



WRITTEN DECISION

Sandpoint City Council Meeting

TODAY'S DATE: June 12, 2025

MEETING DATE: June 4, 2025

TO: City Council President Ruehle and City Council.

FROM: City Planner Bill Dean and Planning & Community Development.

SUBJECT: Written Decision-PPUD22-0001 University Place Planned Unit Development, Phase IV, Regarding the Applicant's Request for Review of Staff Determination on the Expiration of PUD.

A. INTRODUCTION

APPLICANT: Derek Mulgrew, M&W Holdings, LLC

LOCATION: All of that portion of Lot 2, Block 1 of University Place, according to the plat thereof, recorded in Book 17 of Plats, Page 53, records of Bonner County, Idaho lying South of the South Boundary of the Plat of University Place Phase 2A, according to the plat thereof, recorded in Book 17 of Plats, Page 54, records of Bonner County, Idaho.

REQUEST: Extension of time to complete the final development process for University Place Planned Unit Development (PUD), Phase IV.

B. TIMELINE:

1. Preliminary Approval: November 2, 2022 - City Council unanimously approved PUD with conditions.
2. March 13, 2025: Staff conducted a review of the application and determined that the PUD expired November 2, 2024, and was not eligible for an extension of time as once the application had expired, it was void.
3. March 14, 2025: Applicant Requested an Extension of PUD pursuant to Sandpoint City Code 10-3-10M. City staff initially denied applicant's request, however later

determined that should an ambiguity exist in the ordinance, it is the prerogative of City Council to interpret the ordinance.

4. June 4, 2025: City Council reviewed staff's determination, the applicant's request for additional time to complete the final development process for University Place PUD, Phase IV, as well as Sandpoint City Code to interpret whether preliminary approval of a PUD application can be extended when the application itself has expired. Prior to making a final determination on the PUD expiration, City Council considered a motion to extend the PUD for a period of 8 months, which motion failed. City Council then denied applicant's request for an extension of time pursuant to Sandpoint City Code 10-3-10-M.

C. DECISION

1. Sandpoint City Code Section 10-3-10-M states as follows:

Preliminary approval shall be for a period not to exceed eighteen (18) months. The approval of a final development plan for a PUD shall be for a period not to exceed two (2) years to allow for preparation and recording of the required subdivision plan 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 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 commission finds that such extension, revision, or modification is not in conflict with the public interest.

2. City Council Findings:

- i. After careful consideration of the plain language of Sandpoint City Code 10-3-10-M, the City Council finds that:
- ii. The PUD expired by operation of law on November 2, 2024, two years after the date of approval, as no building permit existed or had been applied for as of that date.
- iii. The plain language of the ordinance requires that any application for extension must be submitted prior to the expiration of the PUD. The code provision allowing for extensions contemplates action being taken before the permit becomes void, not after it has already expired.
- iv. Once a PUD has expired and become void under the terms of the ordinance, the City Council lacks authority to revive or extend an expired permit. The statutory framework does not provide for resurrection of expired land use approvals.

- v. The applicant did not request an extension prior to the November 2, 2024 expiration date, despite having knowledge of the approval conditions and timeline requirements established at the time of the original approval.

3. Motion Considered and Failed:

Prior to making the final determination regarding the PUD expiration, City Council considered a motion to extend the expired PUD for a period of 8 months to allow completion of the development process. This motion failed to receive the necessary votes for approval.

D. APPEAL RIGHTS

You have fourteen (14) days from the date of this decision to request reconsideration from City Council. After the request for reconsideration is resolved, you then have twenty-eight (28) days to file a petition for judicial review pursuant to Idaho Code § 67-6535.

FINDINGS AND CONCLUSIONS APPROVED this _____ day of _____, 2025.

CITY OF SANDPOINT, IDAHO

By: _____
Deb Ruehle, Council President

ATTEST:

Melissa Ward, Clerk