DOVER PLANNING AND ZONING COMMISSION MINUTES
JULY 22, 2020

CITY OF DOVER PLANNING AND ZONING COMMISSION MEETING
Bonner County Administrative Building
1500 Hwy 2, Sandpoint, ID

P&Z COMMISSIONERS IN ATTENDANCE:
☒ Marilyn Becker ☒ Joe Gibbs ☒ Julie Reister-Keaton ☒ Susie Kubiak ☒ John Thorpe

STAFF/OTHERS IN ATTENDANCE:
☒ Clare Marley, AICP, City Planner

CALL TO ORDER/ROLL CALL:
Chair Becker called the meeting to order at 6:02 p.m.

CONSENT AGENDA:
Commissioner Gibbs moved, and Commissioner Reister-Keaton seconded the motion, to approve the minutes of the June 25, 2020 meeting, as written. The Chair declared the motion approved on a unanimous vote.

PUBLIC COMMENT:
None.

PUBLIC HEARING:
FILE SUB006-19 – ORCHARD RIDGE ESTATES PRELIMINARY PLAT – REBECCA HAWKINS is requesting preliminary plat approval for a proposed 5-lot residential subdivision located on Syringa Heights Road in Section 29, Township 57 North, Range 2 West, B.M. The 7-acre site is zoned Suburban. Proposed lots range in size from 1 to 2.28 acres. The Planning and Zoning Commission will make a recommendation to the City Council, which will consider the request at a future hearing.

Chair Becker opened the hearing and called for conflicts of interest and disclosures. Commissioner Reister-Keaton advised that she is a property owner within the 300-foot radius of the site and will recuse herself from the proceedings.

Staff presentation:
City Planner Clare Marley provided a summary of the proposed preliminary plat, photos of the site, surrounding subdivision mapping, agency and public comments, and the standards of review.

Applicant presentation: Applicant Representative Erik Brubaker of B-Town Planning LC, 421 S. Fourth, Sandpoint, spoke about the planning and design work that went into the project. He submitted six photos to the record, labeled Exhibits 1-6. He agreed with the city engineer's conclusions on the road standards TYP004 for mountainous areas, allowing for a 16-foot wide road with 2-foot shoulders. He explained the reason the land fronting Lower Syringa Road will be tied to the upper orchard lot. The access onto the site will be realigned to allow adequate sight distance, and the applicant representatives have met with Independent Highway District to review site access. Mr. Brubaker testified regarding the Syringa Heights Water District supply and noted the solution to supply issues is a long-term solution that cannot be

addressed with these four additional hookups. Project Engineer Dan Larson, 414 Church Street, Sandpoint, in response to Commission questions, said the power will likely be installed underground. He addressed questions about the use of Syringa water rather than Dover and advised that the future subdivision would expect to have good water pressure but not capacity for fire flow. Mr. Brubaker requested Condition #3 regarding fire flow be amended to allow either a community cistern of 6,000 gallons, installed prior to final plat, or individual cisterns to be installed by lot owners at the time of building permit application. Commissioner Kubiak asked whether applicant had considered paving a portion of Syringa Heights Road. Mr. Brubaker said that while they would like to see the street paved, there are many other properties contributing to traffic on the road and paving is not an improvement the applicant alone should bear. Commissioner Kubiak suggested some dust abatement be considered during construction. She asked staff whether paving of Syringa is in the city plans. Ms. Marley advised that City Engineer Jay Hassell informed her that the paving of Syringa Heights Road is not on the city Capital Improvement Plan. The City is focused on repair and maintenance of existing pavement at this time.

Public Comment:
Julie Reister-Keaton, 195 Panorama Ridge Road, testified that the City needs to address paving of Syringa Heights Road now or later. She asked that the applicant provide further information on the reasons for choosing Syringa Heights Water District over Dover.

Kim Keaton, 195 Panorama Ridge Road, spoke of his concerns regarding the 4-line water line serving the site and the lack of volume. He advised the Commission of previous fires on this site and in the area and would prefer to see a community 6,000-gallon cistern installed. He asked that the Commission consider having the homeowners association require individual driveways be paved.

Keith Congleton, 975 Syringa Heights Road, testified that he favors the project, which is in keeping with the neighborhood. He is concerned about the dust created by traffic on Syringa Heights Road. He suggested the developer be required to pave from the property line, south to the access road, a distance of about 75 feet. He said he is aware that other traffic uses this road to cut through the area. He also stated he prefers the 6,000-gallon cistern due to concerns about recent fires. Mr. Congleton confirmed that magnesium chloride treatment is applied to the road seasonally, but it doesn't last long with large truck traffic.

Staff response to Commission: Ms. Marley offered the following conditions, based on testimony and Commission questions:
Amend Condition #3, to read:
3. For firefighting water sources, the Orchard Ridge Estates shall either: 1) Install a 6,000-gallon community cistern to the satisfaction of the Selkirk Fire District prior to final plat approval. Any easements for placement and access to the community cistern shall be shown on the final plat. OR 2) Require the installation of a 2,000-gallon individual cistern on each lot by the lot owners at the time of building permit application, to the satisfaction of the Selkirk Fire District. The requirement shall be noted on the face of the plat.
Add Condition #12, to read:
12. The applicant shall apply dust abatement measures on the site and affected public rights-of-way during infrastructure construction.

Applicant rebuttal: Mr. Brubaker said the continual dust issue is not generated by the proposed project but is existing. However, the applicant supports dust abatement measures during construction. He believes the question of timing and placement of the fire flow cisterns should rest with the International

Fire Code and fire district. He clarified the cistern size referred to by the district is 2,000 gallons. Installation of individual cisterns is preferred, he said. Mr. Brubaker advised that the City water facility report suggested solutions to the Syringa Heights Water District needs could cost $4 million, but portions of the system could be improved over time. He noted that the Dover city engineer did not urge the paving of Syringa Heights Road and private drives are not required to be paved by city ordinance.

Hearing closed: Commissioner Gibbs moved and Commissioner Thorpe seconded the motion to close the public hearing. The Chair declared the hearing closed.

Commission deliberation/decision:
The Commission discussed the standards of approval and proposed conditions. They considered the request to have the applicant pave portions of Syringa Heights Road and whether a community or individual fire flow cistern was appropriate. They reviewed the suggested conditions.

Motion:
Commissioner Gibbs moved to recommend approval of the preliminary plat of Orchard Ridge Estates, File #SUB06-19, finding that it is in accord with the general and specific standards of the City of Dover, based upon the evidence of record and testimony received. He further moved to adopt the findings and standards, reasoned statements, and conditions of approval, with the amendment of Condition #3 and addition of Condition #12, as read by staff. Commissioner Gibbs further clarified the motion included the adoption of the reasoned statement. The actions to be taken to obtain approval are to complete the conditions of approval as adopted. Commissioner Kubiak seconded the motion, confirming the second to the motion included the reasoned statement. The Chair declared the motion approved unanimously on a voice vote, with Commissioner Reister-Keaton having recused herself from the proceedings.

Reasoned statement:
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 Dover Planning & Zoning Commission concludes the preliminary plat is in accord with the following standards:

A. Water Supply: Definite provisions have been made for a water supply system that is adequate in terms of quantity and quality for the type of subdivision proposed.
B. Sewer Treatment: Adequate provisions have been made for servicing or treatment of sewerage by a public sewage system or other treatment as approved by Panhandle health district and the city.
C. Street Plan: Proposed streets are consistent with the transportation element of the comprehensive plan.
D. Hazardous Soil Conditions: All areas of the proposed subdivision which involve soil or topographical conditions presenting hazards have been identified and that the proposed uses of these areas are compatible with such conditions.
E. Zoning: The area proposed for subdivision is zoned for the proposed use and the use conforms to other requirements found in the city ordinances.
F. Mitigation For Impacts: The developer has made adequate plans to ensure that the community will bear no more than its fair share of costs to provide services by furnishing land or providing other mitigation measures for off site impacts to streets, parks and other public facilities within the community. It is the expectation that in most cases, off site improvements will be dealt with through the development agreement. (Section 11-3-11, DCC)

Findings:

Zoning standards	Evidence of record
Title 11 Chapter 3 – Procedures and Administration	A request for public agency comment was used issued April 29, 2020. Notice was 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 11 Chapter 3. The site has been posted at least 7 days prior to the hearing. Planning and Zoning Commission provides a recommendation to Council. The Council will hear the application at a separate hearing.
Title 11, Chapter 3, Standards for Approval **A.** Water Supply. Definite provisions Water Supply: Definite provisions have been made for a water supply system that is adequate in terms of quantity and quality for the type of subdivision proposed. **B.** Sewer Treatment: Adequate provisions have been made for servicing or treatment of sewerage by a public sewage system or other treatment as approved by Panhandle health district and the city. **C.** Street Plan: Proposed streets are consistent with the transportation element of the comprehensive plan. **D.** Hazardous Soil Conditions: All areas of the proposed subdivision which involve soil or topographical conditions presenting hazards have been identified and that the proposed uses of these areas are compatible with such conditions. **E.** Zoning: The area proposed for subdivision is zoned for the proposed use and the use conforms to other requirements found in the city ordinances. **F.** Mitigation For Impacts: The developer has made adequate plans to ensure that the community will bear no more than its fair share of costs to provide services by furnishing land or providing other mitigation measures for off site impacts to streets, parks and other public facilities within the community.	A. Syringa Heights Water District advised April 24, 2020 that it has the connections and capacity to serve the subdivision. Based upon Selkirk Fire District statements, the water supply is inadequate for fire hydrants. Cisterns will be required to meet fire protection needs. B. The applicant proposes to connect to the city sewer services. The City requests specific plans be filed prior to construction. The Department of Environmental Quality must approve plans prior to construction. A will-serve letter is a condition of approval. C. The street improvements are subject to the city-adopted street standards, which call for a TYP004 standard for this location. Condition #5 addresses this. D. A stormwater management plan has been submitted. Additional revisions and information are required prior to final plat consideration. Condition #4 addresses this. E. The site is zoned Suburban. Lot size minimums are 1 acre. The preliminary plat shows lots to be 1 acre and larger. F. The applicant will be required to extend and install public water and sewer services at her own expense. Cisterns for fire flow will need to be installed by the landowner. A development agreement is a requirement covered at Condition #6.

It is the expectation that in most cases, off site improvements will be dealt with through the development agreement. (Section 11-3-11.)	
Title 12- Standards for Zoning District. Suburban Minimum site area 1 acre (12-6-4, DCC)	Proposed lot sizes are: Lot 1, 2.28 acres; Lots 2-5, 1 acre.

Conditions of approval:

1. The final plat shall be in substantial compliance with the approved preliminary plat and shall be filed in accord with the provisions of Title 11, DCC.

2. Preliminary plat approval is valid for one year from the date of the written decision. If the final plat is not recorded within one year of the written decision, the preliminary plat approval shall be void. Any time prior to the one-year expiration, the landowner may apply for a one-year extension, which shall require the approval of the City Council. The landowner may seek additional extensions for "good cause" if actual work has commenced and is continuing on subdivision improvements. The request for additional extensions shall be submitted prior to the expiration dates and shall also require approval of the City Council.

3. For firefighting water sources, the Orchard Ridge Estates shall either: 1) Install a 6,000-gallon community cistern to the satisfaction of the Selkirk Fire District prior to final plat approval. Any easements for placement and access to the community cistern shall be shown on the final plat. 2) Require the installation of a 2,000-gallon individual cistern on each lot by the lot owners at the time of building permit application, to the satisfaction of the Selkirk Fire District. The requirement shall be noted on the face of the plat.

4. Prior to construction, a final stormwater plan containing the information requested by the city engineer in his letter dated April 9, 2020 shall be submitted to the City. The approved stormwater management plan shall be implemented and maintained for the site.

5. The proposed private drive access onto the public right-of-way shall be completed in accord with encroachment permit ADMIN013-18. The private Marienau Drive shall be constructed to the City of Dover street standard typical TYP-004 for private roads in mountainous terrain. To allow passing in winter conditions without traveling on saturated gravel shoulders, a 16-foot wide asphalt surface with 2-foot travel shoulders is allowed for this site. The final street plan shall be submitted to the city engineer for review, pursuant to Chapter 6 of Title 11, DCC.

7. Prior to final plat approval, the applicant shall install a street sign in accord with city street naming standards and in a location approved by the city engineer.

6. Prior to start of construction of any subdivision improvements, the landowner shall enter into a development agreement with the City of Dover, pursuant to DCC 11-1-7 and Chapter 4 of Title 11. The agreement shall address at a minimum:

    a. Encroachment of private drive onto the public road system;

b. Installation of firefighting cistern(s);
c. Installation of utilities;
d. Implementation of stormwater plan;
e. Coordination with other affected agencies;
f. Applicable surety and maintenance guarantees;
g. Inspection schedules;
h. Dedications;
i. Timetables for completion.

7. Prior to the installation of subdivision improvements, a complete set of construction plans shall be filed with the City of Dover in compliance with Chapter 6, Title 11, DCC and in accord with the approved preliminary plat. All applicable sewer and water plans shall also be filed with the Idaho Department of Environmental Quality prior to construction.

8. No construction shall commence until written approval is given by the city engineer. Final construction plans for all subdivision improvements shall be provided to the city engineer and administrator for review and approval. The plans shall be in substantial compliance with the approved preliminary plat.

9. The landowner shall obtain a will-serve and capacity letter from the City of Dover for sewer services.

10. Any minor changes to the plat involving adjustments to utility locations, minor lot line adjustments, or other changes resulting in non-substantial changes to the plat that do not affect conditions of approval shall require the written approval of the city engineer and administrator. Major adjustments affecting conditions of approval or increases in density shall require approval of the City Council through the public hearing process.

11. The landowner shall provide deeds confirming Syringa Heights Road and Lower Syringa Road have been dedicated to the public, or the subject rights-of-way shall be dedicated to the public on the face of the final plat for the portions of road adjacent to the subdivision.

12. The applicant shall apply dust abatement measures on the site and affected public rights-of-way during infrastructure construction.

Ms. Marley advised the application will now be forwarded to the City Council for a final decision, at a time and date to be determined.

Commissioner Reister-Keaton rejoined the meeting.

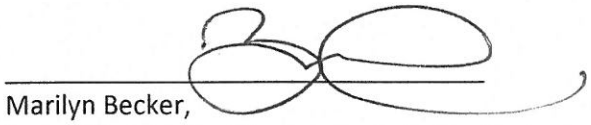
ELECTION OF CHAIR AND VICE CHAIR:

Nominations were declared open for the Commission Chair. Commissioner Gibbs moved, and Commissioner Reister-Keaton seconded the motion to nominate Marilyn Becker. The motion was approved unanimously on a voice vote.

Nominations were declared open for the Commission Vice Chair. Commissioner Reister-Keaton moved, and Commissioner Gibbs seconded the motion to nominate Susie Kubiak. The motion was approved unanimously on a voice vote.

MEETING ADJOURNED:

Commissioner Kubiak moved, and Commissioner Gibbs seconded the motion to adjourn. The Chair declared the meeting adjourned at 7:48 p.m.



Marilyn Becker,
Dover Planning and Zoning Commission Chair