor plans, elevations - front, side and rear - and property lines and roof line dimensions.
 - (3) Narrative stating the previous use of the site and intended use to include hours of operation, number of employees, system for delivery of materials and nature of business.
 - h. A narrative statement demonstrating in what ways the request conforms or does not conform to the following standards:
 - (1) Will, in fact, constitute a conditional use as established on the official schedule of regulations for the zoning district involved.
 - (2) Will be harmonious with and in accordance with the general objectives, or with any specific objective of the comprehensive plan and/or applicable sections of the Sandpoint Code.

- (3) Will be designed, constructed, operated and maintained to be harmonious and appropriate with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
 - (4) Will not be hazardous or disturbing to existing neighboring uses.
 - (5) Will be served adequately by essential public services and utilities such as highways, streets, police and fire protection, drainage systems, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service or utility.
 - (6) Will not create excessive additional requirements at public cost for public services and utilities and will not be detrimental to the economic welfare of the community.
 - (7) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reasons of traffic, noise, smoke, fumes, glare or odors.
 - (8) Will have vehicular approaches to the property which shall be designed so as not to create an interference with traffic on surrounding public roads.
 - (9) Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.
4. Compliance Required: A conditional use permit shall not be granted or denied unless the planning commission makes specific findings of fact based directly on the particular evidence presented to it as to whether the above-mentioned standards and conditions have been met by the applicant.
 5. Supplementary Conditions and Safeguards: In granting any conditional use, the planning commission or city council may prescribe appropriate conditions, bonds and safeguards in conformity with this section. Violations of such conditions, bonds or safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this section.
 6. Action By The Planning Commission: Upon granting of a ~~special~~ conditional use permit, conditions may be attached ~~to a conditional use permit~~ including, but not limited to, the following:
 - a. Minimizing adverse impact on other development.
 - b. Controlling the sequence and timing of development.
 - c. Controlling the duration of development.
 - d. Assuring that development is maintained properly.
 - e. Designating the exact location and nature of development.
 - f. Requiring the provision for on-site or off-site public facilities or services.
 - g. Requiring more restrictive standards than those generally required in an ordinance.

Prior to granting a ~~special~~ conditional use permit, studies may be required of the social, economic, fiscal and environmental effects of the proposed special use. A conditional use permit shall not be considered as establishing a binding precedent to grant other conditional use permits. A conditional use permit is not transferable from one parcel of land to another.

7. [Permit Time Limit and Commencement of Work](#): The proposed work shall commence within one year following the [effective](#) date of ~~planning commission or city council approval~~ of the conditional use permit and shall be diligently pursued or said approval and permit shall be rendered automatically null, void and of no right or recourse.
8. [Extension of Time Limit: An extension of time may be granted by the Planning Commission for a time period not to exceed one year per request, provided that an application for a time extension is filed prior to the expiration of the permit and work has been diligently pursued. No more than two time extensions may be granted for a conditional use permit.](#)
89. **Payment of Fees**: An application shall not be processed until all required fees are paid in full.
- B. **Variance Permit Procedures**:
1. **Recommendations**: The planning commission may recommend in specific cases such variance from the terms of this code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the terms and provisions of the Sand point Code would result in unnecessary hardship. No nonconforming use of neighboring lands, structures or buildings in the same district and no permitted or nonconforming uses of lands, structures or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience of profit, but only where strict application of the provisions of this Code would result in unnecessary hardship.
 2. **Supplementary Conditions and Safeguards**: Under no circumstances shall the planning commission or city council consider a request for variance after issuance of a building permit or grant a variance to allow a use not permissible under the terms of this code in the district involved for any use expressly or by implication prohibited by the terms of said ordinance in said district. Upon hearing a variance request, the planning commission may prescribe appropriate conditions and safeguards in conformity with applicable ordinances. Violation of such conditions or safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of such ordinances.
 3. **Contents of Application**: A variance from the terms of this code shall not be heard by the planning commission unless and until an application for a variance is submitted to the planning department and the planning commission containing the following:
 - a. Address, name and telephone number of applicant.
 - b. Legal description of the property.
 - c. Description of nature of variance requested, consisting of:
 - (1) The names and addresses of all adjoining property owners within three hundred feet (300') of the subject property, listed on a separate sheet of labels.
 - (2) A copy of a preliminary title report or title insurance policy for the proposed site.
 - (3) A vicinity map at the scale of one hundred feet to the inch (1" = 100') showing the property owners and existing land use within three hundred feet (300') of the proposed site.
 - (4) Nine (9) copies of a site plan drawn to scale which shows the property under consideration, location of all improvements and the specific information concerning the requested variance.
 - (5) A narrative statement demonstrating that the requested variance conforms to the following standards:

- (A) That special conditions and circumstances exist which are peculiar to the land, structures or buildings in the same district.
 - (B) That a literal interpretation of the applicable sections of this code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this code.
 - (C) That special considerations, conditions and circumstances do not result from actions or desires of the applicant, and,
 - (D) That granting the variance requested will not confer on the applicant any special privileges that are denied by this code to other land, structures or buildings in the same district.
4. Action By The Planning Commission: A variance shall not be granted or denied unless the planning commission makes specific findings of fact and conclusions as to whether the above mentioned standards and conditions have been met by the applicant.
5. Commencement of Work: The proposed work shall commence within one year following the ~~date of planning commission or city council approval~~ effective date of the variance and shall be diligently pursued or said approval ~~and permit~~ shall be rendered automatically null, void and of no right or recourse.
6. Extension of Time Limit: An extension of time may be granted by the Planning Commission for a time period not to exceed one year per request, provided that an application for a time extension is filed prior to the expiration of the variance and work is diligently pursued. No more than two time extensions may be granted for a variance.
- ~~6.7.~~ Payment of Fees: An application shall not be processed until all required fees are paid in full.
- C. Notification: ~~Upon~~ Within 30-days of granting or denying an application for a conditional use permit or variance, the planning director shall ~~notify~~ provide the applicant ~~in writing~~ of the planning commission's written decision ~~and which~~ shall specify the following:
- 1. The applicable sections of this code and standards used in evaluating the application.
 - 2. The reasons for approval or denial based upon compliance or noncompliance with the established criteria and findings of fact for which the action was taken.
 - 3. The conditions of approval, if any, ~~which the applicant may take to obtain a permit~~ imposed on the project.

The planning director shall transmit the ~~record of the~~ planning commission's ~~action~~ written decision to the city council within five (5) days after the planning commission taking action on the written decision ~~public hearing~~.

(Ord. 842, 6-15-1987; amd. Ord. 1386, 4-21-2021)

9-9-7: Time Limit for Planning Commission Actions on Conditional Use Permits and Variances:

The planning commission shall act on an application within sixty (60) days of filing. The planning commission may continue the public hearing or table an application for not more than thirty (30) days or until their next regular meeting, whichever comes first, at which time a decision shall be made to approve, conditionally approve or deny the application. A longer period of time not to exceed six (6) months may be required when climatic conditions make it necessary to delay the planning commission's decision. In such event, notice shall be provided as specified herein.

(Ord. 842, 6-15-1987)

9-9-8: Effective Date of Planning Commission Decision on Conditional Use Permits and Variances:

The planning commission's decision shall not become effective until the written decision is acted upon by the planning commission and the ten (10) day appeal period has lapsed. The 10-day appeal period begins following approval by the planning commission of the written decision. The calendar day following the conclusion of the appeal period shall be the effective date of the permit or variance. No building or other permit shall be issued during this appeal period.

(Ord. 842, 6-15-1987)

CHAPTER 3 PLANNED UNIT DEVELOPMENTS

10-3-1: Purpose:

Planned unit development (PUD) is a [special land use approval achieved through the permitting process set forth in this chapter for](#) development of land in which the standard land use regulations may be modified or waived in order to promote beneficial development of an entire tract of land ~~in conformance with an approved planned unit development permit~~ which accentuates usable open space, recreational uses, public amenities, community housing, and harmonious development with surrounding properties and the city at large, [as envisioned in the City's Comprehensive Plan](#).

The purpose of the provisions of this chapter shall be to guide a major development of land and construction by encouraging planned unit developments so as to achieve the following:

- A. A maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks, and area requirements.
- B. A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of neighborhood commercial uses, recreational uses and services.
- C. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns.
- D. A more efficient use of land than is generally achieved through conventional development, thus resulting in substantial savings through shorter utilities and streets, while encouraging connectivity.
- E. A development pattern in harmony with land use density, multimodal transportation facilities, and community facilities objects of the comprehensive plan.

(Ord. 1162, 12-20-2006)

10-3-2: Application:

- A. [A PUD is comprised of two components, a Preliminary Development Plan \(PDP\) and a Final Development Plan \(FDP\), which may, at the discretion of the applicant be processed separately, or combined and processed together.](#)
- AB. Contents of Application for ~~Approval of a~~ [Preliminary Development Plan](#): An application for preliminary PUD [development plan](#) shall be filed with the planning department by a property owner or person having an equitable interest in the property for which the PUD is proposed. At a minimum, the application shall contain the following information:
 1. Name, address and phone number of applicant.
 2. Name, address and phone number of registered surveyor, registered engineer and/or urban planner assisting in the preparation of the preliminary development plan.
 3. Legal description of property.
 4. Description of existing use.
 5. Zoning districts.

6. A vicinity map at a scale approved by the commission, showing property lines, streets, existing and proposed zoning and such other items as the commission may require to show the relationship of the PUD to the comprehensive plan and to existing schools and other community facilities and services.
 7. A preliminary development plan at a scale approved by the commission showing topography at two foot (2') intervals; location and type of residential, neighborhood commercial and recreational land uses; layout, dimensions and names of existing and proposed streets; rights-of-way; utility easements; parks and community spaces; layouts and dimensions of lots and building setback lines; preliminary improvement drawings showing water, fire hydrants, sidewalks, sewer, drainage, electricity, telephone and natural gas and such other characteristics as the commission deems necessary.
 8. Tentative landscaping plans and tentative architecture styles of buildings, showing elevations, interior layout, construction materials, and site orientation.
 9. Proposed schedule for the development of the site.
 10. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within two (2) years.
 11. The application for [a preliminary PUD development plan](#) shall be accompanied by a written statement by the developer setting forth the reasons why it is believed the PUD would be in the public interest.
- BC.** Contents of Application for ~~Approval of a~~ Final Development Plan: Upon approval ~~in principle~~ of a preliminary development plan, [or if processed as a combined PDP/FDP application](#), an application for ~~approval of the a~~ final development plan may be filed with the planning department by at least one property owner or person having a presently existing interest in the property for which the PUD is proposed. Each application shall be signed by the owner or ~~lessee~~ [interested person](#), attesting to the truth and exactness of all information supplied on the application for final development plan. ~~Each application shall clearly state that the approval shall expire and may be revoked if construction on the project has not begun within two (2) years from the date of issuance of the approval. For larger projects, a developer may propose development occur incrementally in two (2) year phases.~~ At a minimum, the application shall contain the following information:
1. A survey of the proposed development site, showing the dimensions and bearings of the property lines, area in acres, topography, existing features of the development site; including major wooded areas, structures, streets, easements, utility lines and land uses.
 2. All the information required on the preliminary development plan; the location and sizes of lots, location and proposed density of dwelling units, nonresidential building intensity and land use considered suitable for adjacent properties.
 3. A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres in the proposed project for various uses; the number of housing units proposed by type; estimated residential population by type of housing; estimated nonresidential population; anticipated timing for each unit and standards for height, open space, building density, parking areas, population density and public improvements proposed for each unit of the development.
 4. Preliminary studies and plans showing, as necessary, water, sewer, drainage, streetlight, electricity, telephone and natural gas installations; waste disposal facilities; street improvements including sidewalk and bicycle accommodation and nature and extent of earthwork required for site preparation and development.
 5. Site plan, showing buildings, various functional use areas, circulation and their relationship.
 6. Preliminary building plans, including floor plans and exterior elevations.
 7. Landscaping plans.

8. Deed restrictions, protective covenants and other legal statements or devices to be used to control the use, development and maintenance of the land, and the improvements thereon, including those areas which are to be commonly owned and maintained.
9. A traffic analysis as provided for in section 10-1-6 of this title may be required which may result in requirements for off site improvements to mitigate impacts.

~~CD.~~ Ownership Requirements: ~~The PUD application shall be filed in the name or names of the recorded owner or owners of property included in the development. However, the application may be filed by the holder(s) of an equitable interest in such property.~~ Before approval is granted to ~~the~~ a final development plan, the entire project shall be under single ownership or control and legal title must be presented with the final development plan.

(Ord. 1162, 12-20-2006)

10-3-3: Minimum Area:

A planned unit development for the following principal uses shall contain an area of not less than:

- A. Two (2) acres for residential development.
- B. Five (5) acres for residential use with subordinate neighborhood commercial or recreational uses.

(Ord. 1162, 12-20-2006)

10-3-4: Uses Permitted:

- A. All uses that may be allowed within the ~~land use~~ zoning district are permitted within a PUD.
- B. Uses not allowed in the underlying zoning district may be allowed where appropriate. PUDs seeking multi-family residential buildings in ~~residence A and B zones~~ Residential Single Family and Residential Multifamily zones shall be limited to no more than six (6) dwelling units in any one building. Such units must reflect the style and character of surrounding residences.
- C. Commercial, professional office, recreational, public or quasi-public uses that are not allowed within the land use district, may utilize up to twenty percent (20%) of the gross land area in a PUD.

Such uses may be allowed provided there is a favorable finding by the ~~commission~~ City Council that:

1. Any nonresidential uses are compatible with the residential uses in and surrounding the PUD.
2. The uses are planned as an integral part of the PUD.
3. Commercial/professional uses are to be located and so designed as to provide direct access to a collector or an arterial street without creating congestion or traffic hazards.
4. A minimum of fifty percent (50%) of the residential development occurs prior to the development of the related neighborhood commercial or recreational uses.

(Ord. 1162, 12-20-2006)

10-3-5: Increased Residential Density:

~~To provide an incentive for quality PUD,~~ The ~~commission~~ Council may authorize an increased in residential density, based on the single-family lot size for the zone, of up to forty percent (40%) above of the allowable number of dwelling units. ~~Character, identity, architectural and siting variations incorporated in a development~~

shall be considered cause for density increases, provided these factors make a substantial contribution to the objectives of the PUD, which are as follows for projects that dedicate 40% of units as workforce/affordable housing as defined by resolution of the City of Sandpoint.

- A. ~~Landscaping, a maximum increase of ten percent (10%); streetscape; open spaces and plazas; use of existing landscaping; pedestrian way treatment; and recreational areas.~~
- B. ~~Siting, a maximum increase of ten percent (10%); visual focal points; use of existing physical features such as topography; view; sun and wind orientation; circulation pattern; physical environment; variation in building setbacks; and building grouping, such as clustering.~~
- C. ~~Design features, a maximum increase of ten percent (10%); street sections; architectural styles; harmonious use of materials; parking areas broken by landscaping features; and varied use of housing types.~~
- D. Workforce/affordable housing, a maximum increase of ten percent (10%) for those projects providing workforce/affordable housing as defined by resolution of the City of Sandpoint.

(Ord. 1162, 12-20-2006)

10-3-6: Common Open Space:

A minimum of ten percent (10%) of the gross land area developed in any residential planned unit development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed.

The required amount of common open space land reserved under a planned unit development shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development or be dedicated to the public and retained as common open space for parks, recreation, and related uses. Public utility and similar easements and rights-of-way for watercourses and other similar channels are not acceptable for common open space dedication unless such land or right-of-way is usable as a trail or other similar purpose and approved by the ~~commission~~ [Council](#).

The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan. Every property developed under the planned unit development approach should be designed to abut upon common open space or similar areas. A clustering of dwellings is encouraged. In areas where townhouses are used, there shall be no more than six (6) townhouse units in any contiguous group. Due consideration shall be given to the provisions of suitable sites for parks, playgrounds and schools for the community.

(Ord. 1162, 12-20-2006)

10-3-7: Performance Standards:

- A. The PUD shall be designed to be compatible with the surrounding area.
- B. There shall be a twenty-five foot (25') building line setback from all exterior boundaries of the property.
- C. All parking and driveways shall not be within ten feet (10') of the exterior boundaries.
- D. All public improvements required for subdivisions may be required for a PUD.
- E. Exterior boundary setback requirements set forth above may be reduced by the ~~commission~~ [Council](#) where such reduction can be shown to be compatible with surrounding development.

(Ord. 1162, 12-20-2006)

10-3-8: Utility Requirements:

Fire hydrants, sidewalks, curbs, public safety signs and storm drainage shall be provided as required to adequately service the site. Underground utilities, including telephone and electrical systems, are required within the limits of all planned unit developments. Appurtenances to these systems which can be effectively screened may be excepted from this requirement if the ~~commission~~ Council finds that such exemption will not violate the intent or character of the proposed planned unit development. All utilities should be placed behind the curb line.

(Ord. 1162, 12-20-2006)

10-3-9: Arrangement of Neighborhood Commercial and Recreational Uses:

When planned unit development districts may include neighborhood commercial and recreational uses, commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections. Planning screens or fences may be required to be provided on the perimeter of the commercial areas abutting residential areas.

The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation for all modes, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding noncommercial areas.

All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat orderly manner.

(Ord. 1162, 12-20-2006)

10-3-10: Approval Procedure:

- A. Approval of A Planned Unit Development: Approval of a PUD by the ~~commission~~ or city council is purely discretionary and not a matter of right.
- B. Submission of Planned Unit Development Plan: When the PUD also ~~qualifies as~~ involves a subdivision, the processing of the PUD permit and subdivision application shall occur at the same time. The granting of a permit for a PUD shall require a preapplication meeting, ~~the submission~~ approval of a preliminary development plan and approval of a final development plan. Such approvals are at the discretion of by the city council ~~of a final development plan as specified within this chapter~~ upon recommendation by the Planning and Zoning Commission.
- C. Preapplication Meeting: The developer shall meet with the city planner prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this chapter and the criteria and standards contained herein, and to familiarize the developer with the comprehensive plan, zoning ordinance, subdivision ordinance and such other plans and ordinances as deemed appropriate.
- D. Procedure for Public Notice: The same provision for public hearing and legal notification as required for conditional use permits shall be followed.
- E. ~~Approval in Principle~~ Recommendation by the Commission: ~~Within sixty (60) days after the public hearing~~ The commission shall review the preliminary development plan to determine if it is consistent with the intent and purpose of this chapter; whether the proposed development advances the general welfare of the community and neighborhood and whether the benefits, combination of various land uses and the

interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations. The commission's approval in principle shall not be construed to endorse a precise location of uses, configuration of parcels or engineering feasibility.

- ~~F.~~ ~~Consideration of General Standards Applicable: The commission shall consider the general standards applicable to conditional use permits and criteria for PUD permits before approving in principle a preliminary development plan (see section 9-9-9 of this code.)~~
- ~~G.F.~~ Approval at Hearing: If it is determined to meet the provisions hereafter set forth, the commission may act on a developer's request for final development plan approval at the same hearing as a preliminary development plan.
- ~~H.G.~~ Recommendation by Commission: Within sixty (60) days after receipt of submitting a of the final development plan to the City, the commission shall recommend to the city council that the final development plan be approved as presented, approved with supplementary conditions, or disapproved. The commission shall then transmit all papers constituting the record and the recommendations to the city council.

The commission shall find that the facts submitted with the application and presented to them establish that:

1. The proposed development can be initiated within two (2) years of the date of approval.
 2. Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which would not be achieved under standard zoning regulations.
 3. The streets and thoroughfares proposed are suitable and adequate to carry anticipated multimodal traffic, that increased densities will not generate vehicular traffic in such amounts as to overload the street network outside the PUD, and that any impacts have been adequately mitigated.
 4. Any proposed commercial development can be justified at the locations proposed.
 5. Any exception from standard zoning requirements is warranted by the design and other amenities incorporated in the final development plan, in accordance with this chapter and the adopted policy of the city council.
 6. The PUD is in general conformance with the comprehensive plan.
 7. The existing and proposed utilities services, roadway network, pedestrian and bicycle facilities are adequate for the population densities and nonresidential uses proposed.
- ~~H.~~ Action by the City Council: Within sixty (60) days after receipt of the final recommendation of the commission, the city council shall either approve, approve with supplementary conditions, or disapprove the application as presented. Upon granting or denying the application, the council shall specify:
1. The ordinance and standards used in evaluating the application.
 2. The reasons for approval or denial.
 3. The actions, if any, that the applicant could take to obtain a permit.
- ~~I.~~ Approval of Application: If the application is either approved or approved with conditions, a PUD permit shall be issued in writing. The issuance thereof shall not be considered a binding precedent for the issuance of other PUD permits. A PUD permit is not transferable from one parcel of land to another. When applicable, a developer may be required to enter into an agreement setting forth all commitments made by the developer.

If a PUD is being processed in conjunction with a subdivision, approval of construction plans for public improvements shall proceed as noted in subsection 10-1-1.D of this title. If not a subdivision, approval of final utility plans shall be required prior to issuance of a final PUD permit.

- ~~K~~. Failure to Comply: Failure to comply with any condition or term of ~~said a PUD permit~~ shall cause ~~said the permit PUD~~ to be void. A PUD ~~permit~~ may be revoked at any time for violation of the ~~permit PUD~~ or any condition thereof by ~~motion action~~ of the city council after a due process hearing upon ten (10) days' written notice to the holder ~~er~~ of the PUD ~~permit~~.
- ~~L~~K. Design Review Approval Consistency: All building permits issued for property developed within a PUD shall be in substantial compliance with the PUD, to the satisfaction of the Director of Planning and Community Development. ~~projects receiving a PUD permit, as a condition of said permit, shall be required to submit and receive design review approval for each structure to be constructed within the project in accordance with the approved final development plan and the supplementary conditions attached thereto prior to making application for a building permit irrespective of what zoning district or districts within which the project is located.~~
- ~~M~~N. Expiration and Extension of Approval Period: Preliminary development plans approval shall be valid for a period not to exceed eighteen (18) months. ~~The approval of a #Final development plans for a PUD shall be valid for a period not to exceed two (2) years to allow for preparation and recording of the required a subdivision plan, if any, and the development of the project.~~ If no construction has begun within two (2) years after approval is granted and no current building permit exists, the approved ~~final development plan PUD~~ shall be void. An extension of the time limit, revision of phasing schedule, or modification of the final development plan may be approved if the request is submitted to the City prior to the expiration date of the PUD and the commission Council finds that such extension, revision, or modification is not in conflict with the public interest.
- N. Development of Property Consistent with Application: All development and subdivision of the property must be consistent with the ~~application and any commitments made by the developer to the commission or city council~~ approved PUD. The developer may be required to sign a development agreement setting forth the conditions of approval.

The certificate of compliance shall not be issued for any part of the project until all of the specified improvements have been completed, or unless a letter of credit, performance bond, or other sufficient security acceptable to the city attorney is posted for one hundred fifty percent (150%) of the estimated construction costs of the improvements, as provided for in section 10-1-3 of this title.

(Ord. 1162, 12-20-2006)