

CITY COUNCIL AGENDA REQUEST FORM

Today's date: 10 / 30 / 20

Date of meeting 11 / 4 / 20

(City Council meetings are held the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday of each month.)

Name of Elected Official, City Employee, Organization, or Citizen making request:

Tim McDonnell of K-M Enterprises of Idaho LLC & Derek Mulgrew of M & W Holdings LLC

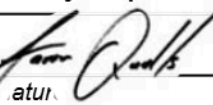
Address: P.O. Box 996, Dover, Idaho 83825 (K-M) 809 W Main #303, Spokane, WA 99201 (M & W)

Phone number and email address: 208-290-5341 509-499-0937 jeremy@whiskeyrockplanning.com

Authorized by: Aaron Qualls

*name of City official*

*City official's*



Subject: PS20-0003: University Park Subdivision Preliminary Approval - Public Hearing

Summary of what is being requested: Request for preliminary approval

to subdivide an approximately 75-acre site into 152 lots

**The following information MUST be completed before submitting your request to the City Clerk:**

1. Would there be any financial impact to the city?  Yes  No Budgeted?  Yes  No

If yes, in what way? \_\_\_\_\_

2. Name(s) of any individual(s) or group(s) that will be directly affected by this action:

Have they been contacted? **Yes or No**

Notice procedures applicable to Subdivisions

Yes

Contained in Sandpoint City Code Title 9, Chapter 9

3. Is there a need for a general public information or public involvement plan? **Yes or No**

If yes, please specify and suggest a method to accomplish the plan: \_\_\_\_\_

N/A

4. Is an enforcement plan needed?  Yes  No Additional funds needed?  Yes  No

5. Have all the affected divisions been informed about this agenda item?  Yes  No

**This form must be submitted no later than 5:00pm Tuesday the week prior to the meeting. All pertinent documentation for the Council packet must be included.**

**ITEMS WILL NOT BE AGENDIZED WITHOUT THIS FORM**



## Staff Report

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To: Sandpoint City Council  
Prepared by: Aaron Qualls, AICP, Planning & Community Development Director  
Report: October 30, 2020  
Meeting: November 4, 2020  
Item: PS20-0003: University Park Subdivision Preliminary Approval - Public Hearing

### I. Introduction

Applicants Tim McDonnell of K-M Enterprises of Idaho LLC & Derek Mulgrew of M & W Holdings LLC have applied for preliminary approval to subdivide an approximately 75-acre site into 152 lots. Preliminary plats generally set forth the basic information for the Planning & Zoning Commission and the City Council to determine if the proposed subdivision generally complies with applicable requirements.

On [September 15, 2020](#), the Planning & Zoning Commission held a public hearing and continued deliberations to their meeting on [October 6, 2020](#) at which time a decision was rendered. With one commissioner absent and one commissioner abstaining, the commission voted 5-0 to recommend denial of the plat with the following justifications:

- a. Excessive Block Length (prohibited, with exceptions, by City Code §10-1-6-A-5)
- b. Double Frontage Lots in Block 1 (prohibited, with exceptions, by City Code §10-1-6-A-7)
- c. Street Arrangement (continuation of existing streets as provided in City Code §10-1-6-A-6)

With a new hearing noticed to come before the City Council, the action is considered “de novo” which means that the consideration for the proposal is renewed, and is not limited to the record established by the Planning and Zoning Commission.

Per Sandpoint City Code §9-9-5, notice has been provided to property owners within 300 feet of the parcel boundaries on which the proposal is being considered. Notice has also been posted at the site 7 days in advance of the hearing and a summary has been provided in the official newspaper of general circulation 21 days prior to the hearing date.

Following public testimony and subsequent deliberations, the City Council may take one of the following actions in accordance with Sandpoint City Code §10-1-8 (D):

1. Approve
2. Approve with conditions, including the draft Development Agreement
3. Deny
4. Remand the preliminary plat back to the planning commission

*Pursuant to Sandpoint City Code §10-1-8 (D), A written reasoned decision shall be made to reflect the council's decision. If the preliminary plat application is denied, there will not be further consideration of the plat.*

## II. General Information

<b>Applicant:</b>	Tim McDonnell K-M Enterprises of Idaho LLC & Derek Mulgrew M & W Holdings LLC
<b>Requested Action:</b>	Hold public hearing, deliberate and take action pursuant to City Code §10-1-8 (D)
<b>Purpose:</b>	To subdivide an approximately 75-acre site into 152 lots. 1 lot would be for commercial use in the Commercial B zoning district. The other 151 lots would be for single family residential use in the Residential single family (RS) zone. NOTE: The application materials provided indicate the intent to retain private open space on 5 of the single family lots.
<b>Location:</b>	Existing structure on northern parcel: 1904 N Boyer Ave. Parcel No. RPS00000150751A & RPS00000151250A. Site bounded by E. Mountain View to the north, N. Boyer Ave. to the west, Sand Creek and 5th Ave to the east, and BNSF Railway tracks to the south.
<b>Size:</b>	Total is approximately 75 acres Lots proposed: 152 total. Lots range from 5,100 sf to 12.3 acres in size.
<b>Existing Zoning &amp; Future Land Use Map Context Areas:</b>	Zone: Residential Single-family (RS) and Commercial B (CB) Context Areas: CA-3, CA-3B, CA-4, Park
<b>Surrounding Land Use and Zoning:</b>	<u>North:</u> Single family homes (RS) <u>South:</u> Industrial/Commercial uses (IBP, IG, and CB) <u>East:</u> Railroad right-of-way, Sand Creek, City Limits <u>West:</u> Single family homes, churches (RS, RM, ITP)
<b>Phasing:</b>	The application includes a phasing plan of four distinct phases. Blocks 10, 12 and 13 of phase 4 in the southern portion of the preliminary plat are intended to be re-platted and rezoned as multifamily and commercial through an independent subdivision and rezone application at a later date. The draft development agreement specifies the required schedule of public improvements for each phase.
<b>Existing Site Conditions</b>	Two-thirds (approximately 47 acres) of the site along Boyer Avenue is relatively flat. Heading east to Sand Creek, the site descends at slopes greater than 15%. Elevations range from 2,110 feet above sea level to the creek-side height of 2,065, a 45-foot change. The site currently contains natural wetlands, drainages, and wooded areas. A wetland delineation provided by the applicant shows a total of 2.05 acres of wetlands in a total of five areas. Access is currently provided on N. Boyer Ave. at the middle of the parcel at the location of the only existing building which served as a research laboratory, office and storage space. The only other known structure is a pump house located at Sand Creek that has provided irrigation to the site from the creek. There are no known soil contaminants on the site.

**Property History**

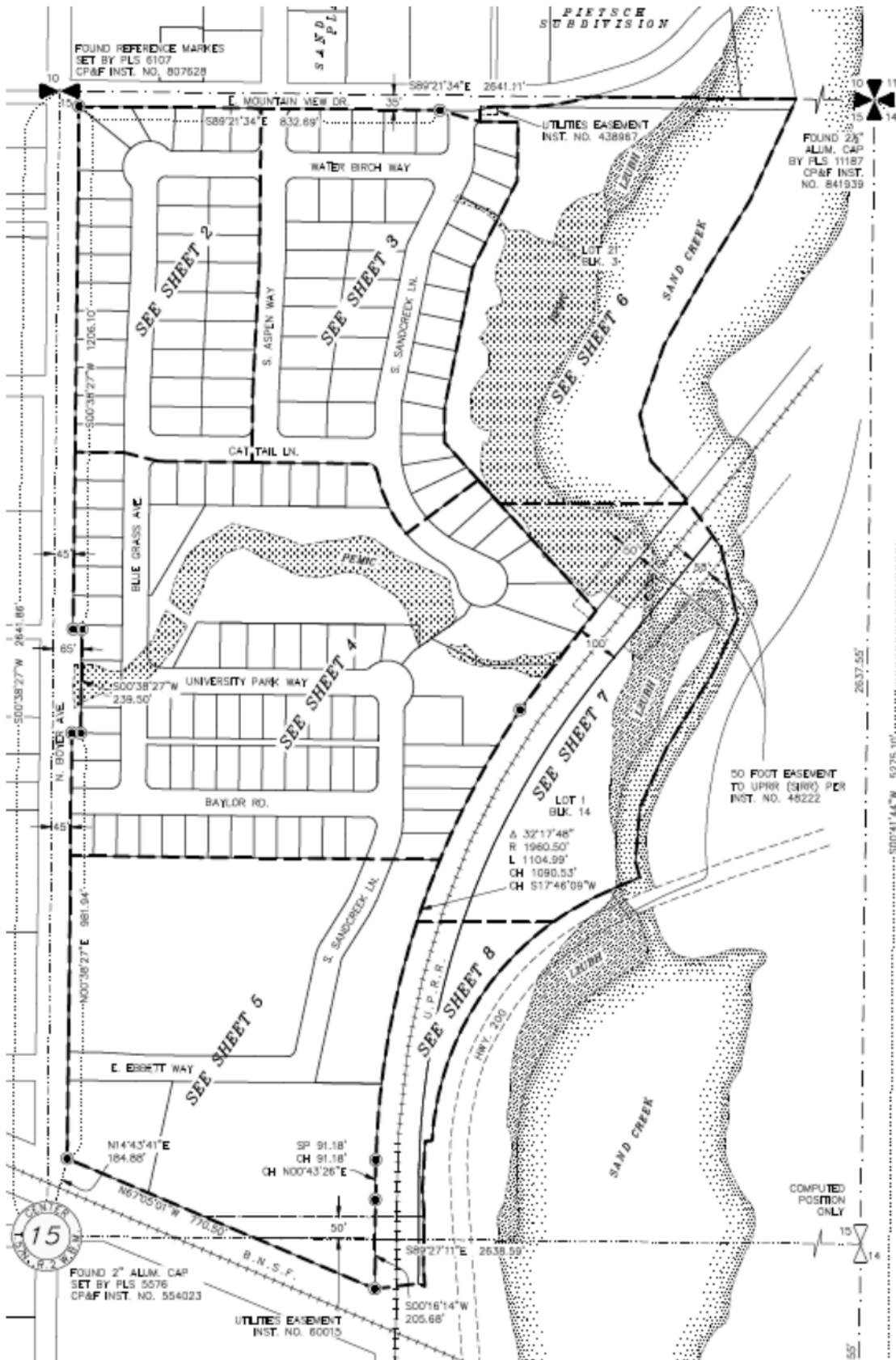
The property was formerly owned by the University of Idaho. Established in 1912, the Sandpoint Research and Extension Center was gifted to the University of Idaho for agricultural education and research purposes by T.J. Humbird of the Humbird Lumber Company with the restriction that the property be used solely as an experimental farm for research and demonstration purposes by the State. In 1963, a quit claim deed released all restrictions, including the right of reversion to the Humbird Mill Company for uses other than agricultural education and research. Budget cuts caused the Sandpoint Research and Extension Center to be discontinued in 2010. At the September 6, 2017 City Council meeting, the University announced plans to release interest in the parcel. The site has since been acquired by a private party (applicants).

### III. Maps

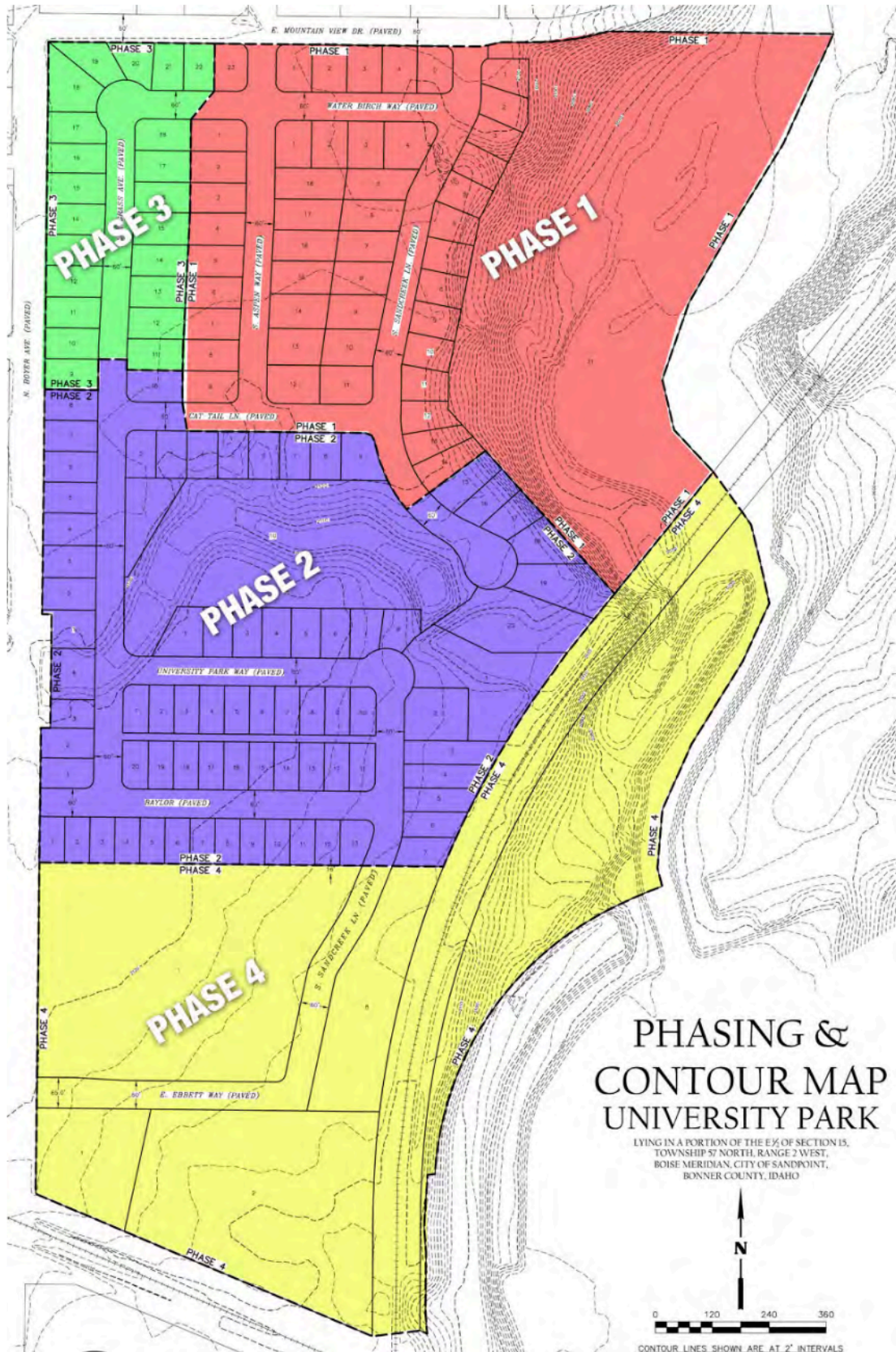
Map 1 - Site Location and Context



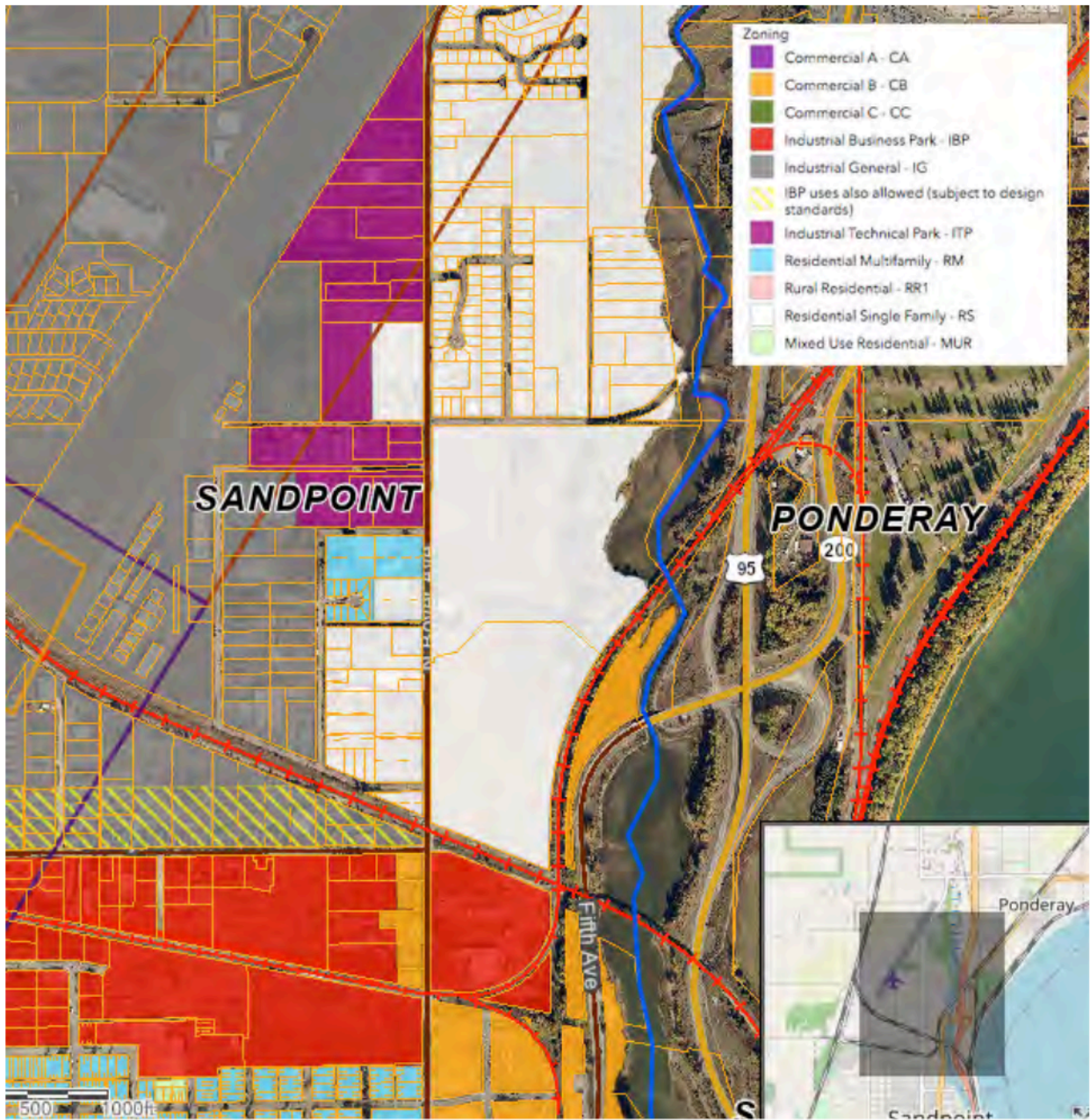
Map 2 - Preliminary Plat



### Map 3 - Phasing and Contour Map

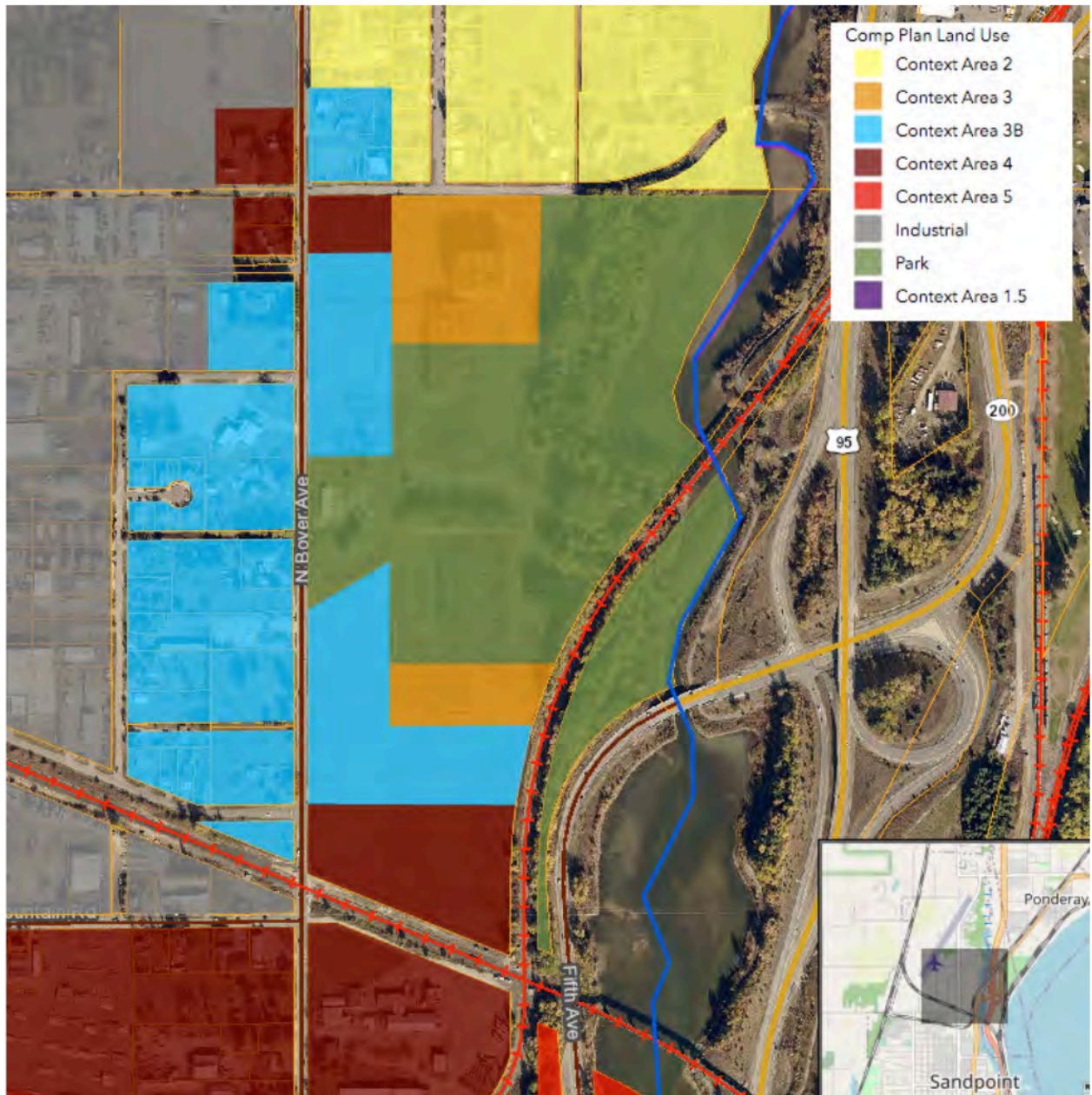


### Map 4 - Existing Zoning





### Map 5 - Future Land Use Map



Map 6 - Traffic Impact Analysis Site Plan



## IV. Conformance with existing plans, policies and regulations

### A. Comprehensive Plan

#### 1. Future Land Use Designations

Future Land Use designations within the comprehensive plan are designated as “context areas”. The site in question contains several future land use map designations, including CA-3, CA-3B, CA-4 as well as parks and open space which overall supports a mix of housing types, commercial uses as well as parks & open space. Residential areas envisioned by the plan allow for smaller lot sizes, smaller setbacks, options for shared open space and the inclusion of attached and detached multi-family units. Neighborhood-compatible retail within certain areas is envisioned to allow for pedestrian focused activities. Both the residential and mixed-use areas the plan visualizes for the site supports a traditional walkable street grid pattern and options for shared open space (see Future Land Use Map above).

#### ***Staff Analysis***

The future uses, as intended for *all phases* within the application are not in conflict with the plan; however, the use locations proposed in the preliminary plat differ than shown in the Comprehensive Plan. The Land Use Map generally indicates the allowance for more density and use mixed use along N. Boyer Ave. (which would necessitate a rezone) and more open space to the east while the proposed layout provides single family residential along approximately two-thirds of N. Boyer and commercial/mixed uses on the southern one third of the site.

#### 2. New Neighborhoods

Goal H-3 within the comprehensive plan speaks specifically to the establishment of new neighborhoods:

***Ensure that new neighborhoods provide the same charm and comfort of Sandpoint’s historic neighborhoods.***

*The following policies apply:*

**Policy A: Cul-de-sacs and other dead-end streets are discouraged, with a preference instead for traditional grid street patterns. Where cul-de-sacs are allowed, they must provide for continuous, non-motorized connections between streets.**

#### ***Staff Analysis***

A traditional grid street pattern is evident on three internal blocks only and one cul-de-sac is proposed. The plan references the older neighborhoods of Sandpoint for emulation into newly developed areas which are a gridded pattern, typically with block lengths from 300-600 feet in order to provide for more connectivity for all modes of travel. Generally, traditional street grid patterns create shorter distances for pedestrians to travel, thereby increasing walkability (and the associated community

benefits) of an area. They may also help disperse vehicle traffic which may mitigate congestion at a particular intersection. Although there is shown a partial grid system on some of the interior lots , Block 1 along N. Boyer Ave., with a length of close to 2000 feet and no through connection, would not contribute to a grid system.

Traditional street grid patterns are also generally devoid of cul-de-sacs which became popularized in the 1950's, several years after the original platting of Sandpoint's older neighborhoods. Their prevalence throughout a given city or neighborhood can necessitate higher capacity collector or arterial streets to accommodate resulting funneled traffic. The proposed cul de sac within block 3 of the proposed subdivision shows a utility and emergency exit easement only. A connecting, non-motorized path would need to be incorporated in order to conform to this policy.

**Policy B: Neighborhood services, public open space and parks shall be connected with multimodal paths.**

***Staff Analysis***

The multi-modal trail along N. Boyer Ave. shall be retained/modified in accordance with the Urban Area Transportation Plan (UATP) and in support of this policy. The application materials provided demonstrate an intent to designate 5 lots within phases 1-3 as open space with a trail connectivity. This expressed intent is included in the application narrative, assumed in the traffic impact analysis and a signed letter of intent with Kaniksu Land Trust that approximates 15 acres of open space for potential dedication. The letter also supports a subsequent pursuit of a trail easement on the commercially zoned lot southeast of the U.P.R.R. (Lot 1, Block 14) which, at some point, could support extension of the existing Community Trail south of Larch Street as conceptually envisioned in the 2016 Highway 2/200 corridor strategy. Should the expressed intent of providing open space and dedication allowing for access by the general public come to fruition, it may align with this policy. At present and however sincere, these are aspirations only and non-binding (lots remain buildable on the plat). The intent to use these lots for private open space and trail easements has not been reflected on the preliminary plat map, generally shown as a common lot(s).

**Policy C: Development shall occur with a safe, appropriate street system in a network that provides easy access but does not allow rapid or high-volume traffic to disrupt the neighborhood.**

***Staff Analysis***

Generally, the proposed subdivision would not conflict with this policy so long as applicable standards are met, and conditions related to off-site impacts are implemented.

**Policy D: Encourage a variety of housing sizes within a block.*****Staff Analysis***

A limited variety in housing sizes is supported by the existing RS zone which is not in conformance, as noted above with future land use designations. Should rezoning and further subdivision be later approved for Phase 4, additional density and further variety of housing types may be developed. Phases 1-3 of the preliminary plat reflects a range of lot sizes, from 5,100 SF up to 41,256 SF. Within the existing single-family zoning designation, applicable to the majority of the property, unit sizes are not regulated so long as applicable building codes, setbacks and lot coverage standards are met, with the exception of Accessory Dwelling units (ADUs). ADUs are allowed by right subject to City Code §9-1-8. Under existing single-family zoning, duplexes may also be allowed subject to additional standards, including a minimum lot size of 10,000 sf. A limited number of lots (6) are shown to meet this standard for duplexes in phases 1-3, many of which have been indicated as future open space areas.

***Planning Commission Deliberations:  
Summary of Comprehensive Plan Conformance***

In their deliberations, the Planning & Zoning Commission raised several concerns regarding conformity of the proposed subdivision to the comprehensive plan. Particular attention was paid to Block 1, which is proposed along a substantial portion of N. Boyer Ave. Commissioners concurred that the traditional grid street pattern, pursuant to Goal H-3, Policy A, is not provided for due to the proposed block length.

The commission also felt that Traditional Neighborhood Development (TND) patterns would be further conceded by the proposed double frontage lots intended for single family development where resulting buildings would be oriented away from N. Boyer Ave. General concern was expressed that subsequent fencing to the rear of the single-family lots would affect aesthetics and neighborhood character—closing off the proposed development to neighboring areas and be in conflict with the higher densities and mixed-uses prescribed by the predominantly Context Area 3B designation. There was general shared concern that the same “charm and comfort of Sandpoint’s traditional neighborhoods” per Goal H-3 would not emulate older portions N. Boyer Ave. to the south and further suggested a conflict between optimal transportation goals and optimal housing goals.

Although a concern was raised with respect to losing the existing viewshed down to Sand Creek, the commission was overall very supportive of the applicant’s intent, in concert with Kaniksu Land Trust, to provide access to open spaces for the general public. The commission also conveyed support for the applicant in their pursuit to provide badly needed housing on moderate sized lots.

NOTE: *please see additional Commission deliberation summary regarding Transportation*

*Plan Conformance at the end of the next section.*

## **B. Urban Area Transportation Plan (UATP)**

City Code §10-1-6.A.15 provides that streets shall be designed in accordance with the development standards of the city of Sandpoint. In 2009, City Council adopted (Resolution 09-39) the City of Sandpoint Urban Area Transportation Plan, serving as an incorporated development standard. The UATP includes guidance for developers, access management policy, and traffic impact study requirements, as well as other elements related to capital improvements.

### **1. Goals & Objectives**

Transportation goals and objectives are provided in Chapter 1 of the UATP, as developed by the inter-community cooperation of five adjacent roadway jurisdictions, interviewed stakeholders, public meeting attendees, officials, and staff. The following goals and objectives are most applicable to new developments at this phase of a project. See Attachment 9 for a complete list of goals and objectives that are generally implemented through other methods, standards, and codes (i.e. zoning).

#### **Goal 1 – Develop access management standards that provide a balance between access to adjoining lands and safe efficient traffic flows.**

*Objectives (partial):*

- Develop access management standards that guide the frequency, location and size of accesses for each street classification.
- Limit the number of approaches onto collectors and arterials in order to minimize conflicts between modes and preserve the function of the multimodal corridor.
- Coordinate roadway access and functional classifications with land use.

#### **Goal 2 – Improve and enhance safety and traffic circulation and preserve an acceptable level of service (LOS) on local street systems.**

*Objectives (partial):*

- Develop an efficient multimodal road network that would strive to maintain an LOS of C (except by resolution D is the adopted LOS) or better for peak hour traffic.
- Provide inter-connectivity among all road and highway systems, preserving the individual community identity
- Identify truck routes to focus truck traffic to a limited number of roads.

#### **Goal 3 – Develop procedures to minimize negative impacts to and protect transportation facilities, corridors, or sites during the development review process.**

*Objectives (partial):*

- Request traffic impact studies on individual development proposals that generate significant traffic in order to evaluate impacts from land use changes.
- Encourage the design and construction of local streets that improve street connectivity.

**Goal 5 – Develop access management standards that provide a balance between access to adjoining lands and safe efficient traffic flows.**

*Objectives (partial):*

- Review all development proposals to ensure improvement of existing and installation of additional sidewalks, trails, bicycle paths, and pedestrian ways.
- Ensure that new walkways directly connect residential areas with parks, schools, jobs, shopping, and other pedestrian destinations.

***Staff Analysis - Conforming***

Applicant performed a detailed Trip Generation / Distribution Letter and a Traffic Impact Analysis (TIA), in accordance with Appendix H of the UATP. A TIA specifies the information and analysis required to determine the number of vehicles (volume) generated by the proposed development and the estimated impacts on the overall network system. The results and recommendations were independently verified by the City's traffic engineer and are included by attachment to staff report. The development agreement incorporates all terms negotiated by staff and applicant intended to address all comments and recommendations, which aligns with key goals related to LOS, number of approaches, connectivity, and multi-modal paths.

2. Appendix E, Developer Packet

Provides a checklist for ensuring design coherence with urban area development standards.

***Staff Analysis - Conforming***

Complete compliance with the UATP, including street geometry per type of classification (arterial, collector, local, etc.) will occur with engineering and permits to construct. The proposed rights-of-way widths align with UATP standards, except N. Boyer and E. Mountain View which have been adjusted to better balance multimodal (peds/bikes) and site location/actual conditions. See development agreement (DA) and exhibits of DA.

3. Appendix G, Access Management Policy

Access management is the proactive management of vehicular access points to land parcels adjacent to all manner of roadways to promote safe and efficient use of the transportation system. This local policy is consistent with national engineering best practices. The following sections are highlighted in response to questions and comments that arose during the Planning and Zoning Commission public hearings.

**Section G.6 – Reverse Frontage** (*aka: Double Frontage*)

Lots that front on more than one street shall be required to locate motor vehicle accesses on the street with the lower function classification. When a residential subdivision is proposed that would abut an arterial, it shall be designed to provide lots along the arterial with access from a frontage road or interior local road. Access rights to these lots, to the arterial, shall be dedicated to the roadway jurisdiction and recorded with the deed. A berm or buffer may be required at the rear of arterial-adjacent lots to buffer residences from traffic on the arterial. The berm or buffer shall not be located within the public right-of-way.

**Approach Location** (*accesses onto North Boyer Ave*), *partial*

Approaches shall be located so as not to create undue interference with, or hazard to, the free movement of normal street or pedestrian traffic, or cause areas of congestion.

**Approach Spacing** (*accesses onto North Boyer Ave*), *partial*

Spacing standards limit the number of driveways on a roadway by mandating a minimum separation distance between driveways. This reduces the potential for collisions as motorists enter or exit the roadway and encourages joint-access, where appropriate. Table G-4 provides the Minimum Intersection and Approach Spacing Requirements, specifying that driveways on a Minor Arterial street shall be a minimum of 200' apart and on Local (Residential) streets allows for access to each lot. The same table, provides that the spacing between intersections on a Minor Arterial shall be no less than 500 feet and provides that the "distances may be increased for downgrades, truck traffic, or where otherwise indicated for the specific circumstances of the site and roadway. In other cases, shorter distances may be appropriate to provide reasonable access, and such decisions should be based on safety and operational factors supported by an engineering study."

**Auxiliary Lanes** (*turn lanes*), *partial*

Left-turn movements may pose challenges at driveways and street intersections. They may increase conflicts, delays, and crashes and often complicate traffic signal timing. These problems are especially acute at major roadway intersections where heavy left-turn movements take place, but also occur where left-turn movements pose problems at both driveways and street intersections.

Right-turn movements increase conflicts, delays, and crashes, particularly where a speed differential of 10 mph or more exists between the speed of through traffic and the vehicles that are turning right. An exclusive right-turn into an approach shall be provided where a combination of road street speeds and road right turn volumes into the approach is expected (Table G-5).

**Staff Analysis - Conforming**

Generally, all elements applicable to the preliminary plat phase appear to conform with this Appendix, as reviewed by City's traffic engineer.

- Reverse (Double) Frontage – states access to lots shall be on local interior streets, not Boyer or Mountain View.
- Approach Location – per TIA, locations of roadway entrances and layout have



been designed to minimized and are intended to prevent interference or congestion with other uses.

- Approach Spacing – spacing exceeds code block lengths based upon engineering study, as confirmed by City’s traffic engineer. Existing roadways, truck routes, and railroad proximity further contributed to spacing, per this standard, as incorporated in TIA.
- Auxiliary Lanes (turn lanes) – center two-way left lane proposed by TIA; City requested it be lengthened along full length of N. Boyer to account to better align with this standard. City requested right turn lane on N. Boyer for Ebbett Way entrance to meet this standard. East Mountain View roadway width enables future left turn lane pocket onto N. Boyer with minimal striping changes if conditions warrant.

#### 4. Other Provisions

City Code, Title 7 provides various additional requirements related to right-of-way construction. Resolution 00-22 adopts a number of other manuals, standards, and specifications for public streets and rights-of-way. Conformance with these other provisions is thoroughly assessed during the construction permitting phase of the project whereby detailed engineered plans undergo a review process.

#### ***Staff Analysis - Conforming***

Conformance with these other provisions is thoroughly assessed during the construction permitting phase of the project whereby detailed engineered plans undergo a review process.

### ***Planning Commission Deliberations: Summary of UATP Conformance***

Discussions specific to Street/Right-of-Way Design Standards; Urban Area Transportation Plan (UATP) were generally in regards to the block lengths that is related to the number of access points onto N. Boyer, as well as double frontage lots, location of driveways, and general purpose/applicability of UATP. The related provisions and analysis above are provided to clarify the standards and conformance with the UATP.

The Commission indicated that without a street connecting N. Boyer Ave. to Blue Grass Ave., additional vehicle traffic may be pushed onto E. Mountain View Dr. and that pedestrian access to N. Boyer and the potential future densities and uses to the west may be compromised.

**B. Zoning (City Code, Title 9)**

Zoning code regulates uses, setbacks, lot sizes, required frontages along streets, and may also contain certain design standards for resulting development.

**1. Commercial B Zoning District**

That portion of the site east of the U.P. R. R. (Block 14, Lot 1) is zoned Commercial B which is shown to be retained as a single lot. The Commercial B zone provides for a variety of commercial uses and also allows for housing when integrated into a mixed-use development. The design standards within this zone are intended to provide human scale design, while affording flexibility to use a variety of building styles through setback provisions and architectural detailing requirements. Structures along Sand Creek are required to maintain a 25-foot vegetative setback from the high-water mark of the creek as established at full summertime pool elevation, although certain exemptions may be applied.

**2. Residential Single-Family Zoning District**

The resulting lots to the west of the railroad tracks meet the Residential-Single Family (RS) zoning minimum lot size standards (5000 square feet) and frontage standards (50' along public road) as required by City Code §9-4-1-3. Certain development standards within this zone including setbacks, lot coverage, facade and garage standards are applied at the building permit stage. These standards are intended to ensure that there is a physical and visual connection between the living area of the residence and the street and to enhance public safety. A riparian setback of 40 feet applies within the single-family zone which may be reduced to 25 feet when sufficient native vegetation is maintained or provided for. Certain exceptions relating to shoreline access are provided for.

**D. Subdivision Standards (City Code, Title 10)**

Subdivision code section 10.-1-6 regulates the required public improvements to serve a development, including the overall layout of blocks, streets, pathways, the provision of utilities, design standards and general procedures. The following table provides a snapshot of conformance to certain standards typically evaluated at the preliminary plat stage:

60' Minimum Right Of Way Width - Local Streets	yes
Transportation Plan Conformance	Yes
Right of Way Adjoining Undeveloped Property	Yes
16' Alley width	Yes
Block Length	No (1)
Street Arrangement:	Partial (2)
Double Frontage Lots	Maybe (3)
Public Utility Easement:	Yes
Property Corners	Yes

Curb Corners	Yes
5% Street Grade maximum	Yes
Parks, playgrounds & schools considered	Yes (open space considered / comments from LPOSD solicited)
Traffic Analysis	Yes
Private Streets	N/A
Interconnection	Partial (2)
Street Intersections	Maybe (1)(2)(3)

1. Block Length

Per Title 10 of Sandpoint City code, “Block lengths shall be between three hundred feet and six hundred feet (300' - 600'). The city engineer may approve a longer block if topography limits side street development. Blocks over eight hundred feet (800') in length may be required to have one crosswalk not less than ten feet (10') in width, situated near the center of the block.”

All Block lengths within the proposed subdivision for phases 1-3 meet this standard with the exception of Block 1 and Block 3. Whereas Block 3 contains steep slopes leading down to Sand Creek which would limit side street development, Block 1 (Figure 1) of the preliminary plat contains a block length of approximately 2000' along N. Boyer Ave. which is classified as an Arterial 3 (Minor Arterial) within the UATP

- **Should approval be granted, the City Council will need to provide a justification to support a variance (deviation) from this code standard, which may include conditions as deemed appropriate.**

Considerations:

The required block lengths within Title 10 match those of older neighborhoods of the city, supporting a traditional grid street pattern. It should be noted that certain areas of the city do contain block lengths in excess of 600' but may predate the current version of Subdivision Code which was adopted in 2006.

Following action by the Planning & Zoning Commission, the applicants have agreed to construct and dedicate a 10' multi-modal paved path connecting N. Boyer Ave. to the proposed internal street of Blue Grass Ave. at approximately mid-block of Block 1. This modification is reflected in the draft development agreement. With the 65' frontages proposed on the preliminary plat, sufficient space exists to retain the minimum 50' lot

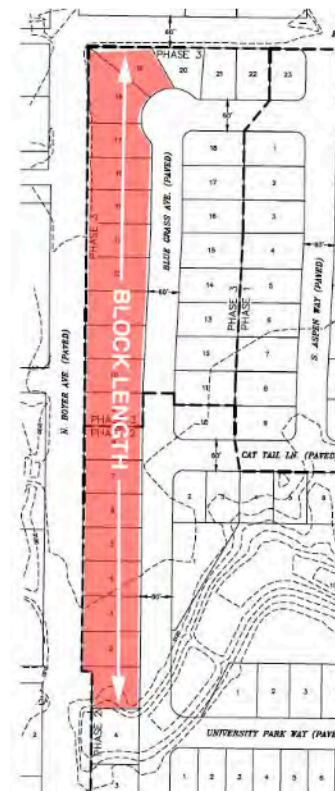


Figure 1 - Block Length

frontages as required in zoning code with a path dedication. This would mitigate concerns expressed with respect to pedestrian connectivity, but would not meet the explicit requirement of the Subdivision Code. Whether the Council deems a path acceptable or requires a connecting street across N. Boyer Ave. to Culvers Drive, the resulting blocks may not fall below the 600' threshold, however. Should a connecting street be provided and the intended provision of open space on Block 8, Lot 4 be actualized, conformance with the block length standard may be met. However this may not be in strict conformance with the UATP. Additionally, Title 10 also provides that *"Intersections of local streets with arterials shall be minimized and discouraged."*

## 2. Street Arrangement / Interconnection

Per Title 10 of Sandpoint City Code, *"The arrangement of streets in new subdivisions or other development shall make provision for the direct continuation of the principal existing streets in adjoining subdivisions (or their proper projection where adjoining property is not subdivided) insofar as they may be necessary for public requirements..."* Additionally, *"Public and private streets, wherever possible, shall provide interconnection with other streets."*

The preliminary plat has made provision for the direct continuation of two principal existing streets. The preliminary plat shows the continuation of Aspen Way across E. Mountain View Dr. into the northern portion of proposed subdivision. Ebbett Way, located in the southern portion of the site and within Phase 4, is shown to connect across N. Boyer Ave. into the proposed subdivision. No connection has been provided for Culvers Dr., located approximately in the middle of proposed Block 1.

- **The City Council will need to provide a justification that sufficient provision has been made for interconnection and the direct continuation of the principal existing streets insofar as they may be necessary, should approval be granted as proposed.**

### Considerations:

As cited above, Title 10 states, *"Intersections of local streets with arterials shall be minimized and discouraged"* although City Code and the UATP is not prohibitive in terms of intersection spacing standards, should a connecting street to Culvers Dr. be required.

## 3. Double Frontage Lots

Double frontage lots (Figure 2) are lots in which both the front and the rear of the lot is bordered by a street. Corner lots and lots with an alley or driveway to the rear or lots with a 25' platted common are between the lots and street are not considered to be double frontage lots.

Per Title 10 of City Code, “...*Double frontage lots shall be prohibited except where unusual topography, a more integrated street plan, or other conditions make it undesirable to meet this prohibition. Subdivisions providing a platted common space of twenty-five feet (25') or more between any street right of way and any single row of lots shall not be considered to have platted double frontage lots. Common space provided must be landscaped.*”

The preliminary plat shows double frontage lots both along Block 1 which is predominantly along N. Boyer Ave. and Block 2, which contains 5 lots along E.

Mountain View Dr. No platted common space between the street right-of-way and the lots in question is shown on the preliminary plat. Generally speaking, double frontage lots result in limited visibility or integration with the street to the rear of resulting lots.

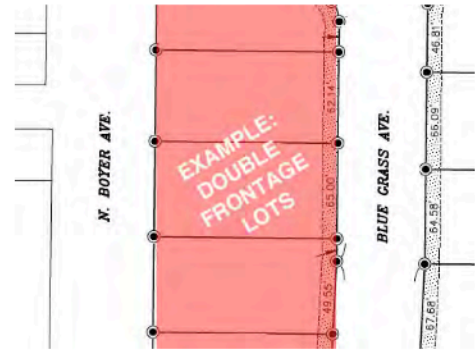


Figure 2 - Double Frontage Lots

- **The City Council will need to provide a justification that it is undesirable to meet this prohibition, per city code cited above, to support the allowance of double frontage lots in Block 1 and Block 2, should approval be granted as proposed.**

#### Considerations

North Boyer Ave. is classified as an Arterial 3 (Minor Arterial) within the UATP which specifically address double frontage lots and minor arterials. Per Section G.6 of the UATP, “*When a residential subdivision is proposed that would abut an arterial, it shall be designed to provide lots along the arterial with access from a frontage road or interior local road.*” The UATP also provides that designated streets should provide for 150 feet between intersecting driveways and also states, “*A berm or buffer may be required at the rear of arterial-adjacent lots to buffer residences from traffic on the arterial. The berm or buffer shall not be located within the public right-of-way*”. The allowance of double frontage lots for Block 1 provides for the orientation of driveways for resulting single-family homes (as currently zoned) to be oriented away from N. Boyer Ave., which would include the multi-modal path. As designed, the double frontage lots on Block 1 are supported by the UATP.

In consideration of the Planning & Zoning Commission concerns expressed in their deliberations regarding aesthetics that may result from the allowance of double frontage lots, language has been incorporated into the draft development agreement requiring a wall with specific detailing standards and landscaping or public art intended to mitigate visual impacts along N. Boyer Ave.

## V. Decision

### 1. Summary of Planning & Zoning Commission Action

The commission voted 5-0 to recommend denial of the plat, concluding through their deliberations that the proposed preliminary plat was not in compliance with Subdivision Standards within Title 10 of Sandpoint City Code and was not consistent with the overall planning goals and objectives outlined in the Comprehensive Plan. The Commission Provided the following justifications:

- a. **Excessive Block Length** (prohibited, with exceptions, by City Code §10-1-6-A-5)
- b. **Double Frontage Lots in Block 1** (prohibited, with exceptions, by City Code §10-1-6-A-7)
- c. **Street Arrangement** (continuation of existing streets as provided in City Code §10-1-6-A-6)

*The Commission deliberated that these three interrelated standards are intended to implement various goals and policies reflected in the comprehensive plan. They concluded that comprehensive plan policies that support traditional neighborhood development patterns, multi-modal connectivity, aesthetics and integration of the development with the surrounding area would be compromised along N. Boyer Ave. if the above standards were not adhered to.*

### 2. Applicant's Modification Following Commission Action

- a. The applicants have agreed to construct and dedicate a 10' publicly dedicated path to connect proposed Blue Grass Ave. to N. Boyer Ave.
- b. The applicants have proposed a 6' wooden fence along N. Boyer Ave.

### 3. Development Agreement

- a. Purpose:  
To provide certain express terms, conditions and agreements, which the parties wish to memorialize as applicable to the subdivision, as noted throughout this report.
- b. Current Status:  
Following the Planning & Zoning Commission hearing, applicant and city staff have renegotiated terms to better address concerns and feedback from previous public hearing. Additionally, exhibits providing visual clarification have been incorporated into the Revised Development Agreement.

**V. Action**

***If Approving:***

“I move the Sandpoint City Council, after consideration of the criteria and relevant standards of Idaho Code and Sandpoint City Code, **APPROVE** the request by Tim McDonnell K-M Enterprises of Idaho LLC & Derek Mulgrew M & W Holdings LLC for the University Park 152-Lot proposed subdivision located at 1904 N Boyer Ave. with parcel ID numbers of RPS00000150751A & RPS00000151250A and bounded by E. Mountain View to the north, N. Boyer Ave. to the west, Sand Creek and 5th Ave to the east, and BNSF Railway tracks to the south and authorize the mayor to execute the development agreement as presented / amended. Approval is subject to the following conditions:

- 1) All Conditions provided in the attached development agreement
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_

Based on evidence, records, and testimony, the reasons for approving this request are:

- 1. Staff has followed the notice procedures applicable to Subdivisions contained in *Sandpoint City Code* Title 9, Chapter 9.
- 2. Based on information presented at the hearing and the placement of limitations through conditions, the application is in compliance with the subdivision and zoning requirements in *Sandpoint City Code* per the following justification(s):
  - a. \_\_\_\_\_
  - b. \_\_\_\_\_
- 3. The proposed subdivision is consistent with the overall planning goals and objectives outlined in the Comprehensive Plan.

***If Denying:***

“I move the Sandpoint City Council, after consideration of the criteria and relevant standards of Idaho Code and Sandpoint City Code, **DENY** the request by Tim McDonnell K-M Enterprises of Idaho LLC & Derek Mulgrew M & W Holdings LLC for the University Park 152-Lot proposed subdivision located at 1904 N Boyer Ave. with parcel ID numbers of RPS00000150751A & RPS00000151250A and bounded by E. Mountain View to the north, N. Boyer Ave. to the west, Sand Creek and 5th Ave to the east, and BNSF Railway tracks to the south. Based on evidence, records, and testimony, the reasons for approving this request are:

- 1. Staff has followed the notice procedures applicable to Subdivisions contained in *Sandpoint City Code* Title 9, Chapter 9.
- 2. Based on information presented at the hearing the application is not in compliance with the subdivision requirements of City Code per the following justification(s):
  - a. \_\_\_\_\_
  - b. \_\_\_\_\_
- 3. The proposed subdivision is not consistent with the overall planning goals and objectives outlined in the Comprehensive Plan.

## VI. Application History

1/16/20	Pre-application Conference
6/1/20	Application Submittal
8/4/20	Application Acceptance
8/22/20	Notice Date for Planning Commission Hearing
9/15/20	Planning Commission Hearing
10/6/20	Planning Commission Action
10/13/20	Notice Date for City Council Hearing

## VII. Attachments/Links

1. Property Deed History
2. Applicant Exhibits
3. Revised Draft Development Agreement
4. Letter of Intent from Kaniksu Land Trust
5. Planning & Zoning Commission Minutes from 9/15/20 Public Hearing and 10/6/20 Decision
6. Summary of Planning & Zoning Commission Public Hearing
7. Complete 9/15/20 Public Hearing Packet, including all application submittals, as provided to the Planning & Zoning Commission:  
<https://www.sandpointidaho.gov/PS20-0003>
8. Written Public Comments Received Prior to Council Public Hearing Posting
9. Required Public Notices
10. Urban Area Transportation Plan Goals and Objectives



**City Council Attachment - 1**  
**Property Deed History**

STATE OF IDAHO }  
County of Bonner } SS.

I hereby certify that the within instrument was filed for record in the office of the County Recorder of said County, on the 7th day of Nov. A. D. 1913, at 2 o'clock and 17 minutes P. M., at the request of L. A. Crawford and recorded on page 546 of Book 26 of Deeds.

Robt. S. McCrea, County Recorder. By S. G. Yoder, Deputy. 1.50 Paid.

COMPARED  
Signed  
Indexed

No. 27713.

THIS INDENTURE, made this 12th day of July, in the year of our Lord One thousand nine hundred and thirteen, between the Humbird Lumber Company of the County of Bonner and State of Idaho, Party of the first part; and the State Board of Education and Board of Regents of the University of Idaho, party of the second part:

WITNESSETH: That the said party of the first part, for and in consideration of the benefits to be derived by the Community from the work carried on by an experimental farm, has donated, given, remised, released, alienated and confirmed unto the said party of the second part all of the following described real estate, situated in the County of Bonner and State of Idaho, to-wit:

All of the East Half of section Fifteen, Township Fifty Seven North, Range Two West D. M. lying west of Sand Creek, and north of the present wye or railroad track connecting the Northern Pacific, the Spokane International and the Great Northern Railways, less rights of way of record and county roads; containing approximately one hundred seventy acres.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said party of the first part, so long as it be used as an experimental farm for demonstration purposes by the State of Idaho, but in case it is not so used for a period of time exceeding two years at any one interval, then said property is to revert to the party of the first part.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises together with the appurtenances, unto the party of the second part, to their successors. And the said party of the first part, and its successors and assigns, the said premises in the quiet and peaceable possession of the said party of second part, its successors, against the said party of the first part, its successors and assigns, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be executed in its name and its corporate seal hereunto affixed the day and year first above written.

Witnesses as to T. J. Humbird:

J. A. Humbird  
T. L. Greer

HUMBIRD LUMBER COMPANY

By T. J. Humbird  
President

Witnesses as to W. H. Farnham

W. D. Vincent  
W. J. Smithson

W. H. Farnham  
Assistant Secretary  
(Corporate Seal)

## QUIT CLAIM DEED

This Quit Claim Deed, made, executed and delivered by and from G. F. Jewett, T. J. Humbird, N. B. Holter, W. F. Larrabee and P. W. Reimers being the last Board of Directors and Statutory Trustees of the Humbird Lumber Company, a default Washington corporation which forfeited its right to do business in the State of Idaho on December 1, 1947, hereinafter called the Grantors, and the Regents of the University of Idaho, a corporation organized and existing under and by virtue of the Constitution of the State of Idaho hereinafter called the Grantee, Witnesseth:

That the Grantor above named, and in their capacity as Statutory Trustees for the Humbird Lumber Company, a corporation which no longer exists, have and by these presents hereby do remise, release and forever quit claim unto the Regents of the University of Idaho all their right, title, estate and interest in and to the following described real property situated in Bonner County, Idaho:

All of the East half of Section Fifteen (15), Township Fifty-seven (57) North, Range Two (2) West Boise Meridian, lying west of Sand Creek and North of the present Wye or railroad track connecting the Northern Pacific, the Spokane International and the Great Northern Railways, less rights-of-way of record and county roads, containing approximately 170 acres.

This instrument is executed for the purpose of relinquishing and releasing unto the Regents of the University of Idaho the rights of reversion reserved unto the Humbird Lumber Company in that certain Warranty Deed in favor of the University dated July 12, 1913 and recorded November 8, 1913 in Book 26 of Deeds at page 547 of the Records of Bonner County, State of Idaho, wherein and whereby it was provided that in event said real property should at any time cease to be used as an experimental station, then title to the same should revert to the Grantor; which said contingent remainder is by this instrument voided and

forever released unto the Grantee above named

WITNESS our hands and seals the day and year first above written.

G. F. Jewett (SEAL)  
G. F. Jewett

T. J. Humbird (SEAL)  
T. J. Humbird

N. B. Holter (SEAL)  
N. B. Holter

W. F. Larrabee (SEAL)  
W. F. Larrabee

W. W. Reimers (SEAL)  
W. W. Reimers

Being all of the last Board of Directors and Statutory Trustees for the Humbird Lumber Company, a defunct corporation.

STATE OF WASHINGTON )  
County of Spokane } ss.

On this 23 day of Nov, in the year 1963, before me, E. W. HOVIG, a Notary Public in and for the State aforesaid, personally appeared G. F. Jewett known to me to be one of the persons whose names are subscribed to the above and foregoing Warranty Deed as a member of the last Board of Directors and as Statutory Trustee for the Humbird Lumber Company, a defunct corporation, and acknowledged to me that he executed the same as such ex-Director and Statutory Trustee.

WITNESS my hand and official seal the day and year last above



E. W. Hovig  
Notary Public, residing  
at Spokane, Washington

My commission expires March 27, 1967

**City Council Attachment - 2**  
**Applicant Exhibits**



Whiskey Rock Planning + Consulting

Rural West Specialist

614 Creekside Lane

Sandpoint, ID 83864

208.946.99444 | [www.whiskeyrockplanning.com](http://www.whiskeyrockplanning.com)

## MEMORANDUM

TO: Aaron Qualls  
Planning & Community Development Director  
City of Sandpoint  
1123 Lake Street  
Sandpoint, ID 83864

FROM: Jeremy Grimm  
Whiskey Rock Planning + Consulting

DATE: October 30, 2020

SUBJECT: Supplemental University Park Preliminary Subdivision Application Information

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Mr. Qualls, the following commentary is provided in an effort to further supplement our application for Preliminary Plat approval of the University Park subdivision which is to be considered by the Sandpoint City Council on November 4<sup>th</sup>, 2020. In light of the extraordinary time that has passed since the submission of our application (6 months), we would like to bring you up to speed on a number of developments which have occurred and that will potentially impact the function, integration and overall layout of our proposal.

The property owners and developer are a 4<sup>th</sup> generation Sandpoint family. Their focus throughout this process has been to develop this property in a way that both respects its history and provides the opportunity to expand the quantity of housing in town. Particular attention has been given to design the subdivision with over 1/3<sup>rd</sup> of the lots being less than 6,500 sq. ft., thereby reducing the overall cost of housing by minimizing one of the largest components of housing cost, the land area per lot.

The most significant change with the proposal is the exciting news that through negotiations with Kaniksu Land Trust, over 16.5 acres of developable land have been positioned for permanent protection through a fee simple land dedication which is expected to occur once Preliminary Plat approval has been secured. The resulting legacy of this action will provide future generations access to the largest parcel of undeveloped open space in the City and will protect over 1,300 liner feet of Sand Creek shoreline from future development.

In addition to this tremendous news, we would like to take a moment to review and address the numerous concerns raised by the Sandpoint Planning Commission during their September 15<sup>th</sup>, 2020 hearing and consideration of our application.

As you are aware, land use decisions and the regulation of property rights are broken down by two distinct decision making approaches which are in part guided by plans – with visionary, aspirational characteristics and by ordinances, with objective and clear standards. The subdivision of land falls into the nondiscretionary grouping. The authority for subdivision approvals is distinct from the authority for zoning approvals in that decisions on approval or denial of preliminary or final plats may be made only on the

basis of standards explicitly set forth in the subdivision ordinance and governed by Sandpoint Code Title 10. To this point we would like to emphasize the following as applicable to the submitted design and layout of our application for University Park.

On October 6, 2020 the Sandpoint Planning Commission identified the following specific findings of fact and conclusions of law and as a result recommend denial of our application:

1. Excessive Block Length (prohibited, with exceptions, by City Code §10-1-6-A-5)
2. Double Frontage Lots in Block 1 (prohibited, with exceptions, by City Code §10-1-6-A-7)
3. Street Arrangement (continuation of existing streets as provided in City Code §10-1-6-A-6)

We categorically disagree with these findings and offer the following rebuttal to their observation and the language in the staff report.

The issue of excessive block length is subjective and arbitrary. Sandpoint Code does not provide objective direction on how block length is defined. Although the 2,000 foot block length has been illustrated in the staff report and was relied upon in the findings of the Planning Commission, we counter that if one simply look at the eastern side of proposed Blue Grass Ave. (highlighted image below) it is comprised of a 556' long block bounded by proposed Water Birch Way and Cat Tail Lane. The mythical issue of a 2,000' long block could be viewed as irrelevant if one considers the Boyer Avenue perimeter as the exterior of the subdivision, and not part of an integrated street network where block lengths would apply. Further, Sandpoint Code 10-1-6-5 states "**Blocks over eight hundred feet (800') in length may be required to have one crosswalk not less than ten feet (10') in width, situated near the center of the block.**", thereby clearly authorizing exceptions to any strict application or interpretation as has been put forth by staff.

In an effort to address this potential concern, we are prepared and agreeable to dedicating a 10' wide paved easement mid-block to provide access between Blue Grass Avenue and the Class 1 multimodal pathway adjacent to Boyer Avenue. Doing so will ensure additional permeability and will provide direct nonvehicular access to the development.





- LEGEND**
- SET 3/8" x 3/4" REBAR AND CAP, PLS. 6503
  - FOUND 5/8" REBAR AND CAP, PLS. 6107
  - FOUND 5/8" REBAR AND CAP, PLS. 5713
  - CALCULATED POINT, NOTHING SET
  - ④ BLOCK NUMBER (TYPICAL)
  - 10' WIDE UTILITY EASEMENT, SEE NOTE 'D', SHEET 1

**CURVE TABLE**

CHORD	DELTA	ARC	CHORD	CHORD BEARING
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02	220.000	20.000	11.42	28.28
03	220.000	20.000	11.42	28.28
04	220.000	20.000	11.42	28.28
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97	220.000	20.000	11.42	28.28
98	220.000	20.000	11.42	28.28
99	220.000	20.000	11.42	28.28
100	220.000	20.000	11.42	28.28

The issue and discussion of Double Frontage Lots we feel is similarly subjective and arbitrary. In fact there is no clear definition as to what comprises a double frontage lot as is obvious when one applies the definition found in the American Planning Association *A Planners Dictionary*:

*An interior lot having frontage on two parallel or approximately parallel streets. For the purposes of this definition, a lot which has been denied access to one of the parallel or approximately parallel streets shall not be deemed a double frontage lot. (Newark, Calif.)*





The specific lots called out by the Planning Commission and also in the staff report as “Double Frontage” in fact are expressly designed with access to the interior streets of the subdivision (Blue Grass Avenue and Water Birch Way). As a result, and as was our intent with the design, these are not double frontage lots because they will not have vehicular access from more than one side (frontage). We contest the interpretation by staff that the proposed development includes any double frontage lots.

Finally, the concern over the Street Arrangement within the Proposed University park Subdivision is another item that we feel has had subjective and arbitrary weighting especially when considering the guidance and policies of the adopted Urban Area Transportation plan. The UATP specifically calls for limiting the access points along Boyer Avenue due to its classification (Truck Route) and calls to minimize impacts to sidewalks and multimodal pathways thought the creation of more numerous intersections and crossings.

In short, we feel that the developed plans for University Park as presented in our Preliminary Plat application meet the objective criterial identified in Title 10 along with being very consistent with the [2018 Community Visioning Report](#) developed for the property by the city. With an approval, the City of Sandpoint will be taking the most significant step toward addressing our critical housing shortage which will benefit area employers, residents and will support the overall economic health and diversity of our community.

Sincerely,



Jeremy Grimm

Owner, Whiskey Rock Planning + Consulting



Whiskey Rock Planning + Consulting  
Rural West Specialist

**City Council Attachment - 3**  
**Revised Draft Development Agreement**



## SUMMARY/ EXPLANATION OF CONDITIONS

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PS20-0003: University Park Subdivision Preliminary Approval - Public Hearing

### I. Introduction

Applicants Tim McDonnell of K-M Enterprises of Idaho LLC & Derek Mulgrew of M & W Holdings LLC have applied for preliminary approval to subdivide an approximately 75-acre site into 152 lots. The Staff Report provides reference to a Development Agreement intended to formalize the conditions, if approved. Enclosed is a Development Agreement. The purpose of this Cover Sheet is to provide a nexus between the analysis, included conditions and the intent.

### II. Explanation of Conditions – Section 12 of Development Agreement

- a. Detailed analysis will occur throughout the subdivision process. The analysis of layout, design, engineering and other factors may result in the need to revise a variety of plan elements. In addition, revisions may be necessary at the time of construction improvement plans. If CITY staff determines the revisions are substantial, these changes will require an amendment to the AGREEMENT. If the CITY staff determines that the revisions are minor, the changes may be approved, disapproved, or approved with conditions administratively. The authority to make the determination of when a revision is minor versus substantial is the CITY's.

***Purpose/Intent:*** *construction plans are engineered after preliminary plat approval; this condition provides necessary flexibility to accommodate final approval of plans and permit issuance, while providing parameters for substantial versus minor changes.*

- b. The 20' wide utility and emergency exit easement shown on the preliminary plat (sheet 4) shall also contain a publicly dedicated pedestrian easement which shall include a minimum 10' wide paved path to provide connection between what is shown to be both legs of S. Sand Creek Lane. If final utility plans necessitate access for maintenance, the access shall be capable of accommodating CITY maintenance vehicles.

***Purpose/Intent:*** *This requirement provides for adherence to Comprehensive Plan Goal H-3, Policy A: "Cul-de-sacs and other dead-end streets are discouraged, with a preference instead for traditional grid street patterns. Where cul-de-sacs are allowed,*

*they must provide for continuous, non-motorized connections between streets.” The connectivity also aligns with multiple goals/objectives of the UATP.*

- c. DEVELOPERS shall provide a publicly dedicated pedestrian easement which shall include the construction of a minimum 10’ wide paved path to provide connection between North Boyer Avenue and Blue Grass Avenue. The location of the pedestrian easement shall be approved by the CITY.

**Purpose/Intent:** *The location of this easement and constructed trail would be located through Block 1 of the proposed plat in order to reduce travel distances for non-motorized travel to and from N. Boyer Ave, consistent with multimodal connectivity goals and objectives of the UATP. The pathway was proposed in lieu of connecting Blue Grass Lane through to North Boyer Avenue, minimizing approaches onto the arterial, consistent with the UATP.*

- d. DEVELOPER shall provide a northbound right turn lane on North Boyer Avenue at the project driveway at Ebbett Way, no later than 2025.

**Purpose/Intent:** *The City’s traffic engineer recommended this condition to provide storage capacity for vehicles holding for pedestrians at the crossing while allowing free flow of vehicles on Boyer. This is also warranted by Idaho Transportation Department standards and Appendix G (Table G-5) of the UATP.*

- e. DEVELOPERS shall make full improvements to urban standards to North Boyer Avenue as defined by CITY as specified below:

1. Prior to a certificate of occupancy being issued on Phase II, but no later than 2025, the Developer is to reconstruct the eastern portion of the North Boyer Avenue right-of-way along the property frontage, in general accordance with Exhibit B (concept plan/section – not for construction). The Developer shall obtain a construction permit, including CITY approved for construction plans. Construction plans shall provide completed engineered roadway design. Any and all utility relocations required as a result of these improvements are the responsibility of the Developer.

**Purpose/Intent:** *The UATP (Table 7-3) provides roadway typical sections, including a minimum 42-foot width for arterials and reference to various “typical sections.” The purpose of this condition was to agree upon a total paved width of 40-feet, the lane widths, accommodation of a two-way left turn lane (center turn lane), and right-of-way improvements. This exhibit places a greater emphasis on multi-modal*

*considerations than what is provided as a typical Arterial roadway in the Urban Area Transportation Plan. The condition establishes the general intent, but also provides necessary flexibility to accommodate final engineering design.*

2. Frontage improvements at this location shall be in accordance with CITY Code and standards. Developer shall construct a six (6) foot high masonry wall along the entire frontage of North Boyer Avenue located on private property to provide for visual interest along the edge of the development which shall be maintained in perpetuity by the HOA. The wall shall have recesses and/or projections at intervals not to exceed fifty (50 feet) which shall be sufficient in depth to accommodate landscaping and/or public art. Further, the wall 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. The specific design of the wall shall be approved by CITY. Minor variations in the standards above may be authorized, so long as the purpose of the requirement is met. The CITY reserves the right to seek input from a volunteer citizen committee to review designs submitted.

**Purpose/Intent:** *The intent of this condition is to partially address Planning Commission Deliberations regarding the visual interest along N. Boyer Ave. and to protect future residents from traffic noise impacts typically associated with arterial streets. This requirement is supported by Sandpoint City Code §10-1-7.L: "Fencing may be required around portions of the exterior boundaries of a subdivision."*

3. The CITY of Sandpoint shall be responsible for snow removal on the shared pathway(s).

**Purpose/Intent:** *The City currently removes snow from the shared pathway along N. Boyer Ave. and intends to continue to do so in the future.*

- f. DEVELOPERS shall make full improvements to urban standards to East Mountain View Drive, as defined by CITY as specified below:
  1. Prior to a certificate of occupancy being issued on Phase I, Developer to reconstruct the southern portion of the East Mountain View Drive right-of-way along the property frontage, in general accordance with Exhibit B (concept plan/section – not for construction). The Developer shall obtain a construction permit, including CITY approved for construction plans (engineered roadway design by DEVELOPER).

**Purpose/Intent:** *The UATP proposes East Mountain View as an arterial in future conditions due to the potential connection of East Mountain View to the byway. This vision no longer exists and strict conformance with the UATP on this road was deemed unreasonable by staff and therefore, a revised vision was required. The exhibit provides multi—modal and parking considerations recognizing the proximity to recreational trails. With the street width provided, flexibility is provided to restripe the roadway to add a dedicated left turn lane in the future if warranted (at the expense of some parking). The condition establishes the general intent, but also provides necessary flexibility to accommodate final engineering design.*

2. Frontage improvements at this location shall be in accordance with CITY Code and standards. Developer shall construct a six (6) foot high masonry wall along the entire frontage of East Mountain View Drive located on private property to provide for visual interest along the edge of the development which shall be maintained in perpetuity by the HOA. The wall shall have recesses and/or projections at intervals not to exceed fifty (50 feet) which shall be sufficient in depth to accommodate landscaping and/or public art. Further, the wall 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. The specific design of the wall shall be approved by CITY. Minor variations in the standards above may be authorized, so long as the purpose of the requirement is met. The CITY reserves the right to seek input from a volunteer citizen committee to review designs submitted.

**Purpose/Intent:** *The intent of this condition is to partially address Planning Commission Deliberations regarding the visual interest along E. Mountain View Dr. This requirement is supported by Sandpoint City Code §10-1-7.L: "Fencing may be required around portions of the exterior boundaries of a subdivision."*

3. The DEVELOPER shall be responsible for snow removal on the shared pathway.

**Purpose/Intent:** *City snow removal resources are limited and taking on additional responsibilities would be difficult. Snow removal along the E Mountain View shared pathway would be the responsibility of the adjacent property owners (HOA) in accordance with City Code requirements.*

- g. DEVELOPERS shall pay their "Fair Share" allocation of the cost of signalization of North Boyer Avenue and Baldy Mountain Road as specified below:

- i. Prior to issuance of any permit for construction, the Developer shall pay a lump sum amount of \$87,360 as an extraordinary impact fee (CITY Code 12-1-12), for system improvements at the intersection of North Boyer Ave/Baldy Mountain Road, specifically to provide signalization. This amount represents development's fair share contribution of 21.84% at this location, resulting from the development, calculated in accordance with the methodology described in the adopted Urban Area Transportation Plan (UATP). The total calculated system improvements at this location include engineering and public infrastructure, and exclude possible right-of-way acquisition and railroad improvements due to the lack of a preliminary design validating the necessity of either.

**Purpose/Intent:** *Based on the TIS, the development is likely to contribute to excessive delays at the intersection. The fair share contribution was calculated in accordance with the TIS Requirement portion of the UATP. Staff prepared the cost estimate of the improvements based on review of City and ITD bid tabulations for similar projects. An extraordinary impact fee is an impact which is reasonably determined by the city to:*

1. *Result in the need for system improvements, the cost of which will significantly exceed the sum of the development impact fees to be generated from the project or the sum agreed to be paid pursuant to a development agreement as allowed by section 67-8214(2), Idaho Code;*
2. *Result in the need for system improvements which are not identified in the capital improvements plan;*
3. *Have an impact which results in a lower than acceptable level of service*

- h. DEVELOPERS shall pay their "Fair Share" allocation of the cost of signalization of US 2 and Larch Street as specified below:
  - i. Prior to issuance of any permit for construction, the Developer shall pay a lump sum amount of \$6,703.20 as an extraordinary impact fee (CITY Code 12-1-12), for system improvements at the intersection of US-2/Larch Street, specifically, to provide additional and dedicated turn lanes for eastbound and westbound motorists. This amount represents the development's fair share contribution of 2.45% at this location, resulting from the development, calculated in accordance with the methodology described in the adopted Urban Area Transportation Plan (UATP). The total calculated system improvements at this location include engineering and public infrastructure; sufficient right-of-way exists for necessary system improvements.

**Purpose/Intent:** *The intersection currently operates below the acceptable level of service (LOS). The intersection will continue to operate at unacceptable levels in the future absent any mitigation. The fair share contribution was calculated in accordance with the TIS Requirement portion of the UATP. Staff prepared the cost estimate of the improvements based on review of City and ITD bid tabulations for similar projects.*

- i. Development of the lots will be subject to all current requirements in place at the time of permit application.

**Purpose/Intent:** *This provision clarifies that future development on resulting lots is not subject to standards at the time the subdivision was approved, but at the time a permit is applied for on any given lot.*

- j. The DEVELOPERS shall maintain compliance with the United States Environmental Protection Agency's Construction General Permit (CGP) throughout development. Failure to comply with the terms of the CGP may result in orders to stop work by the CITY or others.

**Purpose/Intent:** *Ground disturbance of an acre or more requires permitting by the EPA. It is the applicant's responsibility to obtain authorization by the EPA for coverage under the CGP.*

- k. DEVELOPERS and/or owners of individual lots shall be required to pay impact fees prior to issuance of a building permit(s) at the current rate adopted by CITY Council at the time of building permit issuance.

**Purpose/Intent:** *This provision clarifies that future development on resulting lots is not subject to standards at the time the subdivision was approved, but at the time a permit is applied for on any given lot.*

- l. In the event the DEVELOPERS do not proceed with the Final Plat, the DEVELOPERS shall provide the CITY a 30-foot wide utility easement(s), as the CITY deems necessary to access, operate and maintain any functionally complete and accepted Required Public Infrastructure.

**Purpose/Intent:** *A 30-foot wide utility easement is the minimum width required to assure the City can property maintain parallel water and sewer mains.*



- m. The DEVELOPER shall not be responsible for additional off-site improvements beyond the terms of this Development Agreement unless the actual or estimated average daily trips (ADT) (weekday or weekend) exceeds the number of trips included in the DEVELOPERS final Trip Generation and Distribution letter; future land use actions may require submission of a current TGDL.

**Purpose/Intent:** *This condition provides the developer with certainty that they will not be asked to fund improvements not otherwise identified in this agreement if daily trip counts are at or below the projections in the final TGDL.*

- n. The DEVELOPERS shall adequately maintain all stormwater conveyance and treatment systems, in accordance with the Stormwater Permit issued by the CITY, in perpetuity, and shall transfer such maintenance to future, individual property owners and/or another entity by executing subdivision covenants, conditions, and restrictions.

**Purpose/Intent:** *City Code requires that the applicant provide an Operations and Maintenance Plan to ensure the long-term maintenance of the stormwater management system. This condition ensures that the City will not be responsible for maintaining the site stormwater system outside of the right-of-way and specifies that the developer is responsible for ensuring future property owners are aware of their responsibilities.*

- o. DEVELOPERS shall confirm capacity of existing sewer lift station and upgrade as specified below:
  - i. Based upon the submitted report, the CITY does not anticipate that upsizing will be required. However, depending upon the results of an approved report, the Developer shall be responsible for the project costs associated with upsizing and/or other necessary upgrades, as determined by the CITY Engineer.

**Purpose/Intent:** *The developer has shown that the existing lift station has sufficient capacity to handle the increased flows from the development. Developer shall be responsible for all work necessary to route sewer from the development into the lift station.*

- p. DEVELOPERS shall demonstrate compliance with wetland requirements.

- i. Prior to issuance of any permit for construction impacting wetlands, the Developer shall provide evidence of authorization issued by the United States Army Corps of Engineers and including, receipt of payment for any required wetland credits.

**Purpose/Intent:** *This ensures compliance with federal regulations.*

- q. DEVELOPERS shall demonstrate to CITY that they have applied to Bonner County for a Reservation of Street Names for those streets reflected on the Preliminary Plat. All new street names shall be mutually exclusive from one another.

**Purpose/Intent:** *This ensures that adequate street names are provided so that emergency response may serve the development.*

- r. Prior to approval of any Final Plat, DEVELOPERS shall demonstrate the creation of a Homeowners' Association to ensure long-term maintenance of private park, path, structure and storm drainage facilities. Such demonstration shall include Articles of Incorporation, By-laws, and Covenants, Conditions and Restrictions (CC&Rs) for the Homeowners' Association.

**Purpose/Intent:** *This provision helps to ensure that any facilities located on private land remain functional, adequately maintained and safe.*

Recording requested by:  
Jeremy Grimm on behalf of:  
Tim McDonnell DBA K-M Enterprise LLC  
and  
Derek Mulgrew DBA M&W Holdings LLC

614 Creekside Lane  
Sandpoint, Idaho 83864

When recorded return to:  
CITY of Sandpoint  
Jennifer Stapleton, City Administrator  
1123 Lake Street  
Sandpoint, Idaho 83864

DEVELOPMENT AGREEMENT  
UNIVERSITY PARK SUBDIVISION

**THIS DEVELOPMENT AGREEMENT (AGREEMENT)**, is entered into this \_\_\_ day of \_\_\_\_\_, 2020 by and between the CITY of Sandpoint, Bonner County, Idaho, a municipal corporation organized and existing under the laws of the State of Idaho, hereinafter referred to as the "CITY," whose address is 1123 Lake Street, Sandpoint, Idaho 83864; and K-M Enterprises of Idaho, LLC, an Idaho Limited Liability Company, and M&W Holdings, LLC, an Idaho Limited Liability Company hereinafter referred to as the "DEVELOPERS", whose addresses are P.O. Box 996, Dover, ID 83825 and 809 W Main, #303, Spokane, WA 99201 respectively. The CITY and the DEVELOPERS are sometimes referred to herein as a "party" or "parties."

**WITNESSETH:**

**WHEREAS**, the DEVELOPERS' subdivision proposal has been evaluated in accordance with CITY requirements for a subdivision, and received preliminary plat approval, which includes certain express terms, conditions and agreements, which the parties wish to memorialize as applicable to the subdivision. A draft of the proposed Subdivision Plat of University Park is attached hereto and incorporated herein as Exhibit A (the "Preliminary Plat"); and,

**WHEREAS**, the Planning Commission, the Mayor and the CITY Council of the CITY have determined that it is in the best interests of the CITY and the citizens thereof to approve the subdivision plat pursuant to the terms, covenants and conditions hereinafter set forth.

DEVELOPMENT AGREEMENT  
UNIVERSITY PARK SUBDIVISION

**NOW THEREFORE**, pursuant to Sandpoint CITY Code Section 9-9-11, and in consideration of the terms, covenants and conditions set forth herein, the parties agree as follows:

1. **LEGAL DESCRIPTION:** The property affected by this Agreement (the “Property”) is described as follows:

The east half of Section 15, Township 57 North, Range 2 West Boise Meridian, Lying west of Sand Creek and north of the present wye or railroad tract connecting the Northern Pacific, the Spokane International and Great Northern Railways, less county roads.

Also, less that parcel conveyed to the State of Idaho by Quitclaim deed recorded December 15, 1958 under instrument No, 68533 in Book 100 of deeds, Page 151, records of Bonner County, ID

The historic use of the Property was an agricultural research station for the University of Idaho. The University declared the Property surplus and sold it to DEVELOPERS. The PROPERTY contains 75 acres +/- and is zoned by the CITY to allow urban density development. The current permitted uses of the Property shall be in accordance with the CITY designation of Residential Single-Family for approximately 60 acres located east of Boyer Avenue and west of the Union Pacific Railroad Tracks, south of Mountain View Drive. Approximately 5.5 Acres located between the Union Pacific Railroad Tracks and US Highway 2 are zones Commercial B. The remaining 10 acres +/- are encumbered by Railroad Right-of-way or are steep slopes or are submerged wetlands.

2. **CONCEPT PLAN:** The DEVELOPERS have prepared a concept plan for the Property, which has been made part of Preliminary Plat, attached hereto as Exhibit A.

3. **CONSTRUCTION SCHEDULE:** The DEVELOPERS’ intend to construct Required Infrastructure Improvements and plat over four phases. A specific schedule detailing the anticipated timing of construction per phase shall be provided prior to issuance of construction permit(s). All phases of the Required Infrastructure Improvements shall be substantially completed in accordance with timeframes provided by CITY Code 10-1-7. The development schedule may be modified by the mutual consent of both parties, but in no case will building permits be issued prior to Final Plat approval, per phase.

Developer may request a final plat on less than the entirety of any Phase (i.e. Phase 1A or Phase 2A) to be called a “Sub-Phase”, to accommodate building on a smaller number of lots previous to the completion and approval of Final Plat of the entire Phase. But, in no case will sale of lots be allowed, nor Certificates of Occupancy be issued on any building constructed in the Sub Phase Final Plat prior to the Final Plat approval on the entire Phase.

4. **UTILITIES:** The DEVELOPERS agree to use the CITY'S water and sanitary sewer systems for the Property as lots are developed and to be responsible for any fees and charges normally required of similarly situated owners pursuant to CITY Code. The CITY agrees to provide access to such systems upon payment of the customarily-required fees. DEVELOPERS may transfer the obligation to pay such fees and costs to the future owner of any Lot as shown on the Final Plat (each a "Lot"). Utility service to each phase shall be fully functional consistent with CITY standards even if such functionality requires improvements on land designated for subsequent phases.

5. **REQUIRED INFRASTRUCTURE IMPROVEMENTS:** The DEVELOPERS agree to construct the following public improvements in accordance with the terms of this Agreement and the applicable standards adopted by the CITY, no later than those dates reflected in the attached phasing schedule: sanitary sewer and water system extensions, fire hydrants, stormwater management, street, signage, curbs and gutters, drainage appurtenances, sidewalks, and the conditions of Section 12 herein (the "Required Infrastructure Improvements"), in accordance with the final plans, Approved For Construction. DEVELOPERS agree to confer with CITY staff during the course of the project to verify that all Required Infrastructure Improvements are in fact being installed and built in conformance with standards adopted by the CITY.

6. **STANDARDS AND WARRANTY:** The parties agree that the Preliminary Plat, the Concept Plan and the Construction Schedule submitted by the DEVELOPERS for development of the Property are generally acceptable to the CITY. The DEVELOPERS agree that all Required Infrastructure Improvements shall be built to CITY standards and permits, adhering to all CITY policies and procedures and standards adopted by the CITY, including but not limited to Idaho Standards for Public Works Construction (ISPWC) (latest edition). The DEVELOPERS further agree that the final construction plans shall be submitted to the CITY for approval prior to commencement of any construction; shall detail construction of all Required Infrastructure Improvements; and, that all such work will be constructed in a workmanlike manner. The DEVELOPERS will properly warrant all public improvements properly from defects by providing a warranty bond in an amount approved by the CITY and representing twenty percent (20%) of the estimated cost of all Required Public Improvements for a period of two years from the date of written acceptance by the CITY and prior to Final Plat approval. Should the DEVELOPERS fail to make any required repairs within thirty days' written notice, the CITY may exercise the warranty bond. This period may be extended by the CITY if inclement winter weather prevents repair within the thirty-day period.

7. **INSPECTION AND TESTING:** All Required Infrastructure Improvements shall be inspected and tested by qualified professionals in accordance with Idaho Standards for Public Works Construction (latest edition) with all costs of testing and inspection to be borne by the DEVELOPERS.

8. **ACCEPTANCE AND FAILURE TO COMPLY:** Inspection reports and testing records, conducted at the frequency and method(s) specified in the Idaho Standards for Public Works Construction (latest edition) for all Required Infrastructure Improvements shall be provided to the CITY within ninety days of completion of construction. A letter(s) signed by a professional engineer(s), licensed in Idaho, shall be provided by the DEVELOPERS to the CITY stating that the substantially completed work was constructed in accordance with the conditions of this Agreement and subsequent permits, including but not limited to the approved plans and standards set forth herein. In no event shall the CITY accept the Required Infrastructure Improvements and/or approve a Final Plat, until such documentation has been provided and deemed acceptable by the CITY Engineer. The CITY reserves the right to retain the performance bond for Required Infrastructure Improvements and/or withhold other permits until the CITY has accepted the same.

9. **COVENANTS RUN WITH THE LAND:** The terms, conditions and covenants to be performed by the DEVELOPERS under this Agreement shall run with the Property, and are binding upon the DEVELOPER, owners, co-owners, subsequent owners, and the DEVELOPERS' heirs, assigns and successors in interest. Transfer of any lot within the development to an owner shall automatically be deemed a transfer all of the obligations to be performed by the DEVELOPERS with respect to any such lot. The obligations of the DEVELOPERS, and any owners under this Agreement shall be joint and several.

Previous to approval of any Final Plat (including any Sub-Phase) within this Subdivision, DEVELOPER'S will be required to create, submit and have approved a Declaration of Covenants, Conditions, and Restrictions, commonly known as the CC&Rs to be recorded and run with the land.

10. **SECURITY FOR REQUIRED INFRASTRUCTURE IMPROVEMENTS:** The DEVELOPERS or the DEVELOPERS' contractor shall submit a security device, per phase, sufficient to cover 150% of the CITY's approved estimated cost of construction, testing, and inspection for those Required Public Improvements not otherwise located on private property, including, but not limited to, streets and associated infrastructure, water main extensions, and sewer main extensions, and storm drainage facilities. This security device shall be provided prior to issuance of the related construction permit(s) and shall inure to the benefit of CITY, and may be in the form of a performance bond, irrevocable letter of credit, cash deposit or other security device acceptable to the CITY. The CITY reserves the right to perform the Required Infrastructure Improvements and retain the security in the event that the DEVELOPERS fail to perform the work in accordance with this Agreement, as determined by the CITY. In no event will the security device be released until all Required Infrastructure Improvements have been completed in accordance with this Agreement and the Final Plat is approved by the CITY.

11. **MERGER AND AMENDMENT:** All promises and negotiations between the parties' merge into this Agreement. The Parties agree that this Agreement shall be amended only in writing and signed by both parties. The Parties further agree that this Agreement is not intended

to replace any other requirement of CITY Code, but instead this Agreement is to be interpreted in connection with and as a supplement to CITY Code provisions.

12. **CONDITIONS:** The DEVELOPERS shall meet the following requirements for this project.

- a. Detailed analysis will occur throughout the subdivision process. The analysis of layout, design, engineering and other factors may result in the need to revise a variety of plan elements. In addition, revisions may be necessary at the time of construction improvement plans. If CITY staff determines the revisions are substantial, these changes will require an amendment to the AGREEMENT. If the CITY staff determines that the revisions are minor, the changes may be approved, disapproved, or approved with conditions administratively. The authority to make the determination of when a revision is minor versus substantial is the CITY's.
- b. The 20' wide utility and emergency exit easement shown on the preliminary plat (sheet 4) shall also contain a publicly dedicated pedestrian easement which shall include a minimum 10' wide paved path to provide connection between what is shown to be both legs of S. Sand Creek Lane. If final utility plans necessitate access for maintenance, the access shall be capable of accommodating CITY maintenance vehicles.
- c. DEVELOPERS shall provide a publicly dedicated pedestrian easement which shall include the construction of a minimum 10' wide paved path to provide connection between North Boyer Avenue and Blue Grass Avenue. The location of the pedestrian easement shall be approved by the CITY.
- d. DEVELOPER shall provide a northbound right turn lane on North Boyer Avenue at the project driveway at Ebbett Way, no later than 2025.
- e. DEVELOPERS shall make full improvements to urban standards to North Boyer Avenue as defined by CITY as specified below:
  1. Prior to a certificate of occupancy being issued on Phase II, but no later than 2025, the Developer is to reconstruct the eastern portion of the North Boyer Avenue right-of-way along the property frontage, in general accordance with Exhibit B (concept plan/section – not for construction). The Developer shall obtain a construction permit, including CITY approved for construction plans. Construction plans shall provide completed engineered roadway design. Any and all utility relocations required as a result of these improvements are the responsibility of the Developer.
  2. Frontage improvements at this location shall be in accordance with CITY Code and standards. Developer shall construct a six (6) foot high masonry wall along the entire

frontage of North Boyer Avenue located on private property to provide for visual interest along the edge of the development which shall be maintained in perpetuity by the HOA. The wall shall have recesses and/or projections at intervals not to exceed fifty (50 feet) which shall be sufficient in depth to accommodate landscaping and/or public art. Further, the wall 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. The specific design of the wall shall be approved by CITY. Minor variations in the standards above may be authorized, so long as the purpose of the requirement is met. The CITY reserves the right to seek input from a volunteer citizen committee to review designs submitted.

3. The CITY of Sandpoint shall be responsible for snow removal on the shared pathways.
- f. DEVELOPERS shall make full improvements to urban standards to East Mountain View Drive, as defined by CITY as specified below:
1. Prior to a certificate of occupancy being issued on Phase I, Developer to reconstruct the southern portion of the East Mountain View Drive right-of-way along the property frontage, in general accordance with Exhibit B (concept plan/section – not for construction). The Developer shall obtain a construction permit, including CITY approved for construction plans (engineered roadway design by DEVELOPER).
  2. Frontage improvements at this location shall be in accordance with CITY Code and standards. Developer shall construct a six (6) foot high masonry wall along the entire frontage of East Mountain View Drive located on private property to provide for visual interest along the edge of the development which shall be maintained in perpetuity by the HOA. The wall shall have recesses and/or projections at intervals not to exceed fifty (50 feet) which shall be sufficient in depth to accommodate landscaping and/or public art. Further, the wall 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. The specific design of the wall shall be approved by CITY. Minor variations in the standards above may be authorized, so long as the purpose of the requirement is met. The CITY reserves the right to seek input from a volunteer citizen committee to review designs submitted.
  3. The DEVELOPER shall be responsible for snow removal on the shared pathway.



- g. DEVELOPERS shall pay their “Fair Share” allocation of the cost of signalization of North Boyer Avenue and Baldy Mountain Road as specified below:
  - i. Prior to issuance of any permit for construction, the Developer shall pay a lump sum amount of \$87,360 as an extraordinary impact fee (CITY Code 12-1-12), for system improvements at the intersection of North Boyer Ave/Baldy Mountain Road, specifically to provide signalization. This amount represents development’s fair share contribution of 21.84% at this location, resulting from the development, calculated in accordance with the methodology described in the adopted Urban Area Transportation Plan (UATP). The total calculated system improvements at this location include engineering and public infrastructure, and exclude possible right-of-way acquisition and railroad improvements due to the lack of a preliminary design validating the necessity of either.
- h. DEVELOPERS shall pay their “Fair Share” allocation of the cost of signalization of US 2 and Larch Street as specified below:
  - i. Prior to issuance of any permit for construction, the Developer shall pay a lump sum amount of \$6,703.20 as an extraordinary impact fee (CITY Code 12-1-12), for system improvements at the intersection of US-2/Larch Street, specifically, to provide additional and dedicated turn lanes for eastbound and westbound motorists. This amount represents the development’s fair share contribution of 2.45% at this location, resulting from the development, calculated in accordance with the methodology described in the adopted Urban Area Transportation Plan (UATP). The total calculated system improvements at this location include engineering and public infrastructure; sufficient right-of-way exists for necessary system improvements.
- i. Development of the lots will be subject to all current requirements in place at the time of permit application.
- j. The DEVELOPERS shall maintain compliance with the United States Environmental Protection Agency’s Construction General Permit (CGP) throughout development. Failure to comply with the terms of the CGP may result in orders to stop work by the CITY or others.
- k. DEVELOPERS and/or owners of individual lots shall be required to pay impact fees prior to issuance of a building permit(s) at the current rate adopted by CITY Council at the time of building permit issuance.
- l. In the event the DEVELOPERS do not proceed with the Final Plat, the DEVELOPERS shall provide the CITY a 30-foot wide utility easement(s), as the CITY deems necessary

to access, operate and maintain any functionally complete and accepted Required Public Infrastructure.

- m. The DEVELOPER shall not be responsible for additional off-site improvements beyond the terms of this Development Agreement unless the actual or estimated average daily trips (ADT) (weekday or weekend) exceeds the number of trips included in the DEVELOPERS final Trip Generation and Distribution letter; future land use actions may require submission of a current TGDL.
- n. The DEVELOPERS shall adequately maintain all stormwater conveyance and treatment systems, in accordance with the Stormwater Permit issued by the CITY, in perpetuity, and shall transfer such maintenance to future, individual property owners and/or another entity by executing subdivision covenants, conditions, and restrictions.
- o. DEVELOPERS shall confirm capacity of existing sewer lift station and upgrade as specified below:
  - i. Based upon the submitted report, the CITY does not anticipate that upsizing will be required. However, depending upon the results of an approved report, the Developer shall be responsible for the project costs associated with upsizing and/or other necessary upgrades, as determined by the CITY Engineer.
- p. DEVELOPERS shall demonstrate compliance with wetland requirements.
  - i. Prior to issuance of any permit for construction impacting wetlands, the Developer shall provide evidence of authorization issued by the United States Army Corps of Engineers and including, receipt of payment for any required wetland credits.
- q. DEVELOPERS shall demonstrate to CITY that they have applied to Bonner County for a Reservation of Street Names for those streets reflected on the Preliminary Plat. All new street names shall be mutually exclusive from one another.
- r. Prior to approval of any Final Plat, DEVELOPERS shall demonstrate the creation of a Homeowners' Association to ensure long-term maintenance of private park, path, structure and storm drainage facilities. Such demonstration shall include Articles of Incorporation, By-laws, and Covenants, Conditions and Restrictions (CC&Rs) for the Homeowners' Association.

13. **AFFIDAVIT OF OWNER:** The DEVELOPERS are the legal Property Owner.

14. **JURISDICTION/VENUE/ATTORNEY FEES:** Any action brought to enforce this Agreement, or to interpret its terms, covenants and conditions, shall be governed by Idaho law, and brought in the District Court of the First Judicial District, Bonner County, Idaho. The

DEVELOPMENT AGREEMENT  
UNIVERSITY PARK SUBDIVISION

prevailing party in any such action may recover its reasonable attorney fees in addition to any other remedy available at law or equity.

IN WITNESS WHEREOF, the Mayor and CITY Clerk of the CITY of Sandpoint have executed this contract on behalf of CITY, the CITY Clerk has affixed the seal of CITY hereto, and DEVELOPER has caused the same to be executed the day and year first above written.

CITY OF SANDPOINT,

DEVELOPERS

Shelby Rognstad, Mayor

By: K-M Enterprise LLC

ATTEST:

\_\_\_\_\_

Melissa Ward, CITY Clerk

Tim McDonnell

State of \_\_\_\_\_ )

County of \_\_\_\_\_ )

By: M&W Holdings LLC

\_\_\_\_\_  
Derek Mulgrew

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year of 20\_\_\_\_, before me, a Notary Public, personally appeared, Shelby Rognstad , known to me to be the Mayor of the CITY of Sandpoint, Idaho whose name is subscribed to the within instrument, and acknowledged to me that he has the authority to executed the same on behalf of the CITY of Sandpoint, Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notaries Seal the day and year in this certificate first above written.

\_\_\_\_\_

Notary Public: State of Idaho

My Commission expires: \_\_\_\_\_

DEVELOPMENT AGREEMENT  
UNIVERSITY PARK SUBDIVISION

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year of 20\_\_\_\_, before me, a Notary Public, personally appeared, Tim McDonnell, legal representative of K-M Enterprises, LLC, proved to me on the basis of satisfactory evidence to be the persons whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notaries Seal the day and year in this certificate first above written.

\_\_\_\_\_  
Notary Public: State of Idaho  
My Commission expires: \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year of 20\_\_\_\_, before me, a Notary Public, personally appeared, Derek Mulgrew, legal representative of M&W Holdings, LLC, proved to me on the basis of satisfactory evidence to be the persons whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notaries Seal the day and year in this certificate first above written.

\_\_\_\_\_  
Notary Public: State of Idaho  
My Commission expires: \_\_\_\_\_

**AFFIDAVIT OF PROPERTY OWNERS  
SANDPOINT CITY CODE SECTION 9-9-11(C)**

I, the undersigned owners of the above described Property, hereby acknowledge and agree to submission of the use of said Property pursuant to the terms, covenants and conditions of this Agreement.

Dated this \_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Tim McDonnell DBA K-M Enterprise LLC

\_\_\_\_\_  
Derek Mulgrew DBA M&W Holdings LLC

SUBSCRIBED AND SWORN TO before me this \_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Notary Public, State of Idaho  
My commission expires:

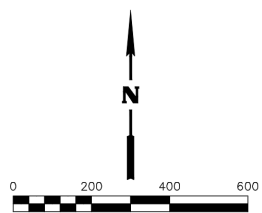
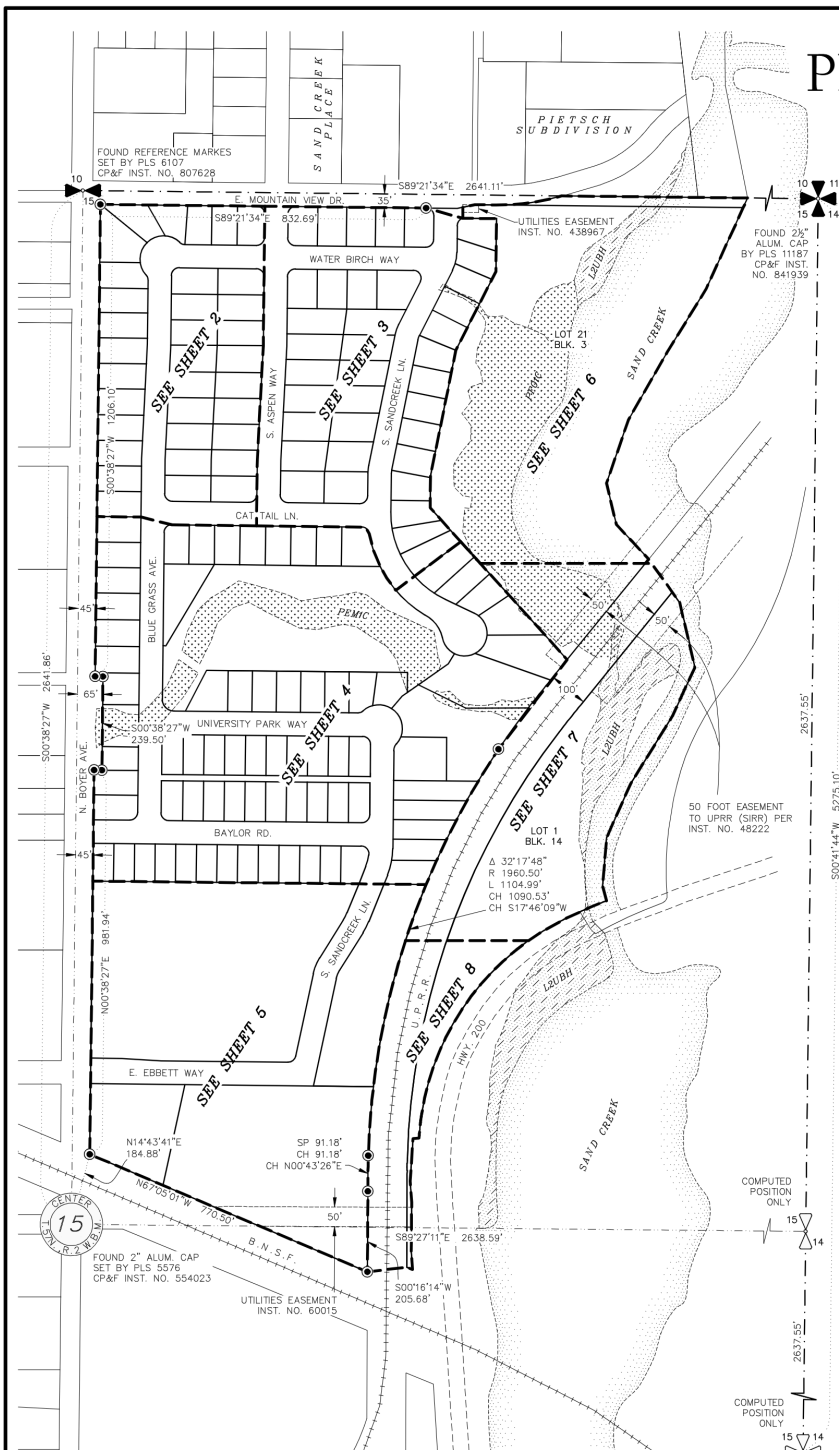
**EXHIBIT A**

**Preliminary Plat**

# PRELIMINARY PLAT

## UNIVERSITY PARK

LYING IN A PORTION OF THE E 1/2 OF SECTION 15,  
TOWNSHIP 57 NORTH, RANGE 2 WEST,  
BOISE MERIDIAN, CITY OF SANDPOINT,  
BONNER COUNTY, IDAHO



### DOCUMENTS AND EASEMENTS OF RECORD

THE FOLLOWING DOCUMENTS OF RECORD PER ALTA COMMITMENT FOR TITLE INSURANCE ISSUED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, FILE NO. 867698-5, DATED OCTOBER 8, 2019.

1. ANY CLAIM ARISING FROM THE DIFFERENCE IN THE MEAN HIGH WATER LINE OF SAND CREEK AND THE MEANDER LINE AS SHOWN BY THE ORIGINAL GOVERNMENT SURVEY.
2. RIGHT, TITLE AND INTEREST OF THE STATE OF IDAHO WITHIN THE NATURAL BED OF SAND CREEK BELOW THE ORDINARY HIGH WATER LINE, AND ALSO EXCEPTING ANY ARTIFICIAL ACCRETIONS WATERWARD OF SAID ORDINARY LOW WATER LINE.
3. EASEMENT FOR RIGHT OF WAY GRANTED TO BONNER COUNTY, INST. NO. 59086, BK. 42 OF DEEDS, PG. 617, NOT SHOWN HEREON.
4. A PERPETUAL RIGHT OF WAY AND EASEMENT TO OVERFLOW, FLOOD AND SUBMERSE A PORTION OF THE SUBJECT PROPERTY GRANTED TO THE U.S.A. BY JUDGMENT ON DECLARATION OF TAKING, BK.12 OF JUDGMENTS, PG. 96, 8/11/12952.
5. A RAILROAD EASEMENT GRANTED TO SPOKANE INTERNATIONAL RAILROAD COMPANY, INST. NO. 48222, BK. 20 OF MISC., PG. 536, 2/10/1954.
6. A UTILITIES EASEMENT, 25' ON EACH SIDE OF THE POWER LINE, GRANTED TO PACIFIC POWER AND LIGHT CO., INST. NO. 60015, BK. 23 OF MISC., PG. 431, 1/24/1957, AS SHOWN HEREON.
7. A UTILITIES EASEMENT GRANTED TO THE CITY OF SANDPOINT, IDAHO, INST. NO. 438967, 1/18/1994, AS SHOWN HEREON.
8. ALL MATTERS, CC&R's, EASEMENTS, ETC., AS DISCLOSED BY RECORD OF SURVEY, INST. NO. 513676, 11/6/1997.
9. A UTILITIES EASEMENT GRANTED TO MOUNTAIN STATES POWER CO., INST. NO. 517238, 1/12/1988, NOT SHOWN HEREON (BLANKET EASEMENT).
10. A UTILITIES EASEMENT GRANTED TO THE WASHINGTON WATER POWER COMPANY, INST. NO. 526964, 4/6/1998, AS SHOWN HEREON.
11. A RIGHT OF WAY EASEMENT (BOYER AVE) GRANTED TO CITY OF SANDPOINT, INST. NO. 656515, 8/6/2004, AS SHOWN HEREON.

### LEGEND

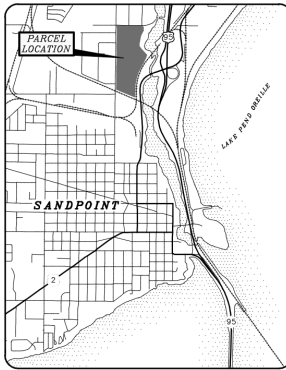
- SECTIONAL CORNER, AS NOTED.
- SET 5/8" X 24" REBAR AND CAP, PLS 6603
- SHEET BOUNDARY

### BASIS OF BEARING

THE BASIS OF BEARINGS FOR THIS SURVEY WAS ESTABLISHED BY GPS CONTROL COORDINATES DERIVED FROM NGS OPUS SOLUTIONS USING A REFERENCE FRAME OF NAD83 (2001)(EPOCH: 2010.000). ALL BEARINGS REFER TO THE IDAHO COORDINATE SYSTEM OF 1983, WEST ZONE, (1103) - US SURVEY FT REFER TO THE DRAWING FOR SPECIFIC LINE AND MONUMENTS USED.

DISTANCES SHOWN HAVE BEEN CONVERTED FROM GRID TO GROUND USING A COMBINED ADJUSTMENT FACTOR (CAF) OF 1.00012095. GEODETIC NORTH IS AN ANGULAR ROTATION OF -0'36"09" AT THE CENTER 1/4 CORNER OF SECTION 15.

### VICINITY MAP



### SURVEYOR'S NARRATIVE

.....

### GENERAL NOTES

- SOLID WASTE SHALL BE THE RESPONSIBILITY OF THE LOT OWNERS.
- WETLANDS ARE PRESENT ON THE SUBJECT PROPERTY AS DELINEATED BY TOM DUEBENDORFER, APRIL, 2020, AND LABELED HEREON. WETLANDS PER THE U.S. FISH & WILDLIFE WETLAND INVENTORY MAPPING TOOL ARE SHOWN APPROXIMATELY. WETLANDS ARE CATEGORIZED AS PEMIC, L2UBH, & PFOIC.
- THE PROPOSED LOTS ARE CATEGORIZED AS ZONE 'X', WITH PORTIONS OF THE OPEN SPACE AREA LOCATED IN THE FLOOD ZONE 'AE' ALONG SAND CREEK PER FEMA PANEL 16017C0716E, EFFECTIVE 11/18/2009.
- THE 10' WIDE UTILITIES EASEMENTS AS SHOWN (SEE SHEETS 2-5) ARE HEREBY GRANTED TO ALL UTILITY PROVIDERS OF THIS PLAT.

PREPARED FOR:  
TIM MCDONNELL  
SANDPOINT, ID 83864

PLACE RECORDING LABEL HERE

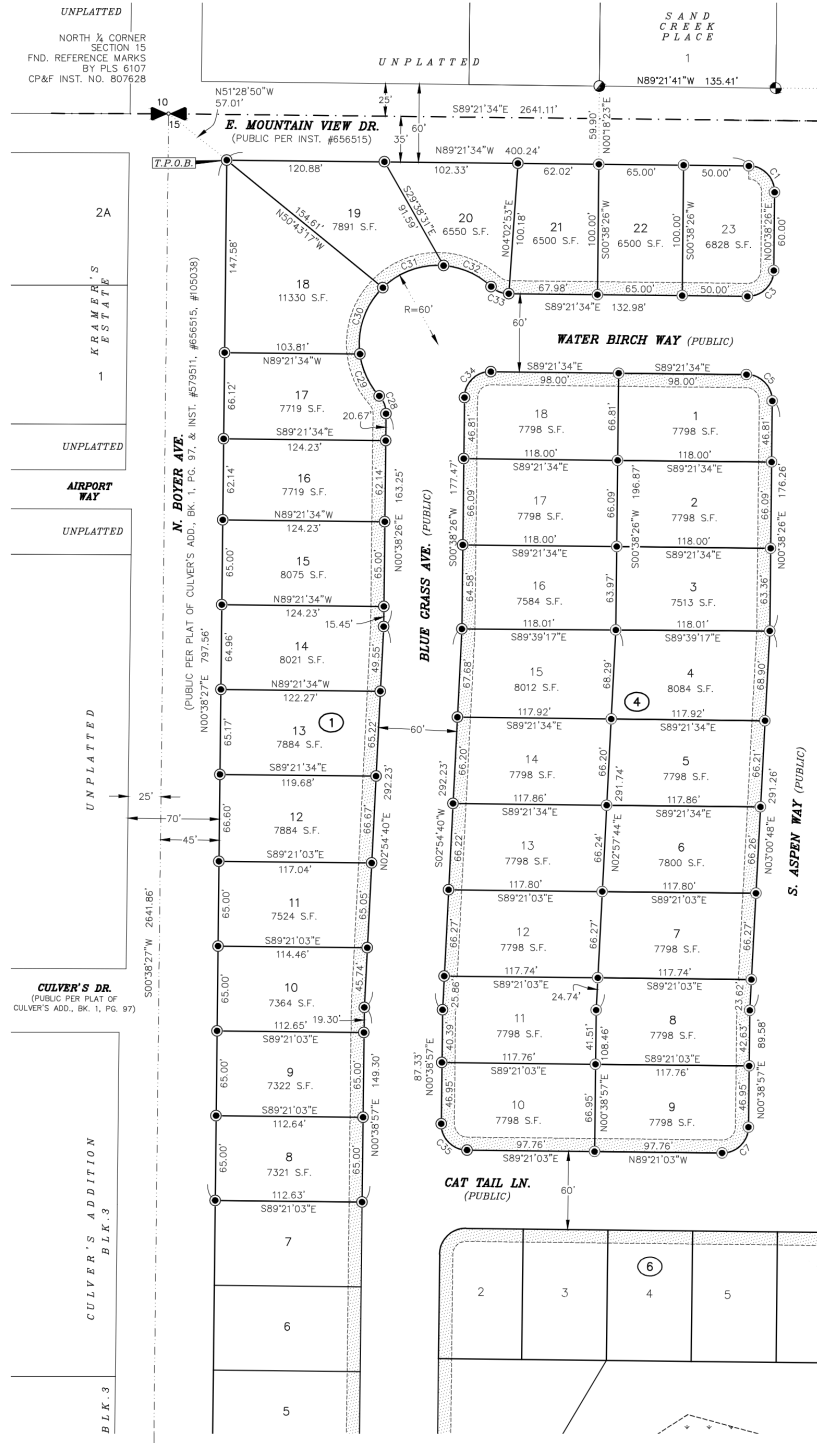


1/4	Section	Township	Range
	15	57 N	2 W
PROJECT # 19-120 MCDONNELL			
DRAWING NAME: 19-120 MCDONNELL PRELIM PLAT			

<b>PRELIMINARY PLAT</b> <b>UNIVERSITY PARK</b>	
GLAHE & ASSOCIATES PROFESSIONAL LAND SURVEYORS 303 Church Street Sandpoint, Idaho 83864 208-265-4474	
Scale: 1"=200'	Checked By: SLT
Drawn By: SWD	Plot Date: 5/8/2020
Sheet: 1 of 8	

# PRELIMINARY PLAT UNIVERSITY PARK

LYING IN A PORTION OF THE E 1/2 OF SECTION 15,  
TOWNSHIP 57 NORTH, RANGE 2 WEST,  
BOISE MERIDIAN, CITY OF SANDPOINT,  
BONNER COUNTY, IDAHO



### LEGEND

- SET 5/8" X 24" REBAR AND CAP, PLS 6603
- FOUND 5/8" REBAR AND CAP, PLS 6107
- FOUND 5/8" REBAR AND CAP, PLS 5713
- CALCULATED POINT, NOTHING SET
- BLOCK NUMBER (TYPICAL)
- 10' WIDE UTILITIES EASEMENT; SEE NOTE 'D', SHEET 1

### CURVE TABLE

CURVE	DELTA	RADIUS	ARC	CHORD	CHORD BEARING
C1	90.0000	20.00	31.42	28.28	N44°21'34"W
C2	90.0000	20.00	31.42	28.28	S45°38'26"W
C3	90.0000	20.00	31.42	28.28	N45°38'26"E
C4	90.0000	20.00	31.42	28.28	S44°21'34"E
C5	90.0000	20.00	31.42	28.28	N44°21'34"W
C6	90.0000	20.00	31.42	28.28	S45°38'26"W
C7	90.0000	20.00	31.42	28.28	N45°38'57"E
C8	90.0000	20.00	31.42	28.28	S44°21'03"E
C9	90.0000	20.00	31.42	28.28	N44°21'34"W
C10	62°19'36"	23.49	25.58	24.31	S35°17'18"W
C11	90.0000	20.00	31.42	28.28	N45°38'26"E
C12	119°44'42"	105.00	29.22	29.13	N36°44'42"E
C13	101°17'52"	105.00	48.10	47.68	N13°17'48"E
C14	28°14'54"	20.00	10.61	10.39	N31°11'42"W
C15	118°19'43"	20.00	16.34	16.33	S38°57'44"W
C16	15°47'36"	105.03	28.95	28.86	S19°04'21"W
C17	15°27'52"	45.00	12.15	12.11	S19°09'14"W
C18	15°27'52"	105.00	16.34	16.33	S38°57'44"W
C19	15°11'33"	45.00	3.40	3.40	S01°34'34"W
C20	10°46'21"	105.00	19.74	19.71	S06°07'08"W
C21	10°46'21"	45.00	4.46	4.45	S06°07'08"W
C22	90.0000	20.00	31.42	28.28	N45°38'57"E
C23	94°28'52"	245.00	41.99	41.92	S04°15'28"E
C24	39°47'46"	20.00	17.74	29.27	N49°37'05"W
C25	16°39'59"	305.00	88.72	88.41	S18°13'06"E
C26	16°16'51"	245.00	69.60	69.36	S17°18'28"E
C27	13°38'45"	245.00	69.67	69.37	S17°18'28"E
C28	42°31'08"	20.00	14.84	14.50	N20°37'08"W
C29	14°15'48"	20.00	16.34	16.33	S44°21'47"E
C30	5°31'51"	60.00	25.58	25.33	S19°00'46"W
C31	48°42'05"	60.00	51.00	49.48	S69°59'29"W
C32	38°49'03"	60.00	40.63	39.88	N66°14'58"E
C33	42°31'08"	20.00	14.84	14.50	S68°06'00"E
C34	90.0000	20.00	31.42	28.28	S45°38'26"W
C35	90.0000	20.00	31.42	28.28	S44°21'03"E
C36	90.0000	20.00	31.42	28.28	S45°38'57"E
C37	32°05'24"	305.00	170.82	168.60	S42°35'47"E
C38	49°52'07"	87.01	75.73	73.36	N38°03'18"W
C39	53°09'30"	57.47	43.96	51.43	S36°42'15"E
C40	55°01'10"	57.47	45.50	53.09	N89°12'25"E
C41	37°39'44"	57.47	57.84	49.43	N32°51'28"E
C42	56°40'11"	57.47	56.84	54.55	N24°18'00"W
C43	11°42'29"	57.47	11.74	11.72	N58°29'20"W
C44	743.01'	245.00	33.00	28.22	S25°29'16"W
C45	15°34'48"	245.00	66.62	66.42	S48°53'55"E
C46	90°03'23"	30.00	47.15	42.45	S44°22'44"E
C47	89°58'33"	20.00	31.42	28.22	S45°38'16"W
C48	89°58'33"	20.00	31.42	28.27	N45°37'16"E
C49	90°03'23"	20.00	31.44	28.30	S44°22'44"E
C50	90.0000	20.00	31.42	28.28	S44°21'34"W
C51	90.0000	20.00	31.42	28.28	N45°35'35"E
C52	42°32'18"	20.00	14.85	14.51	N69°19'26"E
C53	26°11'45"	60.00	27.86	27.70	S61°19'02"W
C54	47°44'47"	60.00	50.00	48.57	N81°22'34"W
C55	19°11'52"	60.00	20.10	20.01	N47°54'14"W
C56	59°28'26"	60.00	67.25	59.49	N08°35'06"W
C57	19°51'33"	60.00	20.80	20.69	N31°03'54"E
C58	40°24'06"	28.28	19.94	19.53	S20°47'38"W
C59	97°40'50"	20.00	34.10	30.12	N05°09'00"W
C60	12°39'39"	126.04	27.85	27.80	N14°37'40"E
C61	05°13'36"	141.17	2.12	2.12	S21°54'21"W
C62	70°56'54"	185.00	29.44	29.40	N05°09'00"W
C63	12°18'05"	185.00	39.72	39.64	N15°51'37"E
C64	34°7'48"	1960.73	129.91	129.90	S35°48'28"W
C65	74°01'19"	1960.50	67.12	94.12	S22°21'55"W
C66	140°53'	1960.50	57.53	57.53	S30°14'17"W
C67	139°11'	1960.50	56.62	56.62	S28°34'12"W
C68	137°50'	1960.50	55.79	55.78	S26°54'39"W
C69	144°04'	1960.50	59.35	59.35	S25°14'42"W
C70	196°42'	1960.50	66.56	66.55	S23°24'19"W
C71	283°35'	20.00	27.45	29.35	N51°19'09"E
C72	200°21'5"	125.00	43.72	43.49	S22°00'59"W
C73	100°12'8"	125.00	21.87	21.84	N27°01'25"E
C74	190°21'8"	165.00	32.17	32.33	N27°01'25"E
C75	200°21'5"	65.00	22.73	22.62	S22°00'59"W
C76	15°38'57"	1960.50	535.47	533.91	S14°36'29"W
C77	309°46'	1960.50	176.68	176.60	S04°12'08"W

PLACE RECORDING LABEL HERE

PREPARED FOR:  
T.M. McDONNELL  
SANDPOINT, ID 83864

FOUND 2" ALUM. CAP  
SET BY PLS 5576  
CP&F INST. NO. 554023



1/4 Section	57 N Township	2 W Range
PROJECT # 19-120 McDONNELL	DRAWING NAME: 19-120 McDONNELL PRELIM PLAT	

PRELIMINARY PLAT  
UNIVERSITY PARK

GLAHE & ASSOCIATES  
PROFESSIONAL LAND SURVEYORS  
303 Church Street  
Sandpoint, Idaho 83864  
208-265-4474

Scale: 1"=60'

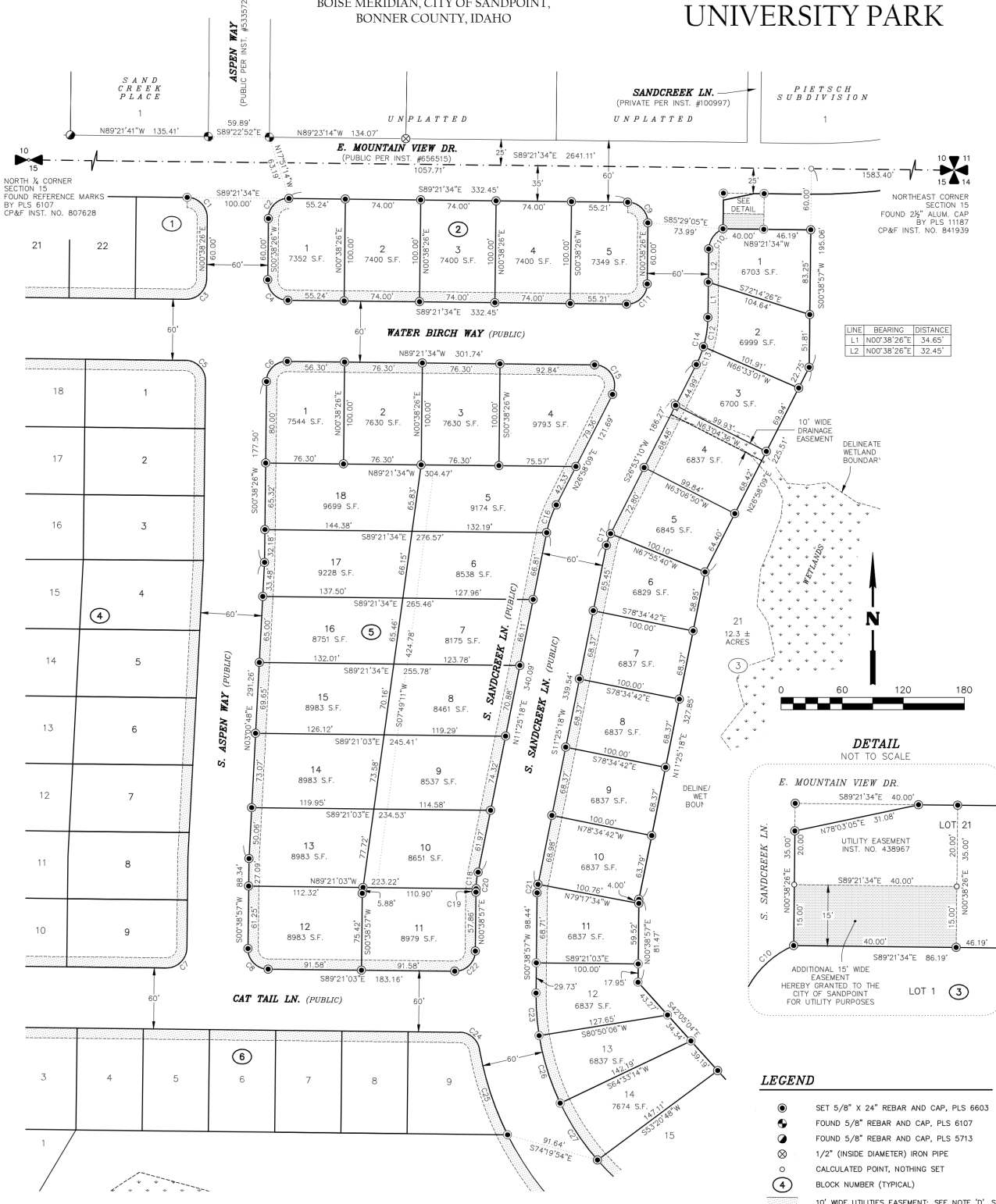
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Drawn By: SWD

Plot Date: 5/8/2020  
Sheet: 2 of 8

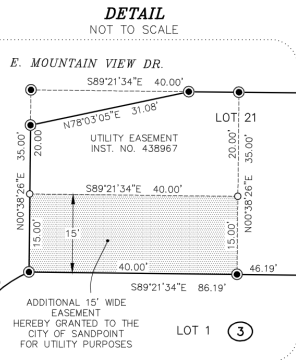


LYING IN A PORTION OF THE E 1/2 OF SECTION 15,  
TOWNSHIP 57 NORTH, RANGE 2 WEST,  
BOISE MERIDIAN, CITY OF SANDPOINT,  
BONNER COUNTY, IDAHO

# PRELIMINARY PLAT UNIVERSITY PARK



LINE	BEARING	DISTANCE
L1	N00°38'26"E	34.65'
L2	N00°38'26"E	32.45'



- LEGEND**
- SET 5/8" X 24" REBAR AND CAP, PLS 6603
  - FOUND 5/8" REBAR AND CAP, PLS 6107
  - FOUND 5/8" REBAR AND CAP, PLS 5713
  - ⊗ 1/2" (INSIDE DIAMETER) IRON PIPE
  - CALCULATED POINT, NOTHING SET
  - ④ BLOCK NUMBER (TYPICAL)
  - 10' WIDE UTILITIES EASEMENT; SEE NOTE 'D', SHEET 1

PREPARED FOR:  
TIM MCDONNELL  
SANDPOINT, ID 83864

PLACE RECORDING LABEL HERE



1/4	Section	Township	Range	MONTANA	IDAHO
	15	57 N	2 W	OREGON	WASHINGTON
PROJECT # 19-120 MCDONNELL					
DRAWING NAME: 19-120 MCDONNELL PRELIM PLAT					

**PRELIMINARY PLAT  
UNIVERSITY PARK**

GLAHE & ASSOCIATES  
PROFESSIONAL LAND SURVEYORS  
303 Church Street  
Sandpoint, Idaho 83864  
208-265-4474

Scale: 1"=60'  
Checked By: SLT  
Drawn By: SWD  
Plot Date: 5/8/2020  
Sheet: 3 of 8



# PRELIMINARY PLAT UNIVERSITY PARK

LYING IN A PORTION OF THE E 1/2 OF SECTION 15,  
TOWNSHIP 57 NORTH, RANGE 2 WEST,  
BOISE MERIDIAN, CITY OF SANDPOINT,  
BONNER COUNTY, IDAHO

NORTH 1/4 CORNER  
SECTION 15  
FOUND REFERENCE MARKS  
BY PLS 6107  
CP&F INST. NO. 807628



**PRELIMINARY PLAT  
UNIVERSITY PARK**

**GLAHE & ASSOCIATES**  
PROFESSIONAL LAND SURVEYORS  
303 Church Street  
Sandpoint, Idaho 83864  
208-265-4474

Scale: 1"=60'  
Checked By: SLT Drawn By: SWO  
Plot Date: 5/8/2020 Sheet: 5 of 8

1/4	Section	Township	Range
	15	57 N	2 W

PROJECT # 19-120 McDONNELL  
DRAWING NAME: 19-120 McDONNELL PRELIM PLAT

- LEGEND**
- SET 5/8" X 24" REBAR AND CAP, PLS 6603
  - ④ BLOCK NUMBER (TYPICAL)
  - 10' WIDE UTILITIES EASEMENT; SEE NOTE 'D', SHEET 1



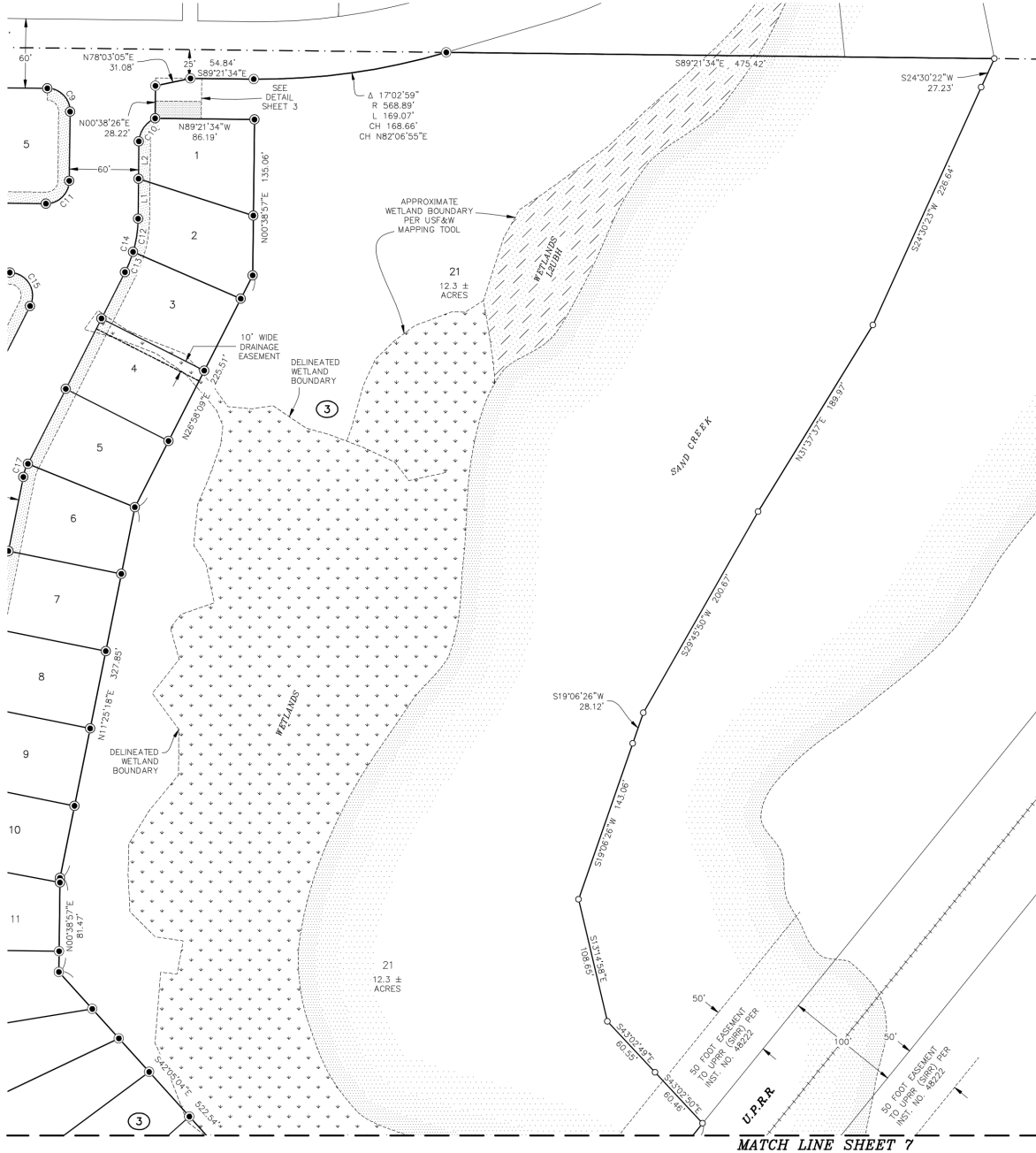
PLACE RECORDING LABEL HERE

PREPARED FOR:  
TIM McDONNELL  
SANDPOINT, ID 83864

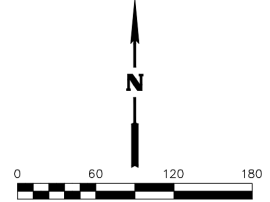
EAST 1/4 CORNER  
SECTION 15,  
COMPUTED  
POSITION  
ONLY

LYING IN A PORTION OF THE E 1/2 OF SECTION 15,  
 TOWNSHIP 57 NORTH, RANGE 2 WEST,  
 BOISE MERIDIAN, CITY OF SANDPOINT,  
 BONNER COUNTY, IDAHO

# PRELIMINARY PLAT UNIVERSITY PARK



- LEGEND**
- SET 5/8" X 24" REBAR AND CAP, PLS 6603
  - CALCULATED POINT, NOTHING SET
  - ④ BLOCK NUMBER (TYPICAL)
  - 10' WIDE UTILITIES EASEMENT; SEE NOTE 'D', SHEET 1



PLACE RECORDING LABEL HERE



1/4	SECTION	TOWNSHIP	RANGE	MONTANA	IDAHO
	15	57 N	2 W		
PROJECT # 19-120 McDONNELL DRAWING NAME: 19-120 McDONNELL, PRELIM PLAT					

PRELIMINARY PLAT  
 UNIVERSITY PARK

GLAHE & ASSOCIATES  
 PROFESSIONAL LAND SURVEYORS  
 303 Church Street  
 Sandpoint, Idaho 83864  
 208-265-4474

Scale: **1" = 60'**

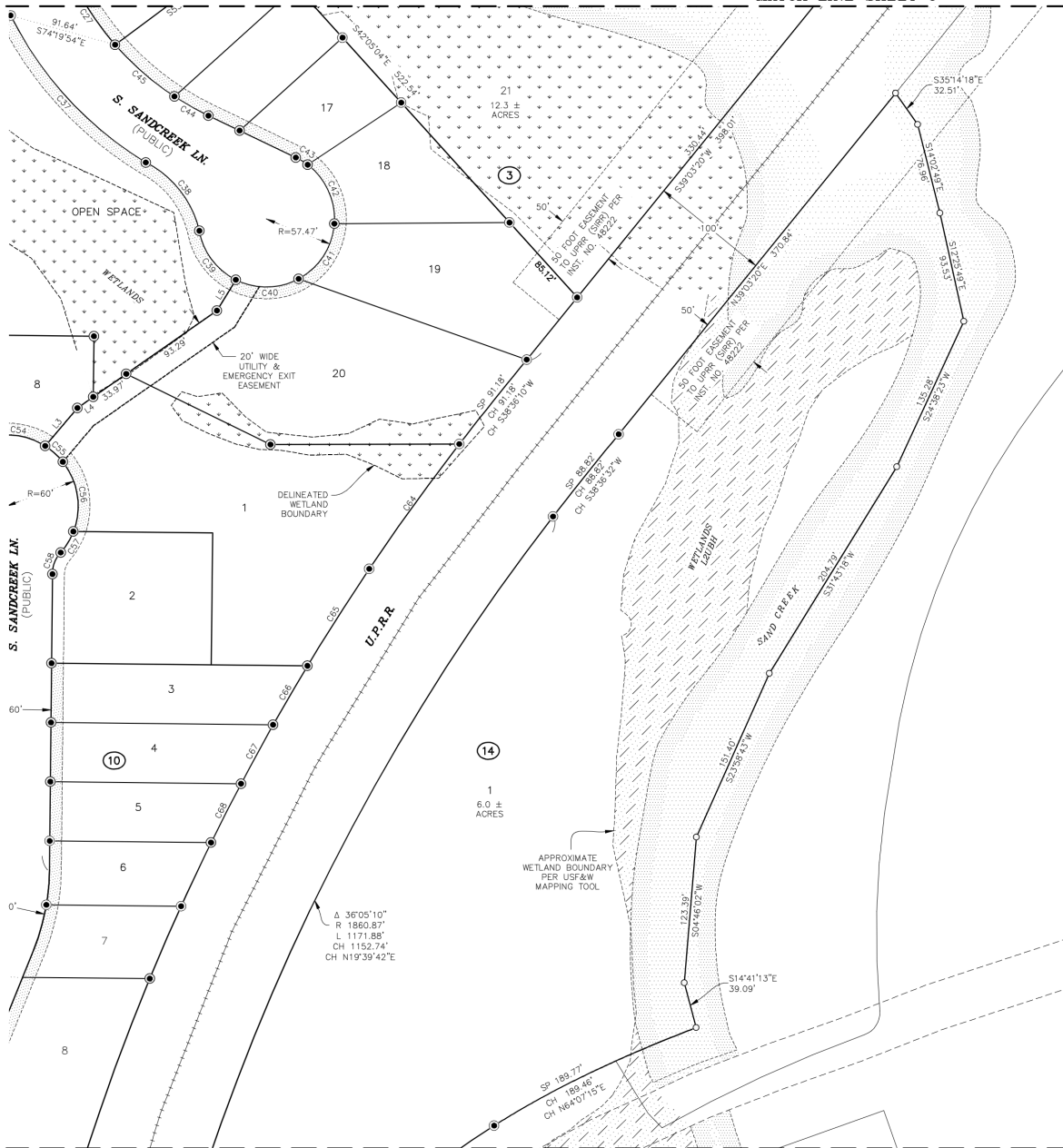
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 Plot Date: 5/8/2020      Sheet: 6 of 8

PREPARED FOR:  
 TIM McDONNELL  
 SANDPOINT, ID 83864

LYING IN A PORTION OF THE E 1/2 OF SECTION 15,  
TOWNSHIP 57 NORTH, RANGE 2 WEST,  
BOISE MERIDIAN, CITY OF SANDPOINT,  
BONNER COUNTY, IDAHO

# PRELIMINARY PLAT UNIVERSITY PARK

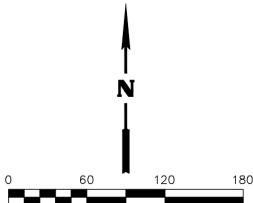
MATCH LINE SHEET 6



MATCH LINE SHEET 8

### LEGEND

- SET 5/8" X 24" REBAR AND CAP, PLS 6603
- CALCULATED POINT, NOTHING SET
- ④ BLOCK NUMBER (TYPICAL)
- 10' WIDE UTILITIES EASEMENT; SEE NOTE 'D', SHEET 1



PLACE RECORDING LABEL HERE



1/4	Section	Township	Range	MONTANA	IDAHO
	15	57 N	2 W	ORIGON	WASHINGTON
PROJECT # 19-120 McDONNELL					
DRAWING NAME: 19-120 McDONNELL PRELIM PLAT					

PRELIMINARY PLAT  
UNIVERSITY PARK

GLAHE & ASSOCIATES  
PROFESSIONAL LAND SURVEYORS  
303 Church Street  
Sandpoint, Idaho 83864  
208-265-4474

Scale: 1"=60'

Checked By: SLT  
Drawn By: SWD

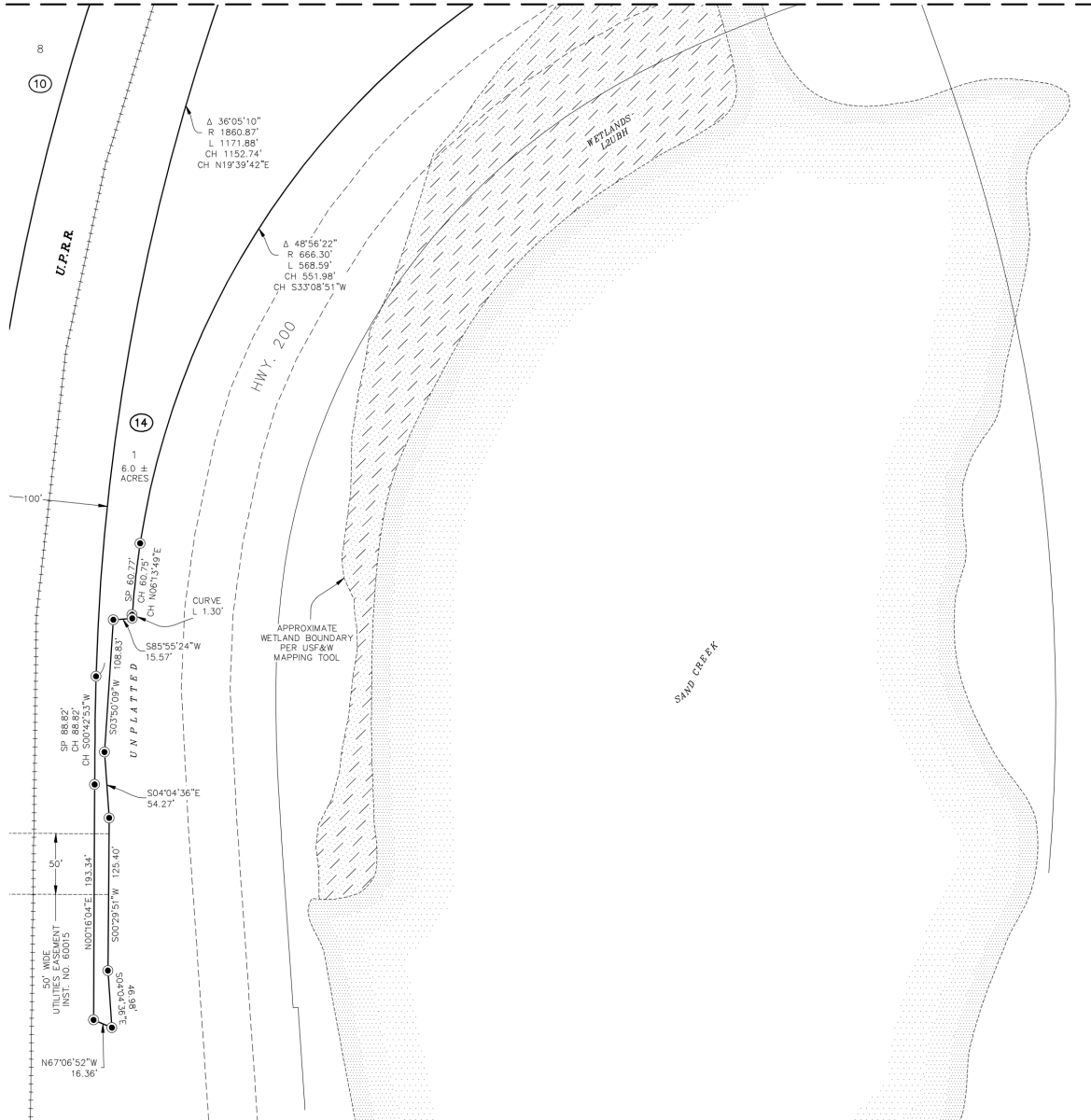
Plot Date: 5/8/2020  
Sheet: 7 of 8

PREPARED FOR:  
TIM McDONNELL  
SANDPOINT, ID 83864

LYING IN A PORTION OF THE E 1/2 OF SECTION 15,  
TOWNSHIP 57 NORTH, RANGE 2 WEST,  
BOISE MERIDIAN, CITY OF SANDPOINT,  
BONNER COUNTY, IDAHO

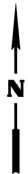
# PRELIMINARY PLAT UNIVERSITY PARK

MATCH LINE SHEET 7



**LEGEND**

- SET 5/8" X 24" REBAR AND CAP, PLS 6603
- CALCULATED POINT, NOTHING SET
- ④ BLOCK NUMBER (TYPICAL)
- ▬ 10' WIDE UTILITIES EASEMENT; SEE NOTE 'D', SHEET 1



PLACE RECORDING LABEL HERE



1/4	Section	Township	Range	MONTANA	IDAHO
	15	57 N	2 W	OREGON	WASHINGTON
PROJECT # 19-120 McDONNELL					
DRAWING NAME: 19-120 McDONNELL, PRELIM PLAT					

PRELIMINARY PLAT  
UNIVERSITY PARK

GLAHE & ASSOCIATES  
PROFESSIONAL LAND SURVEYORS  
303 Church Street  
Sandpoint, Idaho 83864  
208-265-4474

Scale: 1"=60'

Checked By: SLT	Drawn By: SWO
Plot Date: 5/8/2020	Sheet: 8 of 8

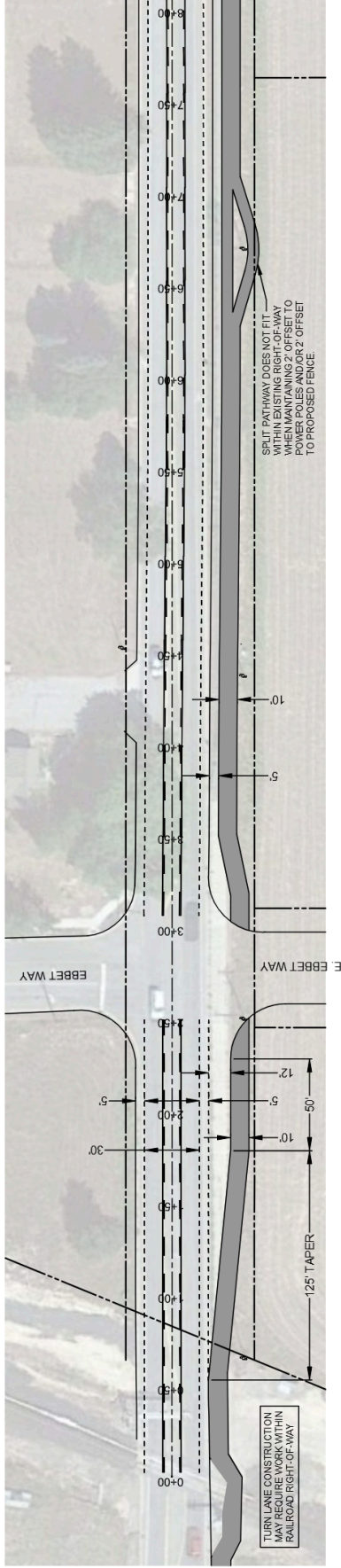
PREPARED FOR:  
TIM McDONNELL  
SANDPOINT, ID 83864

**EXHIBIT B**

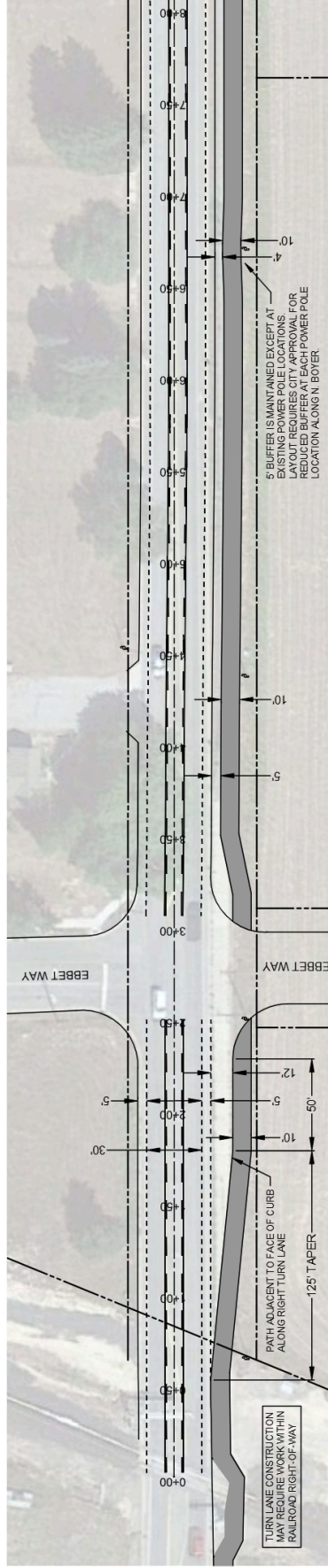
**Concept Plan / Section Views  
North Boyer Avenue**

# N. BOYER AVE

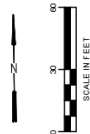
## POTENTIAL BOYER CONFIGURATIONS



OPTION 1  
STA. 0+00 TO 8+00



OPTION 2  
STA. 0+00 TO 8+00



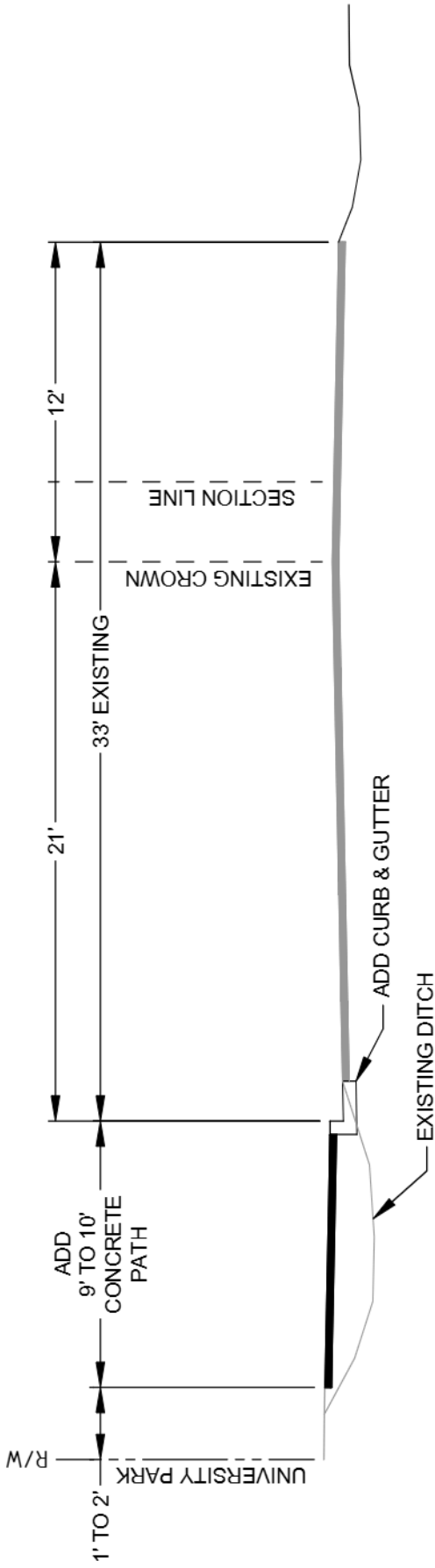
**NOT FOR CONSTRUCTION**

<p><b>REUSE OF DOCUMENTS</b></p> <p>THIS DRAWING AND THE DESIGNS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, ARE THE PROPERTY OF CENTURY WEST ENGINEERING. THEY ARE NOT TO BE REPRODUCED, COPIED, REUSED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF CENTURY WEST ENGINEERING CORPORATION.</p> <p>© CENTURY WEST ENGINEERING CORPORATION</p>	<p>VERIFY SCALES</p> <p>BEFORE ONE INCH ON ORIGINAL DRAWING. IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.</p>	<p>NO.   DATE   BY   APPR.</p>	<p>REVISIONS</p>	<p>DESIGNED BY: IJL/ABR</p> <p>DRAWN BY: ABB</p> <p>CHECKED BY: RLL</p> <p>SCALE: AS SHOWN</p>	<p>UNIVERSITY PARK N. BOYER AVE</p>	<p>DRAWING NO.</p>
				<p>DATE: 10-27-20</p> <p>PROJECT NO.: 58111001.01</p>	<p>POTENTIAL BOYER CONFIGURATIONS</p>	<p>SHEET NO. 1 OF 1</p>



**EXHIBIT C**

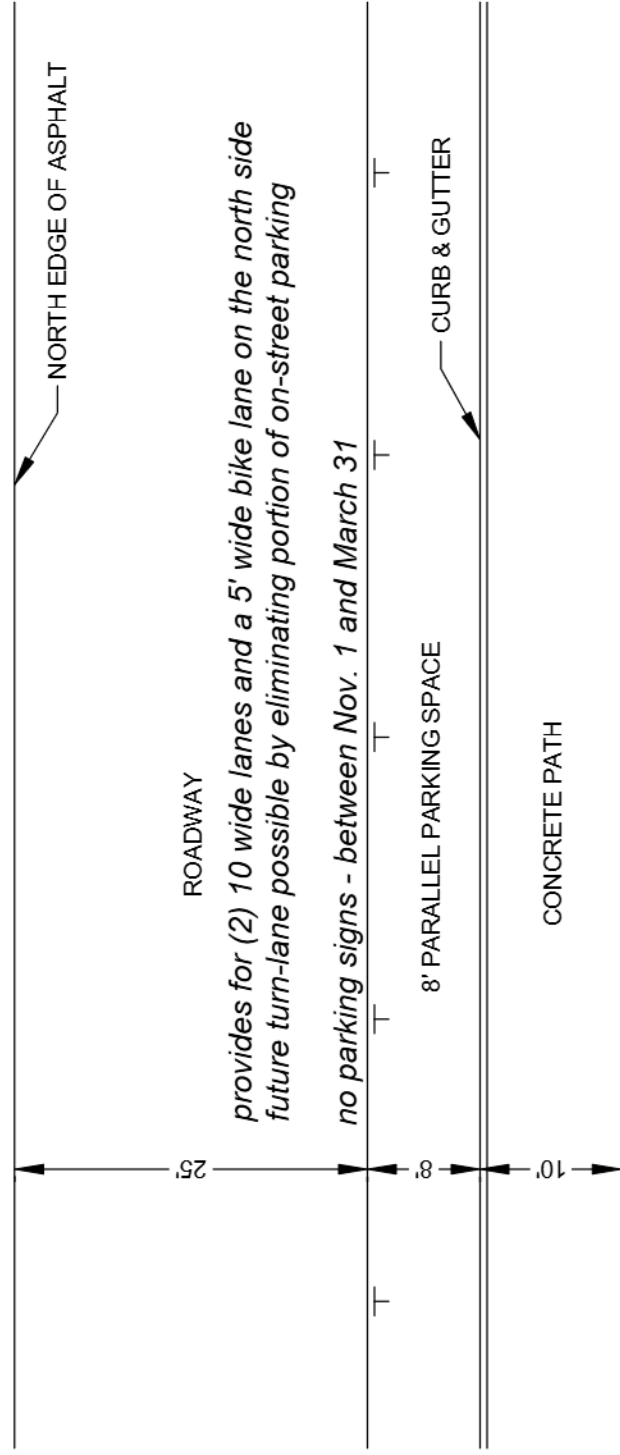
**Concept Plan / Section Views  
Mountain View Drive**



**E. MOUNTAIN VIEW DR. - PROPOSED FRONTAGE IMPROVEMENTS**

N.T.S.

(between N. Boyer Ave and Sandcreek Lane)



*provides for (2) 10 wide lanes and a 5' wide bike lane on the north side future turn-lane possible by eliminating portion of on-street parking*

**E. MOUNTAIN VIEW DR. - PROPOSED LANE WIDTHS**

N.T.S.

**City Council Attachment - 4**  
**Letter of Intent from Kaniksu Land Trust**



September 10, 2020

Jeremy Grimm  
Whiskey Rock Planning & Consulting  
Sandpoint, ID 83864

**Re: Letter of Intent for Dedication of Land**

Dear Jeremy:

Kaniksu Land Trust (KLT) is pleased to have the opportunity to assist your clients with the thoughtful dedication of land associated with the newly planned University Park subdivision. This dedication will serve the community by providing public access to open space that is of historical significance to our community while simultaneously ensuring protection of ecologically important riparian areas adjacent Sand Creek.

This Letter of Intent (LOI) outlines the process of a fee title dedication including the landowner's responsibilities and KLT's role. While this letter expresses the general intent to proceed with a dedication of land, it does not create a binding obligation on the part of either your clients or KLT. Please read this letter, review it with your clients, and contact us if you have questions or revisions. If this letter is acceptable, please sign and return it to KLT. **KLT will not move forward with receiving this dedication of land until you have indicated that you wish to proceed by signing a Letter of Intent.**

Guidelines for Future Management

Guidelines and expectations for future management are summarized in Exhibit A. Exhibit A is, at present, only a draft of such expectations but is mutually agreed upon to represent the general intent of this dedication.

Survey

Prior to accepting a dedication of land, KLT must be able to locate all property boundaries. It is our understanding that recent surveys have already established such. Additional survey work may be necessary to locate a potential future access easement to the waterfront.

Appraisal

To claim a charitable donation deduction on your federal income taxes, the Internal Revenue Code requires a qualified appraisal for gifts of property valued at more than \$5000. If you wish to claim a charitable donation, it is the responsibility of you and/or your professional advisors to retain a qualified appraiser. We will corroborate with your tax preparer to provide the best possible information and will request a copy of the final appraisal prior to signing IRS Form 8283.

Stewardship Fund Donation

KLT respectfully requests that you contribute to our Stewardship Fund. In accepting this dedication of land, KLT takes on the perpetual responsibility of ownership and management and the burden of associated costs. KLT has established a restricted Stewardship Fund to ensure that the organization has the resources to support these requirements in perpetuity, and we commit to setting aside restricted funds to support each project that we accept. This particular project may necessitate a stewardship fund of up to \$50,000 due to the high degree of public use. KLT requests an initial contribution of \$20,000 with the expectation that there may be a need for future fundraising endeavors to sustain the property and that Grantor will make reasonable efforts to support such fundraising.

Legal and Tax Advice

KLT does not provide tax, legal, real estate or other professional services or advice. We recommend that you consult with your financial and /or legal advisor before finalizing this dedication of land. Your financial advisor will also be able to advise you as to whether a stewardship fund donation and other expenses you incur in connection with the project are tax deductible.

---

On behalf of Kaniksu Land Trust, I am extremely grateful for your commitment to serve the community and pay tribute to the history of the University Park site by considering a dedication of land to KLT. I appreciate your patience as we work through this complex process, and look forward to a continued relationship with you and your associates.

Sincerely,



Regan Plumb  
Conservation Director, KLT

## **EXHIBIT A - Draft of Future Management Terms**

**Landowners:** K-M Enterprises of Idaho LLC and M & W Holdings LLC

**Property Location:** Boyer Avenue, Sandpoint

**Acreage:** 15 acres±

### **Conservation values:**

The purpose of this dedication is to ensure that the property will be retained forever as open space and undeveloped land, to provide relatively natural habitat and water quality, and to support public access to natural spaces and trail connectivity within our larger community.

### **Summary of Terms**

1. Non-motorized public use of the dedicated land will be permitted during established hours.
2. Grantee will have the right to develop and maintain trails, interpretive areas, parks, or gardens for public use, enjoyment, and education and may conduct associated programs.
3. No trails will be developed within 20' of Lots 1-20 in Block 3 of the University Park Subdivision and Plat thereof.
4. Any and all trail names will be selected in coordination with Grantors.
5. University Park will delineate and maintain a private access easement to Sand Creek for the use of its residents.
6. Grantee will support the establishment and maintenance of view corridors for residential lots overlooking Sand Creek through a Forest Management Plan.
7. Grantee may pursue an additional trail easement through commercial property located east of the RR.
8. KLT may consider assuming management of the pond and associated pump contingent upon board approval and organizational capacity.

**EXHIBIT B - Signatures**

Please return one signed copy to Kaniksu Land Trust, PO Box 2123, Sandpoint, ID 83864

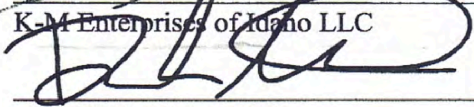
**GRANTOR:**

For the Landowners

I understand that this Letter of Intent is not a contract. However, it is our intent to grant some portion of the University Park subdivision to Kaniksu Land Trust through a dedication of land. We have read and understand the concepts in this Letter of Intent and are generally in agreement with the draft guidelines as detailed in Exhibit A.

  
K-M Enterprises of Idaho LLC

9/11/20  
Date

  
M & W Holdings LLC

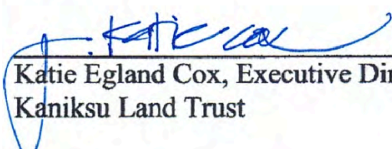
**9/10/20**

Date

**GRANTEE:**

For Kaniksu Land Trust

We acknowledge that the process for dedication of land can be complex and that the draft language found in Exhibit A may change. Therefore, KLT's Board of Directors has final authority to accept a dedication of land on behalf of KLT. By signing below, KLT is committing to working with the landowners to develop an agreement regarding this dedication of land that is amenable to all parties involved.

  
Katie Egland Cox, Executive Director  
Kaniksu Land Trust

9/14/20  
Date

**City Council Attachment - 5**  
**Planning & Zoning Commission Minutes from**  
**9/15/20 Public Hearing and 10/6/20 Decision**





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**DRAFT**

**PLANNING & ZONING COMMISSION**

**MINUTES**

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**1. CALL TO ORDER**

The meeting was called to order at 5:30 p.m. by Chairman Tom Riggs, presiding in Council chambers at Sandpoint City Hall, 1123 W. Lake St., Sandpoint, Idaho.

**2. ROLL CALL**

Present: Commissioners Riggs, Slate Kamp, Cate Huisman, Forrest Schuck\*, Jason Welker, and Mose Dunkel. Commissioners Huisman and Schuck participated remotely. The remainder of the Commissioners present participated in person in Council chambers. \*Commissioner Schuck joined the meeting late at 5:33 p.m.

Absent: Commissioner Hastings

**3. ANNOUNCEMENTS AND GENERAL PUBLIC COMMENTS**

There was a brief announcement from City staff.

**4. MEETING MINUTES APPROVAL**

Item Number:	4A	September 15, 2020, Regular Meeting
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Motion to approve the September 15, 2020, Meeting Minutes as prepared and presented.

Result:	Passed
Moved by:	Huisman
Seconded by:	Welker
Voted Yes:	Riggs, Huisman, Kamp, Welker, Dunkel
Voted No:	
Abstained:	
Absent:	Schuck, Hastings

Item Number:	4B	September 22, 2020, Special Meeting
--------------	----	-------------------------------------

Motion to approve the September 22, 2020, Meeting Minutes as prepared and presented.

Result:	Passed
Moved by:	Welker
Seconded by:	Huisman
Voted Yes:	Riggs, Huisman, Kamp, Schuck, Welker, Dunkel
Voted No:	
Abstained:	
Absent:	Hastings

**5. OLD BUSINESS**

Item Number:	5A	DELIBERATION AND DECISION
Topic:	University Park Subdivision Preliminary Approval (PS20-0003)	

Chairman Riggs announced that the final item on the agenda was continued deliberation and a decision regarding a recommendation for preliminary approval of the University Park Subdivision, with a reminder that the Commission would not be the ultimate decision-maker on approval or denial of the application but will make a recommendation to City Council, with a motion and vote to either approve, approve with conditions, or deny the application as a recommendation to Council. He also reminded that the Planning and Zoning public hearing on this matter was held and subsequently closed on September 15, with no additional public comment and no new information allowed. He also reported that, due to possible conflict of interest, Commissioner Schuck recused himself, abstaining from any deliberation and vote related to this matter. During deliberation at the September 15 meeting, the Commission voted to table this matter.

Motion to take this item from the table.

Result:	Passed
Moved by:	Huisman
Seconded by:	Kamp
Voted Yes:	Riggs, Huisman, Kamp, Welker, Dunkel
Voted No:	
Abstained:	Shuck
Absent:	Hastings

Commissioners continued their deliberation, with questions fielded by City staff.

Motion that the Sandpoint Planning and Zoning Commission, after consideration of the criteria and relevant standards of Idaho Code and Sandpoint City Code, recommend that City Council deny the request by Tim McDonnell K-M Enterprises of Idaho, LLC, and Derek Mulgrew M & W Holdings, LLC, for the University Park 152-lot proposed subdivision located at 1904 N. Boyer Ave., with parcel ID numbers of RPS00000150751A & RPS00000151250A, and bounded by E. Mountain View Dr. to the north, N. Boyer Ave. to the west, Sand Creek and Fifth Ave. to the east, and BNSF Railway tracks to the south. Based on evidence, records, and testimony, the reasons for denying this request are:

1. Staff has followed the notice procedures applicable to subdivisions contained in Sandpoint City Code Title 9, Chapter 9.
2. Based on information presented at the hearing, the application is not in compliance with the subdivision and zoning requirements of City Code per the justifications listed below.
  - a. Excessive block length (prohibited by City Code 10-1-6-A-5).
  - b. Double frontage lots in Block 1 (prohibited, with exceptions, by City Code 10-1-6-A-7).
  - c. Street arrangement (requirements provided in City Code 10-1-6-A-6)\*.
3. The proposed subdivision is not consistent with the overall planning goals and objectives outlined in the Sandpoint Comprehensive Plan.

Result:	Passed
Moved by:	Kamp
Seconded by:	Dunkel
Voted Yes:	Riggs, Huisman, Kamp, Welker, Dunkel
Voted No:	
Abstained:	Shuck
Absent:	Hastings

## 6. NEW BUSINESS

No new business.

## 7. ADJOURN

Chairman Riggs adjourned the meeting at 6:22 p.m.

I presided over this meeting and can confirm that these minutes, prepared by the City Clerk, were approved by the Planning and Zoning Commission on \_\_\_\_\_.

\_\_\_\_\_  
Tom Riggs, Chairman

Attest: \_\_\_\_\_

\_\_\_\_\_  
Melissa Ward, City Clerk

*\*This condition was requested by Commissioner Huisman, with agreement from Commissioner Kamp, who made the motion, and Commissioner Dunkel, who seconded the motion, to add this condition to the main motion without the need for a motion to amend.*



**FINAL / APPROVED**

**PLANNING & ZONING COMMISSION**

**MINUTES**

**1. CALL TO ORDER**

The meeting was called to order at 5:30 p.m. by Chairman Tom Riggs, participating remotely.

**2. ROLL CALL**

Present: Commissioners Riggs, Slate Kamp, Cate Huisman, Forrest Schuck, John Hastings, Jason Welker, Mose Dunkel  
Chairman Riggs and Commissioners Huisman and Schuck participated remotely. The remainder of the Commissioners were present in Council chambers at Sandpoint City Hall, 1123 W. Lake St., Sandpoint, Idaho.

Absent: none – all present

**3. ANNOUNCEMENTS AND GENERAL PUBLIC COMMENTS**

There were no announcements from the Commissioners and no general comments from the public.

**4. MEETING MINUTES APPROVAL**

Item Number:	4A
Topic:	Minutes from July 7, 2020, Regular Meeting

Motion to approve the July 7, 2020, Meeting Minutes as prepared and presented.

Result:	Passed
Moved by:	Schuck
Seconded by:	Hastings
Voted Yes:	Riggs, Huisman, Schuck, Kamp, Hastings, Welker, Dunkel
Voted No:	
Abstained:	
Absent:	

**5. OLD BUSINESS**

No old business.

**6. NEW BUSINESS**

Item Number:	6A PUBLIC HEARING AND DELIBERATION
Topic:	University Park Subdivision Preliminary Approval (PS20-0003)

Chairman Riggs announced that this public hearing had been scheduled for the purpose of taking public testimony prior to the Commission making a decision on the preliminary approval of the University Park Subdivision, proposed for development on two parcels, totaling approximately 75 acres, bounded by East Mountain View Drive to the north, North Boyer Avenue to the west, Sand Creek and Fifth Avenue to the east, and BNSF Railway tracks to the south, noting that the Notice of Public Hearing was published in the Bonner County Daily Bee on August 22, 2020.

Chairman Riggs outlined the order and procedure for the public hearing.

With the exception of Commissioner Schuck, Commissioners confirmed they had no ex parte contact or conflict of interest as pertains to this application. Commissioner Schuck stated that he has the potential to benefit financially if the application is approved. Under the advice of City legal counsel Fonda Jovick, Commissioner Schuck recused himself entirely from these proceedings.

Planning and Community Development Director Aaron Qualls provided an explanation of the application. City staff, along with City consultants Phil Kushlan of Kushlan and Associates and Preston Stinger of Fehr & Peers, fielded questions from the Commissioners.

Jeremy Grimm of Whiskey Rock Planning + Consulting, representative for the Applicants, Tim McDonnell K-M Enterprises of Idaho, LLC, and Derek Mulgrew, M & W Holdings, LLC, provided a presentation. Mr. Grimm, along with City staff and the City's consultants, fielded questions from the Commissioners. Katie Eglund Cox, Executive Director of Kaniksu Land Trust, also contributed to the Applicant's presentation.

Chairman Riggs opened the public hearing.

The following testified in favor of the application: City residents Debra Ziebell and Marlo Jenkins, along with Chris Bassett, who is not a resident of Sandpoint.

The following testified that they were neutral to the application: City residents Rob Osborn and Molly O'Reilly.

The following testified in opposition to the application: City residents John Chambu and Linda Chambu.

Mr. Grimm provided rebuttal testimony on behalf of the Applicants.

(Written comments received prior to the meeting were included in the meeting packet and provided to the Planning and Zoning Commissioners. These comments are included as a part of the permanent meeting record.)

With no new facts elicited during rebuttal testimony and all who wished to speak having been heard, Chairman Riggs closed the public hearing, and the Commission deliberated. Chairman Riggs recessed the meeting at 8:27 p.m. and then reconvened the meeting at 8:35 p.m.


For the purpose of consulting with the Commission's advisors and City staff in order to prepare to make a decision on a recommendation to City Council, there was a motion to postpone consideration of the application until the Commission's next regular meeting on October 6, 2020.


Result:	Passed
Moved by:	Kamp
Seconded by:	Hastings
Voted Yes:	Riggs, Huisman, Kamp, Hastings, Welker
Voted No:	Dunkel
Abstained:	Schuck
Absent:	

**7. ADJOURN**

Chairman Riggs adjourned the meeting at 8:40 p.m.

I presided over this meeting and can confirm that these minutes, prepared by the City Clerk, were approved by the Planning and Zoning Commission during their regular meeting on October 6, 2020.

  
 \_\_\_\_\_  
 Tom Riggs, Chairman

Attest:   
 \_\_\_\_\_  
 Melissa Ward, City Clerk

**City Council Attachment - 6**  
**Summary of Planning & Zoning Commission**  
**Public Hearing**

## Synopsis of Comments Received

9/15/20 Planning & Zoning Commission Hearing

Name	In Favor	Against	Neutral	Type of Comment	City resident?
Bruce Sletager			1	Written	Not stated
Bonner County Housing Agency	1			Written	Not stated
Julie McCallan		1		Written	Yes
Jennifer Barba		1		Written	Not stated
Linda Derr	1			Written, Zoom	No
Patricia McDonnell	1			Written, Zoom	Not stated
Shelly Healy	1			Written, Zoom	No
Jeff Bohnhof	1			Written, Zoom	Yes
Chris Healy	1			Written, Zoom	Yes
Garland Newton	1			Written, Zoom	Yes
Matt Weber			1	Written, Zoom	Yes
David Eacret			1	Written	Not stated
Ashley Kruger		1		Written	Not stated
Patrick Beck			1	Written, Zoom	Yes
Pat McNutt	1			Written	Yes
Stephanie Rief / Selkirk Association of Realtors	1			Written	Not stated
Rob and Deb Osborn			1	Written	Yes
Doug Bottcher		1		Written	Yes
Elizabeth Wilson		1		Written	Yes
Dawn Evenson		1			
Brenda and Terry Cooper		1			
Nathan Herbst, Traffic Engineer, ITD			1	Written	Not stated
Heather Steele	1			Written	Yes
Katie Eglund Cox, Kaniksu Land Trust	1			Written	Not stated
Hannah Bushnell	1			Written	Not stated
Shelley Healy	1			Written	Not stated
Mary Merrill		1			
Bruce and Dede Chapman		1		Written	Yes
Kim Bond	1			Written	Not stated
Helen Newton	1			Written, Zoom	Yes
Brenda and Tony Yanik	1			Written	Not stated
Mel Bailey, Independent Highway District			1	Written	Not stated
Panhandle Health District			1	Written	Not stated
Debra Ziebell	1			PH Testimony	Yes
Marlo Jenkins	1				Yes
Bonner County Housing Agency	1			PH Testimony	No
Rob Osborn			1	PH Testimony	Yes
Molly O'Reilly			1	PH Testimony	Yes
John Chambu		1		PH Testimony	Yes
Linda Chambu		1		PH Testimony	Yes
<b>TOTALS</b>	<b>19</b>	<b>11</b>	<b>10</b>		

Summary of comments:

- Concern about additional traffic on E. Mountain View Dr.
- Concern regarding lack of access onto Boyer Ave. thus pushing more traffic onto E. Mountain View Dr.
- Development will provide badly needed affordable housing.
- Development will be good for economy, especially if using local contractors/subcontractors.
- Loss of green space and recreation is not good for community.
- More open/green space should be provided.
- Development could have an adverse impact on services like schools, water, sewer.
- Fenced backyards onto Boyer could have an effect of closing off the subdivision to the neighborhood. Could create safety and neighborhood character issues.
- City will benefit from increased tax revenues.
- Development will be good opportunity for mid/lower prices and first time home buyers.
- Current inventory of housing stock on market is very low, this development will help provide inventory.
- Trains will adversely affect emergency response and create congestion issues in this area.
- Installation of a roundabout should happen at E. Mountain View Dr. and Boyer Ave.

**City Council Attachment - 7  
Complete 9/15/20 Public Hearing Packet,  
including all application submittals,  
as provided to the Planning & Zoning Commission**



**The complete Planning & Zoning Commission 9/15/20  
public hearing packet may be accessed via this link:**

**<https://www.sandpointidaho.gov/PS20-0003>**

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**The following are provided:**

- > [PZ Staff Report - University Park Subdivision Prelim Approval](#) (pdf)
- > [01-Application and Supplemental](#) (pdf)
- > [02-Preliminary Plat and Phasing Plan](#) (pdf)
- > [03-Traffic Impact Analysis - Preliminary](#) (pdf)
- > [04-Traffic Impact Analysis - Final Submission](#) (pdf)
- > [05-TIS Evaluation Memo](#) (Pdf)
- > [06-Stormwater and Wetland Documents](#) (pdf)
- > [07-Preliminary Utility Plans](#) (pdf)
- > [08-Hearing Notices](#) (pdf)
- > [09-Comments Received](#) (pdf)
- > [09A-Additional Comments Received](#) (pdf)
- > [09B-Additional Comments Received](#) (pdf)
- > [10-Draft Dev Agreement](#) (pdf)

**City Council Attachment - 8  
Written Public Comments Received Prior to  
Council Public Hearing Posting**

---

**From:** Aaron Qualls  
**Sent:** Monday, September 21, 2020 12:59 PM  
**To:** doris@compgraphic.com  
**Cc:** Melissa Ward; Ryan Shea; Fonda Jovick  
**Subject:** Re: University Park Subdivision

Dear Doris,

Thank you for your comments regarding the University Park Subdivision proposal. The Planning Commission closed the public hearing, however, and only continued their deliberations. As such, we cannot provide any new information, including additional comments at this time. However, should the City Council hold a second public hearing before rendering a final decision, we will include your comments in their packet. Thank you again and if you have any questions, please don't hesitate.

Best,

-----  
Aaron Qualls, AICP  
Director of Planning  
& Community Development  
City of Sandpoint  
1123 Lake Street  
Sandpoint, Idaho 83864  
208-255-1738

<http://www.sandpointidaho.gov>

---

**From:** DORIS WALKER <[doris@compgraphic.com](mailto:doris@compgraphic.com)>  
**Sent:** Saturday, September 19, 2020 10:40 PM  
**To:** Melissa Ward <[mward@sandpointidaho.gov](mailto:mward@sandpointidaho.gov)>  
**Subject:** University Park Subdivision

Reference to University Park Subdivision

If the developer can build 152 new homes, I hope they also can afford to make the 2 railroad crossings on North Boyer into quiet zone railroad crossings.

With all the added traffic residents near North Boyer will have to deal with, it would be nice if the developer can give something back, like paying for two quiet zone railroad crossings.

Please consider quiet zone railroad crossings on North Boyer

Thanks, Doris

-----  
Doris Walker, 208-597-7002  
1115 Forest Avenue, Sandpoint, ID 83864

You can send us your opinion in writing by using the space provided at the bottom of this notice, faxing your response to 208-263-3678, emailing us at [cityplanning@sandpointidaho.gov](mailto:cityplanning@sandpointidaho.gov), calling us at 208-263-3370, or you can come to the public hearing and voice your concern or your support. **Please note** that written comments must include your name and address to be placed in the public record.



PLEASE RESPOND:

SUPPORT

DO NOT SUPPORT

NEUTRAL

COMMENTS:

*We dont need more traffic on mt View & Boyer turning left off mt View onto Boyer is a problem now! More lanes is going to make it inoperable*

NAME:

*Verna Lutes*

ADDRESS:

*2206 Aspen Way*

University Park (PS20-0003) CC

You can send us your opinion in writing by using the space provided at the bottom of this notice, faxing your response to 208-263-3678, emailing us at [cityplanning@sandpointidahogov](mailto:cityplanning@sandpointidahogov), calling us at 208-263-3370, or you can come to the public hearing and voice your concern or your support. Please note that written comments must include your name and address to be placed in the public record.



PLEASE RESPOND:

SUPPORT

DO NOT SUPPORT

NEUTRAL

There is a serious lack of infrastructure to support this level of development. High amount of traffic, poor access and egress. 2 Rail Road crossing frequently blocking Boyer etc. **I don't support** increasing taxes to support big development on utilities, Sewer & water  
 Gary and Nora Kedish 2224 N Boyer AVE Sandpoint.

To the members of the Sandpoint City Council:

First, I would like to commend Jason Welker for his research presented at the last Planning & Zoning meeting regarding the 2009 Comprehensive Plan. It gave more insight to what is at stake if the proposed University Park development is approved as is.

As residents of Sand Creek Ln, in close vicinity to the U of I property, we are against the proposed development of the University Park Subdivision as it is presented now. With the main traffic flow, from what would be a very large residential area, being funneled to E Mountain View Rd, we feel it will negatively impact the surrounding neighborhoods and create severe back up at the intersection at N Boyer Ave.

We would like to see additional roads accessing N Boyer Ave between the north and south ends of the full development. The proposed access streets (2 at the south end: Ebbett Way and what is to be named Bayler Rd and only E Mtn View Rd at the north end) aren't near enough for the scope of this project. At the least, we would like to see Culvers Rd and Airport Way become through streets into the development. Several of the planning & zoning commissioners also stated their concern about the excessive traffic which would flow to E Mtn View Rd.

More green space within the development and the outer boundaries should be required. If the double frontage lots on Boyer and E Mtn View are allowed, it would be less of an eye soar, if the setbacks were increased in footage. Dover Bay Parkway is a nice example of what double frontage lots could look like.

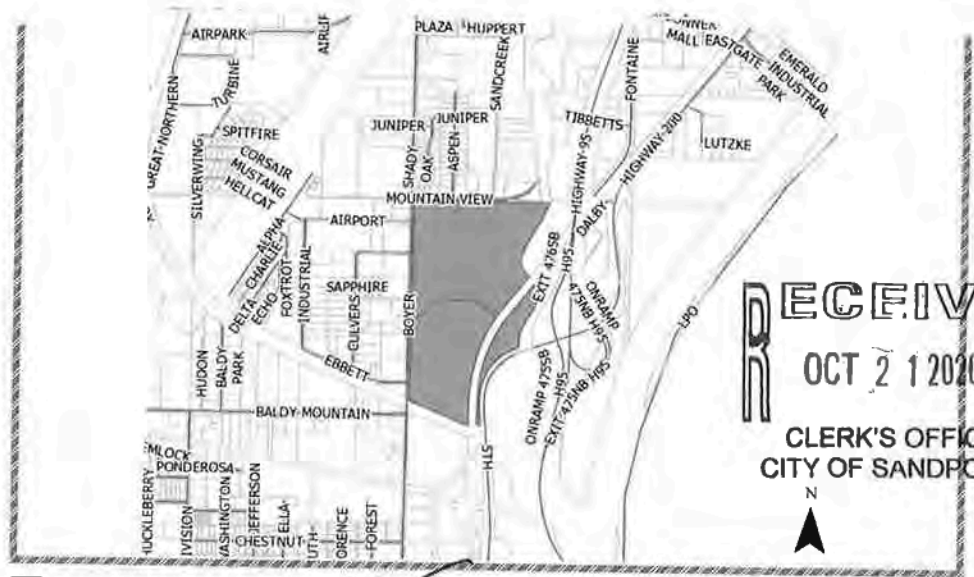
This proposed development is huge compared to any others we've seen within the city limits. It's a prime piece of land that could be something we are all proud of. Our hopes are that you'll take in consideration keeping the integrity of our community. Once it is changed, there's no going back.

Sincerely,

Brenda & Terry Cooper

You can send us your opinion in writing by using the space provided at the bottom of this notice, faxing your response to 208-263-3678, emailing us at [cityplanning@sandpointidaho.gov](mailto:cityplanning@sandpointidaho.gov), calling us at 208-263-3370, or you can come to the public hearing and voice your concern or your support. **Please note that written comments must include your name and address to be placed in the public record.**

0



**RECEIVED**  
 OCT 21 2020  
 CLERK'S OFFICE  
 CITY OF SANDPOINT

PLEASE RESPOND:

SUPPORT
  DO NOT SUPPORT
  NEUTRAL

COMMENTS: I AM OPPOSED TO THIS PROJECT BECAUSE OF ITS LACK OF ACCESS TO BOYER AVE. EAST MOUNTAIN VIEW DRIVE WON'T HANDLE THIS INCREASE IN TRAFFIC AND WILL BE A BURDEN TO THOSE WHO LIVE ON IT, AND ASPEN WAY.

NAME: DOUG BOTTCHEK ADDRESS: 506 E. MT. VW. DR.

University Park (PS20-0003) CC

# PLEASE SCROLL DOWN COMMENTS BEGIN BELOW

---

**From:** JOHN CHARUBA <charuba@yahoo.com>

**Date:** Monday, October 5, 2020 at 4:14 PM

**To:** Shelby Rognstad <mayor@sandpointidaho.gov>, Aaron Qualls <aqualls@sandpointidaho.gov>, Shannon Sherman <ssherman@sandpointidaho.gov>, Deb Ruehle <druehle@sandpointidaho.gov>, Joel Aispuro <jaispuro@sandpointidaho.gov>, John Darling <jdarling@sandpointidaho.gov>, Kate McAlister <kmcalister@sandpointidaho.gov>, Andy Groat <agroa@sandpointidaho.gov>

**Subject:** Oppose University Subdivision on Principle

## **Oppose the University Subdivision**

The property deed dated 1913 was gifted from T. J. Humbird to the Idaho State Board of Education and Board of Regents of the University of Idaho. The terms of the deed were clearly written that the property be used for the benefit of the community for work carried on by farming. As long as the property was used as an experimental farm for purposes of demonstration by the State of Idaho, but in case it is not used for a period of time exceeding two years the . . . deed to revert to the original party. The parcel was gifted with the clear intention to serve and benefit the public as an experimental demonstration farm to serve the community. Clearly the property continues to be used for this intended purpose, as the many stands of the trees planted continue to thrive on the property as a **living demonstration of this intention**.

Aug 19, 2019 Daily News reported (attached): This **public parcel** was purchased by a **private real estate Developer** Tim McDonnell for 4 million dollars. The offer was accepted by the **new president of UI, Scott Green, even before the property was on the market. The intention is to privatize and develop for "second home owners" subdivision.** The rationale given by the UI was the City of Sandpoint had been given two years to develop a plan to acquire the property, but was unable to raise the necessary money (property had two appraisals of 2.8 – 5.1 million).

1. We should all be concerned about how T.J. Humbird's original intentions become **SOLD OUT** to a real estate developer with clear intentions of privatizing for purpose of subdivision catering to higher profit margin second homes owners.



2. **Justification for public assets to be privatized before it even went on the market.** It is inexcusable that Grimms, McDonnell and Mulgrew's so quickly, quietly purchased this before it went on the market. This might be seen as an intention, even a ploy to avoid the public outcry of the sell to **private real estate developer with plans to build a subdivision for primarily higher profit margin in the second home housing market.** **Was there an attempt to return the land to the original owner's estate per the deed? Was there due diligence to honor the terms of the deed prior to selling it to a private real estate developer?**

3. **It is inexplicable how the City of Sandpoint was not able to come up with a plan that would honor and be in align with the original intentions of the property for public utilization.**

4. **MOST IMPORTANTLY the 1913 community farm does continue to thrive, several exquisite stands of trees provide a living demonstration of the original intended agricultural experiment by the State of Idaho. UI and real estate developers explain why that agricultural demonstration of those, trees are not considered "utilization" of the property for the properties original intended purpose?**

5. Now the City of Sandpoint, Kaniksu Land Trust are begging for crumbs of this property to remain in public utilization. State of Idaho maintains a Tree Stewardship projects were not consulted in part of the planning.

6. The original gift of property for the purpose of education, agriculture can be so distorted that now the City of Sandpoint, Kaniksu Land Trust are begging for crumbs of this property to remain for public utilization. State of Idaho maintains a Tree Stewardship projects were not consulted in part of the planning.

7. **1913 – 1914 records of deeds had several entries by T.J. Humbird many of those were for the public schools.** It's difficult to believe the University of Idaho, Board of Education, City of Sandpoint have done their homework to provide due diligence for this outrageous project.

In conclusion, the above only touched on a few of the many reasons this project should be rejected; the last Planning & Zoning hearing reported concerns regarding public access for purpose of recreation, impacts on roads, land, environment and if the design maintained the "character of the community" even in regards to the type of fence to boarder the property on Boyer. No mention or intention was given to the human impact which most definitely has to do with the "character of the community ". There was little mention of including affordable housing for the community. No mention of education projects. **AND NO MENTION** of what is to become of the existence of the continued living tree demonstration.

**T.J. Humbird's intention, foresight and generosity for the good of the community was perfectly clear. Even now in 2020 education and agricultural projects continue to be of paramount importance.** We should all be concerned about how T.J. Humbird's original intentions become **SOLD OUT** to a real estate developer with clear intentions of privatizing for purpose of subdivision catering to higher profit margin second homes owners. These are the reason we remain opposed to the University Subdivision.

We are unable to attend hearing on Tuesday, please accept this written statemen..  
John and Linda Charuba

STATE OF WASHINGTON  
COUNTY OF SPOKANE

} ss.

On this 21st day of July in the year 1913, before me W. J. Smithson, a Notary Public, within and for the said county and State, personally appeared T. J. Humbird and W. H. Farnham, known to me to be the president and Assistant Secretary, respectively of Humbird Lumber Company the corporation that executed the within and foregoing instrument and acknowledged to me that such corporation executed the same.

Witness my hand and official seal this day and year in this certificate first above written.

(Notarial Seal)

W. J. Smithson  
Notary Public in and for the County of Spokane,  
State of Washington.

STATE OF IDAHO;  
County of Bonner } SS.

Filed for record at the request of Francis Jenkins on the 8th day of Nov. 1913, at 11-17 o'clock A. M., and recorded in Book 26 of Deeds on page 547.

Robt. S. McCrea, County Recorder. By S. G. Yoder, Deputy. Fee \$ 1.50 chg.

COMPARED  
*Riefenacker*  
Indexed

No. 27714.

THIS INDENTURE, Made this 25th day of January 1913, A. D. 191\_\_ between George L. Griffith and Rosie May Griffith Husband and Wife of Sagle County of Bonner and State of Idaho, the parties of the first part, and William C. Griffith now residing in Spokane Wash, the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Two and 00/100 Dollars, lawful monwy of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents remise, release, convey and forever quit claim unto the said party of the second part, and to His heirs and assigns, all that certain real property situate and being in the County of Bonner State of Idaho, described as follows, to-wit:

All of the land that is West of the East bank of a certain ditch and all of the land that is west of the East bank of a certain lake situated and being on the west end of Lot One (1) Two (2) and Three (3) in the W. 1/2 of the N.W.1/4 and North 1/2 of the S. W. 1/4 of Section Twenty four (24) Town Fifty six (56) North of range Two (2) W. B.M. in Bonner County Idaho, Containing about Four acres more or less.

TO HAVE AND TO HOLD the said premises, together with all and singular the tenements hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, unto ~~the~~ said party of the second part, His heirs and assigns forever.

IN WITNESS WHEREOF, The parties of the first part has hereunto set their hand\_ and seal\_ the day and year first above written.

Executed in the presence of:

G. L. Griffith (Seal)  
Rosie May Griffith(Seal)

I. Weil

STATE OF IDAHO  
County of Bonner } SS.

I, Ignatz Weil, a Notary Public in and for said County and State, do hereby certify that on this 25th day of October A. D. 1913, personally appeared before me George L. Griffith and Rosie May Griffith his wife to me personally known to be the individuals described in and who executed the within instrument, and acknowledged that

STATE OF IDAHO }  
County of Bonner } SS.

I hereby certify that the within instrument was filed for record in the office of the County Recorder of said County, on the 7th day of Nov. A. D. 1913, at 2 o'clock and 17 minutes P. M., at the request of L. A. Crawford and recorded on page 546 of Book 26 of Deeds.

Robt. S. McCrea, County Recorder. By S. G. Yoder, Deputy. 1.50 Paid.

*Culley  
2-5-13*

COMPARED  
*Deffenbacher*  
Indexed

No. 27713.

THIS INDENTURE, made this 12th day of July, in the year of our Lord One thousand nine hundred and thirteen, between the Humbird Lumber Company of the County of Bonner and State of Idaho, Party of the first part; and the State Board of Education and Board of Regents of the University of Idaho, party of the second part:

WITNESSETH: That the said party of the first part, for and in consideration of the benefits to be derived by the Community from the work carried on by an experimental farm, has donated, given, remised, released, alienated and confirmed unto the said party of the second part all of the following described real estate, situated in the County of Bonner and State of Idaho, to-wit:

All of the East half of section Fifteen, Township Fifty Seven North, Range Two West B. M. lying west of Sand Creek, and north of the present wye or railroad track connecting the Northern Pacific, the Spokane International and the Great Northern Railways, less rights of way of record and county roads; containing approximately one hundred seventy acres.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said party of the first part, so long as it be used as an experimental farm for demonstration purposes by the State of Idaho, but in case it is not so used for a period of time exceeding two years at any one interval, then said property is to revert to the party of the first part.

TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises together with the appurtenances, unto the party of the second part, to their successors. And the said party of the first part, and its successors and assigns, the said premises in the quiet and peaceable possession of the said party of second part, its successors, against the said party of the first part, its successors and assigns, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be executed in its name and its corporate seal hereunto affixed the day and year first above written.

Witnesses as to T. J. Humbird:

J. A. Humbird

T. L. Greer

Witnesses as to W. H. Farnham

W. D. Vincent

HUMBIRD LUMBER COMPANY

By T. J. Humbird  
President

W. H. Farnham  
Assistant Secretary

(Corporate Seal)

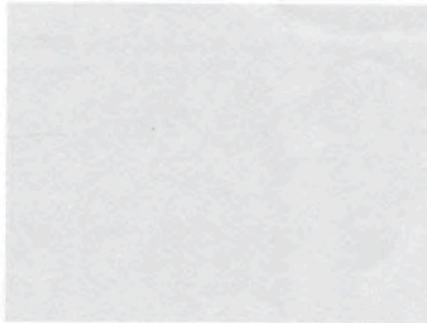
[https://dnews.com/local/ui-receives-approval-to-sell-sandpoint-property/article\\_c3053402-246a-5201-bf02-4dc200e43bb4.html](https://dnews.com/local/ui-receives-approval-to-sell-sandpoint-property/article_c3053402-246a-5201-bf02-4dc200e43bb4.html)

## UI receives approval to sell Sandpoint property

UI sold the land for \$4 million before the property was officially placed on the market

By Scott Jackson, Daily News staff writer  
Aug 30, 2019

Donated By  
T.J. Humbird  
Humbird Lumber  
to Un. of ID 1912-1913  
for Agricultural  
education and  
research purposes



University of Idaho President Scott Green

Research  
center closed  
2010  
due to budget  
cuts land  
sold 2019  
4 mil

The University of Idaho received approval from the State Board of Education Thursday to sell a 75-acre parcel of land in Sandpoint that has gone unused for more than a decade. The property will be sold to developer Tim McDonnell for \$4 million, according to board documents.

“The university is now in the position where we’re attempting to fund the strategic priorities of the campus,” UI Vice President for Finance and Administration Brian Foisy said. “To have an unutilized piece of property there is not really a fiscally prudent thing for us moving forward.”

The site on North Boyer Avenue, donated to UI in 1913, was once the home to the Sandpoint Research and Extension Center, which was shuttered by the school’s College of Agricultural and Life Sciences years ago, Foisy said. Previously, UI had agreed to give the City of Sandpoint about two years to develop a plan to acquire the property, Foisy said, but at the end of that timeframe, the city reported it was unable to raise the necessary money.

1913

Foisy said the UI had done two appraisals of the land in the past — one valuing the land at \$2.8 million and the second coming in a little more than \$5.1 million.

“The university had reached out to a commercial realtor and we were in the process of preparing to list the property when we literally received an email with the \$4 million offer,” Foisy said. “We did the math and we can tell what folks did was just take the average of the two appraisals — which is what you would expect to have happen — so we believe it does represent the fair value of the property.”

Foisy said because the offer came before the property was placed on the market, UI avoids paying a costly commission to a real estate broker — potentially saving the school as much as 10 percent of the value of the land.

New UI President Scott Green said when the school purchased acreage in Jerome, Idaho, with plans to build the largest research dairy in the country, university officials announced plans to sell property in Caldwell and Sandpoint to help replenish reserves. He pointed out the UI still has a presence and commitment to the Sandpoint community through its Sandpoint Organic Agriculture Center, which sits on 45 acres of land that was donated to the university last year.

When a board member asked if going to market would have brought in potentially higher bids, Green expressed scepticism, saying it is likely the school would lose the \$4 million offer in exchange for much lower bids.

“That market is extremely thin — the number of folks who will come out to bid on that property, they haven’t been beating down our doors,” Green said, mentioning the buyer tried to haggle the price down from \$4 million, but UI stood firm. “We do think that the savings in the commission is worth

taking — just based on all that, we felt that this was the right decision both for the state and for the university.”

*Scott Jackson can be reached at (208) 883-4636, or by email to [sjackson@dnews.com](mailto:sjackson@dnews.com).*

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**From:** Aaron Qualls  
**Sent:** Monday, September 21, 2020 8:27 AM  
**To:** elizabeth wilson  
**Cc:** Melissa Ward; Ryan Shea; Fonda Jovick  
**Subject:** Re: PS20-0003

Dear Margaret and Charles,

Thank you for your comments regarding the University Park Subdivision proposal. The Planning Commission closed the public hearing, however, and only continued their deliberations. As such, we cannot provide any new information, including additional comments at this time. However, should the City Council hold a second public hearing before rendering a final decision, we will include your comments in their packet. Thank you again and if you have any questions, please don't hesitate.

Best,

-----  
Aaron Qualls, AICP  
Director of Planning  
& Community Development  
City of Sandpoint  
1123 Lake Street  
Sandpoint, Idaho 83864  
208-255-1738

<http://www.sandpointidaho.gov>

On 9/20/20, 4:40 PM, "elizabeth wilson" <[ewilson265@gmail.com](mailto:ewilson265@gmail.com)> wrote:

A left hand lane turn onto Boyer will be helpful; however A roundabout would provide for a Safer and more efficient way to Enable adequate traffic flow. Either way the cost of providing adequate, safe traffic patterns should come from the developer of this property. Not from the city and not from surrounding property, residence. Traffic Arriving or exiting from this new development should not be at the top of the road that goes to popsicle bridge . This area is used by walkers and bicyclists, People walking pets ,taking children for walks and bicycle rides. It is simply not a safe place Where Additional Traffic is warranted. Thank you for delaying The decision and hearing our neighborhood comments. MARGARET CHENEY HEPNER and Charles HEPNER Aspen Way

Sent from my iPhone

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**From:** elizabeth wilson <ewilson265@gmail.com>  
**Sent:** Friday, October 30, 2020 10:00 AM  
**To:** Melissa Ward  
**Subject:** Housing development hearing for Boyer/mt view

Our neighborhood will be adversely affected by traffic if mt view is used as the exit/ entrance to the development. Mt view provides access to the bike path to the creek, and is often busy with seniors, children and families. The additional traffic would make the train blockage even more congested than it is at this time. A roundabout onto Boyer from the development would provide Better traffic flow., A roundabout would allow for a safe left and right turn onto Boyer. Enhancing the safety for all the neighborhoods. The community being built should provide straight streets and Sidewalks, that allow for emergency access and safe walking. Single-family homes would provide for less congestion than multiple family homes.

Thank you for considering our input. Chuck HEPNER And Margaret Cheney HEPNER. Aspen Way, Sandpoint Sent from my iPhone



**City Council Attachment - 9**  
**Required Public Notices**

# Your Right To Know: Be an informed citizen: Read the Legals for information

## NOTICE OF APPLICATION

(208) 443-2516.

Pursuant to Section 58-104(9) and 58-1301, et seq., Idaho Code (The Lake Protection Act) and rules of the State Board of Land Commissioners, notice is hereby given that Dale and Ronnie Gage have made application to install 170 linear feet of riprap on Lake Pend Oreille. Location: 41 Gages Road, Lake Pend Oreille, Sagle, Idaho, in Section 33 Township 57 North, Range 1 West, B.M., in Bonner County.

Written objections to or requests for hearing in this matter must be on file with the Idaho Department of Lands, 2550 Highway 2 West, Sandpoint, Idaho 83864 within thirty (30) days after the first appearance of this notice. Specific information regarding this application may be obtained from Justin Eshelman, Resource Specialist, Sr. on behalf of Public Trust Program - at the above address or by calling (208) 263-5104. /S/ **TOM FLEER**, Area Manager Idaho Department of Lands SNP LEGAL 8139 AD#412468 OCTOBER 13, 20, 2020

## NOTICE OF APPLICATION

Pursuant to Section 58-104(g) and 58-1301, et seq., Idaho Code (The Lake Protection Act) and rules of the State Board of Land Commissioners, notice is hereby given that Gregory & Debra Wilson have made application to install riprap located at, Section 9 61N-4W on Priest Lake, ID. in Bonner County.

Written objections to or requests for hearing in this matter must be on file with the Idaho Department of Lands, 4053 Cavanaugh Bay Rd, Coolin, Idaho 83821 within thirty (30) days after the first appearance of this notice. Specific information regarding this application may be obtained from Trevor Anderson, Resource Specialist on behalf of Navigable Waters Program - at the above address or by calling

/S/ **Dan Brown**, Area Manager Idaho Department of Lands SNP LEGAL 8125 AD#411246 OCTOBER 6, 13, 2020

## NOTICE OF PUBLIC HEARING

Notice is hereby given that the Sandpoint City Council will hold a public hearing at their meeting on Wednesday, November 4, 2020, at 5:30 p.m. in Council chambers at City Hall, 1123 W. Lake St., Sandpoint, Idaho, to consider the following:

A request (City Application #PS20-0003) to obtain preliminary approval for a 152-lot subdivision called University Park on two (2) parcels (RPS00000150751A and RPS00000151250A) totaling approximately 75 acres, bounded by E. Mountain View Dr. to the north, N. Boyer Ave. to the west, Sand Creek and Fifth Ave. to the east, and BNSF Railway tracks to the south. This property is legally described as the East half of Section 15, Township 57 North, Range 2 West Boise Meridian, lying West of Sand Creek and North of the present wye or railroad tract connecting the Northern Pacific, the Spokane International, and the Great Northern Railways, less county roads. Also less that parcel conveyed to the State of Idaho by Quitclaim Deed recorded December 15, 1958 under instrument no. 68533 in Book 100 of Deeds, Page 151, Records of Bonner County, Idaho. Also less that parcel conveyed to the Great Northern Railway Company by Correction Deed recorded August 7, 1967 under Instrument No. 112131, in Book 122 of Deeds, Page 213, Records of Bonner County, Idaho.

Those who wish to testify at the public hearing may do so by following the participation instructions that will be provided on or before October 30, 2020, on the Meeting Agendas page on the City website at <https://www.sandpointidaho.gov/>

our-government/meeting-agendas and also on the November 4, 2020, Sandpoint City Council meeting agenda, which will be posted on or before October 30, 2020, on that page. City Council chambers and City facilities were reopened to the public for meetings beginning in Stage 3 of Governor Little's Idaho Rebounds Plan. Social distancing measures will be followed, and seating is placed at 6-foot separation, therefore limiting capacity. In-person seating is available on a first-come, first-served basis until reduced capacity is reached. If you wish to address the Council in person, you will be afforded the opportunity. Any individuals who may not be able to be seated will be given the opportunity to present from the podium and allowed entrance to chambers during the time of their presentation. An option for remote participation online or by phone will also be provided.

Copies of the complete files for the above are available for review online at <https://www.sandpointidaho.gov/PS20-0003>. **Any written testimony of more than two pages to be considered at this meeting must be delivered to City Hall at 1123 W. Lake St., Sandpoint, ID, or by email to [cityplanning@sandpointidaho.gov](mailto:cityplanning@sandpointidaho.gov) before 5:00 p.m. on October 29, 2020.** Any person needing special accommodations to view the application files or participate in the above noticed meeting should contact the City of Sandpoint seven days prior to the meeting by email at the above email address or by calling **208-263-3310**. SNP LEGAL 8135 AD#412347 OCTOBER 13, 2020

## NOTICE OF SHERIFF'S SALE

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNER

HOPKINS US FUND, LLC, an

Idaho Limited Liability Company, Plaintiff, vs.

JOHN F. CHURCHILL and SALLY A. CHURCHILL, husband and wife; and DOES I through XX, unknown claimants to the property commonly known as 466 Camp Bay Road, Sagle, Idaho, Defendants. Case No. CV09-20-0803 Sheriff's Case No. C20-987

Date of Sale: October 27, 2020  
Time of Sale: 10:00 a.m.  
Place of Sale: Bonner County Sheriff's Office 4001 N Boyer Rd Sandpoint, ID 83864

## NOTICE OF SHERIFF'S SALE

Under and by virtue of a Writ of Execution issued out of the District Court of the First Judicial District of the State of Idaho, in and for the County of Bonner, Case No. CV09-20-0803, upon the 15th day of September, 2020, wherein Hopkins US Fund, LLC, Plaintiff, obtained a Judgment, Order of Sale and Decree of Foreclosure against John F. Churchill and Sally A. Churchill, Defendants, and Defendants John F. Churchill and Sally A. Churchill are indebted to the Plaintiff in the sum of \$435,184.78, with interest at the legal rate of 5.25% from the entry of Judgment, and that Defendants John F. Churchill and Sally A. Churchill shall be barred and foreclosed from all right, title, and interest in and to the below described property;

NOTICE IS HEREBY GIVEN That on the 27th day of October, 2020, at the hour of 10:00 o'clock a.m. of said day, at the Bonner County Sheriff's Office, 4001 N. Boyer Road, Sandpoint, County of Bonner, State of Idaho, I will sell at public auction to the highest and best bidder, for cash or certified funds in lawful money of the United States of America, all of the right, title and interest of said Defendants John F. Churchill and Sally A. Churchill, in and to the following described real property, to satisfy the Plaintiff's Judgment,

with costs. Said is particularly describes as follows:

Parcel 1

A tract of land in the South Half of the West Quarter (S/4) of Section 11, T1N, R1E, Boise Meridian, Bonner County, Idaho, more particularly as follows:

Commencing at the corner of said S/4 Center North 1/4 thence South 89°58'05" along the North line of the parcel described in Number 849860 of Bonner County of 1320.00 feet to POINT OF thence continuing 89°58'05" West 345.60 feet; thence 00°01'55" East 453.75 feet; thence 89°58'05" East 345.60 feet to the corner of said Instrument 849860; thence 00°01'55" West a line of said Instrument 849860, a distance of 1320.00 feet to the True Point of Beginning.

Parcel 2

A tract of land in the North Half of the North 1/4 (N/2) of Section 56 North, Boise Meridian, Bonner County Idaho, more particularly described as follows:

Beginning at the Corner of said Section 56 North, which point is the common to Section (an original stone) along the North line of Section 11, T1N, R1E, Boise Meridian, East a distance of 1328.86 feet (13 field survey); thence leaving said South 00°09'29" the West line of Section 56 North, described by Instrument 884570 in the Bonner County records, a distance of 1328.86 feet (13 field survey); then North 89°29'40"

AFFIDAVIT OF SERVICE BY MAIL

State of Idaho                    )  
  )  ss  
County of Bonner                )

Ryan Shea, being first duly sworn, deposes and states that she is a person over the age of 18 years, is an employee of the City of Sandpoint, is not a party to or interested in the subject matter of the attached letter, and that on the 12th day of October, 2020 a true copy of the said letter pertaining to:

PS20-0003 University Park

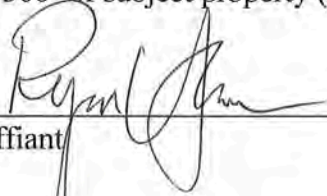
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**See Attached.**

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was deposited in the United States mail at Sandpoint, Idaho, postage prepaid, or emailed addressed to:

- Attached list of nearby property owners within 300' of subject property (mailed)

  
\_\_\_\_\_  
Affiant

SUBSCRIBED TO AND SWORN before me, a Notary Public in and for the State of Idaho, on the 14 day of October, 20 2020.



  
\_\_\_\_\_  
NOTARY PUBLIC - State of Idaho  
Residing in Bonner County, Idaho  
My Commission Expires: 02/28/26

ANVIL PROPERTIES LLC  
12474 W GINGER CRK DR  
BOISE, ID 83713

BOTTCHER, R DOUGLAS & LINDA J  
506 E MOUNTAIN VIEW DR  
SANDPOINT, ID 83864

KEDISH, GARY L & NORA J  
2224 N BOYER AVE  
SANDPOINT, ID 83864

CAVEN, RICHARD A  
CAVEN, VERN R  
612 E MOUNTAIN VIEW DR  
SANDPOINT, ID 83864-8688

LUTES, VERNA I  
2206 ASPEN WAY  
SANDPOINT, ID 83864-9334

KERN, JOHN & LORI  
2226 ASPEN WAY  
SANDPOINT, ID 83864-9334

BOWMAN, CLAYTON R  
516 E MOUNTAIN VIEW DR  
SANDPOINT, ID 83864

CITY OF PONDERAY  
288 Fourth St  
Ponderay, ID 83852

SLETAGER, RALPH M JR  
SLETAGER, RALPH M & SANDRA J  
120 E LAKE ST  
SANDPOINT, ID 83864

SLETAGER, BRUCE & PATRICIA L  
425 SANDCREEK LN  
SANDPOINT, ID 83864

JOHNSON, NOLAND C & JUDITH A  
98 SHADOW MTN RD  
SANDPOINT, ID 83864

COX, JACQUITA ESTATE  
COX, ALLEN ESTATE  
PO BOX 128  
SANDPOINT, ID 83864

HADLEY, NANCY A  
700 WHISKEY JACK CIRCLE  
SANDPOINT, ID 83864

AIKEN, JAMES R  
HADLEY, NANCY A  
700 WHISKEY JACK CIRCLE  
SANDPOINT, ID 83864-8859

WRIGHT, RICHARD A & SHARLENE  
WRIGHT, BRYAN A  
418 CEDAR RIDGE RD  
SANDPOINT, ID 83864

SANDPOINT CHRISTIAN CENTER  
1925 N BOYER  
SANDPOINT, ID 83864

REINBOLD, MARVIN D & JULIE L  
604 E MOUNTAIN VIEW DR  
SANDPOINT, ID 83864

DUSTMAN, JAMES & WESLEY A  
2224 SAND CREEK LN  
SANDPOINT, ID 83864

BEAZLEY, DEBORAH M  
420 E MOUNTAIN VIEW DR  
SANDPOINT, ID 83864

KNIGHT, AARON B & DIANE L  
103 CHARDONNAY DR  
BLANCHARD, ID 83804-5004

KRESGE, KERRY  
2117 N BOYER AVE  
SANDPOINT, ID 83864

HEALY TRUST  
HEALY, JAMES W TRUSTEE  
609 LAKEVIEW BLVD  
SANDPOINT, ID 83864

NORTH CONGREGATION  
SANDPOINT IDAHO CONGREGATION  
1715 N BOYER AVE  
SANDPOINT, ID 83864-7457

M & W HOLDINGS LLC  
809 W MAIN STE 303  
SPOKANE, WA 99201

K-M ENTERPRISES OF IDAHO LLC  
PO BOX 373  
SANDPOINT, ID 83864

LEVEL I LLC  
25362 MONTE VERDE DR  
LAGUNA NIGUEL, CA 92677-1537

Bonner County Housing Agency  
120 S Second Ave, Ste B  
Sandpoint, ID 83864

Humble, Jacob & Black, James  
107B N First Ave  
Sandpoint, ID 83864

Jan & Paul Rumore  
214 Hunt Lane  
Sandpoint, ID 83864

Jeroma, Jessica & Piraino, Chad  
PO Box 822  
Ponderay, ID 83852

**CITY OF SANDPOINT CITY COUNCIL  
NOTICE OF PUBLIC HEARING**

**Notice is hereby given** that the Sandpoint City Council will hold a public hearing at their meeting on **Wednesday, November 4, 2020, at 5:30 p.m.** in the City Council Chambers at City Hall, 1123 W. Lake Street, Sandpoint, Idaho, to consider the following:

A request (City Application #PS20-0003) to obtain preliminary approval for a 152-lot subdivision called University Park on two (2) parcels (RPS00000150751A and RPS00000151250A) totaling approximately 75 acres, bounded by E. Mountain View Dr. to the north, N. Boyer Ave. to the west, Sand Creek and Fifth Ave. to the east, and BNSF Railway tracks to the south. This property is legally described as the East half of Section 15, Township 57 North, Range 2 West Boise Meridian, lying West of Sand Creek and North of the present wye or railroad tract connecting the Northern Pacific, the Spokane International, and the Great Northern Railways, less county roads. Also less that parcel conveyed to the State of Idaho by Quitclaim Deed recorded December 15, 1958 under instrument no. 68533 in Book 100 of Deeds, Page 151, Records of Bonner County, Idaho. Also less that parcel conveyed to the Great Northern Railway Company by Correction Deed recorded August 7, 1967 under Instrument No. 112131, in Book 122 of Deeds, Page 213, Records of Bonner County, Idaho.

Those who wish to testify at the public hearing may do so by following the participation instructions that will be provided on or before October 30, 2020, on the Meeting Agendas page on the City website at <https://www.sandpointidaho.gov/your-government/meeting-agendas> and also on the November 4, 2020, Sandpoint City Council meeting agenda, which will be posted on or before October 30, 2020, on that page. City Council chambers and City facilities were reopened to the public for meetings beginning in Stage 3 of Governor Little's Idaho Rebounds Plan. Social distancing measures will be followed, and seating is placed at 6-foot separation, therefore limiting capacity. In-person seating is available on a first-come, first-served basis until reduced capacity is reached. If you wish to address the Council in person, you will be afforded the opportunity. Any individuals who may not be able to be seated will be given the opportunity to present from the podium and allowed entrance to chambers during the time of their presentation. An option for remote participation online or by phone will also be provided. Copies of the complete files for the above are available for review online at <https://www.sandpointidaho.gov/PS20-0003>. **Any written testimony of more than two pages to be considered at this meeting must be delivered to City Hall at 1123 W. Lake St., Sandpoint, ID, or by email to [cityplanning@sandpointidaho.gov](mailto:cityplanning@sandpointidaho.gov) before 5:00 p.m. on October 29, 2020.** Any person needing special accommodations to view the application files or participate in the above noticed meeting should contact the City of Sandpoint seven days prior to the meeting by email at the above email address or by calling 208-263-3310.

*Please detach before mailing and save this portion for a reminder of the meeting*

You can send us your opinion in writing by using the space provided at the bottom of this notice, faxing your response to 208-263-3678, emailing us at [cityplanning@sandpointidaho.gov](mailto:cityplanning@sandpointidaho.gov), calling us at 208-263-3370, or you can come to the public hearing and voice your concern or your support. **Please note** that written comments must include your name and address to be placed in the public record.



PLEASE RESPOND:

SUPPORT
  DO NOT SUPPORT
  NEUTRAL

COMMENTS:

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NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

### **Procedure for written submissions and oral testimony**

1. Written testimony of more than two pages must be delivered to the Planning staff before 5:00 pm, October 29, 2020.
2. Public hearings follow this order of events:
  - a) Outline of procedure.
  - b) Explanation of subject of the hearing by City staff (may be in written form).
  - c) Presentation by applicant.
  - d) Testimony from audience in favor and/or against proposal.
  - e) Questioning of involved parties by the City Council/Planning Commission.
  - f) Rebuttal by applicant.
  - g) Discussion of hearing subject among Council members/Commissioners.
  - h) Conclusion of hearing process.
3. Procedures:
  - a) Speakers sign in.
  - b) Each speaker is recognized by the chairperson.
  - c) Public hearings are recorded electronically and speakers need to speak into the microphone so that the recorded testimony or remarks will be accurate and complete.
  - d) At the commencement of the public hearing, the City Council/Planning Commission may establish a time limit to be observed by all speakers. The time limit is established depending on the number of speakers who sign up for each public hearing and applies only to the speaker's comments. Any spokesman for a group that requires additional time must make arrangements with Planning and Building Services at least Six (6) days in advance. There is no time limit for questions from the Council/Commission to the applicant.
  - e) The City Council/Planning Commission may suspend or amend any of these rules by vote.
  - f) More information regarding public participation will be provided on or before October 30, 2020, on the Meeting Agendas page on the City website at <https://www.sandpointidaho.gov/your-government/meeting-agendas> and also on the November 4, 2020, City Council meeting agenda, which will be posted on or before October 30, 2020, on that page.
4. You are invited to review the application and record at the following website: <https://www.sandpointidaho.gov/PS20-0003>.
5. Staff reports will be available for review at least 48 hours prior to the hearing date at <https://www.sandpointidaho.gov/your-government/meeting-agendas>.

City of Sandpoint  
Planning and Building Services  
1123 Lake Street  
Sandpoint, ID 83864

PS20-0003 Notice sign posted at 1904 N Boyer Ave.



PS20-0003 Notice sign posted at northwest corner of parcel (Boyer Ave & E Mountain View Dr)



PS20-0003 Notice sign posted on northern boundary, next to E Mountain View Dr and Aspen Way intersection.





**City Council Attachment - 10**  
**Urban Area Transportation Plan**  
**Goals and Objectives**



## **1.4 Community Involvement**

Community involvement was an integral component in the development of the Urban Area Transportation Plan. The Cabinet provided guidance on technical issues and direction regarding policy issues to the consultant team, meeting often more than monthly over the 18 total months of plan development.

Secondly, *stakeholder interviews* were a major portion of public involvement. Staff from the Transportation Information Office joined the consultant team in interviewing many individuals across the Urban Area. The stakeholder interviews served to help define plan Goals and Objectives as well as assist in identification of system deficiencies.

The next element of community involvement consisted of three *community meetings*. The first public meeting was held on May 24, 2006 from 4-7 pm at Bonner Mall in Ponderay. This meeting (as well as the second) was announced in multiple ways through fliers and newspaper announcements. A radio interview was given prior to the first meeting. During this meeting, the general public was invited to learn about the planning process and to provide input on local transportation issues and concerns. Between the first and second public meetings, a significant number of city council and IHD Board interactions, during formal meetings, gave the opportunity for not only the public but the elected officials to provide valuable input. The second meeting was a workshop to provide input on the selection of a regional travel scenario for use in planning transportation improvements. This meeting was held on March 1, 2007 in the Elks Lodge in Ponderay.

The final element of public involvement involved interaction with the *Bonner County Area Transportation Team* (BCATT) and the *Ponderay Community Development Corporation* (PCDC). Many updates and several presentations afforded participating individuals various opportunities for providing input during the planning process. Both forums received various constructive inputs from a regional perspective and assisted in the further development of the plan.

## **1.5 Goals and Objectives**

Based on direction from the Cabinet, each jurisdiction and the public, a set of Goals and Objectives for the Urban Area transportation system were defined. The Goals and Objectives were used to make decisions about various potential improvement projects and may be incorporated into any of the jurisdictional comprehensive plans. The Goals and Objectives were as follows:

### **1.5.1 Overall Transportation Goal**

To provide and encourage a safe, convenient, and economic transportation system to facilitate the efficient pedestrian, bicycle and vehicular movement of people and freight within the Urban Area.

#### **Objectives**

- Assist the Idaho Transportation Department in setting project priorities in planning improvements to maintain all highways within and serving the Urban Area.
- Maintain, improve and complete streets, based on available funds, to meet present and future needs.
- Support current and planned projects to assist the transportation disadvantaged.



- Develop and upgrade transportation facilities in such a manner that valuable soil, water, scenic, historic, or cultural resources are not damaged or impaired and livability is protected.
- Provide adequate signage along roadways for the purpose of easy identification.
- Comply with all applicable state and federal noise, air, water, and land quality regulations.
- Adopt street design standards common among all Urban Area jurisdictions.
- Adopt functional classifications for roadways by mode for each city and IHD to adopt.

### 1.5.2 Goal 1

Develop access management standards that provide a balance between access to adjoining lands and safe and efficient traffic flows.

#### *Objectives*

- Develop access management standards that guide the frequency, location and size of accesses for each street classification.
- Limit the number of approaches onto collectors and arterials in order to minimize conflicts between modes and preserve the function of the multimodal corridor.
- Adopt an Urban Area-wide access management policy.
- Coordinate roadway access and functional classifications with land use.

### 1.5.3 Goal 2

Improve and enhance safety and traffic circulation and preserve an acceptable level of service (LOS) on local street systems.

#### *Objectives*

- Develop an efficient multimodal road network that would strive to maintain an LOS of C or better for peak hour traffic.
- Plan for the development of parallel and complementary transportation corridors.
- Provide inter-connectivity among all road and highway systems, preserving individual local community identity.
- Improve and maintain existing roadways (e.g., pavement conditions, bike lanes, crosswalks, sidewalks and pedestrian facilities).
- Ensure planning coordination among the cities, county, state, highway district, and nearby cities.
- Identify truck routes to focus truck traffic to a limited number of roads.
- Investigate the mitigation of railroad traffic on vehicular and pedestrian traffic circulation.
- Encourage citizen involvement in identifying problem areas and solutions.
- Develop connective pedestrian and bicycle systems.

### 1.5.4 Goal 3

Develop procedures to minimize negative impacts to and protect transportation facilities, corridors, or sites during the development review process.



**Objectives**

- Develop and adopt requirements for traffic impact studies.
- Request traffic impact studies on individual development proposals that generate significant traffic in order to evaluate impacts from land use changes.
- Encourage the design and construction of local streets that improve street connectivity.
- Review multimodal roadway design of new development to ensure that it meets jurisdictional design and construction standards before the acceptance of maintenance responsibility.
- Develop and adopt a method to encourage traffic speed calming within existing and proposed developments.
- Adopt policies to accommodate utilities.

**1.5.5 Goal 4**

Improve and enhance rail freight movement, truck routes, air service, and emergency services.

**Objectives**

- Support safe and improved railroad crossings or conversion to grade separations.
- Evaluate existing truck routes to make needed improvements and establish new truck routes serving the Urban Area.
- Maintain and improve access for emergency services.

**1.5.6 Goal 5**

Enhance alternative modes of transportation (walking, bicycling, rideshare/carpooling, and transit) through improved access, safety, convenience, and service.

**Objectives**

- Plan for the further development of an Urban Area trail network that is designed to encourage pedestrian and bicycle use and that interconnects the communities and region.
- Plan for the provision of transportation services to the transportation disadvantaged (e.g., children under the driving age, people with limited physical mobility, and people with limited choice in obtaining private transportation).
- Review all development proposals to ensure improvement of existing and installation of additional sidewalks, trails, bicycle paths, and pedestrian ways.
- Ensure that new walkways directly connect residential areas with parks, schools, jobs, shopping and other pedestrian destinations.
- Install crosswalks where each city's engineering staff deems appropriate.
- Support the enhancement of the current public transportation system.
- Encourage development to occur near existing community centers (infill) where services are available to reduce dependence on automotive transportation.
- Seek funding for projects evaluating and improving the environment for alternative modes of transportation.
- Encourage mixed-use development to reduce automobile dependency.
- Identify and improve safe routes to school



**1.5.7 Goal 6**

Minimize adverse impacts and enhance user experience related to the transportation system.

**Objectives**

- Ensure that the transportation system contributes to community livability by maintaining levels of service and by further developing alternative modes of transportation.
- Ensure that the transportation system contributes to the protection of community character and values.
- Encourage the development of major entryways and gateways into each jurisdiction to ensure that they contribute to a positive image of each community.
- Ensure that transportation projects include mitigation measures such as landscaping and natural enhancements.

**1.5.8 Goal 7**

Preserve adequate right-of-way for future multimodal corridors and improvements.

**Objectives**

- Identify future multimodal corridor needs on the transportation system map and ensure adequate building setbacks through zoning ordinances while allowing for strategic enhancement of land uses.
- Consider requirement for preservation of multimodal corridors as a condition of approval for annexation approvals.
- Obtain the entire needed right-of-way at the time of annexation.
- Cooperate with the school district and other jurisdictions to jointly implement a long-range school site acquisition program in coordination with the future transportation system.

**1.5.9 Goal 8**

Consider all available options to fund multimodal improvements and maintenance projects.

**Objectives**

- Enhance the existing proportionate-share development impact fee program where it exists and provide for the transportation elements for the establishment of a proportionate-share development impact fee program where not established.
- Investigate alternative financing mechanisms appropriate to multimodal improvement projects.
- Implement local improvement district (LID) financing when deemed appropriate by the cities and members of the community.
- Study the feasibility of using alternate methods of multimodal improvement financing.
- Take advantage of federal and state highway funding programs.
- Balance transportation needs and funding, maintaining a fiscally constrained approach to planning capital improvement projects.



### **1.5.10 Goal 9**

Continue coordination among the member jurisdictions of this effort (Dover, Sandpoint, Ponderay, Kootenai, IHD) as well as with the Idaho Transportation Department, Bonner County, and the Bonner County Area Transportation Team (BCATT).

#### **Objectives**

- Continue diligent participation with BCATT.
- Cooperate with the Idaho Transportation Department on the implementation of the Statewide Transportation Improvement Program (STIP).
- Encourage the preservation and improvement of the multimodal function, level of service, and safety of all highways.
- Cooperate with the Idaho Transportation Department to preserve and enhance transportation corridors that affect the Urban Area.
- Work together in establishing cooperative road improvement programs, funding alternatives, and schedules.

### **1.6 Related Documents**

The transportation plan addresses the local transportation needs in the Urban Area. Several other related documents also address transportation issues either in or adjacent to the Urban Area. These documents were utilized to various extents during the planning process to ensure that the transportation plan is consistent with other transportation policies and plans already in effect, under development, or as updated. This section lists the applicable documents.

- Bonner County Transportation Plan, December 2004
- City of Ponderay, Comprehensive Plan, June 2005
- City of Ponderay, Title 10, Subdivisions and Improvements
- City of Sandpoint, Streetscape Ordinance
- City of Sandpoint, Sidewalk Design Standards and Standard Drawings
- Dover Access Study, February 2006
- Sand Creek Byway, Origin-Destination Study, March 2002
- Highway Standards for the Associated Highway Districts, Kootenai County, Idaho, 2005