
**DOVER PLANNING AND ZONING COMMISSION
MINUTES
APRIL 4, 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 Kevin Johnson

STAFF/OTHERS IN ATTENDANCE:

Clare Marley, AICP, City Planner

CALL TO ORDER:

Chair Jones called the meeting to order at 6:19 p.m.

CONSENT AGENDA:

Approval of the March 7, 2019 minutes.

Motion: Commissioner Becker moved, and Commissioner Gibbs seconded the motion to approve the minutes of March 7, 2019. The Chair declared the motion passed 2-0.

NEW BUSINESS:

Structure definition/fence height:

Ms. Marley reviewed with the Commission the Dover City Code (DCC) definition of structure and the exclusion of fences or walls less than 6 feet in height from the definition. She discussed the effect of this definition on the application of the city's setback regulations and how it affected the newly enacted fence height standard at DCC12-6-12D. The December 2019 code amendment increased the fence height maximum from 6 feet to 7 feet. But because fences 6 feet and taller are defined as structures under current code, the taller fences have to meet setbacks and cannot be located on property lines. The discrepancy had been raised at the City Council meeting, and Ms. Marley advised the Commission it has the authority to initiate an ordinance amendment to address the fence height issues. She offered options to amend the code and discussed fence regulations from other cities. She provided a copy of the public comment letter on the subject from De and Mike Trenbeath, who asked the Commission to set the maximum fence height at 6 feet and prohibit fencing within the 40-foot waterfront setback.

The Chair allowed public comment from Denise Travis, 227 Lakeshore Ave., who asked the Commission to amend the ordinance to allow fences up to 7 feet on property lines to protect property rights, provide greater security, reduce noise through buffering, reduce light glare, deter wildlife, give additional safety, and deter criminals.

The Commission discussed the structure definition, waterfront fencing, and the lack of a fence definition. The Commission directed staff to prepare an amendment for hearing that:

- Fixes the structure definition to exclude fences not exceeding 7 feet;
- Keeps the remainder of the structure definition as written;

- Provides a fence definition, as discussed, using the American Planning Association dictionary suggestions and adding “walls used as fences;”
- Amends Section 12-6-12D to clarify fences can be located on property lines if not taller than 7 feet and cannot exceed 4 feet within the 40-foot waterfront setback unless they are walls or breakwater installed to halt erosion.

The public hearing on the amendment was set for May 2nd.

OLD BUSINESS:

Subdivision code update: Discussion/Direction to staff

Conservation subdivisions: Ms. Marley provided the Commission with a draft outline of the new conservation subdivision provisions. The Commission discussed the conservation subdivision concept, and provided the following comments:

- Agreed that conservation subdivisions could be allowed in all zones except industrial, commercial, and mixed use.
- Suggested the required features for a conservation subdivision could be improved by making sure there is documentation or assessments proving qualifying criteria. For example, “forestland” and “natural areas” should have proof of their characteristics from biological reports or other evidence. The North Carolina conservation handbook that the Commission reviewed at the last meeting could be used to define “forestlands.” Cultural resource sites could be included as qualifying features, if documented without revealing locations of sensitive resources.
- Deferred discussion on multi-family housing until a future meeting. The group agreed that duplexes could be allowed in cluster settings, but believe that multi-family housing may not be in keeping with the conservation subdivision purpose.
- Agreed with the exclusion of submerged land in the density and bonus calculations, but requested further Idaho Code or Idaho Department of Lands definitions on submerged lands.
- Accepted for discussion a bonus density cap of 135% of the underlying zoning district density for additional open space, public trail access, land trust endowments or other actions that provide amenities in keeping with the conservation nature of the subdivision.
- Discussed open space requirements and concerns that “junk” land or unusable space could be offered. The Commission asked staff to review model ordinances for open space requirements and return the information to the Commission at a future meeting for discussion. They also requested further discussion on whether underground or above-ground utility spaces should be counted in open space.
- Requested further information on defensible space planning within forestlands. Ms. Marley said she would work with Commissioner Gibbs on this aspect of the subdivision design requirements.

An updated draft of the proposed conservation subdivision will be provided to the Commission for the next meeting.

Post Office site: Chair Jones updated the Commission on the pre-planning workshop that took place April 2nd with city staff, the P&Z Chair, Mayor Shaha, and post office and SPOT bus representatives. The Chair said the group discussed facility needs, moving the SPOT bus stop to the site, grant and funding opportunities, and schedules.

ANNOUNCEMENTS:

The group discussed the agenda items for May 2nd. In addition to the fences/structure public hearing, the Commission will review June and July schedules and consider the conservation subdivision update and other aspects of the subdivision amendment. They reviewed availability for upcoming meetings and requested additional information on the Area of City Impact discussions.

MEETING ADJOURNED:

Commissioner Becker moved and Commissioner Gibbs seconded the motion to adjourn. The Chair declared the meeting adjourned on a unanimous vote at 8:15 p.m.

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

Michael Jones

Dover Planning and Zoning Commission Chair

