
**DOVER PLANNING AND ZONING COMMISSION
MINUTES
OCTOBER 15, 2018**

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

P&Z COMMISSIONERS IN ATTENDANCE:

Marilyn Becker Michael Jones Dean Johnston Kevin Johnson

STAFF/OTHERS IN ATTENDANCE:

Clare Marley, AICP, City Planner

CALL TO ORDER:

Chair Jones called the meeting to order at 6:00 p.m., followed by the pledge of allegiance and roll call.

CONSENT AGENDA:

Approval of the September 12, 2018 minutes.

Motion: Commissioner Johnson moved, and Commissioner Becker seconded the motion to approve the minutes of September 12, 2018. The motion passed unanimously.

PUBLIC COMMENTS:

None.

PUBLIC HEARINGS:

Prior to opening the scheduled public hearings, Chair Jones read a summary of Dover City Council Resolution #110 regarding public hearing procedures and public testimony.

File #AM15-18, Fence Height: An amendment to the zoning standards of Title 12, Chapter 6, Dover City Code (DCC), to increase the maximum fence height from 6 feet to 7 feet and to specify how fence height is determined. City Planner Marley presented a summary of the proposed code amendment, the background on the citizen-initiated request to match the building code fence exemptions with the zoning code maximum fence heights, and procedures for consideration of the amendment.

Public testimony:

Ms. Marley provided the Commission with written comment from Denise Travis Childress and Cary Childress, who supported the amendment to the fence height.

Dan Parkin, 304 Third Street, had several questions on the proposed amendment and asked whether the Commission would address athletic fencing and other types of fencing that may need to be taller than 7 feet.

Commission deliberation and motion:

Commissioner Becker moved and Commissioner Johnston seconded the motion to recommend to City Council approval of the ordinance amendment #AM15-18 as written. The Commission discussed methods to obtain city approval for taller fences, such as variances. **The motion to recommend approval carried on a unanimous vote.**

File #AM12-18, Nuisances: An amendment to Title 12, Chapter 6, DCC, to include an intent statement in the public nuisance section, to define and identify as a public nuisance junk and junk yards and to clarify requirements for containment of solid waste. Ms. Marley updated the Commission on the draft revisions to the proposed amendment relating to noise nuisance.

Public testimony

Ms. Marley provided for the record a letter from Denise Travis Childress and Cary Childress requesting the proposed quiet hours be set from 11 p.m. to 7 a.m., excluding winter snowplowing. Loud noises such as machinery and construction-related noise are not allowed before 7 a.m. typically, the letter stated.

Shanna Cozort, 106 N. Fourth St., asked whether the city would regulate dump truck noise and air brakes on the highway.

George Eskridge, 104 Lakeshore Ave., requested information on junk violation enforcement, car collections, and whether junk that is not within the public view is still a nuisance.

Dan Parkin, 304 Third St., testified that he preferred quiet hours be extended to 7 a.m. rather than 6 a.m.

Jim Janish, 108 Lakeshore Ave., agreed with testimony that quiet hours should be until 7 a.m.

John Hansen, 100 Lakeshore Ave., stated that 7 a.m. is a better option.

Lorene Ames, 203 Third St., spoke in favor of quiet hours from 11 p.m. to 7 a.m.

Commission deliberation and motion:

The Commission discussed setting the quiet hours from 11 p.m. to 6 a.m. weekdays and 11 p.m. to 7 a.m. for weekends. Commissioner Becker moved to recommend approval of #AM12-18 with an amendment to paragraph A on quiet hours to establish weekend quiet hours from 11 p.m. to 7 a.m. and weekdays as written. Commissioner Johnston seconded the motion. Following discussion, Commissioner Johnson moved to adopt a substitute motion of 11 p.m. to 7 a.m. seven days a week. Commissioner Johnston seconded the substitute motion. The Commission approved the motion to recommend to City Council approval of #AM12-18 as amended, with quiet hours of 11 p.m. to 7 a.m. all days of the week. **The motion carried unanimously.**

AM13-18, RV Occupancy, Storage & Parking: An amendment to Title 12, Chapter 6, DCC, to set standards for the occupancy, storage, and parking of recreational vehicles (RVs). The proposed amendment would set limits for occupancy to not exceed 21 days, with certain exceptions, and to establish minimum setbacks for stored and occupied RVs. The proposed amendment includes revised definitions for RV and dwelling unit. The City Planner summarized the proposed ordinance history, revisions, public testimony, and proposed revisions regarding setback standards.

Public testimony:

Gloria Becker Cozort, 106 N. Fourth St., spoke in opposition to the RV occupancy ordinance and submitted her testimony in writing. She stated the ability to use an RV as a living unit has enabled her family to receive caretaker assistance from their daughter. She stated that there should be no restrictions on the length of stay in an RV.

Paul Cozort, 106 N. Fourth St., said there should be exceptions to rules to allow for caretaking situations.

George Eskridge, 104 Lakeshore Ave., testified and presented written testimony in opposition to the amendment. He noted that long-term stays in RVs are becoming more of a necessity for housing affordability and caretaking. Storage on small lots is challenging, and relaxing setback rules when neighbors give consent could become troublesome if the neighbor withdraws consent. He also said short-term storage while an RV is being loaded or cleaned was not adequately addressed.

Dan Parkin, 304 Third St., spoke in opposition to the ordinance and provided written testimony. He testified that there are no health and safety concerns that warrant the adoption of the RV regulations and suggested parking problems can be addressed through nuisance law.

Jim Janish, 108 Lakeshore Ave., referred to his previously submitted letter in opposition and questioned the city's ability to enforce the proposed code.

John Hansen, 100 Lakeshore Ave., said he agreed with the public testimony, although RV occupancy is not an issue that directly affects him.

Lorene Ames, 203 Third St., stated her agreement with testimony in opposition.

Commission deliberation and motion:

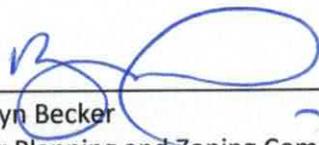
Commissioner Johnson moved to continue the file #AM13-18 to allow further consideration for the 21-day occupancy limit. The motion died for lack of a second. Commissioner Becker moved to recommend to City Council denial of the amendment #AM13-18 as written because it is not in accord with the comprehensive plan policies, specifically private property use. Commissioner Johnston seconded the motion. **The motion to recommend denial passed on a unanimous vote.**

OPEN DISCUSSION:

Ms. Marley reviewed the November schedule and confirmed all Commission members would be able to attend the Nov. 1st regular meeting. The Chair requested the November agenda include subdivision and stormwater draft ordinances, street typical standards drafts from the city engineer and planner, an update on the city purchase of the old post office property, and small lot/mixed use discussion. Ms. Marley noted the 2019 calendar must be adopted by December 1st, and she can add that action to the November meeting agenda. The City Planner also advised the Commission that a variance may be ready for public hearing on December 6th. The Commission members confirmed their availability.

MEETING ADJOURNED:

Motion: Commissioner Johnson moved, and Commissioner Becker seconded the motion to adjourn. The Chair called the meeting adjourned at 7:55 p.m. on a unanimous vote.



Marilyn Becker
Dover Planning and Zoning Commission Vice Chair