



**STAFF REPORT  
DOVER CITY COUNCIL  
FILE #AM03-16  
REPEAL AND REPLACEMENT OF COMPREHENSIVE PLAN & MAP**

**PREPARED BY:**

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**PROJECT DESCRIPTION:**

Repeal and replacement of current comprehensive plan and projected land use map.

**APPLICANT:**

City of Dover

**DATE APPLICATION RECEIVED:**

Initiated by Dover Planning & Zoning Commission and Dover City Council, Fall of 2015

**HEARING DATES:**

Planning & Zoning Commission: November 2, 2017  
City Council: December 14, 2017

**LEGAL NOTICE PROVIDED:**

Newspaper notice for Council: November 24, 2017  
Notice mailed to political subdivisions, school district, and airport manager: November 22, 2017  
In addition, informal notice has been provided to area home owner associations and utility rate payers; a map display was set up in city hall for viewing and comment.

**STAFF REPORT ATTACHMENTS:**

(Under separate cover)

Draft comprehensive plan  
Draft projected land use map  
Idaho Smart Growth memo to P&Z regarding housing options  
Existing conditions exhibit  
Draft P&Z minutes of Nov. 2, 2017  
Draft adopting resolution

**PLANNING & ZONING COMMISSION  
RECOMMENDATION:**

Unanimously recommended approval of plan and map, as written, with minor revisions. (See attached draft P&Z minutes.)

## PROJECT SUMMARY:

The City of Dover, with the help of Idaho Smart Growth and contract planners, began the project to update its comprehensive plan (Plan) and develop a new projected land use map (Map) in the fall of 2015. Idaho Code §67-6508 requires all cities to implement, review, and update their comprehensive plans. The objective of the comprehensive plan is to examine current conditions and trends and to provide goals and objectives for the future of the city. Dover's current Plan and Map were adopted in 2003.

As part of this planning project, the city is considering a new Map. The Dover zoning map is the current comprehensive plan map. However, zoning maps and comprehensive plan maps serve different purposes and must therefore be different maps. The zoning map represents what is current for the city. The comprehensive plan map is a view of the future uses and densities of the city. The comprehensive plan map is a policy document, while the zoning map is the law. Recent Idaho Supreme Court cases have underscored the need for the jurisdictions to have separate zoning and comp plan maps.

To update the Plan and provide a new Map, the city interviewed various community leaders, business people, and stakeholders. A work group of city officials, citizens, developers, and others was formed to outline the update and obtain information about existing and desired conditions and community concerns. Several telephone meetings were conducted, followed by public workshops to obtain feedback on early drafts and concepts and to develop the new Map. The Planning & Zoning Commission reviewed the draft Map and Plan during public meetings and suggested several revisions before scheduling the public hearing.

The draft Map includes the Dover Area of City Impact (ACI). The ACI includes lands to the north and west of the city that Dover and Bonner County mutually agreed is within the city's area of influence due to geography, trade area, or potential areas of annexation. Although the ACI is included in Dover's Map, the authority to regulate and zone these unincorporated lands remains with Bonner County.

The 40-page draft Plan and supporting documents cover the required components of Idaho Code §67-6508. State code requires 17 components be included: Property Rights; Population; School Facilities and Transportation; Economic Development; Land Use; Natural Resources; Hazardous Areas; Public Services, Facilities and Utilities; Transportation; Recreation; Special Areas or Sites; Housing; Community Design; Agriculture; National Interest Electrical Transmission Corridors; Public Airport Facilities; and Implementation. Dover's Plan groups these components into 11 sections. Each section has a set of goals, policies, and implementation plans.

A summary of the plan follows:

- **Section 1:** History, Historic and Archeological Sites. This section covers the development of the Dover community, and later incorporation as a city. The section identifies historic sites and mentions the importance of cultural resources. Policy statements call for education and identification of the city's important sites and history.
- **Section 2:** Population, Demographics and Housing. Dover's significant population growth at a pace of 9.4% a year is recognized, along with an aging population and changes in housing values and availability. The section policies address the desire to attract full-time residents and diverse housing stock. A land use map that identifies sufficient growth opportunities, zones to support a variety of housing types, and public services for the growing population are listed as implementation targets.

- **Section 3:** Community Design, Land Use, Economic Development. This section explores the city's existing conditions, Dover Bay development, and community centers. Included is a summary of the public outreach, which emphasized a desire to see a cohesive community, while celebrating the individualities of the various neighborhoods. This section provides descriptions and objectives for each of the 10 Map categories. A broad range of policies are developed in this section, including proposals for the creation of community activity centers; updating the Map to identify a variety of land uses and densities; zoning districts that support compact development, mixed uses and "grandfathered" development; streamlined permitting; adjustments to the ACI; sign standards; preservation of working lands; and mitigation of the impacts on the natural environment.
- **Section 4:** Transportation – Airports. U.S. Highway 2, the dominant transportation feature of the city, is analyzed, with discussion of access points, emergency routes, city visibility, and safety features. The city's trails, bus system, water access, and local streets are also reviewed. Policies promote a gateway designation, street funding, highway safety and realignment, and bus stop improvements.
- **Section 5:** Utilities – Transmission Corridors. The various municipal and public service utilities are covered in this section. Policy statements call for new development to bear costs of extending services, continued enhancement of city water and sewer services, buried electrical transmission lines where feasible, and improvement of the recycling system.
- **Section 6:** Recreation. Trails and water access are the center stage of the Recreation section. The community expressed an interest in additional small parks, open space, an indoor recreation facility, and continued improvement of the trail system. Policies support a parks/open space action plan, collaboration with Bonner County to improve no-wake and noise zones on the water; and identification of desired recreation sites.
- **Section 7:** Public Services. The city's law enforcement, fire protection, library services and post office are addressed in this section. Policies include regular communication with fire service providers, development of neighborhood watch, electric car charging stations, and bookmobile service for Dover.
- **Section 8:** Education, Schools and School Transportation. There are no public schools in Dover. Dover recognizes the need to keep involved with the school district as the city population grows and changes. Collaboration with the district on safe routes to school, busing, carpools, and non-motorized transportation are spelled out in the policies.
- **Section 9:** Natural Resources, Special Areas or Sites – Agriculture. The community values the high-quality natural environment in Dover and the desire to maintain and enhance these features. The Plan recognizes the need to: manage impacts of stormwater run-off; protect forest and ground cover to reduce erosion and preserve habitat; support private projects to preserve environmentally sensitive areas; and support private preservation of working lands.
- **Section 10:** Hazardous Areas. Potential threats to the community from wildland fire, earthquakes, flooding, rail or highway spills, landslides, and brownfields clean-up are listed in this section. The Plan encourages education and strategies to reduce wildfire potential, participation in the county All-Hazards Mitigation planning, floodplain mitigation measures and map amendments, and radon gas action plans.
- **Section 11:** Private Property Rights. This section recognizes private property rights and encourages the use of the Idaho Attorney General's checklist to ensure local land use standards and actions do not result in a taking of private property.

**AUTHORITY:**

- Dover City Code, Title 12, Chapter 9 provides for the amendment of the comprehensive plan and map.
- Idaho Code, Title 67, Chapter 65, "Local Land Use Planning Act" (LLUPA), is the state authority for the adoption and amendment of local comprehensive plans and maps.

**AGENCY COMMENTS:**

The city provided the proposed amendment to taxing districts within Dover’s boundaries and to the airport manager, as required by Idaho Code. To date, the following comments have been received from public agencies: None.

**PUBLIC COMMENTS:**

The city received the following public comments:

- As of the date of this report, no written public comments have been received. Staff has fielded a number of comments from citizens concerned about higher densities in areas where homeowner associations limit development to lower density, desires to see implementation of new zoning districts to accommodate higher density housing options, and support of relaxed setback standards for zoning districts with smaller lots.
- At the November 2, 2017 public hearing, Bill Stuble testified that he supported the proposed Plan because it pays attention to open space and natural resource features.

**STANDARDS REVIEW:**

<b>Standards Review Table- Dover City Code and Idaho Code (see applicable codes above)</b>	<b>Findings, Based upon evidence of record</b>
<p><b>Idaho Code §67-6508</b> provides the minimum requirements for a comprehensive plan. All 17 components and a projected land use map are required, unless the plan specifies why a particular component is unneeded.</p> <p><b>Idaho Code §67-6509</b> provides the procedural requirements for the adoption, amendment, and repeal of the Plan.</p> <p><b>Dover City Code (DCC) 12-9-4</b> requires amendments to the comprehensive plan be approved by resolution of the City Council, in compliance with the procedures and noticing requirements of Idaho Code.</p>	<p>The 11 sections of Dover’s draft comprehensive plan contain the minimum 17 components required by Idaho Code §67-6508. The Plan states that the city has no electrical transmission corridor of national interest.</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, citizens were advised of the public hearing through the city’s notice to homeowner associations and utility accounts. A display of the draft Map has been set up at city hall for citizen review and comment since October 12<sup>th</sup>.</p>

**STAFF ANALYSIS AND RECOMMENDATIONS:**

Rapid population growth, changing community conditions, the need for a separate comprehensive plan map, and a state requirement for the regular review of a community’s comprehensive plan are all reasons that the City of Dover is due for a Plan update. The draft plan reflects about two years of public workshops, work group meetings, opportunity for public input, and public hearings.

The draft Plan contains the elements required by Idaho Code §67-6508. The city has met and exceeded the requirements for legal notice of the public hearing.

At the time this staff report was prepared, no written comment had been provided on the draft documents. One issue that was raised during the public workshops regarding housing options

should be given further discussion. While multi-family housing was listed as a desired housing type during various work group and workshop meetings, citizens expressed concerns that this housing type could block views of the waterways or natural features or could be bulky and not fit with existing neighborhoods. While duplexes, accessory dwellings and multi-family houses were seen as good options for the city, at the public workshops, some said they did not want to see multi-family housing specifically delineated on the projected land use map. They preferred to allow the multi-family option through special or conditional use permits. The Plan, as drafted, does not provide sufficient clarity about the direction the community desired for multi-family and duplex housing. Idaho Smart Growth has provided a memo to the Planning and Zoning Commission that provides some housing designs that reduce the bulk and provide architectural variety. (Included in Plan appendices). These designs, using courtyards, cottage-like construction, open spaces, and compact configurations, address the concerns raised.

The multi-family housing overlay has been removed as a map designation. To clarify that multi-family housing would remain an option in future land use codes, staff suggests some added language and revisions, as follows:

- Change name of Small-lot single family traditional map designation to Small-lot traditional neighborhood.
- Add language to the Small-lot traditional neighborhood to state there is a “desire for this area to be able to improve, rebuild, or redevelop by easing lot coverage, setbacks, and other zoning standards to match the traditional development patterns, including allowances for a variety of appropriate housing types developed at scales suitable to the traditional development.”
- Add to the land use section language to state “There is a recognition that accessory dwelling units and duplexes may be permitted in all residential zone districts, with appropriate standards to address neighborhood development patterns. These housing types may be added as permitted uses as zoning codes are updated for implementation of this Plan.”

#### **PLANNING & ZONING COMMISSION RECOMMENDATION:**

Commissioner Jones moved to recommend approval of the comprehensive plan as submitted, with the deletion of the recommendation for the supplemental housing exhibit and proposed language for multi-family housing, and including the staff recommended minor changes. The minor revisions were to page 6, implementation #1 to reflect updating rather than creating a map; page 13, removing implementation #4 that addressed “no-adverse impact” from new developments since the item was covered in the utility section; and page 19, implementation #7, adding the word “parking.” Commissioner Becker seconded the motion. The Chairman declared the motion passed on a unanimous roll call vote.

#### **DRAFT MOTIONS FOR GOVERNING BODY:**

Following the public hearing, the City Council may:

- Approve the Plan as written;
- Approve with revisions that are not considered material;
- Remand to staff for further information or non-material revisions;
- Make material changes and call for further legal notice and continuation of the public hearing;
- Extend the comment period and continue the hearing to date certain;
- Deny.

The Plan and Map are not effective until the City Council adopts a resolution making “definitive reference” to the documents, pursuant to Idaho Code §67-6509. A copy of the draft resolution has been included with this report and has been forwarded to the city attorney for review.

*MOTION TO APPROVE:* I move to repeal the 2003 Dover Comprehensive Plan and Map and any previous plans or maps that may exist and to approve a new Comprehensive Plan and Projected Land Use Map, dated December 14, 2017, finding that it is in accord with the procedures and standards of Idaho Code, as enumerated in the findings and standards table above. I further move to adopt Resolution No. \_\_\_\_\_, causing the Map and Plan to become effective.

*MOTION TO CONTINUE:* I move to continue this file AM03-16 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 file, AM03-16, for the repeal and replacement of the Dover Comprehensive Plan and Dover Projected Land Use Map, finding that it is not in accord with the procedures and standards of Idaho Code, because [SPECIFY WHAT STANDARDS THE AMENDMENT FAILS TO MEET AND WHY].