



CITY OF DOVER – BUILDING AND PLANNING DEPARTMENT

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DECISION LETTER – SPECIAL USE PERMIT #SUP002-19

December 17, 2019

Via email and regular U.S. mail

Kaniksu Land Trust
c/o Katie Egland Cox
P.O. Box 2123
Sandpoint, ID 83864

RE: File #SUP002-19– **Written Decision**

Dear Ms. Cox:

On December 12, 2019, the Dover City Council on a unanimous vote approved your request for an outdoor recreation center and private park. The 160-acre site is located at 11915 West Pine Street, in Section 19, Township 57 North, Range 2 West, B.M.

The purpose of this letter is to provide a written decision, as required by Dover City Code Section 12-3-12 (H). The decision letter includes the motions by City Council and the rationale for the decision, based on the applicable provisions of law and evidence contained in the record.

MOTION REGARDING SUP002-19:

Councilwoman Diane Brockway moved, and Councilman Woody Goodvin seconded the motion, to approve Special Use Permit #SUP002-19 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, and further moved to adopt the findings and standards, reasoned statements, and conditions of approval, as amended to:

1. Insert in parenthesis “master plan,” where site plan is used in the conditions of approval;
2. Strike the Planning and Zoning recommended condition #12 and substitute with the proposed condition #12 presented by the applicant to read as:
 - a. “The applicant shall sign all existing logging roads that lead to or are adjacent to the property boundary with West Ridge Estates. The signs shall be within 50 feet of said boundary and read substantially as follows: ‘No trail beyond this point. Please respect our neighbors.’”
 - i. Keep area as natural fire break to protect the West Ridge HOA neighborhood.
 - ii. Provide unimpeded route for emergency access.
3. Add Condition #13 to read as: “Any modification of the operating hours of dawn to dusk must be approved through the modification process, pursuant to Dover City Code 12-10-9 ‘Modifications.’”

The actions to be taken to obtain the special use permit is to complete the conditions of approval 1 through 13, as written and as amended.

Staff requested confirmation that the motion included a determination that the permit is in accord with standards A through F of Dover City Code 12-10-3. Councilwoman Brockway confirmed the proposal is in accord with the applicable standards.

Upon a roll call vote, the Mayor declared the motion approved on a unanimous vote.

APPLICABLE CODES, STANDARDS, AND FINDINGS:

Zoning standards	Evidence of record
<p>Title 12 Chapter 3 – Procedures and Administration Requires a public hearing for all Special Use Permits. All planning and zoning applications requiring public hearings shall be subject to the requirements of Idaho Code title 67 chapter 65 and the adopted city public hearing procedures resolution. The Planning and Zoning Commission makes a recommendation to City Council, which makes the final decision.</p>	<p>Notice has been 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 12 Chapter 3. The site has been posted at least 7 days prior to the hearing.</p>
<p>DCC 12-5-7 – Commercial Use Table</p>	<p>Private parks and recreation facilities are allowed in the Agriculture zoning district through the special use permit process.</p>
<p>DCC 12-6-4 – Standards by Zone District The applicable standards for lot development in the Agriculture zoning district are:</p> <ul style="list-style-type: none"> • Front yard setback – 25 feet • Side yard setback – 20 feet • Rear yard setback – 25 feet • Maximum lot coverage – 50% • Maximum Building height – 30 ft 	<p>The building proposed to be used as the recreation center was previously permitted under building permit BP2019027 and was found to meet all setback, height, and coverage standards at that time.</p>
<p>DCC 12-6-10 – Visibility at Intersections and Driveways A clear vision triangle shall be maintained at all intersections and points of access to a public street</p>	<p>Access to the site was reviewed and approved by City Engineer Jay Hassell under encroachment permit file #ADMIN20-19.</p>
<p>DCC 12-6-13 – Sewer and Water Services "All development shall provide evidence of adequate city sewer and water services or approved alternative systems if city services are not available."</p>	<p>The application proposes a private well and a pit toilet to accommodate visitors. Panhandle Health District responded that the proposed pit toilet/privy would require permitting through Panhandle Health District. A condition has been provided requiring permitting of the pit toilet by Panhandle Health District prior to installation. City Engineer Brett Converse responded that he did not have any comment regarding the proposed utilities.</p>
<p>DCC 12-13-1F – Off Street Loading Areas Requires one off street loading area for each 10,000 square feet of gross floor area</p>	<p>Building Permit BP2019027 shows the recreation facility has an area of 2,368 square feet requiring one off street loading area. The site plan shows 15 parallel stalls in a 11,066 square foot drop off loop.</p>

Zoning standards	Evidence of record
DCC 12-13-1 Table A1 – Minimum Off-Street Parking Spaces Required	Specific standards for parks are not listed in Table A1. Section 12-13-1C requires the Administrator to set parking requirements when the use is not listed. The use is largely an outdoor use and access will be via buses, bikes, and hikers. Sufficient parking has been dedicated with the 51 stalls and 15 loading spots shown on the site plan.
DCC 12-13-2F – Required Buffers Commercial and/or public uses are required to buffer if bordered by a residential use or river	The site is bordered by residential uses to the North, East, and West. A 20-foot buffer is required between commercial and/or public uses and residential uses. The structure is located greater than 100 feet from the nearest property line.
DCC Title 12, Chapter 11 – Signs	Several small signs are proposed as part of this use. Small signs are exempt from permitting pursuant to Dover City Code section 12-11-4F. Small signs are defined as "A freestanding sign not exceeding six square feet in gross area and five feet in height, which is not illuminated" (DCC 12-11-2). A condition has been provided below that all signs meet the standards of Dover City Code Title 12 Chapter 11 including those for permitting, placement, and installation of signs.
DCC 12-10-5: Standards Applicable to Special Uses A. Buffering and Screening B. Street Connections C. Runoff and Erosion Control D. Hazardous Substances E. Land Use Compatibility F. Location of Parking Area G. Pedestrian Circulation H. Snow Storage	Plans showing compliance with each additional standard were provided. Buffering and screening were reviewed above under DCC 12-13-2F. A stormwater/erosion control plan was provided with the application. Streets, runoff and erosion control, parking access, pedestrian circulation, and snow storage were reviewed during agency review. The applicant does not propose handling or storage of hazardous substances.

Standards for Review by Governing Bodies Dover City Code Title 12 Chapter 10	Findings, Based upon evidence of record
DCC 12-10-3A – Constitutes Special Use Will constitute a special use as established in this title for the zoning district involved	Dover City Code section 12-5-7 Commercial Use Table allows for private parks and recreation facilities in the Agriculture zoning district through the Special Use Permit process.
DCC 12-10-3B – Objectives Will be harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan and the zoning	<u>Comprehensive Plan</u> The subject property is currently designated as Small-Scale Working Lands on the projected land use map. The Comprehensive Plan describes Small-Scale Working Lands as providing opportunities for "trailheads, conservation

Standards for Review by Governing Bodies Dover City Code Title 12 Chapter 10	Findings, Based upon evidence of record
<p>ordinance.</p> <p>Additionally, Idaho Code 67-6512 states that the special use shall not be in conflict with the comprehensive plan. Subject to the ability of political subdivisions to serve the proposed use.</p>	<p>subdivisions, and conservation easements" (Dover Comprehensive Plan, Section 3, page 11).</p> <ul style="list-style-type: none"> • Economic Development: The application notes that the project will provide access to many different recreational opportunities and to all segments of the community regardless of age or ability. Kaniksu Land Trust has received grants from AARP, Community Assistance League, and Selkirk Association of Realtors to support the development of trails. City of Dover Comprehensive Plan Goal 6.G.6 supports the growth of Dover's economy through small-scale recreational retail and services such as equipment rental. • Land Use: The 160-acre parcel of land will be maintained as a forest in its natural condition. A forest management plan has been developed and will be implemented according to the application. The land will also be used for educational purposes. The City of Dover Comprehensive Plan Section 3, implementation #14 calls for the support of private preservation of working lands, specifically mentioning the Pine Street Woods as an example. The application proposes to preserve the Pine Street Woods in their current condition with the addition of a recreation center and trail network. Policy 3.P.12 further encourages private protection of open spaces and environmentally sensitive lands. Goal 3.G.11 supports maintaining and enhancing access to recreational opportunities. • Natural Resources: The application states that the land is to be maintained in its existing condition under Kaniksu Land Trust's ownership. • Recreation: The proposed use is for a recreation center and private park. The applicant states that the center will provide equipment rentals for the surrounding communities. Comprehensive plan goal 6.G.1 notes that Dover is characterized by excellent access to outdoor recreation. Policy 6.P.8 encourages the development of an indoor recreational facility in Dover. Policy 6.P.1 directs the support of the completion of new public spaces, parks, and plazas. While the proposed use is classified as a private park, the application states that it would be a community forest, open to the public. • Special Area or Sites and Historical Sites: The application describes historical artifacts left over from Humbird logging operations and the subsequent McMann homestead. These include horseshoes

Standards for Review by Governing Bodies Dover City Code Title 12 Chapter 10	Findings, Based upon evidence of record
	<p>dating to the early 1900s, an early Northern Pacific Railroad switch key, and the remains of two different cabins. Comprehensive Plan goal 9.G.1 encourages maintaining the natural environment and resources. Kaniksu Land Trust proposes to maintain the current forest with a specific management plan. Policy 9.P.4 calls for the support of private preservation of environmentally sensitive sites such as wetlands and hillsides. Policy 1.P.1 calls for the education of residents and visitors about Dover’s history. The application shows future phases of the project that would educate the public about historical logging operations.</p> <ul style="list-style-type: none"> • Community Design: The surrounding uses are residential or agricultural in nature. The application states that the use will provide opportunities for residents to engage with the natural, undeveloped open space while participating in a range of recreational activities. Through public outreach, The Comprehensive Plan found that outdoor recreation opportunities are highly sought after by residents as a part of their community design. Policy 3.P.9 encourages public recreational opportunities including trail systems and services such as rental facilities. <p><u>Zoning Ordinance</u></p> <ul style="list-style-type: none"> • A review of compliance with specific zoning standards is provided in the table above.
<p>DCC 12-10-3C – 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</p>	<p>According to the application, the Recreation Center and later planned projects will be designed to blend with the natural surroundings while being construction for endurance, sustainability, and fire safety. The structures will not be visible from beyond the edge of the parcels immediately adjacent to the site with the closest parcel being more than 100’ away from the Recreation Center. All signs will be required to meet the standards of Dover City Code Title 12 Chapter 11 Signs.</p>
<p>DCC 12-10-3D – Public Facilities Will not create excessive additional requirements as to public cost for public facilities</p>	<p>No city sewer or water services are proposed. A private pit toilet is proposed for sewer.</p>
<p>DCC 12-10-3E – Detrimental Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or</p>	<p>The application states that the use will not involve the handling or storage of hazardous substances.</p>

Standards for Review by Governing Bodies Dover City Code Title 12 Chapter 10	Findings, Based upon evidence of record
the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors	
DCC 12-10-3F – Traffic Will have vehicular approaches to the property that are so designed as to not create interference with traffic and surrounding public thoroughfares	The current approach was reviewed and approved as a part of Encroachment Permit file #ADMIN20-19. Conditions regarding placement of a gate, stop sign, and culverting were placed on the permit by City Engineer Jay Hassell. The application states that Kaniksu Land Trust has worked with the Independent Highway District to implement safe signage around the property entry.

REASONED STATEMENT:

The following reasoned statement was adopted by the Dover City Council:

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 following reasoned statements are adopted by the Dover City Council:

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** 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. (The use):
 - 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.

CONDITIONS OF APPROVAL:

1. The approved site plan (master plan) is the controlling document for the requested special use permit. Development shall be in substantial compliance with the site plan (master plan), as approved by the City Council. Any proposed modifications to the location of Recreation Center that are not in substantial compliance with the approved site plan (master plan) are subject to the modification procedures and standards of Dover City Code, Sections 12-3-17 and 12-3-18.
2. The special use permit is valid for two (2) years from the date of the written decision. This special use

permit shall expire unless building permits have been issued and construction initiated or use of the property commenced in reliance upon the special use permit prior to the expiration date. An extension, not to exceed two (2) years, may be requested, provided the request is received and the City Council has acted upon it prior to the expiration date (Dover City Code 12-10-7).

3. Prior to issuance of the special use permit, the applicant shall pay any remaining fees associated with the processing of this application, in accord with the adopted fee schedule of the City of Dover.
4. Prior to development of future phases, the applicant shall submit to the City of Dover building permits, site plans, stormwater plans, and parking plans, as required by city code, and shall receive city approval prior to construction. Any modifications that vary from the site plan (master plan) must be approved through the modification process, pursuant to Dover City Code 12-10-9 "Modifications."
5. Signs shall be subject to Dover City Code Title 12, Chapter 11, Signs including permitting for placement or installation of such signs.
6. The applicant shall obtain approval from Panhandle Health District prior to installation of the proposed pit toilet/privy.
7. The access road and turn-around shall be in compliance with the International Fire Code fire access road standards or exceptions to the fire code as approved by the Selkirk Fire District.
8. Parking and loading areas shall be construction and maintained in accord with the approved site plan for the special use permit. Parking and loading areas shall meet the minimum Americans With Disabilities Act requirements.
9. Development of the site shall be in accord with the Bonneville Power Administration easement restrictions and conditions.
10. The stormwater management plan dated September 6, 2019 shall be implemented and maintained for the site.
11. Signs or markers shall be posted and maintained identifying property lines and reminding visitors to respect private properties adjoining the site.
12. The applicant shall sign all existing logging roads that lead to or are adjacent to the property boundary with West Ridge Estates. The signs shall be within 50 feet of said boundary and read substantially as follows: "No trail beyond this point. Please respect our neighbors."
 - i. Keep area as natural fire break to protect the West Ridge HOA neighborhood.
 - ii. Provide unimpeded route for emergency access.
13. Any modification of the operating hours of dawn to dusk must be approved through the modification process, pursuant to Dover City Code 12-10-9 "Modifications."

Please be advised the applicant has the right to request a regulatory taking analysis pursuant to section 67-8003, Idaho Code. An applicant denied an application or aggrieved by a final decision concerning matters identified in section 67-6521(1)(a), Idaho Code, may seek judicial review or reconsideration under the procedures provided in the Local Land Use Planning Act.

Please contact City Clerk Michele Hutchings or City Planner Clare Marley if you have any questions related to this decision.

Sincerely,



Annie Shaha
Dover Mayor

c: City of Dover Contract Planner
City Attorney Stephen Snedden