



I D A H O

CITY OF DOVER – BUILDING AND PLANNING DEPARTMENT

699 Lakeshore Avenue, Dover Idaho • PO Box 115, Dover, ID 83825-0115 • (208) 265-8339 • FAX (208) 265-9035 • WEB <http://www.cityofdover.id.gov/>

**STAFF REPORT
DOVER CITY COUNCIL
FILE #SUB06-19, ORCHARD RIDGE ESTATES
PRELIMINARY PLAT**

PREPARED BY: Clare Marley, AICP
Senior Planner/City Planner
Ruen-Yeager & Associates
219 Pine Street
Sandpoint, ID 83864

PROJECT DESCRIPTION: Preliminary plat for the division of ±7 acres into five residential lots, ranging in size from 1 to 2.28 acres.

LOCATION: Syringa Heights and Lower Syringa Heights roads,
Section 29, Township 57 North, Range 2 West, B.M.,
RP#: RPD00000297200A, 1072 Syringa Heights Road.

APPLICANT: Rebecca Hawkins
P.O. Box 253
Sandpoint, ID 83864

PROPERTY OWNER: Same as applicant

DATE APPLICATION RECEIVED: May 30, 2019
Revised February 2, 2020

HEARING DATE: Planning & Zoning Commission: July 22, 2020
City Council: August 31, 2020

LEGAL NOTICE PROVIDED: Newspaper notice for Council: 8/15/20
Notice mailed to political subdivisions, media, landowners
within 300' of subject tract, school district: 8/13/20
Site Posted: 8/11/20

STAFF REPORT ATTACHMENTS: Application, stormwater plan
Preliminary plat
Agency comments
Public comments
Planning and Zoning Commission hearing minutes

PROPERTY DESCRIPTION:

- A. Site acreage and description: 7.06 acres, known as Tax 17, less Tax 34 in Section 29, Township 57 North, Range 2 West, Boise Meridian.
- B. Access: Syringa Heights Road and Lower Syringa Road, unpaved public rights-of-way, maintained by Independent Highway District. Syringa Heights and Lower Syringa rights-of-way are shown on the preliminary plat initial drawings as ±50-foot wide.
- C. Services: Syringa Heights Water District will provide water to the site. The applicant proposes to connect to the City of Dover sewer system. Electrical service is from Avista Utilities. The site is within the Selkirk Fire District.
- D. Environmental features: The site is not within a flood hazard zone. Bonner County GIS shows no streams present on this site. The National Wetlands Inventory does not show wetlands on the site.
- E. Surrounding uses and densities:

COMPASS	COMP PLAN DESIGNATION	CURRENT ZONING	USES/DENSITIES
Site	Large Lot Single-Family	Suburban	1-2 acres proposed. 7-acre site.
North	Large Lot Single-Family	Suburban	Residential uses, 1-2 acre lots and larger.
South	Large Lot Single-Family	Suburban/ Residential	Rights-of-way, US 2, residential development of 1-2 acres.
East	Large Lot Single-Family	Suburban/ Agriculture	Railroad and public rights-of-way, 6-acre vacant tract.
West	Large Lot Single-Family	Suburban	Residential, 2.9-acre tract.

AGENCY COMMENTS:

The city issued a request for public agency review and comment on the proposed preliminary plat on April 29, 2020. The agencies contacted and their comments are as follows:

- Selkirk Fire District: The International Fire Code shall apply to this development. The proposed access and turnaround look good, road marking and addressing requirements need to be met, Fire Chief Dale Hopkins wrote. He assumed the City of Dover would ensure the road signs and addressing are completed. The District requires either a hydrant be placed within the subdivision or cisterns for firefighting water supply. Each lot will need a cistern of at least 2,000-gallon capacity or a community cistern with at least 6,000-gallon capacity is okay. The District prefers a hydrant, but the Syringa Heights water system cannot supply one. (Email dated 4/29/20). (Staff note: The subdivision utility plan shows a single 1,500-gallon fire suppression tank at the end of the private drive cul-de-sac on Lot 3.) A follow-up email from Chief Hopkins dated 4/30/20 notes that the District desires to have the community cistern increased in size. A further email from Mark Sauter with Selkirk Fire District notes the 1,500-gallon tank may be insufficient. (Staff note: After the Planning and Zoning Commission hearing of July 22nd, staff followed up with the fire district on the cisterns for fire flow. Chief Hopkins advised in an email dated 8/4/20 that a community cistern of 6,000 gallons makes more sense for a single point of access. However, some homeowners have used individual cisterns as part of their irrigation system and are making sure the water levels are monitored and mechanical systems are operational.)
- Panhandle Health District: No comment.
- Dover City Engineer: Stormwater review letter dated 4/9/20, Jay Hassell, PE:

- Adjust stormwater calculations to show correct infiltration rates and soil conditions;
- Avoid saturation of soil at top of roadway cut bank. Provide a 15-foot setback from top of cut minimum;
- Include swale bottom elevations;
- Match culvert sizing to approved encroachment permit ADMIN013-18;
- Match intersection skew to approved encroachment permit ADMIN013-18;
- Street standard typical TYP-004 requires a minimum asphalt width of 20-feet for a private road in mountainous terrain. To allow passing in winter conditions without traveling on saturated gravel shoulders, a 16-foot wide asphalt surface with 2-foot travel shoulders is allowed for this site;
- Proposed asphalt, base, and ballast, with geotextile is acceptable;
- The minimum roadway drainage and utility easement width is 52 feet, per TYP-004;
- The maximum grade allowed for the private drive is 12%, per TYP-004.
- Dover City Engineer: General application review, letter dated 7/24/19, Jay Hassell, PE:
 - Provide road approach permit. (*Staff note: ADMIN013-18 received by City.*)
 - Show source of water services, sewage disposal, and utility locations.
 - Confirm locations and widths of rights-of-way and centerlines. (*Staff note: Revised preliminary plat drawing submitted, dated 2/21/20.*)
 - Provide required items prior to construction, including plan for paved private road, per Dover street standards;
 - Show Lower Syringa Road limits, dedication of right-of-way and centerline of existing road.
- City of Dover, sewer services: Email dated 4/30/20, Brett Converse, PE: Requests specific plans for sewer installation prior to construction.
- Idaho Department of Environmental Quality: Letter dated May 21, 2020, from Dan Redline, Regional Administrator:
 - Air quality: Prevent particulate matter from being airborne during construction. Advised of precautions for open burning and land clearing and air quality permits.
 - Wastewater: Recommends the subdivision be served by centralized community system. Recommends will-serve and capacity letter be obtained from the City for services. Reminded of DEQ pre-construction approval requirements.
 - Drinking water: Recommends connection to an existing community system. Recommends will-serve/capacity letter be obtained by provider of water services. Reminded of pre-construction approval requirements.
 - Surface water: Development must comply with Clean Water Act standards, Point Source Discharge rules, and should implement Best Management Practices to control and prevent water pollution. Reminders on hazardous and solid waste requirements and avoidance of ground water contamination.
- Lake Pend Oreille School District: Request for comment forwarded to the District's Chief Financial Officer. No comment received.
- Avista Corp.: No comment.
- City of Sandpoint: No comment.
- Independent Highway District: The District recommends the City of Dover require a 20-foot wide paved apron where the private drive meets the edge of Syringa Heights Road right-of-way to mitigate the tracking of gravel onto the paved roadway. (Email 5/4/20.) (*Staff note: See City Engineer and conditions of approval for responses to this request. Proposed private drive would be paved; the public travelway is not paved.*)

- Syringa Heights Water District: The district has a 4-inch main supply line running from Ontario Street to Highway 2. Connections are available. Cost of equity fee is currently \$6,185, with all costs and permits to connect from main to meter location by the property owner. (Letter dated 4/24/20.)

PUBLIC COMMENTS:

Public testimony at the July 22, 2020 Planning and Zoning Commission hearing is summarized in the attached minutes. The issues raised included water pressure from the Syringa Heights Water District, fire dangers, firefighting water flows, paving of Syringa Heights Road, and dust generated by construction. No one testified in direct opposition to the proposed subdivision.

STANDARDS REVIEW:

Zoning standards	Evidence of record
<p>Title 11 Chapter 3 – Procedures and Administration</p>	<p>A request for public agency comment was used issued April 29, 2020. Notice was provided at least 15 days prior to the public hearing in the official newspaper, to all political subdivisions within the city, the airport manager, and the school district. In addition, the city mailed notice to landowners within 300 feet of the subject property. An application was received and processed in accordance with the public hearing requirements of Dover City Code Title 11 Chapter 3. The site has been posted at least 7 days prior to the hearing. Planning and Zoning Commission provided a recommendation to Council. The Council will make the final determination after its public hearing.</p>
<p>Title 11, Chapter 3, Standards for Approval</p> <ul style="list-style-type: none"> A. Water Supply: Definite provisions have been made for a water supply system that is adequate in terms of quantity and quality for the type of subdivision proposed. B. Sewer Treatment: Adequate provisions have been made for servicing or treatment of sewerage by a public sewage system or other treatment as approved by Panhandle health district and the city. C. Street Plan: Proposed streets are consistent with the transportation element of the comprehensive plan. D. Hazardous Soil Conditions: All areas of the proposed subdivision which involve soil or topographical conditions presenting hazards have been identified and that the proposed uses of these areas are compatible with such conditions. E. Zoning: The area proposed for subdivision is zoned for the proposed 	<ul style="list-style-type: none"> A. Syringa Heights Water District advised April 24, 2020 that it has the connections and capacity to serve the subdivision. Based upon Selkirk Fire District statements, the water supply is inadequate for fire hydrants. Cisterns will be required to meet fire protection needs. B. The applicant proposes to connect to the city sewer services. The City requests specific plans be filed prior to construction. The Department of Environmental Quality must approve plans prior to construction. A will-serve letter is a condition of approval. C. The street improvements are subject to the city-adopted street standards, which call for a TYP004 standard for this location. Condition #5 addresses this. D. A stormwater management plan has been submitted. Additional revisions and information are required prior to final plat consideration. Condition #4 addresses this.

<p>use and the use conforms to other requirements found in the city ordinances.</p> <p>F. Mitigation For Impacts: The developer has made adequate plans to ensure that the community will bear no more than its fair share of costs to provide services by furnishing land or providing other mitigation measures for off site impacts to streets, parks and other public facilities within the community. It is the expectation that in most cases, off site improvements will be dealt with through the development agreement. (Section 11-3-11.)</p>	<p>E. The site is zoned Suburban. Lot size minimums are 1 acre. The preliminary plat shows lots to be 1 acre and larger.</p> <p>F. The applicant will be required to extend and install public water and sewer services at her own expense. Cisterns for fire flow will need to be installed by the landowner. A development agreement is a requirement covered at Condition #6.</p>
<p>Title 12- Standards for Zoning District. Suburban Minimum site area 1 acre (12-6-4, DCC)</p>	<p>Proposed lot sizes are: Lot 1, 2.28 acres; Lots 2-5, 1 acre.</p>

STAFF ANALYSIS:

The proposed subdivision meets the minimum lot size requirements for the Suburban zone. The future private road is required to be built to city standards and paved. Public water through Syringa Heights Water District and sewer services through City of Dover are proposed to serve the site. Installation of stormwater features are required to mitigate construction of the proposed drive and development of future home sites. These services and standards meet the minimum requirements of Section 11-3-11, DCC, A-E. Paragraph F allows mitigation for impacts to offset development impacts and to ensure the taxpayers bear no more than a fair share of costs for services. The road development and utility installations are the landowner's responsibility. No additional off-site improvements have been requested by reviewing agencies. The applicant proposes to dedicate to the public a portion of the Lower Syringa Road, where only a prescriptive right-of-way exists.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

Following the July 22nd public hearing, the Commission voted unanimously to recommend approval of the preliminary plat, with one member recusing herself from the proceedings. The Commission recommended the amendment of Condition #3 regarding fire flow and added a new Condition #12 (now numbered #13 due to paragraph numbering error) regarding dust abatement. The additional text is shown in underline in the draft Conditions of Approval of this report.

DRAFT MOTIONS FOR GOVERNING BOARD:

MOTION TO APPROVE: I move to approve the preliminary plat of Orchard Ridge Estates, File #SUB06-19, finding that it is in accord with the general and specific standards of the City of Dover, based upon the evidence of record and testimony received. I further move to adopt the findings and standards, reasoned statements confirming the application is in accord with subdivision standards, and conditions of approval (as written or as amend as follows...) The actions to be taken to obtain approval are to complete the conditions of approval as adopted.

MOTION TO CONTINUE: I move to continue this file SUB006-19 to [date, time and place] to allow for additional time for [public comment, additional information, revisions etc.].

MOTION TO DENY: I move to deny the preliminary plat, Orchard Ridge Estates, File #SUB06-19, finding that it is not in accord with the general and specific standards of the City of Dover, I further move to adopt the findings and standards (as written or amended) and the following reasoned statements: [READ STATEMENTS, SPECIFYING WHICH FINDINGS SUPPORT APPROVAL OF THE FILE AND WHICH FINDINGS SUPPORT DENIAL.] The actions that could be taken to obtain approval are to:

1. Submit a new application that meets the standards of the City of Dover; or
2. Pursue such remedies as provided for in Title 67, Chapter 65, Idaho Code.

REASONED STATEMENTS:

The staff report and subsequent evidence of record and received at the hearing provide the basis for the findings and reasoned decision. Based upon the findings, the Dover City Council concludes the preliminary plat **IS IN ACCORD/IS NOT IN ACCORD** with the following standards:

- A. Water Supply: Definite provisions have been made for a water supply system that is adequate in terms of quantity and quality for the type of subdivision proposed.
- B. Sewer Treatment: Adequate provisions have been made for servicing or treatment of sewerage by a public sewage system or other treatment as approved by Panhandle health district and the city.
- C. Street Plan: Proposed streets are consistent with the transportation element of the comprehensive plan.
- D. Hazardous Soil Conditions: All areas of the proposed subdivision which involve soil or topographical conditions presenting hazards have been identified and that the proposed uses of these areas are compatible with such conditions.
- E. Zoning: The area proposed for subdivision is zoned for the proposed use and the use conforms to other requirements found in the city ordinances.
- F. Mitigation For Impacts: The developer has made adequate plans to ensure that the community will bear no more than its fair share of costs to provide services by furnishing land or providing other mitigation measures for off site impacts to streets, parks and other public facilities within the community. It is the expectation that in most cases, off site improvements will be dealt with through the development agreement. (Section 11-3-11, DCC)

CONDITIONS OF APPROVAL:

1. The final plat shall be in substantial compliance with the approved preliminary plat and shall be filed in accord with the provisions of Title 11, DCC.
2. Preliminary plat approval is valid for one year from the date of the written decision. If the final plat is not recorded within one year of the written decision, the preliminary plat approval shall be void. Any time prior to the one-year expiration, the landowner may apply for a one-year extension, which shall require the approval of the City Council. The landowner may seek additional extensions for "good cause" if actual work has commenced and is continuing on subdivision improvements. The request for additional

extensions shall be submitted prior to the expiration dates and shall also require approval of the City Council.

- ~~3. Prior to final plat approval, the applicant shall install firefighting cisterns to serve each lot or a community cistern serving all lots, to the satisfaction of the Selkirk Fire District. Any easements for placement and access to a community cistern shall be shown on the final plat. For firefighting water sources, the Orchard Ridge Estates shall either: 1) Install a 6,000-gallon community cistern to the satisfaction of the Selkirk Fire District prior to final plat approval. Any easements for placement and access to the community cistern shall be shown on the final plat. OR 2) Require the installation of a 2,000-gallon individual cistern on each lot by the lot owners at the time of building permit application, to the satisfaction of Selkirk Fire District. The requirement shall be noted on the face of the plat.~~
4. Prior to construction, a final stormwater plan containing the information requested by the city engineer in his letter dated April 9, 2020 shall be submitted to the City. The approved stormwater management plan shall be implemented and maintained for the site.
5. The proposed private drive access onto the public right-of-way shall be completed in accord with encroachment permit ADMIN013-18. The private Marienau Drive shall be constructed to the City of Dover street standard typical TYP-004 for private roads in mountainous terrain. To allow passing in winter conditions without traveling on saturated gravel shoulders, a 16-foot wide asphalt surface with 2-foot travel shoulders is allowed for this site. The final street plan shall be submitted to the city engineer for review, pursuant to Chapter 6 of Title 11, DCC.
6. Prior to final plat approval, the applicant shall install a street sign in accord with city street naming standards and in a location approved by the city engineer.
7. Prior to start of construction of any subdivision improvements, the landowner shall enter into a development agreement with the City of Dover, pursuant to DCC 11-1-7 and Chapter 4 of Title 11. The agreement shall address at a minimum:
 - a. Encroachment of private drive onto the public road system;
 - b. Installation of firefighting cistern(s);
 - c. Installation of utilities;
 - d. Implementation of stormwater plan;
 - e. Coordination with other affected agencies;
 - f. Applicable surety and maintenance guarantees;
 - g. Inspection schedules;
 - h. Dedications;
 - i. Timetables for completion.
8. Prior to the installation of subdivision improvements, a complete set of construction plans shall be filed with the City of Dover in compliance with Chapter 6, Title 11, DCC and in accord with the approved preliminary plat. All applicable sewer and water plans shall also be filed with the Idaho Department of Environmental Quality prior to construction.

9. No construction shall commence until written approval is given by the city engineer. Final construction plans for all subdivision improvements shall be provided to the city engineer and administrator for review and approval. The plans shall be in substantial compliance with the approved preliminary plat.
10. The landowner shall obtain a will-serve and capacity letter from the City of Dover for sewer services.
11. Any minor changes to the plat involving adjustments to utility locations, minor lot line adjustments, or other changes resulting in non-substantial changes to the plat that do not affect conditions of approval shall require the written approval of the city engineer and administrator. Major adjustments affecting conditions of approval or increases in density shall require approval of the City Council through the public hearing process.
12. The landowner shall provide deeds confirming Syringa Heights Road and Lower Syringa Road have been dedicated to the public, or the subject rights-of-way shall be dedicated to the public on the face of the final plat for the portions of road adjacent to the subdivision.
13. The applicant shall apply dust abatement measures on the site and affected public rights-of-way during infrastructure construction.