

SANDPOINT CITY COUNCIL AGENDA REQUEST FORM

Today's date: 4 / 23 / 24

Date of meeting 5 / 1 / 24

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

Name of Citizen, Organization, Elected Official, or Department Head making request:

Brandon Staglund, Civil Engineer City of Sandpoint

Address: City of Sandpoint

Phone number and email address: 208-255-1877

Authorized by: Jeremy Grimm, Mayor

name of City official

City official's signature

(Department Heads, City Council members, and the Mayor are City officials.)

*Subject: Sidewalk in-lieu code and fee updates

Summary of what is being requested: Reduce sidewalk in-lieu fee from \$144.35 / LF to \$60 / LF
and revise city code 7-3-10-H based on attached draft

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**
If yes, in what way? reduced in lieu fee per project, but I anticipate a greater overall contribution
to the in-lieu fee funds

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

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

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: ☐ **Yes** ☒ **No**

4. Is an enforcement plan needed? **Yes or No** ☐ **Yes** ☒ **No** Additional funds needed? **Yes or No** ☐ **Yes** ☒ **No**

5. Have all the affected departments been informed about this agenda item? **Yes or No** ☒ **Yes** ☐ **No**

This form must be submitted no later than 6 working days prior to the scheduled meeting. All pertinent paperwork to be distributed to City Council must be attached.

ITEMS WILL NOT BE AGENDIZED WITHOUT THIS FORM

*City Staff, please check one box: Consent ☐ Old Business ☒ New Business ☐ Other/Unknown ☐

CITY OF SANDPOINT AGENDA REPORT

DATE: May 1, 2024
TO: Mayor and City Council
FROM: Brandon Staglund, P.E., City of Sandpoint Civil Engineer
SUBJECT: Reduction of sidewalk in-lieu fee, and amendments to City Code 7-3-10-H

BACKGROUND:

The City of Sandpoint implemented a “Sidewalk Fee In-lieu of Construction” starting in 2019, with the goal of avoiding constructing new sidewalks across single lots that did not connect to any existing sidewalk on either side, sometimes referred to as “sidewalks to nowhere.” When a property owner is required under city code 7-3 to construct new sidewalk across their property frontage, as a result of new construction or remodels of existing buildings, the code allows them to instead pay the in-lieu fee based on the width of their public street frontage. The fee is then placed into a dedicated fund based on the “Public Land Survey System” quarter section, and any fees must be spent within the same quarter section that the property is located. There are 21 separate quarter sections designated within city limits, as shown on the attached map.

The following issues are reducing the effectiveness of this program:

1. The in-lieu fee is roughly three times as expensive as what it costs for a typical property owner to install sidewalk. Previous staff used an estimate of what it would cost the city to build an equivalent section of sidewalk as part of a capital improvement project. I am requesting reducing the in-lieu fee to what it would cost the *property owner*. When the in-lieu fee is three times what it costs a property owner to install sidewalk, they are incentivized to build a “sidewalk to nowhere,” which is the opposite of the intent of the program.
2. The code currently limits using the in-lieu fees only for city project identified in a capital improvements plan. I propose changing this to allow fees to be used for sidewalks and curb ramps of any kind. We are required to spend in-lieu fees within 10 years of collecting them, or they must be refunded. As of 2024, roughly 5 years into the program, we have still not collected enough in lieu fees in any quarter section to complete a capital project.
3. Currently, the code is ambiguous about who gets to decide when to build sidewalk and when to pay the in lieu fee. I propose adding a section that clarifies that staff decides when the in lieu fee is applied. Staff is responsible for ensuring that new sidewalks have connectivity to the larger sidewalk network.

STAFF RECOMMENDATION:

Consider reducing the sidewalk in-lieu fee from \$144.35 / LF to \$60 / LF, revising 7-3-10-H-4 as shown on the attached draft code amendment, and adding section 7-3-10-H-6 as shown on the attached draft code amendment.

REQUESTED ACTION:

1. Approve the Ordinance amending City Code 7-3-10-H and accompanying Summary for publication.
2. Approve the Resolution reducing the sidewalk in-lieu fee from \$144.35 / LF to \$60 / LF.

WILL THERE BE ANY FINANCIAL IMPACT? Yes

HAS THIS ITEM BEEN BUDGETED? n/a

ATTACHMENTS:

1. City of Sandpoint quarter section map
2. Proposed Ordinance and Summary



ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF SANDPOINT, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING SANDPOINT CITY CODE TITLE 7, CHAPTER 3, SECTION 10-H, SIDEWALK FEE IN LIEU OF CONSTRUCTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS: City staff notes certain issues impacting the effectiveness of the Sidewalk Fee in Lieu of Construction program, started in 2019, including cost of the fee vs. cost of sidewalk installation, limitations on use of the fees collected, and ambiguity surrounding decisions on the use of this program; and

WHEREAS: Staff has suggested amendments to this section of City Code, along with an accompanying proposal to reduce the in-lieu fee, which will be introduced under a proposed resolution.

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Sandpoint that:

ORDINANCE SECTION 1 – AMENDMENT TO CITY CODE 7-3-10-H:

Sandpoint City Code 7-3-10-H SIDEWALK FEE IN LIEU OF CONSTRUCTION is hereby amended as follows:

7-3-10: NEW CONSTRUCTION OF SIDEWALKS; IMPROVEMENTS:

H. Sidewalk Fee In Lieu Of Construction:

1. A sidewalk fee in lieu of construction is required and shall be paid in full prior to issuance of a construction permit by the property owner abutting a public street when a modification has been authorized in accordance with this chapter, except in the event of a casualty loss.

2. Development associated with Title 10 is precluded from electing to pay a fee in lieu as an alternative to meeting the requirements of this chapter.

3. The sidewalk fee in lieu amount shall be adopted annually by resolution.

4. A sidewalk fee in lieu collected under this section shall be placed in a dedicated fund and used solely for the purpose of constructing ~~one (1) or more system improvements identified in the adopted capital improvement plan~~ public sidewalks, pathways, ramps, or other pedestrian infrastructure within the same quarter section, as determined by the public land survey system.

5. A sidewalk fee in lieu collected under this section shall be spent within ten (10) years from the date fee is paid to the city. The owner of a property for which a fee in lieu was paid under this section may request a refund of any funds that remain unspent after the end of the ten (10)-year period. A refund request under this section must be submitted in writing, on a form provided by the city. The city may refund the fee to the applicant if it is not spent within ten (10) years of the date of its collection.

6. Payment of the sidewalk in-lieu fee shall be at the discretion of the Public Works Director or City Engineer.

ORDINANCE NO. _____

ORDINANCE SECTION 2 - REPEAL AND SEVERABILITY:

- A. Any provision of the *Sandpoint City Code* found to be inconsistent with this Ordinance is hereby repealed.
- B. Should any provision of this Ordinance be deemed unlawful or unconstitutional, such finding shall not affect the remaining provisions of this Ordinance.

ORDINANCE SECTION 3 – PUBLICATION AND EFFECTIVE DATE:

This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED AND ADOPTED AS AN ORDINANCE OF THE CITY OF SANDPOINT, IDAHO, AT A REGULAR SESSION OF THE SANDPOINT CITY COUNCIL ON _____.

Jeremy Grimm, Mayor

Attest: _____
Melissa Ward, City Clerk

SUMMARY OF CITY OF SANDPOINT
ORDINANCE NO. ____
Sidewalk Fee in Lieu of Construction

AN ORDINANCE OF THE CITY OF SANDPOINT, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING SANDPOINT CITY CODE TITLE 7, CHAPTER 3, SECTION 10-H, SIDEWALK FEE IN LIEU OF CONSTRUCTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Following is a summary of the provisions of Ordinance No. ____.

Ordinance Section 1 amends Sandpoint City Code Title 7, Chapter 3, Section 10-H, to designate the purposes of the use of the sidewalk fee in lieu collected under this section and that the necessity of payment of the sidewalk in-lieu fee shall be at the discretion of the Public Works Director or City Engineer.

Ordinance Sections 2 and 3 provide for repeal and severability, publication and an effective date.

This publication is a summary of the full Ordinance and is being published pursuant to Idaho Code Section 50-901A. This ordinance was passed and approved upon a proper roll call vote and duly enacted at a properly-noticed session of the Sandpoint City Council, held _____, 2024. The full text of the Ordinance is on file with the Sandpoint City Clerk and will be promptly provided during regular hours to any citizen on personal request.

Published once in the Legals section of the Bonner County Daily Bee on _____, 2024.

STATEMENT OF LEGAL ADVISOR

I, Zachary Jones, legal advisor for the City of Sandpoint, Idaho, have examined the summary of the ordinance to be presented to the Sandpoint City Council on May 1, 2024, proposing to amend Sandpoint City Code 7-3-10-H and find it to be a true and complete summary of said ordinance, providing adequate notice to the public of the contents thereof.



Zachary Jones
City of Sandpoint Legal Advisor