

CITY OF SANDPOINT AGENDA REPORT

DATE: 3/19/2025
TO: Mayor and City Council
FROM: Brandon Staglund, P.E., City Engineer
SUBJECT: Final Plat Approval, Boyer Farm Estates Subdivision, Phase 2
City Permit PS22-0002

BACKGROUND:

The following background information is largely generated from the *Idaho Land Use Handbook, the Law of Planning, Zoning, and Property Rights in Idaho* published by Givens Pursley, LLP, January 7, 2019.

The subdivision and “platting” process is the process of securing approvals from local jurisdictions to divide a parcel of land into smaller lots. Subdivisions are distinct from, zoning regulations. Where zoning regulations delineate the uses and the permissible ways in which land may be developed, subdivision regulations identify the procedures for dividing land and impose requirements for providing public infrastructure and other improvements when the land is developed.

The subdivision of land is governed primarily by Idaho Code §§ 50-1301 to 50-1329 within Chapter 13 entitled “Plats and Vacations.” Idaho law requires “every owner creating a subdivision . . . shall cause the same to be surveyed and a plat made thereof which shall particularly and accurately describe and set forth all the streets, easements, public grounds, blocks, lots, and other essential information, and shall record said plat.”

The Local Land Use Planning Act (LLUPA) requires local governments to adopt local ordinances providing “for standards and for processing of applications for subdivision permits under sections 50-1301 to 50-1329.” The City of Sandpoint’s subdivision process is detailed in City Code, Title 10. Similar to most jurisdictions, the City follows a two-step process for reviewing plats – a preliminary plat review and a final plat review.

Preliminary plats generally set forth the basic information (layout) to determine if the subdivision plan generally complies with the applicable requirements. Public comments and deliberation regarding a proposed project’s layout occurs during the preliminary plat process and during public hearings. Once a preliminary plat is approved, developers are allowed to begin constructing public infrastructure.

Upon completion of constructing the public infrastructure (streets, utilities, etc.), the property owner engages a professional, licensed surveyor to generate the final plat. The final plat is essentially an “as-built” of the constructed public infrastructure and sets the final boundaries of each lot’s property lines. Property owners are required to return to City Council for approval of the final plat which serves as confirmation/verification step that they followed through with what was agreed upon during the preliminary plat process. By approving a final plat, the document can be recorded. Once recorded, the streets and utilities become publicly-owned and the developer can sell lots and contractors may apply for building permits on the new legal lots.

To be eligible for recordation, the final plat must contain the following certificates and approvals:

- The owner must provide a certificate containing a correct legal description of the lands included in the subdivision, a statement as to its intentions to include the described lands in the plat and make an offer to dedicate all public streets and rights-of-way shown on the plat.

- The professional land surveyor making the survey must certify the correctness of the plat.
- A certificate by the applicable health district verifying approval of sewer and water facilities.
- A certificate of acceptance from the local highway district of public streets, alleys and easements for public maintenance (the Independent Highway District owns the public right-of-way within the City of Sandpoint; the City is responsible for maintenance).
- A certificate of approval by the city council (Mayor and the city clerk).
- A certificate by the city engineer and city planner.
- A certificate by the county surveyor.
- A certificate by the county treasurer within 30 days prior to recordation.

Prior to bringing a final plat before City Council, City staff inspect the completed construction, documentation, surveyor's final plat, and terms of approval associated with the preliminary plat approval. City Code requires that the final plat be in substantial conformance with the preliminary plat. The legal definition of the term "substantial" means "*essentially; without material qualification; in the main; in substance, materially; in substantial manner. About, actually, competently, and essentially.*" In regards to a final plat, it is reviewed against the preliminary plat to ensure that the number of lots, general size of the lots, right-of-widths, and similar standards are consistent with that proposed during the preliminary plat process.

Additionally, the public infrastructure must be substantially complete; in this context, City staff review completeness to ensure that (a) City services (water, sewer, snow removal, etc.) are fully functioning and safe, and (b) the right-of-way provides safe and adequate access for the public and emergency services. It is typical and acceptable that a portion of the work is not 100% complete or accepted by the City at time of final plat, such as the sidewalks, removal of temporary erosion measures, planting of trees, etc. So long as the above criteria is met, as determined by the City Engineer, and the remaining work is bonded for, final plat may be approved on the basis it is "substantially" conforming and complete.

DESCRIPTION:

The applicant, Carousel Holdings, LLC, is seeking final plat approval for Boyer Farm Estates, Phase 2, a 25-lot subdivision, zoned Multi-family (RM). The site is located on Parcel RPS39500030010A, totaling approximately 4.8 acres, bounded by a 30' strip of public right-of-way and the Bonner County Readiness Center to the north, Samuelson Avenue to the west, an undeveloped parcel RPS00000102900A to the south, and Phase 1 of the Boyer Farm Estates Subdivision, approved for final plat, recorded on 4/14/2022.

On September 7, 2022, City Council approved with conditions the preliminary plat for the Boyer Farm Estates Subdivision (see attachments 3 and 4). The decision included the following conditions:

1. Final plat shall make note that no driveway access is permitted onto Samuelson Avenue.
2. Subject to an executed Development Agreement with standard terms and conditions associated with public infrastructure improvements.

A note was added to the draft final plat drawing to satisfy the first condition. The second condition requires an executed Development Agreement. However, there are no staff records of an executed development agreement. Development agreements are typically not used for standard subdivisions processed under City Code Title 10 Chapter 1.

Substantial completion of public infrastructure for Phase 2 has been certified by the engineer of record, Scott Brown, P.E. on February 10, 2025 (Attachment 5). However, additional required public infrastructure items still remain to be completed. The engineer of record has provided an engineer's estimate listing these items (Attachment 7). The developer will be required to enter into an agreement with the city, certifying that all remaining items shall be completed before release of the developer's

performance bond #107695902, and no later than three years from city council approval of the final plat, pursuant to city code 10-1-3-A. The remaining items to be completed are as follows:

1. Topsoil and seeding of planter strips and stormwater facilities.
2. Install rock energy dissipation pads behind the sidewalk at each curb cut concrete apron.
3. Adjust all meter boxes and valves in the planter strip to finished grade, once topsoil is placed.
4. Construct 3 concrete driveway approaches to city standard.
5. Remove and replace part of sidewalk damaged during construction.

After completion of the above items, and before city staff releases the performance bond #107695902, the developer shall provide a two-year warranty bond for all public improvements shown on the engineer's estimate, pursuant to city code 10-1-3-C.

No Certificate of Occupancy will be permitted until all remaining bond items are completed and approved.

The final plat has been reviewed by City staff and determined to be in substantial conformance with the approved preliminary plat.

STAFF RECOMMENDATION:

The applicant has followed the procedures required in City Code, Title 10, Chapter 1: Subdivision and New Development Standards and Regulations. The final plat is substantially in accordance with the preliminary plat previously presented to the Planning and Zoning Commission and the City Council. Additionally, the conditions of approval have been satisfied.

ACTION:

Per City Code, Title 10, Chapter 1-8(E), "The council may hold a public hearing on a final plat if requested by the planning director, mayor or city council. The city council shall approve, approve with conditions, refer the matter back to the planning commission, or deny the final plat. A written reasoned decision shall be prepared reflecting the city council's decision." The Phase 1 Final Plat conforms with all applicable standards of the Sandpoint City Code and the terms and conditions of the approved Preliminary Plat and the attached staff report dated 9/27/2022.

Move to:

1. Approve the Boyer Farm Estates Subdivision Phase 2 Final Plat.
Or;
2. Approve the Boyer Farm Estates Subdivision Phase 2 Final Plat, with conditions.
Or;
3. Refer the Boyer Farm Estates Subdivision Phase 2 Final Plat back to the Planning and Zoning Commission.
Or;
4. Deny the Boyer Farm Estates Subdivision Phase 2 Final Plat.

WILL THERE BE ANY FINANCIAL IMPACT? Yes; the City of Sandpoint is responsible for the maintenance of the public infrastructure. The additional revenues associated with future development of the new lots will be incorporated into future annual budgets (revenue and expenses).

HAS THIS ITEM BEEN BUDGETED? n/a

ATTACHMENTS:

1. Vicinity Map
2. City Council Meeting Minutes (Decision) 9/7/2022
3. City Council Meeting Staff Report 9/7/2022
4. Engineer of Record's Certification Letter 2/10/2025
5. Record Drawings
6. Engineer's Estimate of Items to Be Completed
7. Draft Construction Agreement
8. Draft Codes, Covenants and Restrictions
9. Performance Bond for Remaining Items to Be Completed
10. Boyer Farm Estates, Phase 2 Final Plat