
**DOVER PLANNING AND ZONING COMMISSION
MINUTES
MARCH 1, 2018**

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

P&Z COMMISSIONERS IN ATTENDANCE:

Marilyn Becker Paul Nowaske Michael Jones Dean Johnston Kevin Johnson

STAFF/OTHERS IN ATTENDANCE:

Clare Marley, AICP, City Planner

CALL TO ORDER:

Chair Nowaske called the meeting to order at 6:03 p.m.

CONSENT AGENDA:

Approval of the February 1, 2018 minutes.

Motion: Commissioner Jones moved, and Commissioner Johnson seconded the motion to approve the minutes of February 1, 2018. The motion passed unanimously.

PUBLIC COMMENT:

There was no public present.

ANNOUNCEMENTS:

Ms. Marley advised that the Burlington Northern Santa Fe Railway request for an Idaho Department of Lands joint permit for the second bridge crossing Lake Pend Oreille is out for public comment.

OLD BUSINESS:

RV Occupancy Ordinance:

Ms. Marley provided the Planning and Zoning Commission with the final draft copy of the RV Occupancy, Storage, and Parking amendment. She informed them of the final edits to the document, which included:

- Adding language to ensure that temporary occupancy of an RV while a residence is being built must be on the same site as the future home;
- Clarifying the maximum length of time an RV may remain on a site while a home is being built is 180 days or when the temporary certificate of occupancy is issued for the home, by adding the words "whichever is less."
- Inserting in the draft amendment definitions a reference to park model RVs (tiny home on wheels), obtained from the newly adopted Idaho Code motor vehicle definitions.

The Commission accepted the changes made to the draft ordinance and will consider the RV ordinance at a public hearing to be scheduled for a later date. The group agreed to combine the public hearing on the RV occupancy with the pending junk/nuisance ordinance for efficiency and cost savings.

City-wide stormwater ordinance:

Ms. Marley outlined the “building blocks” for a city-wide stormwater ordinance and recommendations from the city engineer. The Commission discussed the stormwater ordinance criteria. A summary of the presentation and discussion follows:

- Design storm yield. The city engineer suggested the city use the Idaho Transportation Department design storm event of 25 years for “Zone C” for the stormwater ordinance. Ms. Marley explained the storm design is used to calculate peak flows from a building site, and to design ditches, pipes, swale areas, stormwater ponds, and other features. She reviewed the storm output for this zone, which equals about 2.5 inches of rain over a 24-hour period. The commission agreed with the recommended design storm.
- Proximity to water. How close a development is to water can trigger whether a stormwater/erosion control plan is needed, Ms. Marley noted. The city engineer recommended projects within 300 feet of surface water be used, which is an area standard. The Commission requested information on which waters would be regarded as surface water. Ms. Marley reviewed the use of National Hydrography Dataset (NHD) to determine surface water and advised that most communities now use this USGS map reference to determine surface water locations. The Commission asked that the NHD reference be included in the future stormwater draft ordinance.
- Slope. The city engineer recommended 8% be used as a benchmark for determining whether a site is subject to stormwater/erosion control plans. Ms. Marley said Kootenai and Bonner County use 15%. However, Idaho SEEP (Stormwater Erosion Education Program) guidelines note that 0-7% is low risk, and 7-15% is moderate risk. Greater than 15% is considered high risk.
- Wetlands, sensitive areas. Ms. Marley noted that wetlands or sensitive areas should be addressed in the proposed ordinance, and that the city engineer recommended that the ordinance address practices to avoid siltation of these areas.
- Applicability. The Commission discussed the trigger points for requiring stormwater/erosion control plans and reviewed other communities’ standards. The group suggested that all projects be subject to the stormwater/erosion control requirements, but that more simplified plans could be required for low-risk projects that are not within 300 feet of surface water and/or not on a slope of 8% or greater. The Commission also asked that the total impervious surface standards be reviewed. The Commission requested the city planner provide sample stormwater/erosion control worksheets that could be completed by the landowners for low-risk projects. They also requested input on “rain on snow” events and snowmelt and how these factors should be addressed in ordinance. The group also discussed what types of exceptions should be included in the ordinance, such as yard work, agricultural activities, and routine driveway maintenance.

Junk, junk yard, nuisance laws:

The city planner reviewed the revised junk and junk yard definitions. The group discussed the junk definition and whether the draft definition unintentionally includes items that could still be in use, such as an old swing set or a barbecue grill. Commissioner Jones suggested the “reasonable person” rule could be used in the junk definition, so that the term junk means “must be offensive to the reasonable person.” The group suggested the word “open” be deleted from the junk yard definition wording that currently reads: “an open area where junk is accumulated...” They noted that the word could be subject to interpretation and not include a structure that has large, open doors on each end. The junk yard definition should also include places where junk is accumulated

and placed "in transit" for shipment elsewhere. The group also wanted to ensure the proposed definitions do not inadvertently include "poor housekeeping" or hoarding situations. The Commission also discussed the following:

- Junk vehicles. Ms. Marley advised that state law provides authority for cities to remove junk or abandoned cars. The Commission discussed whether the number of junk vehicles should be set by ordinance and whether cars that are being repaired should be allowed some time limit exceptions. The group noted concerns about creating exceptions for cars being repaired that could become a "recipe for disaster."
- Dangerous buildings. The Planning and Zoning Commission raised questions about the inclusion of dangerous, unsafe structures in the nuisance ordinance. Ms. Marley advised that Idaho Code §50-335 addresses these structures, and they will be included in a draft "Public Nuisances" ordinance.
- Public nuisances. Ms. Marley reviewed the early draft of a new Title 4, Chapter 1 "Public Nuisances" ordinance. While only the Council will hear this non-land use ordinance, she suggested the Planning and Zoning Commission could provide advice. The Title 4 ordinance draft includes litter, junk, abandoned vehicles, noise, weeds, dangerous buildings, refuse, and odors. The document is in the early draft stages.
- Moral nuisances. Regulations on gaming, gambling, or pornography can be included in local nuisance ordinances. Ms. Marley requested advice from the Commission on whether these issues should be included in the draft ordinances. The group suggested the local ordinance could reference state code, to provide some authority, but that extensive regulations may not be needed.

The city planner said she will provide updates to the Commission at the April meeting.

MEETING ADJOURNED:

Motion: Commissioner Jones moved, and Commissioner Johnson seconded the motion to adjourn. The Chair called the meeting adjourned at 7:19 p.m. on a unanimous vote.



Paul Nowaske, Chairman