
**DOVER PLANNING AND ZONING COMMISSION
MINUTES
MAY 2, 2019**

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 (via conference call) Kevin Johnson

STAFF/OTHERS IN ATTENDANCE:

Clare Marley, AICP, City Planner

CALL TO ORDER:

Chair Jones called the meeting to order at 6:06 p.m. The Chair acknowledged the presence of Commission Member Gibbs by telephone conference call and confirmed he could hear the proceedings and could be heard by the audience.

PUBLIC HEARING:

File #AM017-19, Structures and Fencing – An amendment to Title 12, Chapter 6, to clarify fence setback standards and amendments to Appendix D “Definitions” to provide a fence definition and to revise the structure definition to exclude fences not exceeding 7 feet.

The Chair reviewed the public hearing procedural rules and advised of a three-minute time limit on testimony. Ms. Marley presented a summary of the proposed amendment and noted additional public comments received to the record since the staff report was completed. The Chair opened the hearing to public testimony.

Public testimony:

De Trenbeath, 133 Lakeshore Ave., reviewed the city comprehensive plan policy and stated the 7-foot tall fencing does not provide for a cohesive community. The fencing discussion does not address irregular-shaped lots and did not look at the fencing standards of Dover Bay for examples, she said. She summarized her written comments and asked the Commission to recommend denial of the amendment.

Michael Trenbeath, 133 Lakeshore Ave., stated his opposition to 7-foot tall fencing. Narrow frontage lots could be imprisoned by tall fencing and would negatively affect the aesthetics and value of adjoining properties. He said the ordinance amendment needs to be reworked with additional community input. He submitted his written, one-page comment to the record (Exhibit 1).

Paul Nowaske, 134 Lakeshore Ave., testified that he believed the original fence height discussion in 2018 did not include any conflicts with the structure definition and he believes the ordinance amendment meant to include 7-foot tall fencing on property lines. He asked that the structure definition amendment be approved. He submitted his written comment (Exhibit 2).

Denise Travis, 227 Lakeshore Ave., stated her support for the structure definition amendment to allow 7-foot tall fences. She spoke about property rights and the rights for outdoor privacy. She noted that the fencing protects property values, is a buffer, and does not restrict wildlife. She does not believe the amendment is in conflict with the comprehensive plan. She submitted her written comments to the record (Exhibit 3).

Cary Childress, 227 Lakeshore Ave., illustrated with fencing material the impact of 6-, 7- and 4-foot fencing. He stated the most sensitive areas, such as seating areas, cannot be screened for privacy with a 4-foot fence. The Chair allowed the demonstration with a request that photos of the presentation be submitted to the record since the fencing material cannot be accepted into the record as evidence.

Susan Ferguson, 627 Railroad Ave., said she had no comment.

Greg Rawuka, 215 3rd Street, said he favors the 7-foot tall privacy fencing. He presented a written, one-page letter from Pam Aunan in support of the 7-foot fencing (Exhibit 5).

Debra Rawuka, 215 3rd Street, said she had no comment.

George Eskridge, 104 Lakeshore Ave., said he supports the 7-foot tall fencing along property lines. He read from a written statement (Exhibit 4), noting the city comprehensive plan is clear regarding the protection of property rights, including the right to exclude others. Including fences in the structure definition is an “absurdity,” he said, and could cause problems identifying rightful property lines.

Rick Hyde, 307 Roosevelt, said he cannot comprehend the idea of fencing so tall so close to property lines. He said believes the city is missing the idea of “community.” Existing, taller fences should be considered grandfathered, but compromise and discussion should be occurring on the fencing proposal.

Steve Burge, 207 4th Street, said he supports the 7-foot fencing and rights of privacy.

The Chair closed the hearing to public testimony.

Amy Lizotte, 212 3rd Street, asked to speak. The Chair reopened the hearing to allow her testimony. She said she appreciates the right to have taller fences for those who desire it and “community” can be achieved by meeting friends and neighbors outside private spaces.

The Chair closed the hearing to public testimony at 6:59 p.m.

Commission action:

The Chair observed that there had been no testimony or discussion about the type of fencing and whether razor wire, barbed wire, or electrical fencing should be allowed. As a community, the city may not want that type of residential fencing. He noted that previous amendment looked at deer protection and not the inclusion of fence height in the structure definition. The Commission discussed agricultural fencing, sound barriers along the highway, fences for buffering, and fence materials. They requested clarification of fences built prior to ordinances that set fence height. Ms. Marley explained the “grandfathered” rights of structures, which are subject to the laws in

effect at the time of construction. The Commission discussed the public testimony, front yard fencing, exceptions for arterial or highway frontage, wildlife, views, waterfront fencing, and aesthetics.

Motion: Commissioner Gibbs moved to continue the file for deliberation to June 6th at 6 p.m. Commissioner Becker seconded the motion. The Chair declared the motion carried on a 2-0 vote.

CONSENT AGENDA:

Approval of the April 4, 2019 minutes.

Motion: Commissioner Becker moved, and Commissioner Gibbs seconded the motion to approve the minutes of April 4, 2019, as written. The Chair declared the motion passed 2-0.

ANNOUNCEMENTS:

The Commission reviewed the July schedule for workshops and public hearings. The group agreed to set July 24th as the hearing date for the Kova Enterprises applications, rather than July 18th, due to schedule conflicts.

The Chair agreed to defer the remaining items on the agenda due to the length of the public hearing and to avoid a lengthy conference call for Commissioner Gibbs.

MEETING ADJOURNED:

Commissioner Becker moved and Commissioner Gibbs seconded the motion to adjourn. The Chair declared the meeting adjourned on a unanimous vote at 7:27 p.m.

A handwritten signature in black ink, appearing to read "Michael Jones", written over a horizontal line.

Michael Jones
Dover Planning and Zoning Commission Chair