
DOVER PLANNING AND ZONING COMMISSION MINUTES NOVEMBER 3, 2022

CITY OF DOVER PLANNING AND ZONING COMMISSION MEETING

Dover Council Chambers
699 Lakeshore Ave., Dover, ID

P&Z COMMISSIONERS IN ATTENDANCE:

Marilyn Becker Joe Gibbs Kyle Coleman Susie Kubiak Rowdy MacDonald

STAFF/OTHERS IN ATTENDANCE:

Clare Marley, AICP, City Planner

CALL TO ORDER/ROLL CALL:

Chair Kubiak called the meeting to order at 5:32 p.m. Roll call: Commission members present are noted with a check mark "X" in the boxes above. Commissioner Coleman was present via Zoom video conference.

CONSENT AGENDA:

Commissioner Gibbs moved, and Commissioner Becker seconded the motion, to approve the minutes of October 6, 2022. The Chair declared the motion approved on a unanimous voice vote.

Public Comment: Marie Forbes, of 13482 West Pine Street, commented on her interest in seeing a kayak and canoe launch site developed by the City of Dover. Ms. Marley advised that the City has discussed establishing such a launch.

OLD BUSINESS:

Residential Accessory Structure Standards: Ms. Marley reviewed the final draft ordinance amendment for the residential accessory structure standards, based on the Planning and Zoning Commission discussions from the October workshop. The Commission reviewed the revisions and reached a consensus to take the amendment to public hearing December 1st. The draft calls for:

- New definitions for attached structures, detached structures, and walls;
- A maximum of 1,000 square feet for all residential accessory structures on a single lot or parcel in the Residential District;
- A maximum of two-stories in height in the Residential District;
- Confirming that residential accessory structures are not for commercial use.

NEW BUSINESS: Ms. Marley discussed with the Commission the potential 2023 projects, including the 2020 census data that has been delayed due to the pandemic, the implementation table for 2023, and the mixed use comprehensive plan mapping north of Highway 2, which may need to be adjusted based on citizen comments. Ms. Marley advised that the survey of landowners within this mixed use comp plan map area that was developed about one year ago has not been sent out yet.

PUBLIC HEARING: FILE ANX04-22 – REQUEST TO ANNEX - ZONING MAP AMENDMENT - ROBERT & MARIAN RUST are requesting their 2.34- acre parcel be zoned Suburban as part of a process for annexation into the City of Dover. 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. The Suburban zoning district allows 1-acre minimum lot sizes and residential uses with ancillary public facilities and service uses. State law requires a parcel be zoned by a city upon entry into the city limits.

Ms. Marley presented a summary of the application, a slide presentation, and the background for this proposed zone change related to an annexation request. She provided a summary of public comment.

Applicant Presentation: Applicant Representative Jeremy Grimm, Whiskey Rock Planning + Consulting, spoke about the City of Dover’s original interest in seeing this site annexed. He advised the Commission of the landowners’ interest in eventually rezoning the remaining portion of their land on West Pine to Suburban and seeking a subdivision of the land consistent with that zoning. He addressed public comment regarding concerns that this annexation could lead to annexation of properties where landowners are not interested in being annexed. Mr. Grimm advised that creating enclaves does not mean lands will be annexed. He gave an example of a parcel near the Bonner County Fairgrounds that has never been annexed, even though the land is surrounded by Sandpoint city limits. He testified regarding the background for the Rusts’ request. The Commission asked several questions about previous annexations in the 1990s, traffic, service availability, and the future plans for the site.

Public Comment:

Debra Heise, property owner to the south of the subject property, testified about the failed legal notices regarding this file at both the Planning and Zoning and City Council levels. She advised that the annexation would cause her property to be “enclaved” and therefore subject to possible annexation without her approval. She said she is not interested in being annexed into Dover and believes the Rusts can achieve their objectives through Bonner County’s jurisdiction. She stated that a Diane Lauterbach, a neighbor to the south, also did not receive official notice of the public hearing. She entered her objection to not receiving notice for the September 1, 2022, Planning and Zoning Commission hearing.

Zachary Jones, 111 South Sagle Road, and son of Ms. Heise, said that suggestions that the annexation will provide right-of-way for the city for pathway improvements doesn’t really gain a lot for that purpose since the right-of-way is already public.

Rebuttal: Mr. Grimm stated that the applicants’ first preference was to be de-annexed from the city, but the city was unwilling to take that action. The applicants cannot create a subdivision that crosses county and city jurisdictions, he said. He explained the applicants’ desire to subdivide their property.

Ms. Marley advised that the claim of failed notice for the Lauterbach property could mean the hearing would have to be continued. She requested a recess to allow time to review the distance the Lauterbach property is from the Rusts’ property. The Chair granted a 5-minute recess. Upon reconvening, Ms. Marley advised that the Lauterbach property is greater than the 300-foot distance required for legal notice and notice was not required to be given to this property owner. She advised that the determination was made using a GIS measuring tool. The planner said the hearing should be reopened to allow public testimony on

this new information. Ms. Heise and Mr. Jones concurred with the determination on the distance from the subject property. However, they suggested additional notice should be given due to the impact on the property owners and the lack of services being extended to this area. Mr. Grimm was given an opportunity for a rebuttal of the new information.

The Commission asked clarifying questions regarding legal notice.

Chair closed the hearing at 7:19 p.m.

Deliberation: The Commission discussed the testimony received, noting concerns about noticing, the limited authority P&Z has for the actual annexation decision, and the appropriateness of the Suburban zone.


Motion: Commissioner MacDonald moved to recommend to City Council approval of this file #ANX04-04, a request to zone the subject 2.34-acre site as Suburban, 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. He further moved to adopt the findings and standards. Commissioner Becker seconded the motion. The Chair declared the motion approved 3-1, on a roll call vote, as follows: Gibbs: No; MacDonald: Yes; Coleman: Yes; Becker: Yes.

ANNOUNCEMENTS:

Ms. Marley updated the Commission on the Post Office project and the upcoming public hearing before City Council on the Parks and Recreation ordinance.

MEETING ADJOURNED:

Commissioner Becker moved, and Commissioner MacDonald seconded the motion, to adjourn the meeting. The Chair declared the meeting adjourned at about 7:25 p.m. on a unanimous voice vote.



Susie Kubiak
Dover Planning and Zoning Commission Chair