



I D A H O

CITY OF DOVER – BUILDING AND PLANNING DEPARTMENT

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**STAFF REPORT  
DOVER CITY COUNCIL  
FILE #ANX04-22, ANNEXATION – RUST  
COMPREHENSIVE PLAN AMENDMENT**

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

**PROJECT DESCRIPTION:** The applicants are requesting the annexation of a 2.34-acre parcel into the City of Dover. Prior to considering the annexation request and zoning of this property to Suburban (1-acre lot size), the City of Dover will hear the applicants' request to amend the City of Dover comprehensive map to designate this parcel as "Large Lot Single-Family 1-2 Acres."

**LOCATION:** The parcel is located at 10851 West Pine Street and is generally described as Tax 26 of Section 20, Township 57 North, Range 2 West, B.M. The parcel adjoins the Dover city limits to the east and west.

**APPLICANT:** Robert E. and Marian C. Rust

**PROPERTY OWNER:** Same as applicant

**APPLICANT REPRESENTATIVE:** Jeremy Grimm, Whiskey Rock Planning + Consulting

**DATE APPLICATION RECEIVED:** June 24, 2022, and August 9, 2022 (Revised)

**HEARING DATE:** October 24, 2022

**LEGAL NOTICE PROVIDED:** Newspaper notice: October 6, 2022;  
Notice mailed: October 5, 2022  
Site posted: October 3, 2022.

**STAFF REPORT ATTACHMENTS:** Application, legal notice, P&Z minutes of 9/1/22  
*(UNDER SEPARATE COVER)*

**PROJECT SUMMARY:**

The applicants are requesting annexation of approximately 2.5 acres of land into the City of Dover. The land is located on West Pine Street on the northern boundary of the city limits of Dover. Dover City Council initially reviewed the request for annexation at its April 2022 meeting to determine whether the City was interested in expanding its boundaries. Without committing to later approval, the Council gave informal direction to staff and the landowners to proceed with the request for annexation. The annexation application was submitted in June and revised in August.

**Background:** The subject 2.5-acres is developed with a home. A garage was constructed adjacent to the home, but is shown as being within Dover. The landowners would like to incorporate the 2.5 acres into Dover. Below is an aerial photograph from Bonner County GIS showing the city incorporated limits in yellow-brown highlight and the subject land outlined in red.



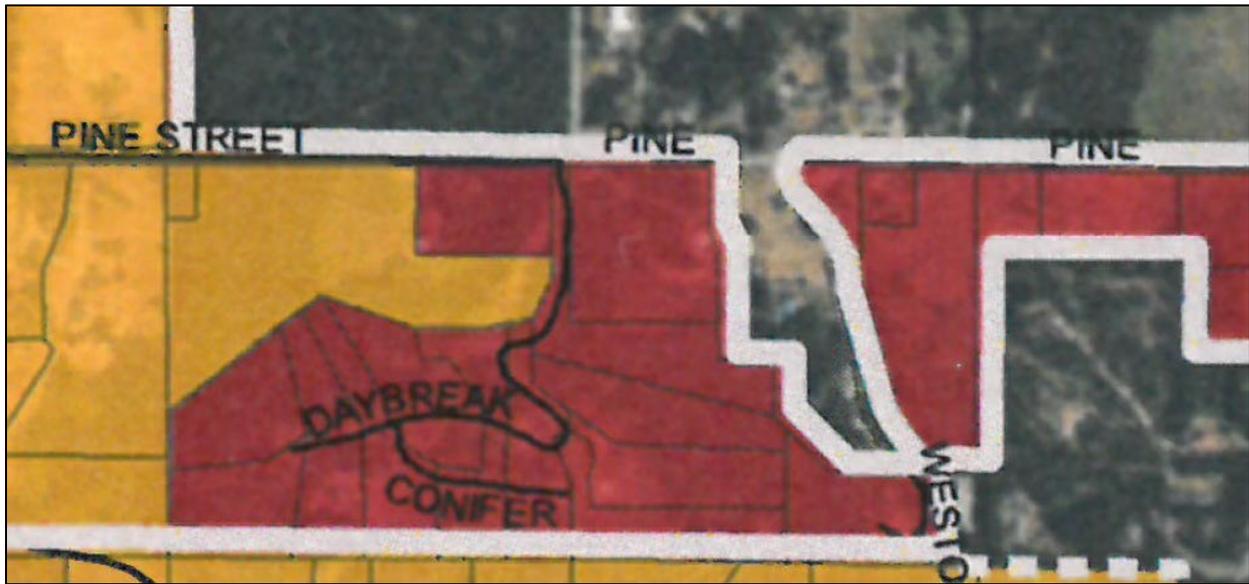
Aerial of vicinity showing Dover City limits in yellow/brown overlay

The Dover comprehensive plan designation for the land adjoining this parcel is “Compact Suburban Single-Family,” four units to the acre (shown in red in map on next page.) This designation is suitable for sites with municipal water and sewer, paved road, and other utilities. This site is served by Syringa Water but not city sewer. The nearby comprehensive plan map “Large-lot single-family” designation shown in yellow in the adopted city comprehensive plan future land use map indicates lands that are “generally” served by municipal services. The Dover comp plan map does not include this 2.5-acre parcel because the land is within the Sandpoint Area of City Impact map.

The applicants desire a “Suburban” zone density (1 unit per 1 acre). Establishment of the Dover city zoning district will be considered by the Dover Planning and Zoning Commission and Dover City Council at a later date. The newly annexed property is considered “unzoned” until the City establishes the zone at the conclusion of the annexation process.

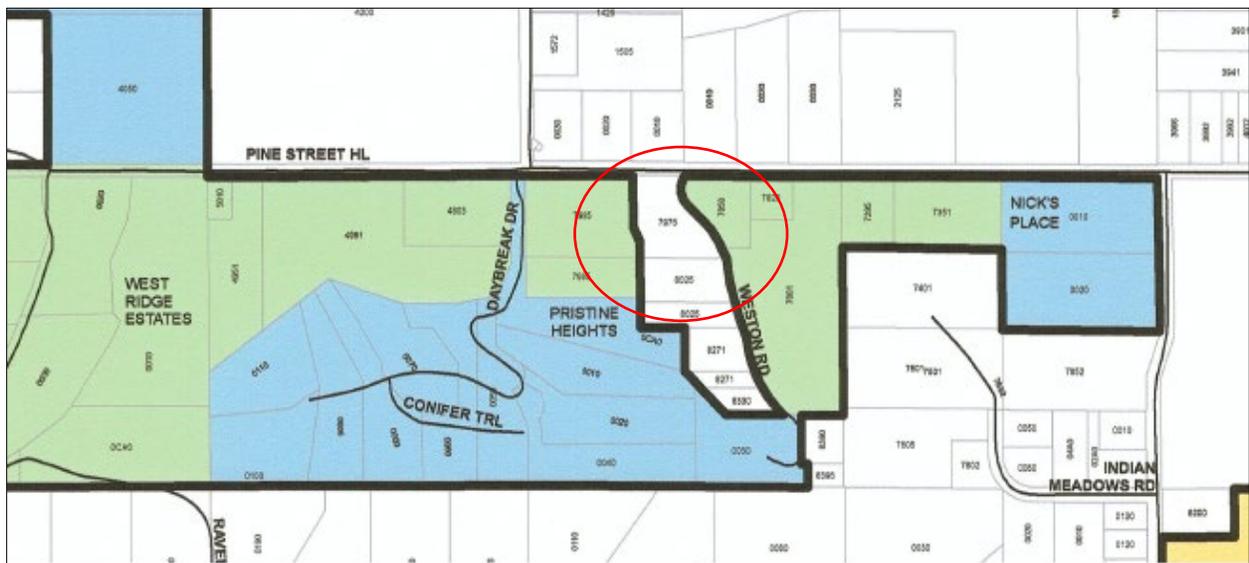
In Idaho, annexations are considered by cities alone, and do not require approval or collaboration with the counties prior to annexation.

Dover Comprehensive Plan Future Land Use Map of vicinity: Red is Compact Suburban, 4 units to the Acre; Yellow is Large Lot, 1 unit to 1 acre.



The land adjoining the property is zoned Agriculture (6 acres, green in map below) and Rural (blue). The county designates this land as Suburban Growth Area, a higher density residential growth area.

Dover Zoning Map:



**APPLICABLE CODES:**

The following codes apply to this application:

**APPLICABLE STATE AND CITY CODES/PROCEDURES**

**Idaho Code §50-222, Annexation by Cities**, provides the procedures for annexations. Paragraph 5(a) of this section grants authority for the cities to initiate planning and zoning procedures to provide a comprehensive plan map designation and zoning classification. The law requires the cities to follow the public noticing procedures of the Local Land Use Planning Act, Title 67, Chapter 65.

**Idaho Code §67-6509, Recommendation and Adoption, Amendment, and Repeal of the Plan**, and §67-6511, Zoning Ordinance, require at least one hearing be conducted on the request to amend the plan and zoning map. At least 15 days prior to the hearing, notice shall be given to the political subdivisions within the jurisdiction, the school district, and airport manager. In addition, notice must be provided to the media and posted on available city websites. The Planning and Zoning Commission shall make a recommendation to the City Council on the proposed amendment. The City Council will conduct a separate public hearing after it receives the recommendation from the Planning and Zoning Commission. If the City Council makes any material change in the recommendation or options contained in the Commission recommendation, further notice and a public hearing must be conducted by the Council.

**DCC, 12-9-1: Amendments To Text And Maps:**

Whenever the public necessity, convenience and general welfare or good zoning practices require, the city council may amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property established by the adopted zoning regulations, official zoning map, comprehensive plan or land use map. Procedures for consideration of text or map amendments shall be as provided by Idaho Code and the provisions of chapter 3 of this title. Amendments to the zoning map and regulations shall be by ordinance and amendments to the comprehensive plan map and text shall be by resolution.

**DCC, 12-9-4: Amendment Procedures And Standards:**

Amendments to the map or text of the zoning regulations or comprehensive plan shall be made in the following manner:

- A. Submittal: Requests shall be submitted to the administrator and shall be processed in accordance with the procedures set forth at section 12-3-12 of this title. The planning and zoning commission and city council shall evaluate the request in accord with section 12-3-16 of this title.
- B. Approval By City Council: If the request is in accordance with the general and specific goals and objectives of the adopted comprehensive plan, the city council may adopt the ordinance amendment or comprehensive plan resolution under the notice and hearing procedures as set forth at Idaho Code sections 67-6509 and 67-6511.

The annexation is being considered by the City under the "Category A," or voluntary annexation process covered by Idaho Code §50-222, "Annexation by Cities." Voluntary annexations require:

- Consent by landowners. The landowner submitted a notarized consent to annexation, dated May 4, 2022.
- Contiguous to city. The city limits touch the western and eastern borders of the subject parcel.
- Be within the Area of City Impact (ACI) or included in the comprehensive plan. The land is located within the City of Sandpoint ACI . In order to consider annexation into Dover, the comprehensive plan must first be amended to include this land. City staff has reviewed the state code and ACI issues previously with legal counsel and the Association of Idaho Cities (AIC). They have indicated that the annexation could still be accomplished if the comprehensive plan included the subject land, since the land is

contiguous. While City of Sandpoint approval is not needed, it would be wise to consult with them, according to previous counsel discussions. Sandpoint has been included in the mailed notice for this hearing.

- Annexations may occur outside the Area of City Impact.
- Idaho Code requires the subject land be given a Future Land Use Map (comprehensive plan map) designation and be assigned a zoning district prior to annexation. The landowners have requested this land be designated "Large Lot Single-Family 1-2 Acres" on the Future Land Use Map and be zoned Suburban.
- Only the comprehensive plan amendment is being considered at this time. A hearing on the zoning of this land will follow.
- The 2017 Dover Comprehensive Plan defines "Large Lot Single-Family 1-2 Acres" as:
  - Large lot single-family - 1-2 acre. Areas of existing development and land suitable for redevelopment for one- to two-acre single-family residential lots are shown north of the highway within the city limits and Area of City Impact. This map designation contains subdivided lands within Cedar Ridge, Ravenwood, Panorama Ridge, other smaller subdivisions, in addition to scattered, unplatted lots. For future subdivision, these sites are served by paved roads, and generally have access to municipal utilities. However, there are inclusions in this category of existing, platted and developed lands that do not have full services and have substandard or private accesses. These "grandfathered," platted lots would remain eligible for development.
- Agreements: Typically, annexations are accompanied by agreements between the city and landowner to advise each of the expectations and responsibilities. Should this annexation move forward, the agreement would be addressed at the City Council level and should address:
  - Expectations that the landowner meet the development standards and zoning district requirements of the City of Dover for any future subdivision of the land.
  - Notice to landowners that the City of Dover does not serve water or sewer to this area, and no future extensions are promised. If services are extended at a later date, it would be at the owners' expense.
  - The city may have an interest in a dedication of an easement from the landowners for sewer/utility access the property for possible future services in the area.

#### **PROPERTY DESCRIPTION:**

- A. Site acreage and description: A 2.34-acre tract located at 10851 West Pine Street and generally described as Tax 26 of Section 20, Township 57 North, Range 2 West, B.M.
- B. Access: West Pine Street, a paved public right-of-way.
- C. Services: Syringa Heights Water District will provide water to the site. The site is served by an individual septic/drainfield 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.
- E. Surrounding uses and densities:

| COMPASS | COMP PLAN DESIGNATION   | CURRENT ZONING                      | USES/DENSITIES  |
|---------|---|-------------------------------------|---|
| Site    | N/A   | County:<br>Suburban                 | County: 10,000 square foot minimum lot sizes with all urban services; 1 acre with urban water and 20,000 square feet with urban sewer provisions. Residential uses.   |
| North   | N/A; Bonner County Suburban Growth Area                                     | County:<br>Suburban                 | County: 10,000 square foot minimum lot sizes with all urban services; 1 acre with urban water and 20,000 square feet with urban sewer provisions. Residential uses.   |
| South   | Bonner County Suburban Growth Area and Dover Compact Suburban Single-Family | County:<br>Suburban<br>Dover: Rural | County: 10,000 square foot minimum lot sizes with all urban services; 1 acre with urban water and 20,000 square feet with urban sewer provisions. Residential uses.<br>Dover: 3-acre minimum lot sizes, residential and agriculture uses. |
| East    | Dover Compact Suburban Single-Family  | Agriculture                         | 6-acre lot size minimum, residential and agriculture uses. 1.62-acre residential tract.   |
| West    | Dover Compact Suburban Single-Family  | Agriculture                         | 6-acre lot size minimum, residential and agriculture uses. 6-acre tract owned by applicants.  |

**AGENCY COMMENTS:**

Planning staff requested input from the city engineer for the first step of this proposed annexation. The city engineer advised that he is aware of the potential annexation from past reports. He noted that as the proposed annexation moves forward, the City of Dover should confirm that status of the adjacent West Pine Street right-of-way to determine whether it is within the Dover city limits. He had no further comments.

**PUBLIC COMMENTS:**

No written public comments had been submitted to the record at the time of this report. At the Planning and Zoning Commission hearing, an adjoining landowner advised that he would like to see the City sewer services extended to the West Pine area due to failing septic systems.

**STANDARDS REVIEW:**

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|---|
| <b>Zoning standards, Evidence of record, findings</b>   |
| Idaho Code: §67-6509. RECOMMENDATION AND ADOPTION, AMENDMENT, AND REPEAL OF THE PLAN. (a) The planning or planning and zoning commission, prior to recommending the plan, amendment, or repeal of the plan to the governing board, shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard.   |
| <b>Evidence of record and findings:</b> A public hearing has been scheduled before the Dover Planning and Zoning Commission on September 1, 2022. Public notice has been provided in accord with Idaho Code §67-6509. Legal notice was published August 12, 2022; mailed notice August 11, 2022, and site posted August 22, 2022.   |
| DCC, 12-9-1: AMENDMENTS TO TEXT AND MAPS:<br>Whenever the public necessity, convenience and general welfare or good zoning practices require, the city council may amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property established by the adopted zoning regulations, official zoning map, comprehensive plan or land use map. Procedures for consideration of text or map amendments shall be as provided by Idaho Code and the provisions of chapter 3 of this title. Amendments to the zoning map and regulations shall be by ordinance and amendments to the comprehensive plan map and text |

shall be by resolution.

**Evidence of record and findings:** A public hearing has been scheduled before the Dover Planning and Zoning Commission on September 1, 2022. Public notice has been provided in accord with Idaho Code §67-6509. Legal notice was published August 12, 2022; mailed notice August 11, 2022, and site posted August 22, 2022.

DCC, 12-9-4, If the request is in accordance with the general and specific goals and objectives of the adopted comprehensive plan, the city council may adopt the ordinance amendment or comprehensive plan resolution under the notice and hearing procedures as set forth at Idaho Code sections 67-6509 and 67-6511

**Evidence of record and findings:** Goals and policies are listed in each of the 11 sections of the adopted plan. A summary of the Plan's goals and policies has been provided to the governing bodies, along with copies of the adopted Plan. The comp plan policy sections and a summary of the relevant policies are noted, along with corresponding facts, as follows:

1. Historic/Archaeologic: Preserve cultural sites; educate residents; celebrate Dover history. The proposed map amendment does not propose to convert historic buildings or properties.

2. Population: Adequate plans and service capacity for future populations; seek full-time residents; diverse housing stock; affordable workforce housing; develop services and amenities for visitors and high quality of life for residents. Policy 2.P.1 of the Comprehensive Plan: Calls for a variety of housing types and sizes. If the annexation and zone change are approved, residential lots at a density of 1 acre would be permitted.

3. Community Design, Land Use, Economic Development: High quality of life; small-town character; small-scale retail, commercial, and public amenities in Historic Dover, Dover Bay and city complex; no large scale, regionally serving or national brand retail or commercial uses; encourage and enable development of locally serving commercial & retail; discourage or restrict development of large scale retail or commercial uses; ensure new development does not negatively impact safety, health and environmental quality of Dover.

4. Transportation and Airports: Speed limits, safety, gateway attraction, bus routes, infrastructure for all uses. The site is served by a public, paved right-of-way, West Pine Street. The application notes the subject land is "sandwiched" between Dover city limits and the annexation will unite the frontage along this stretch of West Pine Street.

5. Utilities – Transmission Corridors: Sufficient, reliable utilities to support growth; improved broadband speed; adequate sewer and water; new development to bear costs of extending services; underground utilities where possible. The site is not served by City of Dover water or sewer services. Syringa Heights Water Association is available to serve the site. Dover sewer service lines are located south and east of the site along Syringa Road, terminating in the area of the Indian Meadows subdivision. Policy 5.P.1 of the Comprehensive Plan: Calls for the protection of sewer and water service capacity for future development. The application notes that the annexation of this land will facilitate future sewer line expansion and the landowners are agreeable to working with the City on future utility easements. *(Staff note: The City is exploring the potential and capacity to expand city sewer services. This land could serve as a link to other Dover lands in the vicinity that lack sewer services.)*

6. Recreation: Public spaces support; new development to provide recreation amenities; connections to waterways; trail development.

7. Public Services: Maintain/enhance fire service levels; security for large events; neighborhood watch; support of sustainable amenities. The land is served by Selkirk Fire District.

8. Education, Schools and School Transportation: Work cooperatively with school district; communicate

regarding pending zone changes and development. The school district has been provided with notice of the proposed comprehensive plan map amendment.

9. Natural Resources, Special Uses or Sites – Agriculture: Minimize effects of development on environment; control stormwater; preserve sensitive areas; preserve working lands; protect rare or endangered flora or fauna. Although the surrounding lands are zoned Agriculture and Rural, the subject land is 2.34 acres, which is smaller than the minimum lots sizes of the Agriculture 6-acre minimum area and the Rural 3-acre minimum area. The land is currently zoned by Bonner County as Suburban, with lot area minimums ranging from 10,000 square feet to 2.5 acres, depending on available sewer and water services. The lands to the east and west are designated "Compact Suburban Single-Family," four units to the acre in the Dover Comprehensive Plan Future Land Use Map.

10. Hazardous Areas: Protect residents from high risks of flooding, wildfire, landslides; air quality maintenance; hazardous spills; regulate new development in floodplain. The site is not within a special flood hazard area.

11. Private Property Rights: Ensure policies, restrictions, conditions, fees do not violate property rights or create unnecessary technical limitations on use of property; consider fundamental rights of all parties in decisions when adopting and applying planning policies and zoning standards.

The Bonner County Comprehensive Plan map designation for the land is Suburban Growth Area, with higher density residential uses. The applicants are seeking a Large Lot Single-Family 1-2 Acres designation. According to Dover Comprehensive Plan, this designation includes subdivided lands within Cedar Ridge, Ravenwood, Panorama Ridge, other smaller subdivisions, and scattered, unplatted lots. These sites are to be served by paved roads and generally have access to municipal utilities. The comprehensive plan does note that some of these areas do not have full services.

#### **STAFF ANALYSIS:**

The landowners are seeking a Future Land Use Map (comp plan map) designation of Large Lot Single-Family 1-2 Acres for this site. The lands to the east and west of the site are designated by the City of Dover for higher density of four units to the acre Compact Suburban. Bonner County has established this as a Suburban Growth Area. The zoning surrounding this site by Dover is Rural and Agriculture. Altogether, there is quite a mix of existing and future intended uses for the vicinity. After reviewing the potential uses and existing conditions of the site with the applicants' representative, it was determined a Large Lot 1-2 acre designation was more suitable to the developed area and future residential uses than the Compact Suburban. While the requested Large Lot 1-2 Acres map designation is not in accord with the higher density designation set by Dover, it is more in keeping with the Large Lot Single-Family designation of the existing uses surrounding the site. Pristine Heights Subdivision to the west has lots ranging in size from 2.74 acres to 3 acres. Lands to the south of the site are 0.77 of an acre to 2.5 acres. Public services include the paved public road and Syringa Water availability. Future extensions of Dover sewer are not currently planned. The current city sewer line ends southeast of the site near Indian Meadows. The comprehensive plan policy for this designation states: "For future subdivision, these sites are served by paved roads, and generally have access to municipal utilities. However, there are inclusions in this category of existing, platted and developed lands that do not have full services and have substandard or private accesses."

**PLANNING & ZONING COMMISSION RECOMMENDATION:** The Planning and Zoning Commission on a unanimous vote recommended to City Council approval of the map amendment following its September 1st public hearing.

**DRAFT MOTIONS FOR GOVERNING BOARD:**

*MOTION TO APPROVE:* I move to approve File #ANX04-22, a request to amend the Dover City Comprehensive Plan Future Land Use Map to designate the subject 2.34-acre site as Large Lot Single-Family 1-2 Acres, finding that the request is in accord with the procedures and standards of Idaho Code and the general and specific goals and objectives of the adopted comprehensive plan as listed in the staff report and based upon the evidence of record and testimony received. I further move to adopt the findings and standards (as written or as amended), and direct staff to prepare a resolution and mapping for Council consideration to complete the comprehensive plan map amendment.

*MOTION TO CONTINUE:* I move to continue this file #ANX04-22 to [date, time and place] to allow for additional time for [public comment, additional information, revisions etc.].

*MOTION TO DENY:* I move to deny File #ANX04-22, a request to amend the Dover City Comprehensive Plan Future Land Use Map to designate the subject 2.34-acre site as Large Lot Single-Family 1-2 Acres, finding that it is not in accord with in accord with the procedures and standards of Idaho Code and the general and specific goals and objectives of the adopted comprehensive plan 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.