
MINUTES FOR

**DOVER CITY PLANNING AND ZONING MEETING & PUBLIC HEARING
Dover Council Chambers
699 Lakeshore Ave.
January 5, 2017**

IN ATTENDANCE:

Marilyn Becker Paul Nowaske Michael Jones Dean Johnston Kevin Johnson

CALL TO ORDER:

Chair Nowaske called the meeting to order at 6:11 p.m.

PUBLIC COMMENTS

Denise Travis, 227 Lakeshore Avenue, spoke about short-term rentals, bed and breakfasts, and AirBnB's. She compared the regulations and operations of bed and breakfasts to residential lodging and short-term rentals. Staff provided Ms. Travis with a copy of the draft short-term rental amendment. She was encouraged to remain for the discussion later in the meeting.

CONSENT AGENDA

Approval of the December 1, 2016 minutes.

Motion: Commissioner Jones moved and Commissioner Becker seconded the motion to approve the minutes of December 1, 2016. The motion passed unanimously.

PUBLIC HEARING

FILE AM04-16 Flood Damage Prevention Ordinance: The City of Dover has initiated an amendment to Dover City Code to repeal Ordinance No. 113, Flood Damage Prevention Ordinance, and replace it with a new Flood Damage Prevention ordinance (proposed Title 10). The purpose of the amendment is to reflect the requirements of the National Flood Insurance Program and standards of the State of Idaho Disaster Preparedness Act. The proposed ordinance: establishes administrative procedures and appeal and variance processes; creates exceptions for low-cost accessory buildings; provides that violation of the ordinance is a misdemeanor carrying a maximum penalty of \$1,000 or six months in jail or both; and provides for severability and an effective date.

Chair Nowaske read into the record the summary of the proposed amendment to Dover City Code. City Planner Clare Marley summarized her staff report and provided a PowerPoint presentation of the amendment. She highlighted the portions of the ordinance containing new provisions, including:

- New definitions;
- Appeals and variance procedures;
- Exemptions for low-cost accessory structures;
- Closure of "loophole" for substantial improvements;

- Crawlspace standards, the state stance on below-grade crawlspaces, and proposed revisions;
- Unnumbered “A” zone changes;
- Inclusion of docks, piers, rip-rap, and storage areas in floodplain development standards;
- Requirement for solid waste facilities and chemical storage to obtain variances for placement in floodplain.

She also updated the Planning & Zoning Commission on the specific amendments they requested to various sections of the ordinance.

Chair Nowaske opened the hearing to public testimony. No members of the public wished to testify. The Chair read the three suggested motions from the staff report. Following deliberations, Commissioner Jones moved to recommend approval of the amendment and Commissioner Johnson seconded the motion. The motion was approved unanimously.

OLD BUSINESS

Short-term rental: Ms. Marley presented an updated draft amendment to the Commission containing the discussion points from the December workshop. The Commission reviewed and commented on the following:

- Co-hosts. Commission members reviewed language that would include hosts other agents in the short-term rental requirements. The Commission suggested the ordinance include a definition of “co-host.”
- A draft short-term rental ordinance from Coeur d’Alene.
- Residential lodging and whether the current definition needs to be amended if a short-term rental code is adopted. The Commission discussed the differences between residential lodging, bed and breakfasts, and short-term rentals and whether larger gatherings, receptions, or “launchings” should be excluded from bed and breakfasts or short-term rentals.
- Fire inspections. P&Z requested annual inspections be included in the short-term rental standards, as well as annual reports to the city on occupancy.
- Draft commercial table amendment. The Commission suggested the short-term rental could be permitted in all districts except the commercial zone, where a special use permit might be needed to protect commercial district uses.
- Grandfathered rights. The Commission requested legal review of whether existing operations can be required to obtain short-term rental permits, if the ordinance is adopted.
- Neighborhood notice. The group agreed that notice should be provided to neighbors if a short-term rental permit is approved. The notice should be generated by the city.
- Limiting number of short-term rentals. To limit the impacts on neighborhoods, the Commission asked whether short-term rentals can be limited by percentage or distance from each other. Areas of the city could be affected differently by short-term rentals because of larger tracts, limited parking, etc. Staff suggested a city attorney review might be warranted to ensure property rights issues are considered.
- Revocation. The Commission discussed circumstances by which a permit could be revoked, and suggested a “three strikes and you’re out” approach, allowing landowners to correct problems after receiving notice of violation, but to consider revocation if there are repeat offenses.

- Occupancy. The Commission debated how occupancy should be based, and whether larger bedrooms should allow for greater occupancy. Further research is requested.
- Gatherings. The group discussed how and whether larger gatherings should be restricted. Noise level maximums, departure of non-renters by a certain time, and other methods to reduce adverse effects on the neighborhood were discussed.
- Parking. The Commission noted the draft ordinance should be corrected to read “off-street” not “off-site.”

Ms. Travis suggested the posting of the health district food service notice be a requirement of short-term rentals, the same as bed and breakfasts, and that fire extinguishers be included in the standard requirements.

The Commission requested staff provide further discussion on revocation procedures and violations for the next workshop.

RV occupancy standards: Ms. Marley reviewed the draft RV definition and the occupancy standards proposed in the December workshop. After some discussion, the Commission recommended drafting an ordinance setting the maximum occupancy at 21 days. Consideration was given to allowing occupancy of an RV while a home is being constructed, but the Commission suggested staff provide additional information on whether sewer and water services could or should be connected to the RV. The occupancy should also be connected to an active building permit with a set time for ending the occupancy. Possible extensions were discussed, as well as zoning permit procedures for occupying the RV. The Commission reviewed the recently approved City of Priest River RV occupancy standards. Staff offered to follow up with the city administrator on the success of the regulations. Commissioner Johnson raised a question about how tiny homes would be regulated under the occupancy standards. Staff reviewed the tiny home versus RV standards provided by the state, but noted this sector of home construction should be kept in mind as the ordinance amendment is developed.

Pre-development elevation certificates: The Commission concurred with a staff recommendation to move forward with an amendment to set the threshold for requiring a pre-development height certificate to 25 feet, where current ordinance calls for 20 feet. Staff will provide a draft amendment for further discussion.

NEW BUSINESS

P&Z bylaws: Ms. Marley shared with the Commission the Idaho Code §67-6504 requirement for bylaws. She suggested several items that ought to be included in the bylaws. Due to time limitations, this item is proposed for discussion at the February P&Z meeting.

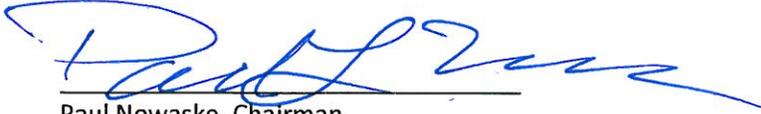
FEBRUARY AGENDA

The chair requested the following be placed on the February 2, 2017 agenda:

1. Short-term rental amendment discussion;
2. RV occupancy discussion;
3. Pre-development elevation certificate discussion;
4. Planning & Zoning Commission bylaws;
5. Training presentation, time allowing.

MEETING ADJOURNED

The meeting adjourned at 8:06 p.m., upon a motion by Commissioner Jones and a second by Commissioner Johnson, and a unanimous vote of approval.



Paul Nowaske, Chairman