
**DOVER PLANNING AND ZONING COMMISSION
MINUTES
June 6, 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 Julie Reister-Keaton Susie Kubiak

STAFF/OTHERS IN ATTENDANCE:

Clare Marley, AICP, City Planner

CALL TO ORDER:

Chair Jones called the meeting to order at 6:02 p.m.

CONSENT AGENDA: Motion: Commissioner Gibbs moved and Commissioner Becker seconded the motion to approve the May 2, 2019 Planning and Zoning Commission minutes. The Chair declared the motion approved unanimously on a voice vote.

PUBLIC COMMENT: None.

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 hearing was closed to public testimony May 2, 2019 and continued for Commission deliberation.

The Chair asked whether each Commission member had a chance to listen to the recording and review the written public testimony from May 2nd. The group acknowledged receipt of the record items. The Chair summarized the issues raised by the public and Commission, which included front yard fence height, views, wildlife concerns and other discussions. He called for the Commission to begin deliberations.

Commission deliberation: Commission members discussed the fence height standards and the effects on neighborhoods, privacy, wildlife, and property rights. The Chair asked that discussion include the proposed reduction in fence height in front yards, fencing materials, type of roads fronting the fenced areas, and effects on wildlife. The group generally agreed with the allowance for up to 7 feet for fencing on side yards, but differed on front yard height. While some stated tall fences in front yards could create a barracks-like look, others felt the tall fences allowed privacy and could look more like courtyards. Commissioner Becker said she preferred the 4-foot front yard height, as other cities have adopted. Members noted privacy can be developed with natural features, such as trees. The Commission discussed other city ordinances, and the city planner reviewed language from those ordinances on screen. Commissioner Kubiak asked the city planner whether the current yard definitions are adequate to interpret what a front yard is. Ms. Marley

advised that the city ordinance does not define yards well and should be addressed in the future. The Commission asked that additional wording be added to address safety and aesthetics, so that junk, broken glass, or razor wire cannot be used for fencing materials. They also discussed allowances for homes that do not meet current front yard setback standards because they are grandfathered. The Commission viewed modifications to the ordinance on screen and suggested revisions.

The Chair called for a recess at 7:32 p.m. to allow staff to write the suggested modifications. The meeting resumed at 7:35 p.m. The city planner read into the record the suggested modifications and displayed them on the screen. She advised that the draft will likely need to be reformatted to make it more readable.

Modifications. The Commission reviewed the following modifications to the ordinance draft. The double-underlined items indicate modifications proposed at the meeting:

- Section 12-6-12, DCC, Paragraph D. Fences: No fence shall exceed seven feet (7') in height. Exceptions to this height may be considered as a special use permit or variance. Fencing exceeding seven feet (7') in height are is defined as a structure and is subject to the structure standards of this title and the standards of Title 9, Chapter 1, Building Codes and Regulations. All fencing is subject to other title provisions, such as maintaining clear vision at intersections as provided in section 12-6-10 of this chapter, which may affect placement and height. Fences not exceeding seven feet (7') in height may be located along property lines, except that fences shall not exceed four feet (4') in height anywhere within the forty-foot (40') setback established for bodies of water at section 12-6-4 of this title, with the exception of seawalls, bulkheads, or breakwater permitted by the state for shoreline protection. No fence shall exceed four feet (4') in height along the side and front property lines within the front yard building setback area established by the zoning district standards, except as follows: Wire or rail type fences used to enclose large livestock, i.e., horses, cows, etc., may be five feet (5') high as a permitted use; For residences with legal, nonconforming front yard setbacks, no fence shall exceed four feet (4') along the front and sides of the dwelling, as measured from the farthest front corners of each side of the house and attached garage or carport. Fence height shall be considered the vertical distance from the base of the fence to the highest point on the fence or fence structure, including all caps, finials, posts, lights, latticework, screens, landscaping berms, rockery, bases, or other similar fencing materials or features. Measurement shall be determined from the natural grade of the property at the fence line, prior to development. An arbor serving as a landscaping feature over a gate, walkway, or entrance may be permitted to a maximum nine feet (9') in height and four feet (4') in width. Fencing materials such as junk and tires and other such materials and those that pose hazards or safety concerns, such as razor wire, broken glass, are prohibited.

The Commission reviewed and discussed the modifications. Commissioner Kubiak said the 4-foot front yard height means landowners are "sharing" their front yards with the public. Commissioner Reister-Keaton asked for clarification on fence height measurements. The group also discussed the added safety that lower fences provide for vehicles exiting driveways. The Commissioners asked whether the livestock fencing height is adequate. Commissioner Becker advised that farmers and ranchers build fences as economically as possible, and taller fences are likely not needed. The Chair called for a motion.

Motion: Commissioner Becker moved to recommend approval of this file AM17-19, an amendment to Dover City Code 12-6-12, "Yards and Building Height" Paragraph D, "Fences," and Appendix D Definitions "Structure" and "Fence," finding that it is in accord with the adopted policies of the City of Dover comprehensive plan and Dover City Code, as enumerated in the findings and standards table above. She further moved to adopt the reasoned statement. The Chair asked Commissioner Becker to clarify whether the motion included the modifications as discussed and presented and to confirm the reasoned statement meant the ordinance is in accord with the comprehensive plan. She acknowledged it does include the modifications and reasoned statement. Gibbs seconded the motion. The Chair called for the vote and declared the motion approved on a 3-1 voice vote, with Commissioner Kubiak casting a dissenting vote.

OLD BUSINESS: Conservation subdivision, updates to subdivision ordinance amendment. Ms. Marley presented the second draft of the conservation subdivision section. She reviewed the following recommendations from the Commission:

- Allow in all zones except industrial, commercial, and mixed use;
- Criteria for farmland, forestland and natural areas established;
- Submerged land excluded from dwelling unit density;
- Definition of submerged land;
- Bonus capped at 135% of underlying zone
- Open space to be "useable" land;
- Inclusion of defensible space, fire-safe planning.

Ms. Marley advised that the Commission had deferred discussion on whether multi-family housing should be allowed in conservation subdivisions. Commissioner Kubiak asked why multi-family housing should be excluded. The group discussed how the bulk and height of multi-family housing could adversely affect adjoining lands, cause crowding, and burden sewer and water services. Commissioner Reister-Keaton suggested it could be looked at on a case-by-case basis. Staff suggested criteria could be set to address the concerns and still allow multi-family housing. The group agreed to revisit the topic at a later date. The Commission offered a suggested amendment to the submerged land definition to read as:

- SUBMERGED LAND: The ~~state-owned~~ beds of navigable lakes, rivers, and streams below the natural or ordinary high water marks or artificial high water marks.

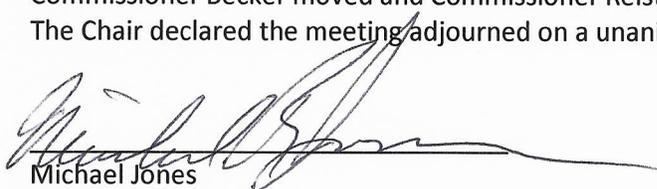
Members of the audience requested clarification of the proposed conservation subdivision and where it would apply.

The Chair asked for the topic to be added to the August agenda, since July is devoted to public hearings.

ANNOUNCEMENTS: None.

MEETING ADJOURNED:

Commissioner Becker moved and Commissioner Reister-Keaton seconded the motion to adjourn. The Chair declared the meeting adjourned on a unanimous vote at 8:29 p.m.



Michael Jones

Dover Planning and Zoning Commission Chair