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**DOVER PLANNING AND ZONING COMMISSION  
MINUTES  
NOVEMBER 7, 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       Joe Gibbs       Julie Reister-Keaton       Susie Kubiak

**STAFF/OTHERS IN ATTENDANCE:**

Clare Marley, AICP, City Planner; Lisa Adair, Assistant Planner; Bob Hansen, Water Systems Management

**CALL TO ORDER/ROLL CALL:**

Chair Becker called the meeting to order at 6:08 p.m.

**CONSENT AGENDA:**

Commissioner Reister-Keaton moved, and Commissioner Kubiak seconded the motion to move the consent items to the end of the agenda. The Chair declared the motion approved unanimously.

**PUBLIC COMMENT:**

None.

**PUBLIC HEARINGS:**

**FILE SUP002-19 - KANIKSU LAND TRUST** is requesting a special use permit for an outdoor recreation facility and park/community forest to include year-round recreation trails, equipment rental center, a community gathering space, and future potential education center and associated facilities. The 160-acre site is located at 11915 West Pine Street, in Section 19, Township 57 North, Range 2 West, B.M. The property is zoned Agriculture.

**Disclosures:**

The Chair asked whether anyone had any conflicts or disclosures to declare. Commissioner Susie Kubiak advised that due to her involvement with the land trust, she will recuse herself from the SUP002-19 proceedings. Commissioner Reister-Keaton advised that she had visited the site prior to the filing of the application but confirmed that she is able to make an unbiased decision regarding the file.

**Staff presentation:**

Ms. Adair and Ms. Marley presented a summary of the application, procedures for the public hearing, and the standards for review.

**Applicant presentation:**

Katie Cox, Kaniksu Land Trust (KLT) executive director, offered Exhibit A, the hearing presentation, and Exhibit B, the site's forest management plan. She spoke about the nature of the Pine Street Woods project as a public park and the trust's contention that the use is permitted without a special use permit. Ms. Cox discussed the trail system, facilities, open space, and forest management. The site will be gated and eventually will have a caretaker residence. She explained the berms constructed to deaden sounds. The current 170-foot long by 9-foot tall berm will be extended another 30 feet in an area adjoining the parking lot, she said. Ms. Cox discussed efforts to address neighborhood concerns, community support for the project, and future plans. She explained measures to be taken to prevent fires and long-term forest management plans.

**Public testimony:**

Guy Lothian, 503 Lakeshore Avenue, spoke about how the Pine Street Woods is a wonderful opportunity for the community.

Dan Krabacker, 516 St. Clair Avenue, Sandpoint, testified in favor of the project and noted that site could have been developed into a subdivision. The park will be Dover's legacy, he said.

William Stuble, 500 Guthrie, said he is in favor of the special use permit.

Deb Ruehle, 612 Olive Street, Sandpoint, spoke of the trust's work to bring recreational opportunities to children.

Nicole Grimm, 614 Creekside, Sandpoint, testified in support of the project, noting the increased access to healthy activities for kids.

De Trenbeath, 133 Lakeshore Avenue, said she is in full support of the proposed park because it brings low-cost gear rentals for children and is a "gem" to the community.

Regan Plumb, 1184 Upland Drive, said many user groups, but especially children, will benefit from the Pine Street Woods.

Max Zuberbuhler, 478 Larsen Ranch Lane, Sandpoint, testified in favor of the permit.

Bob Presta, offered his letter as Exhibit C, and said Dover will benefit from the approval of the Pine Street Woods, as will the children.

Fletcher Barrett, 303 3<sup>rd</sup> Street, said he supports the application.

Ross Longhini, 2222 Hidden Valley, Sandpoint, president of the Sandpoint Nordic Club, spoke about his experiences on the trails and the type of users who are apt to be on the trails. The area will offer more accessibility to the outdoors.

Brian Cox, 299 Ravenwood Drive, said he is a huge fan of the KLT project and the learning experiences children will have.

Berkeley Cox, 299 Ravenwood Drive, said the Pine Street Woods is a wonderful place.

Phoebe and Jerusalem Grimm and Winslow and Josie read a message of support together.

Jeremy Grimm discussed the type of permitting the park is seeking and that the conditions placed upon the project by the city should not exceed the limits of what would be considered rational or reasonable.

Jim Zuberhubler, 478 Larsen Ranch Lane, Sandpoint, offered support for the project and spoke about the opportunities for children to be creative and have experiences at the park.

Mike Miller, 11740 W. Pine Street, said he does not believe the park will create a greater increase in traffic, and those seeking the outdoors are not going to be racing or creating noise because they are there for a quality experience.

Robert Myers, 418 Ravenwood Drive, presented Exhibit D, an aerial photo illustrating trees and parking. He noted that he is not "anti-trail," but spoke about the proximity of the site's parking area to his homesite. He asked that permanent mitigations be in place to protect neighbors, and

that it is the city's duty to treat KLT the same as any other developer. He spoke about the need to extend the earthen berms in the parking area to future phases 2 and 3.

Jeremy Bauck, 367 Ravenwood Drive, president of the Westridge Homeowners Association, submitted Exhibit E, an aerial photograph with residences marked. He spoke about the desire to remain amicable with KLT, but some of the plans have drifted away from earlier discussions and have become more "commercial." He voiced concerns about more intense uses in the future and the proximity of parking lots to residences. He also expressed concern that foot traffic may wander into private properties.

Elana Westphal, 418 Ravenwood Drive, presented Exhibit F, a photo of a path, trees, and berms. She disagreed with testimony that the trail would increase their property values. She said she is concerned about the lack of permanency for the berms, tree thinning that has reduced buffering, lack of mitigations to keep children from trespassing, and the potential for weddings at the site.

Amy Bauck, 367 Ravenwood Drive, said activities are going to butt right up against private properties. She spoke about an access road adjoining their properties and a downed fence that has not been repaired. The unique trail signs may not be enough for kids to see, she said.

The Chair called for a 5-minute recess.

**Applicant rebuttal:**

Ms. Cox stated that KLT intends to work with the neighbors and rebutted statements regarding "undeveloped properties." She advised that KLT was unaware that a fence was down, which could have occurred due to utility work. KLT will attend to the fencing, she said. The tree thinning was done to remove trees that were diseased to be a "good neighbor," she said. There is a logging road adjoining the private properties, and KLT intends to close it to trail use. Pine Street Woods is not transitioning to a commercial use, she said, but is a non-profit operation. Charges for rental of skis will occur to help fund operations. Ms. Cox pointed out that a hillside provides a natural berm between the park and residences. KLT is aware of the neighborhood concerns and staff does a good job of keeping kids where they need to be. She responded to Commission questions about the forest plan and logging done for a healthy forest. She explained the building under current construction will be used for a warming space and sports equipment rental/storage. An education center may be in the future, but only after a "huge capital campaign," she said. The berm in the parking area will be extended through phases 2 and 3.

**Commission clarifications and deliberation:**

The Commission discussed the project, proposed conditions, and standards of approval. They requested condition #4 be revised and conditions #11 and #12 be added to read as follows:

4. Prior to development of future phases, the applicant shall submit to the City of Dover building permits, site plans, stormwater plans, and parking plans, as required by city code, and shall receive city approval prior to construction. Any modifications that vary from the site plan must be approved through the modification process, pursuant to Dover City Code 12-10-9 "Modifications."
  
11. Signs or markers shall be posted and maintained identifying property lines and reminding visitors to respect private properties adjoining the site.

12. The applicant shall revegetate the former logging access road adjoining the east boundary.

**Motion:**

Commissioner Gibbs moved to recommend approval of this special use permit, File #SUP002-19 for a Special Use Permit to allow for the development of a recreation center and private park, finding that it is in accord with the general and specific standards of the City of Dover, as enumerated in the findings and standards table of the staff report. He further moved to adopt the findings and standards, reasoned statement, and conditions of approval, as amended to revise Condition #4 and add Conditions #11 and #12 as read by staff. The action to be taken to obtain the special use permit is to complete the conditions of approval as adopted. He confirmed the motion included a conclusion that the permit **IS** in accord with the applicable standards. The motion was seconded by Commissioner Reister-Keaton. The Chair declared the motion approved unanimously.

Commissioner Kubiak rejoined the Commission proceedings at the conclusion of File #SUP002-19.

**FILE VAR004-19 – THE CITY OF DOVER** is requesting a variance to allow for a 3-foot side yard setback, where 10 feet is required by Dover City Code, for construction of an attached chlorination building for the City of Dover water treatment plant. The site is located at 404 Becker Lane in Section 32, Township 57 North, Range 2 West, B.M. The property is zoned Residential.

**Disclosures:**

The Chair asked whether anyone had any conflicts or disclosures to declare. There were no disclosures.

**Staff presentation:**

Ms. Adair and Ms. Marley presented a summary of the application, procedures for the public hearing, and the standards for review. Bob Hansen of Water Systems Management provided additional information on behalf of the applicant (City of Dover) on current operations, sand filters and building configurations. He explained the necessity of locating the building addition on the south end of the site to allow for sand filter expansion to the north and to allow the chlorination building to be placed in a logical and safe place with respect to current piping. He explained the nature of the chlorine used in the water treatment process and that it is not a chlorine gas.

**Public testimony:**

Tom Williams, 504 Guthrie #114, submitted a comment sheet in opposition to the variance and provided Exhibit A, a letter from him. He submitted additional pages containing drawings of the site, which Ms. Marley advised were items submitted by Tom Runa previously and are a part of the record and may be used. Mr. Williams objected to statements in the city application, which he said are inaccurate. He testified that the city created its own hardship with the placement of the original building. He requested the variance be denied.

**Applicant rebuttal:**

Mr. Hansen explained the current labyrinth of pipes in the building and the tripping hazards they present and how the addition will resolve safety and efficiency challenges.

**Commission clarifications and deliberation:**

The Commission discussed the proximity of the building to roads, common area, and residential lots. They reviewed testimony regarding safety and discussed the variance standards

**Motion:**

Commissioner Kubiak moved to recommend approval of this variance, File #VAR004-19 for a 3-foot side yard setback, where 10 is required by city code, finding that it is in accord with the general and specific standards of the City of Dover, as enumerated in the findings and standards table above (in the staff report). She further moved to adopt the following reasoned statements and conditions of approval as written, confirming the variance **IS** in accord with the applicable standards. The action to be taken to obtain the variance is to complete the conditions of approval as adopted. The motion was seconded by Commissioner Gibbs. The Chair declared the motion approved unanimously on a voice vote.

**CONSENT AGENDA:**

Commissioner Reister-Keaton moved, and Commissioner Kubiak seconded the motion to approve the September 5, 2019 minutes. The Chair declared the motion approved on a unanimous voice vote.

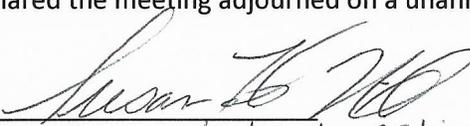
Commissioner Gibbs moved, and Commissioner Reister-Keaton seconded the motion to approve the 2020 Planning and Zoning Commission meeting calendar. The Chair declared the motion approved on a unanimous voice vote.

**ANNOUNCEMENTS:**

Ms. Marley updated the Commission on the City Council action on Kova Enterprises and the fencing standards ordinance. She advised that due to the length of the meeting, she will bring updates on the post office and subdivision and stormwater ordinances to the December meeting.

**MEETING ADJOURNED:**

Commissioner Gibbs moved, and Commissioner Reister-Keaton seconded the motion to adjourn. The Chair declared the meeting adjourned on a unanimous vote at 9:44 p.m.

  
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Marilyn Becker, Susan Kubiak, acting chair  
Dover Planning and Zoning Commission Chair