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**DOVER PLANNING AND ZONING COMMISSION  
MINUTES  
AUGUST 1, 2019**

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**DOVER CITY PLANNING AND ZONING COMMISSION MEETING  
Dover Council Chambers  
699 Lakeshore Ave., Dover, ID**

**P&Z COMMISSIONERS IN ATTENDANCE:**

Marilyn Becker    Michael Jones    Joe Gibbs    Julie Reister-Keaton    Susie Kubiak

**STAFF/OTHERS IN ATTENDANCE:**

Clare Marley, AICP, City Planner

**CALL TO ORDER:**

Acting Chair Becker called the meeting to order at 6:01 p.m.

**CONSENT AGENDA:**

Staff advised that the minutes of July 22, 2019 had not been prepared due to the short turn-around time between meetings. They will be available for the next regular meeting.

**PUBLIC COMMENT:**

Dan Parkin, 304 3<sup>rd</sup> Street, spoke about the need to preserve the history of "Old Dover."

**PUBLIC HEARINGS -CONTINUATION FOR DELIBERATION:**

The Acting Chair announced the resumption of deliberations for the following files heard by the Planning and Zoning Commission July 22<sup>nd</sup>: Kova Enterprises LLC, File #AM16-19, Comprehensive Plan map amendment from Compact Suburban and Small-Scale Working Lands to Mixed Use with Conditional overlay; Kova Enterprises LLC, File #ZC01-19, Zone Change from Residential to Commercial; Kova Enterprises, File #SUP001-19, Special Use Permit and Kova Enterprises, File #VAR003-19, variance to allow for a 10-foot rear yard setback, where a 25-foot setback is required by Dover City Code.

**Disclosures:**

Commissioner Kubiak advised that she is an owner of property within 300 feet of the Kova site and excused herself from the proceedings.

**Commission deliberation:**

Ms. Marley reintroduced the standards and process for consideration of each of the applications.

**File #AM016-19, comprehensive plan map amendment:**

The Commission reviewed the hearing testimony and discussed the purpose of the current and proposed comprehensive plan designation and mapping. They reviewed the comprehensive plan goals and policies and potential impacts to the neighborhood if the map is amended.

**Motion:** Commissioner Gibbs moved to recommend denial to the City Council of this file, AM16-19 for the amendment of the City of Dover Projected Land Use Map from Compact Suburban and Small-Scale Working Lands to Mixed Use with Conditional Overlay for a 4.35-acre tract of land, finding that it is not in accord with the procedures and standards of Idaho Code and the general and specific goals and objectives of the adopted comprehensive plan because the application is not in accord with:

Goal 3.G.3, (*Livable neighborhoods with distinctive characteristics contribute to the whole of Dover*); and

3.G.4, (*There is strong sense of place and features celebrating Dover's community character*).

The motion was seconded by Commissioner Reister-Keaton. The Acting Chair declared the motion to deny approved on a 2-0 voice vote.

**File #ZC01-19, Zone change:**

The Commission discussed the community goals to have small-scale development in keeping with what exists in the city. They also discussed effects of the zone change on affordable housing, wildlife corridors and habitat, and property rights. They reviewed comprehensive plan goals and policies.

**Motion:** Commissioner Gibbs moved to recommend denial of this file, ZC01-19, to rezone 4.35 acres from Residential to Commercial, finding that it is not in accord with the procedures and standards of Idaho Code, because the application is not in accord with these goals and policies:

3.G.2; (*Residents desire to maintain a small-town character*)

3.G.3 (*Livable neighborhoods with distinctive characteristics contribute to the whole of Dover*);

3.G.4 (*There is strong sense of place and features celebrating Dover's community character*);

2.G.2 (*Seek to attract full-time residents*);

2.P.2 (*Provide opportunity to develop affordable workforce housing in proportion to the need in the Greater Sandpoint area*);

3.P.6 (*Discourage and restrict development of large scale retail or commercial uses*);

9.G.3 (*Protect the forest and natural ground cover within the city to reduce dangers of erosion, protect water quality, preserve wildlife habitat, and maintain aesthetics allowing consideration for fire safety, weed control and forest management*);

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 motion was seconded by Commissioner Reister-Keaton. The Acting Chair declared the motion to deny approved on a 2-0 voice vote.

**File #SUP001-19, Special use permit:**

The Commission discussed traffic, noise, parking, buffering of the commercial uses, the effect of the commercial uses on the residential neighborhood, enforcement abilities, and emergency access. They reviewed the standards for consideration of the special use permits and discussed how the project did or did not meet these standards.

**Motion:**

Commissioner Reister-Keaton moved to recommend denial of this special use permit, File #SUP001-19 for a Special Use Permit to allow for the development of rental garages, finding that it is not in accord with the general and specific standards of the City of Dover, and further moved to adopt the following reasoned statements:

(Dover City Code Section 12-10-3)

B. Will not be harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan and the zoning ordinance, as previously determined in the zone change application (finding that is not in accord with comprehensive goals and policies: 3.G.2; 3.G.3; 3.G.4; 2.G.2; 2.P.2; 3.P.6; 9.G.3; 11.G.2.)

C. Will not be designed, constructed, operated and maintained to be harmonious and is not harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use would change the essential character of the same area.

E. Does involve uses, activities, processes, materials, equipment and conditions of operation that would possibly be detrimental to persons, property or the general welfare by reason of excessive production of traffic, noise, possibly smoke, fumes, glare or odors.

F. Because of the vehicular approaches to the property it could create interference with traffic and surrounding public thoroughfares.

Commissioner Gibbs seconded the motion. The Acting Chair declared the motion to deny approved on a 2-0 vote.

**File #VAR003-19, Variance:**

The Commission reviewed the city code standards for variances. They discussed issues of special privilege, actions of the applicant, aspects of the site, and public interest.

**Motion:**

Commissioner Gibbs moved to recommend denial of this variance, File #VAR003-19 for a 10-foot rear yard setback, where 25 is required by city code, finding that it is not in accord with the general and specific standards of the City of Dover because of the following reasons:

The proposal was reviewed for compliance with the Dover City Code Section 12-8-3, Standards for Variance Review. The proposal **IS NOT** in accord with the applicable standards of Dover City Code Section 12-8-3, as follows:

B. A literal interpretation of the provisions of this title deprives the applicant of rights commonly enjoyed by other properties in the same district under the terms of Dover's zoning regulations.

C. Special conditions and circumstances do not result from actions of the applicant.

D. Granting the variance will not confer on the applicant any special privilege that is denied by Dover zoning regulations to other lands, structures, or buildings in the same district.

Commissioner Reister-Keaton seconded the motion. The Acting Chair declared the motion to deny approved on a 2-0 voice vote.

Commission Kubiak rejoined the meeting at the conclusion of the Kova files.

**NEW BUSINESS: ACTION ITEM – RECOMMENDATION TO CITY COUNCIL - File #ANX002-19, Voluntary Annexation – Cedar Ridge** – The City of Dover proposes to annex into the city limits portions of Cedar Ridge Road and Lot 10 of Cedar Ridge Addition that were erroneously omitted from the city limits when the plat was recorded in 1997. Bonner County and the owners of Lot 10 have consented to the annexation. The area is located in Section 29, Township 57 North, Range 2 West, B.M. The city proposes the land remain Large Lot Single-Family on the comp plan map and be zoned Agriculture. The Planning and Zoning Commission will provide a recommendation to Dover City Council on the map designation and zoning.

**Disclosures:**

There were no disclosures or conflicts announced.

Ms. Marley presented the background for this annexation request and summarized the Idaho Code requirements for zoning of property prior to annexation. She advised that surrounding lands are zoned Agriculture, which is the zoning proposed for this site.

The Acting Chair opened the public hearing.

**Public testimony:**

Dan Parkin, 304 3<sup>rd</sup> Street, testified in support of the annexation and zoning of the property to Agriculture so that a mapping error can be corrected.

**Commission deliberation:**

The Commission reviewed the reasons for the voluntary annexation and zoning district proposal. The members agreed that the action would correct a technical limitation and is not in conflict with any of the city goals and policies.

**Motion:**

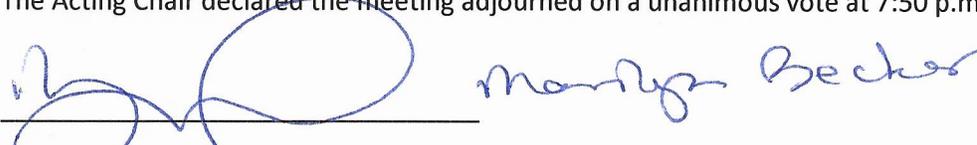
Commissioner Reister-Keaton moved to recommend approval to City Council the zoning of the portions of Cedar Ridge Addition that are the subject of File #ANX002-19 to Agriculture upon annexation, finding that it is in accord with the procedures and standards of Idaho Code and the general and specific goals and objectives of the adopted comprehensive plan, as enumerated in the findings and standards table of the staff report because it meets 9.G.5 (*Preserve the working lands in Dover*) and 9.P.5 (*Support private preservation of working lands such as farmland and forest management areas*) and goes hand in hand in supporting this annexation. The motion was seconded by Commissioner Kubiak. The Acting Chair declared the motion approved on a 3-0 voice vote.

**ANNOUNCEMENTS:**

Ms. Marley advised that the Commission Chair requested the group resume discussions on the conservation subdivision and stormwater ordinances. She advised the stormwater ordinance is in its first draft, and can be discussed at the next workshop. Staff and Commissioner Gibbs plan to work on the "fire-wise" portion of the conservation subdivision draft.

**MEETING ADJOURNED:**

Commissioner Gibbs moved and Commissioner Reister-Keaton seconded the motion to adjourn. The Acting Chair declared the meeting adjourned on a unanimous vote at 7:50 p.m.

  
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Dover Planning and Zoning Commission Chair