



I D A H O

CITY OF DOVER – BUILDING AND PLANNING DEPARTMENT

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**STAFF REPORT  
DOVER CITY COUNCIL  
FILE #AM23-22  
PARKS AND RECREATION FACILITIES AMENDMENT**

**PREPARED BY:**

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**PROJECT DESCRIPTION:**

**FILE AM23-22 – PARKS AND RECREATION FACILITIES -**  
The City of Dover has initiated an amendment to its zoning regulations, Title 12 of Dover City Code, to amend Chapters 3, 5, 7, and Definitions to provide a process and standards to consider private and public low- and high-intensity parks and recreation facilities, create an administrative site plan review process for low-intensity parks and rec facilities, add these uses to the public uses table and remove from the commercial table, and to provide definitions for parks and recreation facilities.

**APPLICANT:**

City of Dover  
P.O. Box 115  
Dover, ID 83825

**DATE APPLICATION RECEIVED:**

Initiated: City of Dover, May 6, 2022

**HEARING DATES:**

Planning & Zoning Commission: October 6, 2022  
City Council: November 15, 2022

**LEGAL NOTICE PROVIDED:**

Newspaper notice for City Council hearing: Published 10/28/22  
Notice mailed to taxing districts, school district, and airport manager: Mailed 10/24/22

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**P&Z RECOMMENDATION:**

The Dover Planning and Zoning Commission recommended to Dover City Council approval of the amendment as written, following its October 6, 2022, public hearing.

**STAFF REPORT ATTACHMENTS:**

Draft ordinance amendment dated for 11/15/2022,  
Legal notice, P&Z minutes of 10/6/22, draft ordinance  
summary, draft motions, public comments

**PROJECT SUMMARY:**

The City of Dover has initiated an amendment to its land use codes (Title 12 Zoning Regulations) to update the process for considering applications for park and recreational facilities. Currently, all parks and recreation facilities must be considered through a two-hearing, special use permit process, with the exception of city-owned facilities. The motivation for the proposed changes comes from the adopted Dover Comprehensive Plan policies and action plans, past and present public interest in developing park and recreation facilities, and encouragement from elected officials to find streamlined options for considering these facilities. Dover's implementation plan, Section 3 (Community Design, Economic Development) specifically calls for development and adoption of procedures and/or regulations for streamlined consideration of community recreational and event facilities.

As a result of about a year-long series of public workshops, the Planning and Zoning Commission and staff developed a two-tiered process for consideration of applications for parks and recreation facilities that would be open to the public. The process includes a new site plan review process to allow administrative processing of applications, as well as a neighborhood notice of proposed low-intensity facilities. The amendment proposes to:

- Define parks, low- and high-intensity parks and recreation facilities. Low-intensity uses are generally ones that cause little or no modifications to the land and minimal noise and traffic. The uses would include bike paths, non-motorized boat launches, trails, and other similar uses, plus associated minor structures such as picnic tables or gazebos. High-intensity uses are those that do not meet the standards of low-intensity facilities and may cause impacts to the neighborhood with development of structures and changes to the landscape.
- Establish a new administrative site plan review process for low-intensity facilities and retain the special use permit process for high-intensity. This site review at proposed Section 12-3-19 outlines application requirements, allows the zoning administrator to review and approve or deny applications, sets conditions of approval, and provides a notification process for agencies and neighborhoods. Administrative decisions may be appealed to the City Council, through the existing land use code appeal process.
- Create a new parks and recreation facilities code section that sets standards for these facilities and confirms that the permitting system does not include individual, private-use or multi-family residential private facilities.
- Update the public use table Section 12-5-6 to provide for the low- and high-intensity facilities.
- Prohibit potentially loud or environmentally challenging uses such as mud bogs or moto-cross.

Any ordinance amendment must be in accord with the city's adopted Plan goals and policies, pursuant to state and city codes. A summary of the goals, policies, and implementation sections of the adopted comp plan are provided with this report.

**AUTHORITY:**

- The authority for cities and counties to enact and amend land use codes is established at Title 67, Chapter 65, of the Idaho Local Land Use Planning Acts.
- The process for considering land use codes and amendments is set forth at §67-6511.

- Idaho Municipal Corporations Title 50, Chapters 3, 9, and 13 provide authority for the City of Dover to adopt ordinances, establish standards, and set procedures.
- Idaho Code §67-6518 establishes the authority to set standards for private and public development.
- Section 12-9-2 of Dover City Code authorizes the Planning and Zoning Commission and City Council to initiate amendments to zoning regulations.

**AGENCY COMMENTS:**

Notice of the proposed Parks and Recreation Facilities amendment has been provided to all political subdivisions within the City of Dover, the school district, the Sandpoint airport manager, and the media. At the time this report was issued, no agencies had provided comment on the proposed amendment.

**PUBLIC COMMENTS:** Planning staff provided copies of the draft ordinance to Kaniksu Land Trust (KLT) and Vtt, LLC, who are either past applicants for recreation facilities or interested in the development of parks and recreation uses in the future. At the Planning and Zoning Commission public hearing, Katie Cox, KLT executive director, provided public testimony. The testimony is summarized in the attached Planning Commission minutes for October. In addition, KLT, Vtt (Julie Meyer & Steve Meyer), and Jason Welker, executive director of Pend Oreille Pedalers (POP), submitted written comments. The public comments are attached to this report. The letters requested reconsideration of some of the low-intensity standards for parks and recreation facilities, including: referencing the city’s existing noise ordinance as a standard; allowing 24-hour facility use rather than daylight only; permitting access by vehicles needed for facility operations; allowing fundraising and temporary food sales; excluding trail shaping or development calculations from the maximum site-disturbance standards; and allowing e-bikes within park/rec facilities.

**STANDARDS REVIEW:**

**Idaho Code §67-6511 (1) (c)** requires the governing board analyze the proposed zoning amendment and ensure it is not in conflict with the policies of the adopted comprehensive plan.

**Idaho Code §67-6518:** Standards. Each governing board may adopt standards for such things as: building design; blocks, lots, and tracts of land; yards, courts, greenbelts, planting strips, parks, and other open spaces; trees; signs; parking spaces; roadways, streets, lanes, bicycleways, pedestrian walkways, rights-of-way, grades, alignments, and intersections; lighting; easements for public utilities; access to streams, lakes, and viewpoints; water systems; sewer systems; storm drainage systems; street numbers and names; house numbers; schools, hospitals, and other public and private development. Standards may be provided as part of zoning, subdivision, planned unit development, or separate ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided in section 67-6509, Idaho Code. Whenever the ordinances made under this chapter impose higher standards than are required by any other statute or local ordinance, the provisions of ordinances made pursuant to this chapter shall govern.

**Dover City Code (DCC) 12-9-4** requires amendments to the zoning regulations be in accord with the general and specific goals and objectives of the adopted comprehensive plan.

**Comprehensive Plan goals and objectives:** Idaho’s Local Land Use Planning Act and local zoning codes require the decision makers to find the amendment is not in conflict with the adopted Plan. While the governing bodies must consider all elements of the Plan to ensure the proposed code is in accord with the adopted Plan, the portions of the Dover Plan that are particularly pertinent to the parks and recreation uses include the following: (“P” stands for adopted policy and “G” stands for

goal. "I" stands for Implementation. Italicized text provides analysis of how the proposed amendment meets the adopted goals and policies.)

**1. History, Historic and Archaeological Sites:**

**1.P.1-4:** Stresses education, "sense of place," accommodation of historic structures, and celebration of Dover's historic assets.

*"While forest products still play an important role, the economy is shifting to include manufacturing and recreation/tourism."*

**2. Population, Demographics and Housing:**

**2.P.1:** Strive to maintain and expand a variety of housing types and sizes with new development.

**2.P.2:** Provide opportunity to develop affordable workforce housing in proportion to the need in the Greater Sandpoint Region.

**2.P.3:** Develop services and amenities that support visitors and provide a high quality of life for residents.

**2.P.4:** Ensure that providing housing for visitors through the sharing economy does not impede the health and safety of residents.

**Section 3: Community Design, Land Use, Economic Development:**

**3.G.10:** A cohesive community is reinforced by connecting the neighborhoods of Dover through trails and transportation corridors.

**3.G.11:** Access to recreational opportunities is maintained and enhanced.

**3.G.12:** Protection of the healthy safe natural environment and amenities preserves the high quality of life enjoyed today and continues to attract residents and visitors.

**3.P.4:** Develop active and passive public spaces in identified activity centers such as public restrooms, plazas or small parks, small outdoor courts, gathering spaces, community gardens and more.

**3.P.5:** Foster development of an event/recreation facility such as supporting Dover Bay's efforts to activate the "barn."

**3.P.10:** Promote recreational facilities and services for US Bike Route 10.

**3.1.10:** Develop and adopt procedures and/or regulations for streamlined consideration of community recreational and event facilities.

*"The waterfront, waterways, trail system and other outdoor recreation are highly sought after by residents and visitors and are also part of the desired community design. Emphasizing the high quality of life and recreational focus through community design could help drive economic growth. Dover residents desire to maintain and enhance access to the recreational opportunities and the health and quality of the environment that supports them."*

*"Excellent environmental qualities and recreational opportunities round out the most valued community characteristics. Together these provide a community character and design that attracts people and has potential for a sustainable economy."*

**4. Transportation – Airports**

*Generally, policies and action plans address pathways, bus stops, and public rights-of-way.*

**4.P.6:** Develop a detailed plan for improvements to the trail and pathway system that includes directional signage or wayfinding, crossing improvements and lighting enhancements.

**5. Utilities – Transmission Corridors**

*Generally, addresses sewer, water, and utility provisions, high-speed internet, and recycling.*

**6. Recreation**

*Addresses public spaces, recreational amenities, trails, signage, and waterfront usage.*

**6.G.1:** The livability of Dover is characterized by excellent access to outdoor recreation in the high quality natural environment.

**6.G.2:** Build a public land base which will serve the recreational needs of future generations.

**6.G.3:** Require new development to support improved public recreational areas and access.

**6.G.4:** Recreational facilities in Dover include public parks, trails and pathways with extensive connections and access, public access to waterways and the waterfront, a year-round indoor recreation center and public and private services to support these activities.

**6.G.5:** Public access to the waterfront, waterways and trail system shall be maintained or enhanced. Developments provide access to public waters and public trails for all residents of the community whenever

possible.

**6.G.6:** Grow Dover’s economy through small-scale recreational retail and services, i.e., equipment sales, repair and rentals

**6.P.6:** Support non-motorized watercraft access such as to Canoe Cove.

**6.P.7:** Provide for safe and enjoyable use of the lakeshore with appropriate regulations such as noise limits and designated “wake free” and seaplane landing zones.

**6.P.8:** Facilitate the opportunity for development of an indoor recreational center in Dover.

**6.P.9:** Develop processes and ordinances to allow private recreational support services with appropriate conditions and limitations.

**6.I.4:** Identify procedures and processes to allow application for development of an indoor recreational facility and for private recreational services.

## **7. Public Services**

*Covers fire and police services, neighborhood watch, and post office relocation.*

## **8. Education, Schools, & School Transportation**

*Addresses school and transportation facilities and needs.*

## **9. Natural Resources, Special Areas or Sites – Agriculture**

**9.G.1:** Maintain the natural environmental and resources in a condition which will produce the greatest long-term benefit for present and future residents of the community.

**9.G.2:** Manage impacts of stormwater run-off.

**9.P.1:** Minimize and mitigate adverse impacts of development to shorelines.

**9.P.2:** Minimize new development impacts to natural landscape by regulating grading, fill and other site modifications.

**9.I.1:** Review development procedures and ordinances to align with this sections goals and policies.

*Proposed amendment allows administrative review of low-impact parks and rec uses that cause low to no alteration of the landscape. The low-intensity use threshold is based upon the existing Dover City Code stormwater site disturbance standards (acreage disturbed, slope, impervious surface coverage, etc.) for stormwater and erosion control plans.*

## **10. Hazardous Areas**

**10.P.3:** Regulate new development to not impede floodplains.

## **11. Private Property Rights**

**11.G.1:** Ensure land use policies, restrictions, conditions, and fees do not violate private property rights, or create unnecessary technical limitation of the use of the property.

**11.G.2:** Consider fundamental property rights of all parties and the effects of decisions when adopting and applying planning policies and zoning standards.

*The draft amendment provides neighborhood notice for both administrative and special use permit options for parks and recreation development.*

## **ATTORNEY REVIEW:**

The draft ordinance and draft ordinance summary have been submitted to the city attorney for review. Attorney Stephen Snedden advised that he has no further comments or suggested revisions to the ordinance.

## **STAFF ANALYSIS:**

The Planning and Zoning Commission worked throughout the past year to craft language that would allow more streamlined reviews of parks and recreation facilities, while ensuring the rights of adjoining landowners are addressed through a notification process and conditions of approval to mitigate potential impacts to the neighborhood. The effort to amend the code was initiated because Dover’s setting with waterfront and hillside landscapes attracts interest in recreational opportunities. The city has an interest in encouraging these uses, as indicated by the adopted comprehensive plan policies. If adopted, the amendment would provide a simpler, more efficient means to allow low-impact facilities, but still provide a full public process for those uses that may impact the neighborhoods and environment on a larger scale.

In the event City Council wishes to make revisions to the proposed ordinance as recommended, Idaho Code allows minor or “non-material” changes to be made without further notice. Changes that are considered material require further notice. Idaho Code §67-6509 and §67-6511: “Following consideration by the governing board, if the governing board makes a material change in the recommendation or alternative options contained in the recommendation by the commission concerning adoption, amendment or repeal of a plan, further notice and hearing shall be provided before the governing board adopts, amends or repeals the plan.” (*Staff note: the word “plan” is used in this section of code, but zoning amendments refer to this section of code for the procedures for land use ordinances.*) Staff has reviewed this section of Idaho Code with the city attorney, in light of the public comment. The P&Z Commission did acknowledge the use of e-bikes could be permitted, and a revision to confirm that e-bikes could be used for low-intensity facilities would not be material. Slight adjustments to the way site disturbance calculations are made, minor retail sales and fundraisers, and use of vehicles for facility operations would also be minor. However, changing the daylight only to 24-hour operations for low-intensity would be material, according to the attorney review, and additional public notice and hearing should be given.

**DRAFT MOTIONS FOR GOVERNING BODY: (REFER TO HANDOUT)**

*MOTION TO APPROVE:* I move to approve this file #AM23-22, amending Title 12 of Dover City Code, regarding Parks and Recreation Facilities as written, finding that it **IS** in accord with the adopted policies of the City of Dover comprehensive plan and Dover City Code, as enumerated in the findings and standards, as presented (or as amended).

*MOTION TO CONTINUE:* I move to continue this file AM23-22 to [date, time and place] to allow for additional time for [public comment, additional information, etc.].

*MOTION TO DENY:* I move to deny this file #AM23-22, amending Title 12 of Dover City Code, regarding Parks and Recreation Facilities, finding that it **IS NOT** in accord with the adopted policies of the City of Dover comprehensive plan and Dover City Code, because [STATE WHAT STANDARDS THE AMENDMENT FAILS TO MEET AND WHY].