Order of Quasi-Judicial Public Hearing

- Brief introduction of hearing by staff
- Applicant presentation
- Staff report (any initial questions by Council can be addressed here)
- Open to public testimony
  - For
  - Neutral
  - Opposed
- Rebuttal by applicant
- Close hearing/deliberation

Public Hearing Procedures

Dover City Resolution #110

Legislative Matters

- Chair announces hearing open calls for disclosures and conflicts
- Staff provides purpose of hearing/report
- Public provided opportunity to comment – chair may limit testimony
- Speaker must sign up, so name can be accurately reflected in the record
- Chair to recognize speaker
- Speaker states name for record
- Council deliberates, makes decision on matter

KANIKSU LAND TRUST

PRIVATE PARK/RECREATION FACILITIES, SPECIAL USE PERMIT SUP002-19

Special Use Permit Standards for Approval

Dover City Code 12-10-3 General Standards for Approval:

- In addition to development standards contained within this title, and prior to approving a special use, the city council shall review the particular facts and circumstances of each proposed special use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:
  - **A. Constitutes Special Use:** Will constitute a special use as established in this title for the zoning district involved;
  - **B. Objectives:** Will be harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan and the zoning ordinance;
  - **C. Character:** Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
  - **D. Public Facilities:** Will not create excessive additional requirements as to public cost for public facilities;
  - **E. Detrimental:** Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;
  - **F. Traffic:** Will have vehicular approaches to the property that are so designed as to not create interference with traffic and surrounding public thoroughfares. (Ord. 146, 9-22-2016)

Project Description

- Recreational facilities/private park (community forest)
- Zoned Agriculture – use permitted with special use permit

12-5-7: COMMERCIAL USE TABLE:

P = Authorized; S = Specially permitted; [vacant] = Prohibited use

Use	Residential	Suburban	Rural Residential	Agriculture	Commercial
Daycare centers	S	S	S	S	S
Equipment service and repair business					S
Home occupations, Tier 1	P[3]	P[3]	P[3]	P[3]	P[3]
Home occupations, Tier 2	S[3]	S[3]	S[3]	S[3]	P[3]
Hotels, motels and motor inns					S
Light manufacturing, processing and fabrication					S[1,2]
Private parks, recreation facilities	S	S	S	S	S
Professional offices	S	S	S	S	S

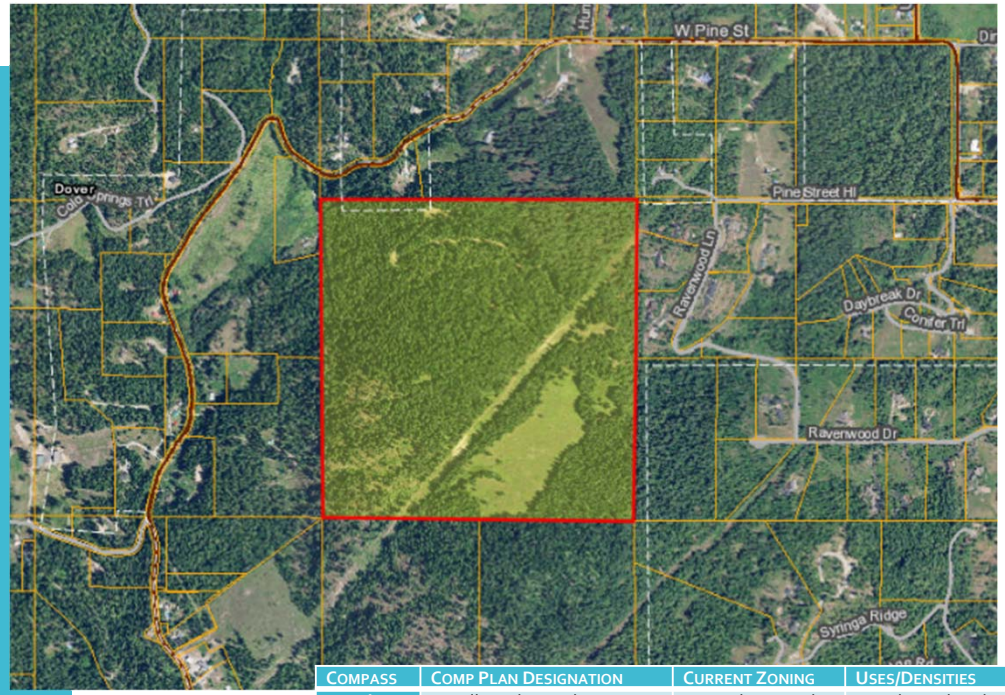
Project Description

- Immediate projects include:
  - Recreation center
    - Rental equipment and equipment storage
    - Cross-country ski trail grooming equipment
    - Community space
  - Trails, signage, and parking
- Planned projects include:
  - Welcome shelter
  - Expanded parking and sanitary facilities
  - Kaniksu Kids Zone – educational area
  - Caretaker's cottage
  - Pavilion
  - Donor recognition structure

Property Description

- Site located south of West Pine Street
- 160 acres
- Slopes >30% in places
- Rock bluffs
- Mature forest with meadows
- No mapped bodies of water – Bonner County GIS
- Wetlands – National Wetlands Inventory
- Access provided from West Pine Street and easement
  - Encroachment permit file #ADMIN20-19
- Bonneville Power Administration easement
- Services
  - Private water and sewer
  - Road maintenance – Independent Highway District
  - Power – Avista Utilities
  - Fire Protection – Selkirk Fire District

Surrounding Uses and Site Vicinity

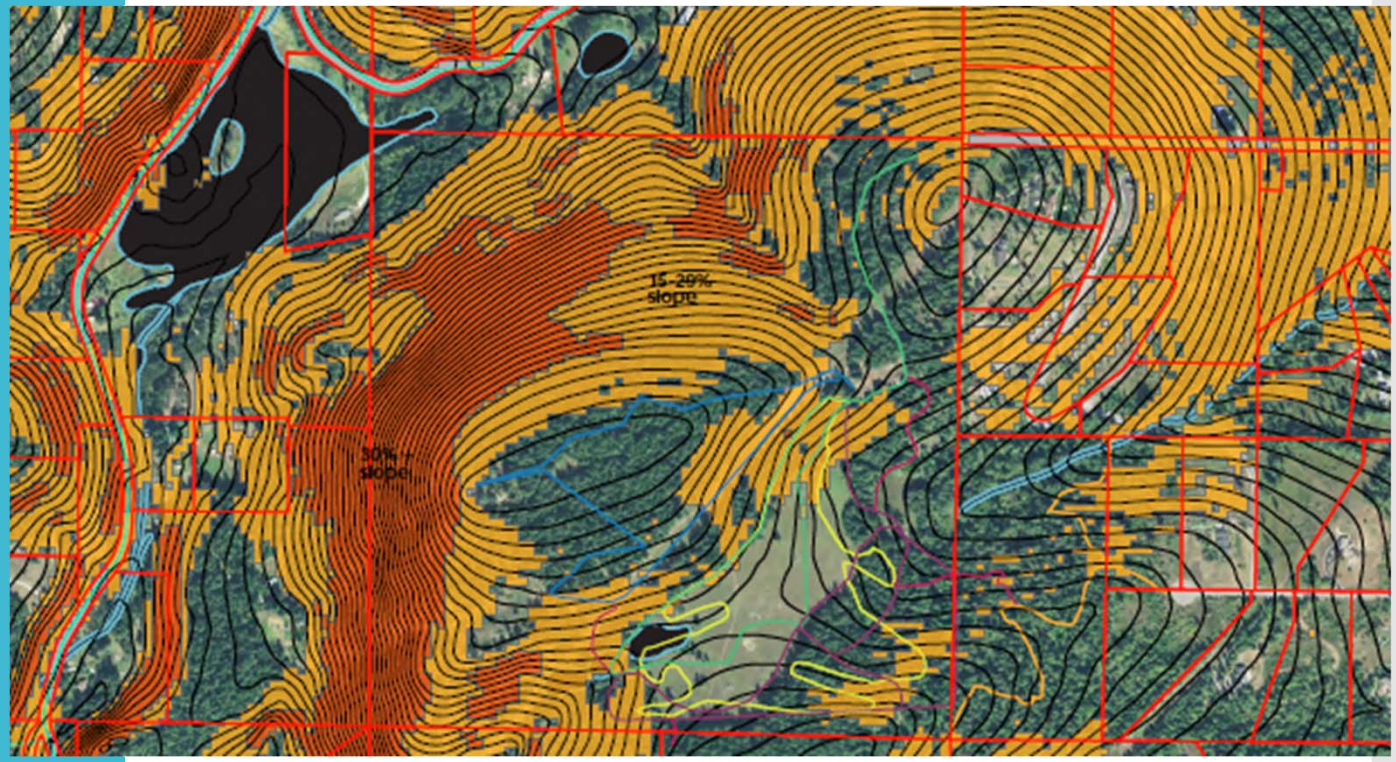


Compass	Comp Plan Designation	Current Zoning	Uses/Densities
North	Small-Scale Working Lands and Rural Residential	Agriculture and Suburban (Bonner County)	Residential and agriculture, 5 – 48-acre platted lots and unplatted parcels
South	Small-Scale Working Lands	Agriculture	Agricultural/timber land and conservation land, 101 and 103-acre unplatted parcels
East	Large Lot Single-Family	Suburban (Bonner County)	Residential, 5 – 20-acre platted lots
West	Rural Residential	Agriculture	Residential, 3 – 40-acre platted lots and unplatted parcels

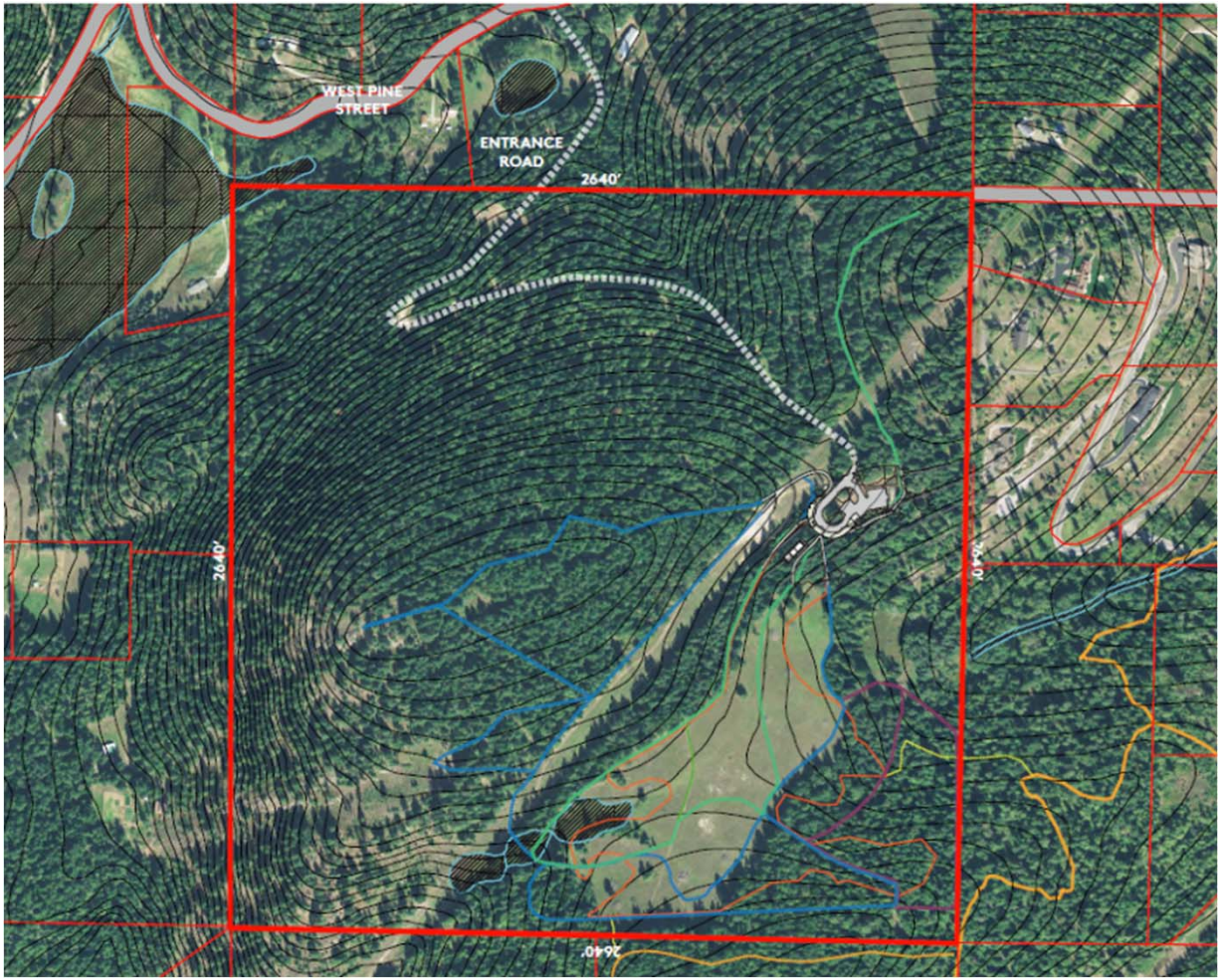
Wetlands

Source: U.S. Fish and Wildlife Wetlands Mapper

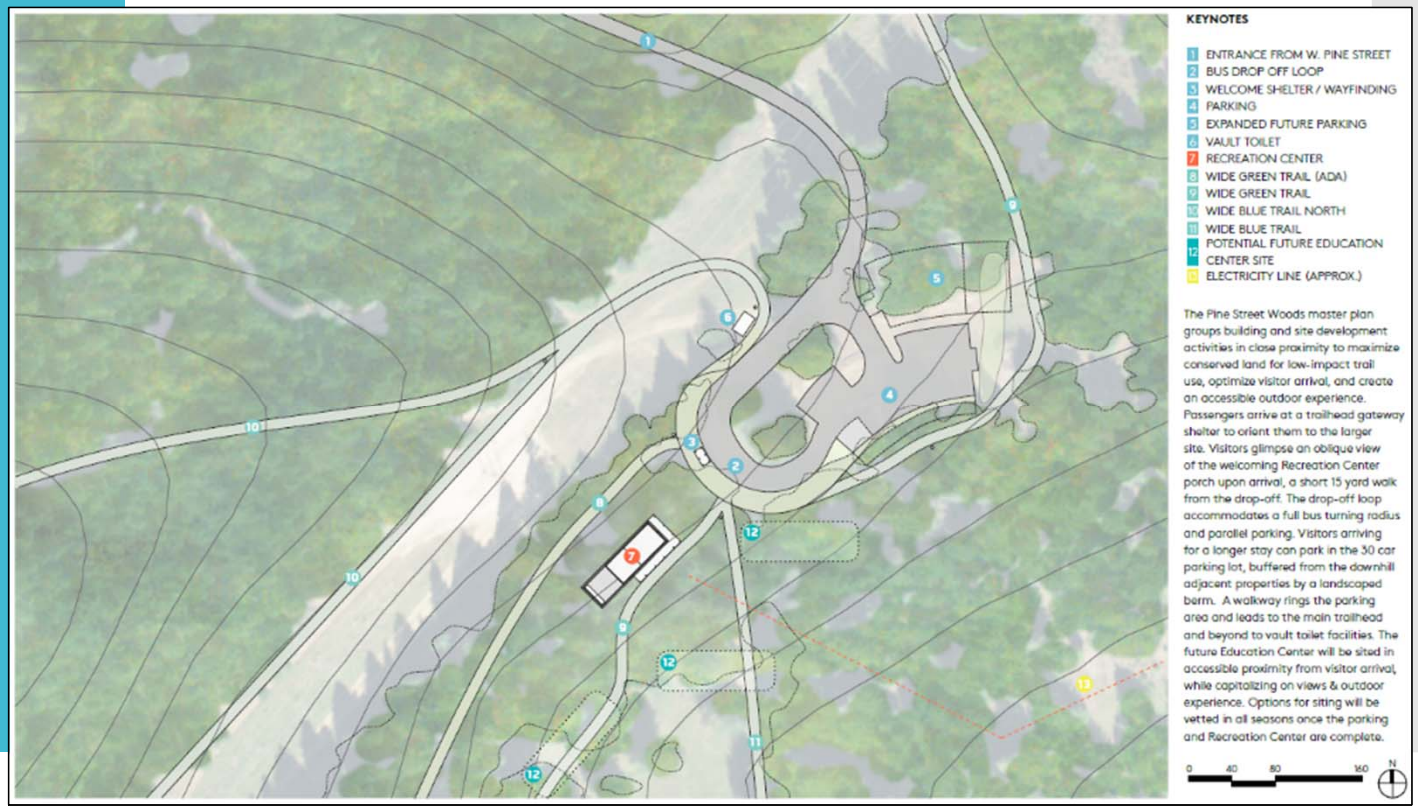
Slope



Site Plan

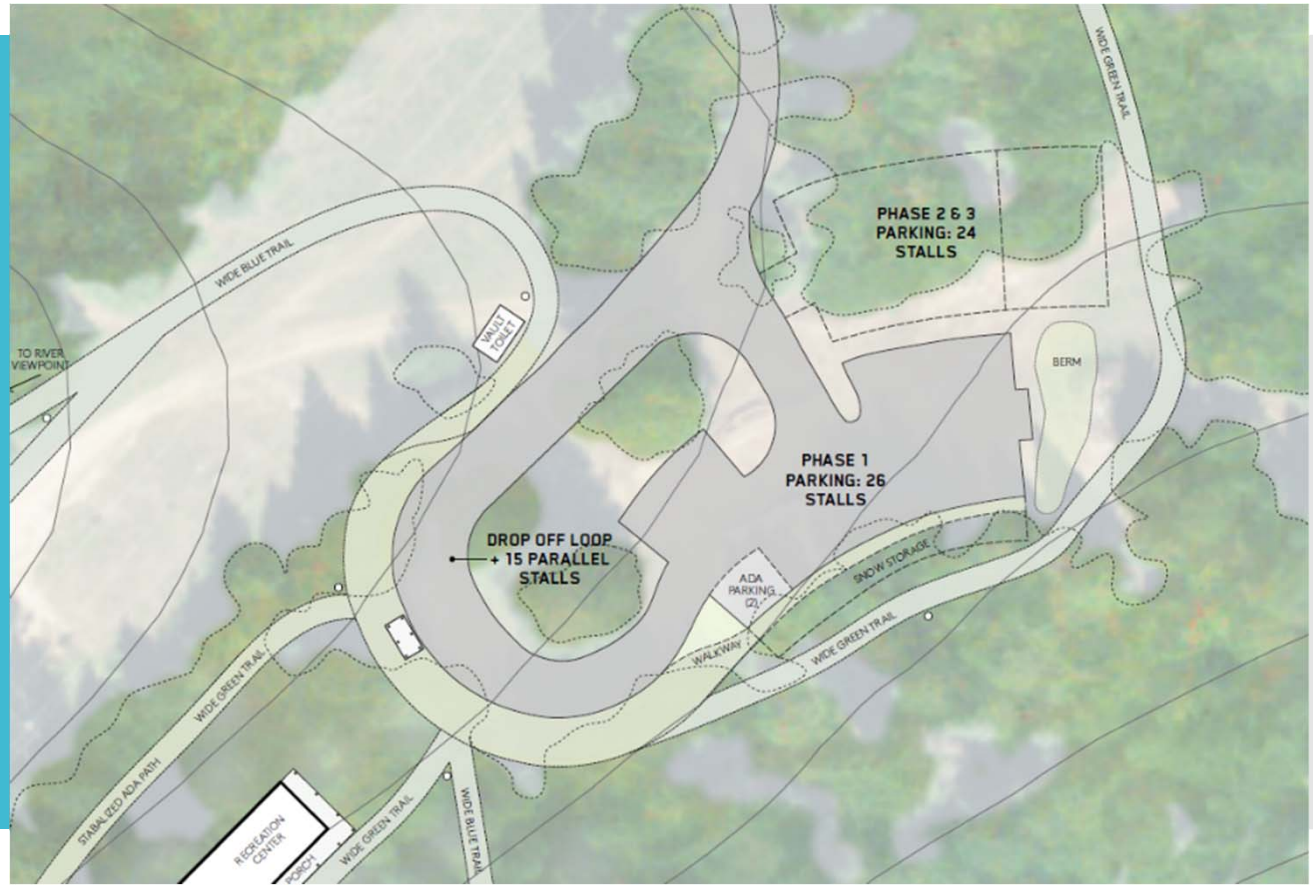


Master Plan


KEYNOTES
1 ENTRANCE FROM W. PINE STREET
2 BUS DROP OFF LOOP
3 WELCOME SHELTER / WAYFINDING
4 PARKING
5 EXPANDED FUTURE PARKING
6 VAULT TOILET
7 RECREATION CENTER
8 WIDE GREEN TRAIL (ADA)
9 WIDE GREEN TRAIL
10 WIDE BLUE TRAIL NORTH
11 WIDE BLUE TRAIL
12 POTENTIAL FUTURE EDUCATION CENTER SITE
13 ELECTRICITY LINE (APPROX.)
The Pine Street Woods master plan groups building and site development activities in close proximity to maximize conserved land for low-impact trail use, optimize visitor arrival, and create an accessible outdoor experience. Passengers arrive at a trailhead gateway shelter to orient them to the larger site. Visitors glimpse an oblique view of the welcoming Recreation Center porch upon arrival, a short 15 yard walk from the drop-off. The drop-off loop accommodates a full bus turning radius and parallel parking. Visitors arriving for a longer stay can park in the 30 car parking lot, buffered from the downhill adjacent properties by a landscaped berm. A walkway rings the parking area and leads to the main trailhead and beyond to vault toilet facilities. The future Education Center will be sited in accessible proximity from visitor arrival, while capitalizing on views & outdoor experience. Options for siting will be vetted in all seasons once the parking and Recreation Center are complete.
0 40 80 160
N

Recreation Center

Parking and Loading Zone



Building Permit BP2019027

- Proposed Recreation Center structure previously permitted
- Issued August 28, 2019 – storage only
- Special use permit would allow for use as recreation center

Site Photos

Entrance from road

Site Photos

Entrance from site

Site Photos

Loading Loop

Site Photos

Phase 1 Parking

Site Photos

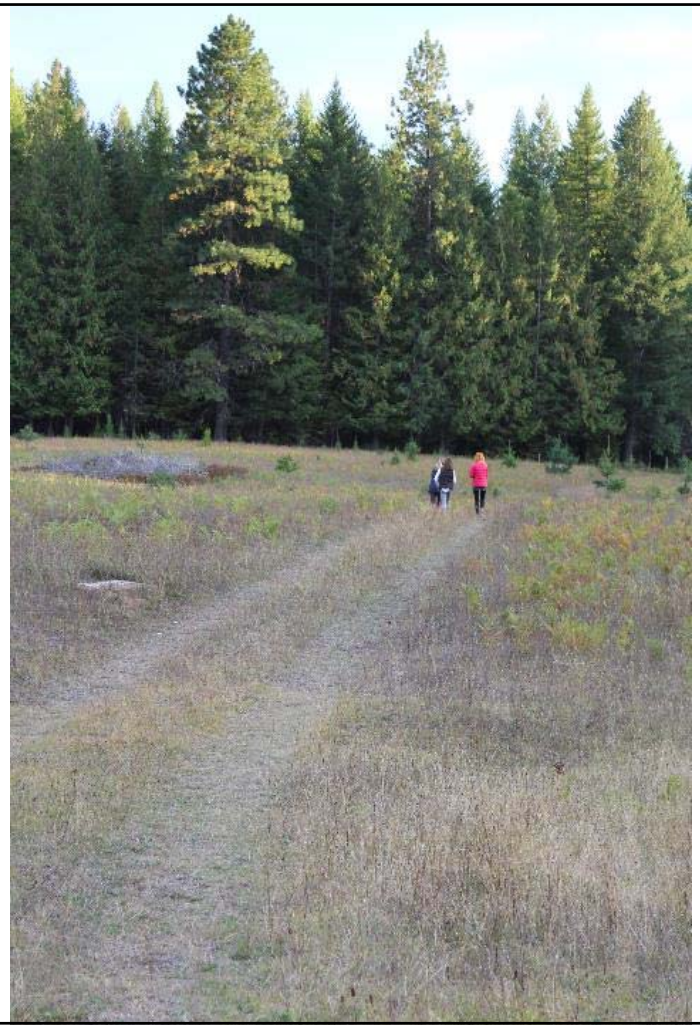
Phase 1 Parking

Site Photos

Trail signs

Site Photos

Trails



Agency and Public Comments

- Selkirk Fire – Fire Chief Ron Stocking – No issues. Interim Fire Chief Dale Hopkins – comments on:
  - Driveway and egress standards
  - Parking signage along access road
  - Water supply (for required fire flows)
- Panhandle Health District – Environmental Health Specialist Chris Ervin and Environmental Health Supervisor Kathryn Kolberg – proposed privy/pit toilet requires permitting through PHD
- Dover City Engineer Jay Hassell – comments on:
  - Access and parking
  - Bonneville Power Administration easement
  - Americans with Disabilities Act
  - Stormwater
  - Comments provided for Council, conditions provided in staff report
- Bonner County EMS – No comment
- Avista Utilities, Bonner County GIS, Bonneville Power Administration, City of Sandpoint Planning, and Independent Highway District – no response
- All written public comments have been sent to Council

Planning and Zoning Commission Recommendation

- Hearing November 7, 2019
- Recommended Approval
- Two additional recommended conditions in staff report
  - Property signage
  - Revegetation of logging road

Zoning Standards Review

- Special Use Permit Procedures and Administration (DCC Title 12 Chapter 3 & I.C. Title 67 Chapter 65)
  - Notice provided in paper, to landowners within 300', and site posted in accordance
  - Planning and Zoning Commission makes recommendation, City Council makes final decision
- Commercial Use Table (DCC section 12-5-7)
- Standards by Zone District (DCC section 12-6-4)
  - Setback standards: Meets all setback standards
  - Maximum lot coverage 50%: <1% proposed
  - Maximum building height 30 feet: 18 feet proposed
- Visibility at Intersections and Driveways (DCC section 12-6-10)
  - Access reviewed by City Engineer Jay Hassell under file #ADMIN20-19

Zoning Standards Review

- Sewer and Water Services (DCC section 12-6-13)
  - Private water and septic
- Off Street Loading Areas (DCC section 12-13-1F)
  - One area for each 10,000 square feet of floor area
  - 2,368 square feet proposed – 1 space required
  - 11,066 square foot drop off loop
- Off-Street Parking Spaces Required (DCC section 12-13-1)
  - Specific standards not listed for use
  - Use is largely outdoor use – access via buses, bikes, hikers
  - 51 stalls and 15 loading spots provided on site plan
- Required Buffers (DCC section 12-13-3F)
  - 20-foot buffer required between commercial/public and residential
  - Site is +100 feet away from property lines

Zoning Standards Review

- Signs (DCC Title 12, Chapter 11)
  - Directional signs proposed
  - Condition provided
- Standards Applicable to Special Uses (DCC 12-10-5)
  - Provides standards for:
    - Buffering and screening
    - Street connections
    - Runoff and erosion control
    - Hazardous substances
    - Land use compatibility
    - Location of parking areas
    - Pedestrian circulation
    - Snow storage
  - Plans show compliance
    - Buffering/screening reviewed
    - Stormwater/erosion control plan provided and reviewed
    - Streets, parking access, pedestrian circulation, and snow storage – agency review
    - No hazardous substances

Standards for Review

Standard	Finding
Constitutes Special Use (DCC 12-10-3A)	Recreational facilities/private parks permitted through special use permit process
Objectives (DCC 12-10-3B) Harmonious and in accordance with comprehensive plan & zoning ordinance Idaho Code 67-6512 – not be in conflict with comprehensive plan	Reviewed for conformance with comprehensive plan and zoning standards. Designated Small-Scale Working Lands. Staff report cites comprehensive plan
Character (DCC 12-10-3C) Harmonious and appropriate in appearance with existing character	Planned to blend with surroundings, structures not visible from parcels immediately adjacent to site, closest parcel >100' away
Public Facilities (DCC 12-10-3D) Will not create excessive additional requirements for public facilities	Private pit toilet, no city services
Detrimental (DCC 12-10-3E) Not be detrimental to persons or property	No hazardous substances, agency review
Traffic (DCC 12-10-3F) vehicular approaches designed to not create interference with traffic	Current approach reviewed file #ADMIN20-19. Kaniksu Land Trust has worked with Independent Highway District on signage

Recommended Conditions of Approval

1. Be in substantial compliance with the site plan
2. Valid for 2 years from date of written decision
3. Pay remaining fees
4. Future phases shall submit and receive approval of applicable permits, modifications subject to modification process
5. Signs subject to sign code (DCC Title 12, Chapter 11)
6. Obtain approval from Panhandle Health District for pit toilet
7. Access road shall comply with International Fire Code or have approved exception
8. Parking and loading in accordance with site plan and ADA
9. Developed in accord with Bonneville Power Administration easement conditions and restrictions
10. Stormwater management plan shall be implemented and maintained
11. Property lines posted with signs/markers (Planning and Zoning)
12. Revegetate former logging access road on east boundary (Planning and Zoning)

Draft Motions

See staff report

DRAFT MOTIONS FOR GOVERNING BOARD:

MOTION TO APPROVE: I move to approve this special use permit, File #SUP002-19 for a Special Use Permit to allow for the development of a recreation center and private park, finding that it is in accord with the general and specific standards of the City of Dover, as enumerated in the findings and standards table in the staff report. I further move to adopt the findings and standards, reasoned statements and conditions of approval (as written or as amend as follows…). The actions to be taken to obtain the special use permit is to complete the conditions of approval as adopted.

MOTION TO CONTINUE: I move to continue this file SUP002-19 to [date, time and place] to allow for additional time for [public comment, additional information, revisions etc.].

MOTION TO DENY: I move to deny this special use permit, File #SUP002-19 for a Special Use Permit to allow for the development of a recreation center and private park, 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

See staff report

1. The proposal was reviewed for compliance with the Dover City Code Section 12-10-3, Standards for Special Use Permit Approval. The proposal **IS/IS NOT** in accord with the applicable standards, based upon the evidence of record enumerated in the findings in the staff report and based upon the specific conclusions as follows: [IF THE PROPOSAL IS NOT IN ACCORD, SELECT THE STANDARDS IT FAILS TO MEET.]
   A. Will constitute a special use as established in this title for the zoning district involved.
   B. Will be harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan and the zoning ordinance
   C. Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
   D. Will not create excessive additional requirements as to public cost for public facilities.
   E. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
   F. Will have vehicular approaches to the property that are so designed as to not create interference with traffic and surrounding public thoroughfares.

City of Dover

File # VAR004-19

Request for a 3-foot side yard setback for construction of an attached chlorination building

Variance Standards

Dover City Code 12-8-3 Standards:

- A variance shall not be granted unless the city council makes specific written findings of fact based directly on the particular evidence presented to it which supports all of the following conclusions:
  - **A. Special Conditions And Circumstances:** Special conditions and circumstances exist that are peculiar to the land, structures, or buildings in the same district;
  - **B. Applicant Deprived Of Common Rights:** A literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title;
  - **C. Applicant Actions:** Special conditions and circumstances do not result from actions of the applicant;
  - **D. Special Privileges:** Granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures or buildings in the same district; and
  - **E. Public Interest Conflict:** Granting the variance is not in conflict with the public interest.

Variance Request

- Requesting a 3-foot side yard setback – 10 feet required by code
- Zoned Residential
- Allow for addition on south side of existing water treatment building
  - Chlorination building – 90-square foot
  - Meter vault – 48-square foot
- Provide safer access to move sodium hypochlorite (liquid chlorine)
  - Currently operators haul through pump room, stairs, and over pipes
- Applicant notes configuration of current structure and pipes
- Area to north for future sand filters
- Separate chlorination building not anticipated during initial design
- Chlorine injected along south side of building
  - Alternate location too far
  - Distance could create maintenance issues

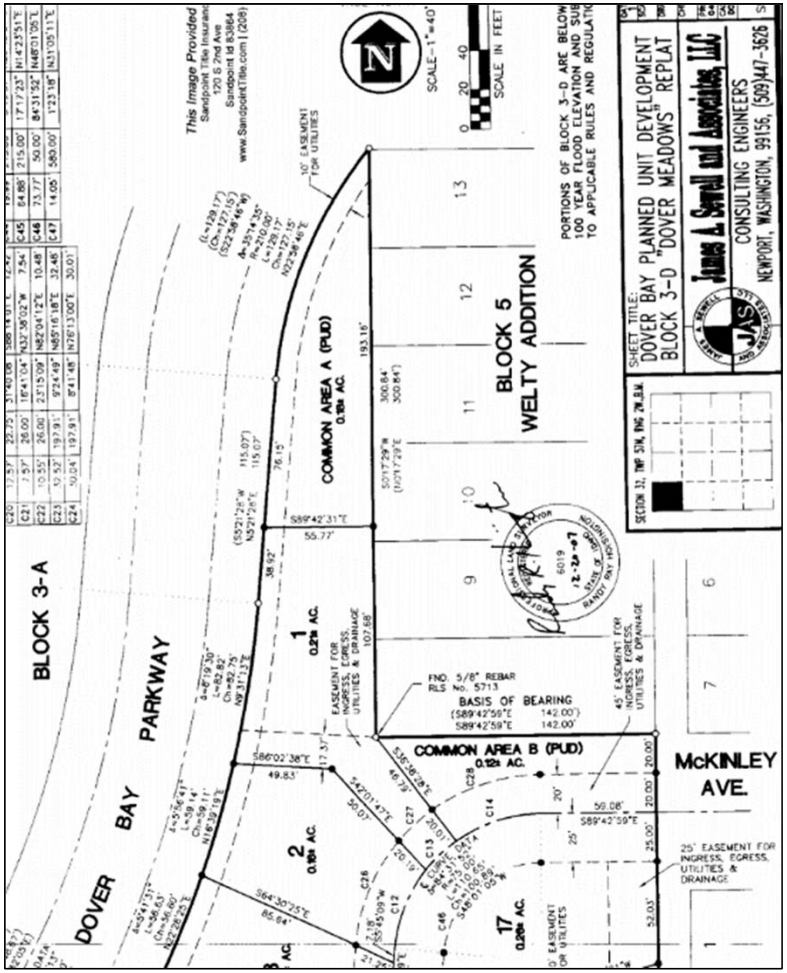
Property Description

- 0.99-acre lot
- Access
  - Becker Lane – paved with private and public sections
  - Public alleyway
- Services
  - Dover City – sewer and water
  - Independent Highway District – road maintenance
  - Avista Utilities – electrical
  - Selkirk Fire District – fire protection
- Surrounded by lots zoned residential or in PUD with residential uses
  - Open space and right-of way to south
- No floodplain, streams, slopes >15% (Bonner County GIS)

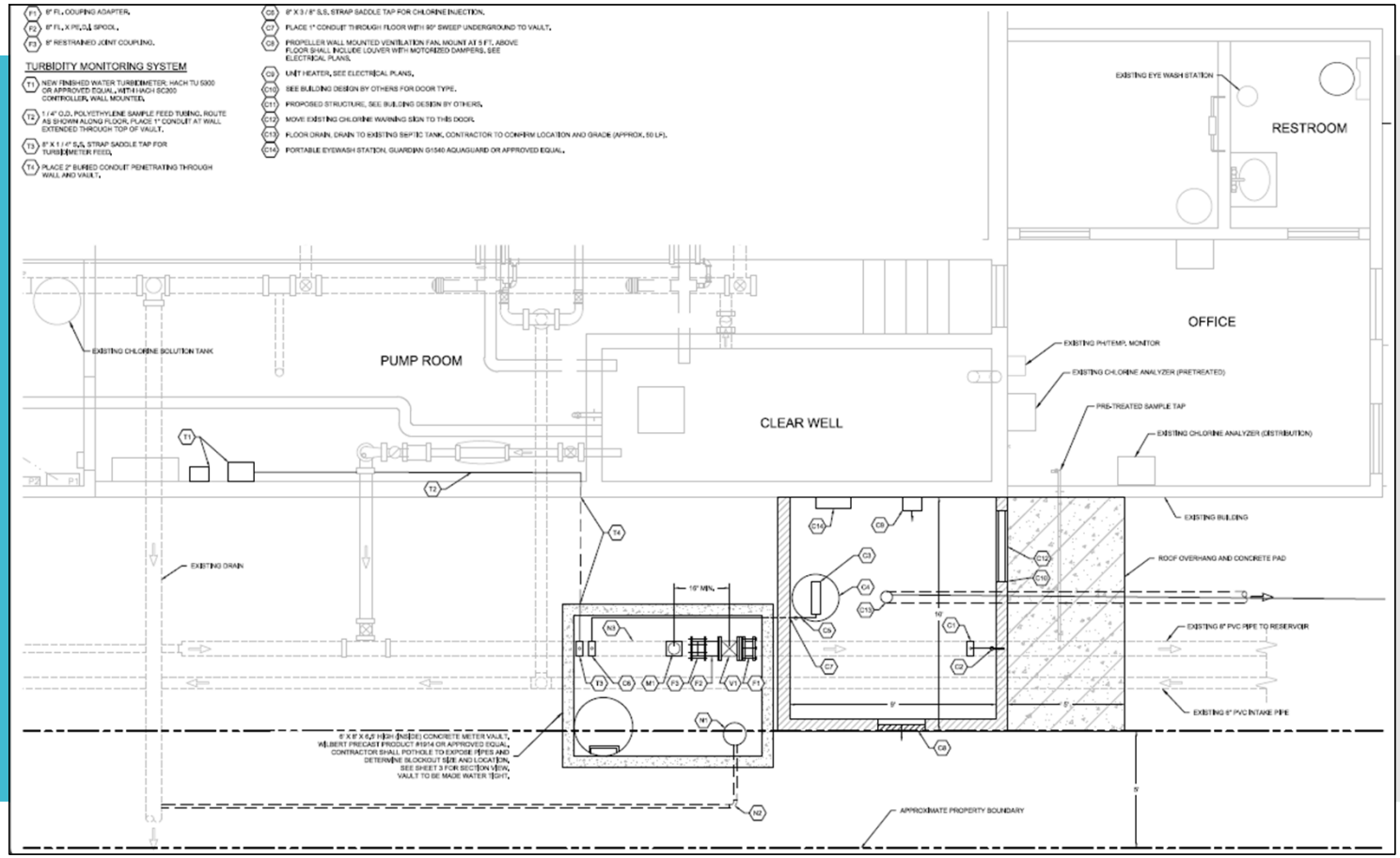
Site Vicinity

Site Aerial

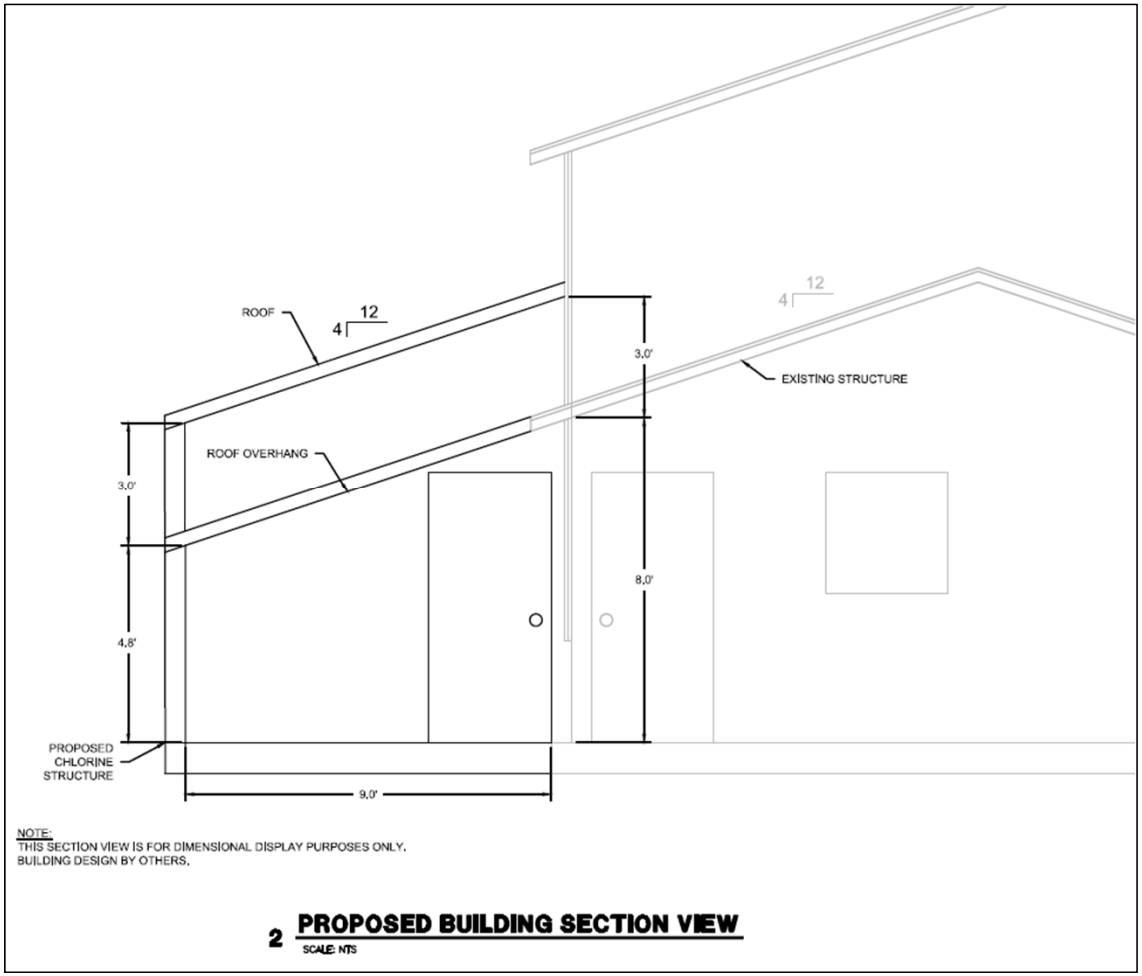
Adjacent Plat



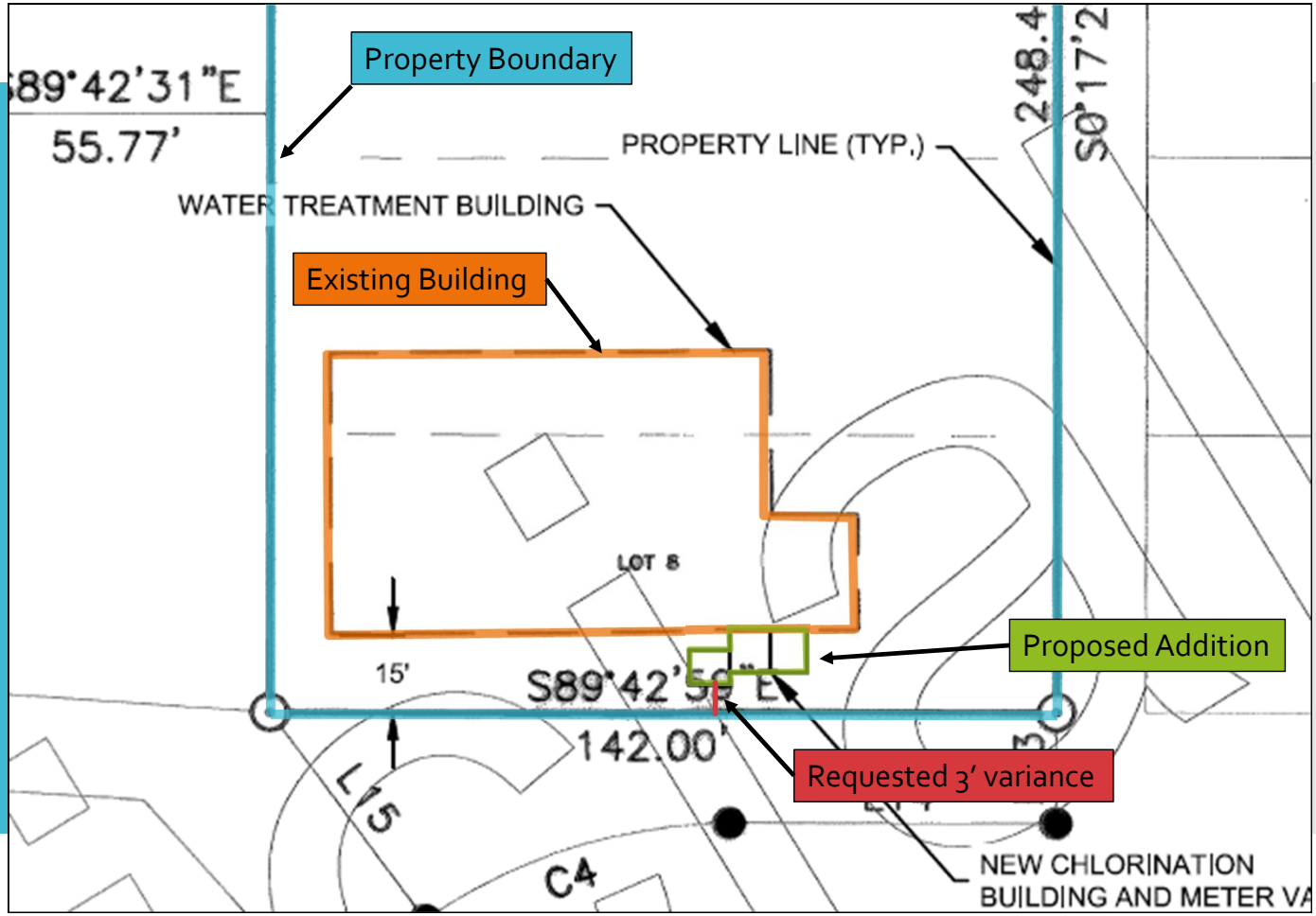
Proposed Plans



Proposed Plans



Site Plan


Property Boundary
PROPERTY LINE (TYP.)
WATER TREATMENT BUILDING
Existing Building
LOT 8
Proposed Addition
Requested 3' variance
NEW CHLORINATION
BUILDING AND METER VA
55.77'
142.00'
15'
C4
248.4

Site Photos

Proposed building location

Site Photos

Common space and right-of-way

Site Photos

Trees along southern border

Site Photos

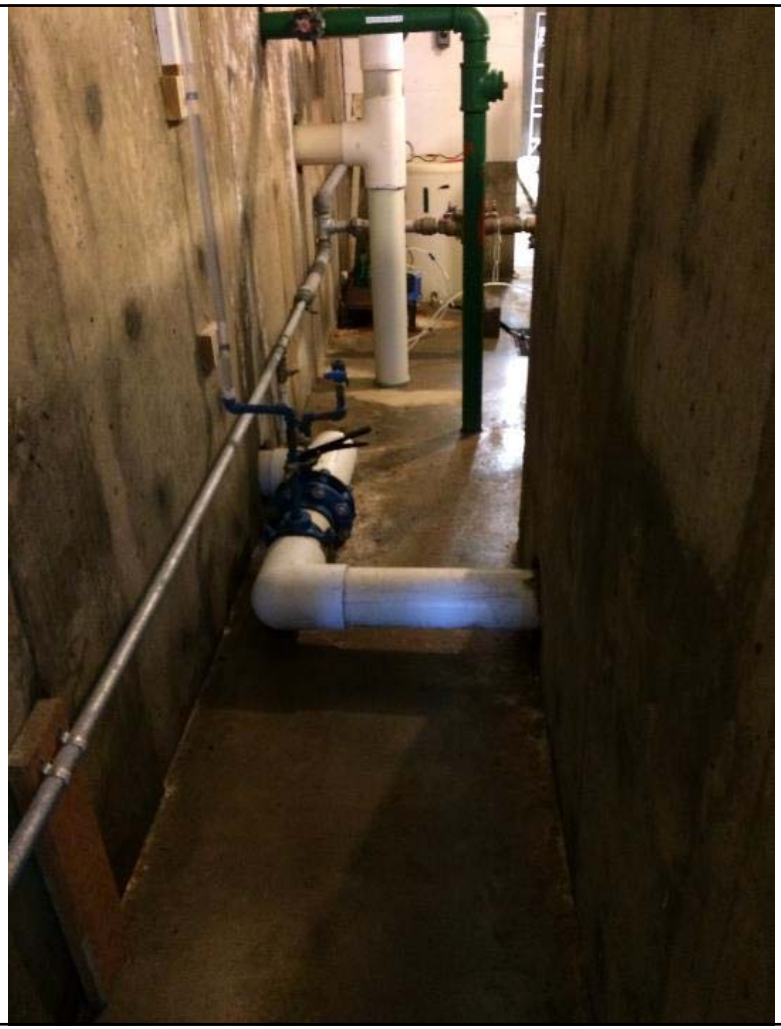
Northern part of site

Site Photos

Chlorine, tank, and pipe corrosion

Site Photos

Passage to carry chlorine through



Site Photos

Current piping

Agency and Public Comments

- Independent Highway District – Chairman Mel Bailey – Concerned about hazardous nature of chlorine, should be far away from property line
  - Project Engineer Scott McNee – sodium hypochlorite (liquid) is safer than chlorine gas, tank will have secondary containment
- Selkirk Fire – Fire Chief Dale Hopkins – supports variance
- Dover City Engineer Jay Hassell – No comment
- Avista Utilities, Panhandle Health District, and Idaho Division of Building Safety – did not respond
- Written public comments in opposition – forwarded to Council

Planning and Zoning Commission Recommendation

- Hearing November 7, 2019
- Recommended Approval

Zoning Standards Review

- Side yard setback in Residential zoning district – **10 feet** (DCC 12-6-4)
  - Addition will not meet
  - Requesting **3-foot** side yard setback
- Public Hearing Procedures and Administration (DCC Title 12 Chapter 3)
  - Notice provided at least 15 days prior to hearing
  - Notice mailed to landowners within 300'
  - Site posted at least 7 days prior

Variance Provisions

City of Dover

12-8-1: PURPOSE AND GENERAL PROVISIONS:

The city council may authorize in specific cases such variance from the terms of this title as **will not be contrary to the public interest**, where, owing to special conditions, **a literal enforcement of the provisions of this title would result in unnecessary hardship because of the physical characteristics of the site.** No nonconforming use of lands, structures or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this title would result in unnecessary hardship **not created by the property owner.** Variances can be granted for a modification of the requirements of this title as to the lot size, lot coverage, width, depth, front yard, **side yard**, rear yard, **setbacks**, parking space, height of buildings, or other title provisions affecting the size or shape of a structure or the placement of the structure upon lots.

Variance Standards (DCC 12-8-3)

Standard	Finding
Special conditions and circumstances exist that are peculiar to the land, structures, or buildings in the same district (DCC 12-8-3A)	Unique use, proposed location provides safer access for plant operators
A literal interpretation of code would deprive applicant of rights enjoyed by other properties in the same district under the terms of Dover's zoning regulations (DCC 12-8-3B)	Bordered by planned unit development and Becker Lane, injection site is along south side of building – placement elsewhere results in too much distance and could cause maintenance issues
Special conditions and circumstances do not result from actions of the applicant (DCC 12-8-3C)	Original design did not anticipate need for separate chlorination building, designed to give maximum space for future sand filters
Granting the variance will not confer on the applicant any special privilege that is denied by Dover zoning regulations to other lands, structures, or building in the same district (DCC 12-8-3D)	Some structures in PUD allowed 3-foot setback, municipal water service operation is unique use
Granting the variance is not in conflict with the public interest (DCC 12-8-3E)	Liquid chlorine (sodium hypochlorite) safer than chlorine gas, tanks will have secondary containment, fire supports, IHD noted structure should be placed away from property lines.

Proposed Conditions of Approval

1. Be in substantial compliance with the site plan
2. Valid for 2 years from date of written decision

Draft Motion for Governing Board

DRAFT MOTIONS FOR GOVERNING BOARD:

MOTION TO APPROVE: I move to approve this variance, File #VAR004-19 for a 3-foot side yard setback, where 10 is required by city code, finding that it is in accord with the general and specific standards of the City of Dover, as enumerated in the findings and standards table in the staff report. I further move to adopt the following reasoned statements and conditions of approval (as written or as amend as follows…). The actions to be taken to obtain the variance is to complete the conditions of approval as adopted.

MOTION TO CONTINUE: I move to continue this file VAR004-19 to [date, time and place] to allow for additional time for [public comment, additional information, revisions etc.].

MOTION TO DENY: I move to deny this variance, File #VAR004-19 for a 3-foot side yard setback, where 10 is required by city code, finding that it is not in accord with the general and specific standards of the City of Dover because [READ REASONED STATEMENTS AND SPECIFY WHAT STANDARDS THE APPLICATION FAILS TO MEET AND WHY]. I further move to adopt 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

See staff report

1. The proposal was reviewed for compliance with the Dover City Code Section 12-8-3, Standards for Variance Review. The proposal **IS/IS NOT** in accord with the applicable standards, based upon the evidence of record enumerated in the findings in the staff report and based upon the specific conclusions as follows: [IF THE PROPOSAL IS NOT IN ACCORD, SELECT THE STANDARDS IT FAILS TO MEET.]
   A. Special conditions and circumstances exist that are peculiar to the land, structures, or buildings in the same district.
   B. A literal interpretation of the provisions of this title deprives the applicant of rights commonly enjoyed by other properties in the same district under the terms of Dover's zoning regulations.
   C. Special conditions and circumstances do not result from actions of the applicant.
   D. Granting the variance will not confer on the applicant any special privilege that is denied by Dover zoning regulations to other lands, structures, or buildings in the same district.
   E. Granting the variance is not in conflict with the public interest