

**MINUTES FOR THE REGULAR MEETING OF THE
PLANNING AND ZONING COMMISSION
JANUARY 14, 2020 DALTON CITY HALL @ 6:00 PM
6360 N. Fourth St, Dalton Gardens, ID 83815**

Meeting was held at City Hall, 6360 N 4th St. on Tuesday, January 14, 2020 at 6:00p.m.
Chairperson, Alan Wasserman called the meeting to order.

ROLL CALL:

Those present were: Alan Wasserman, Mike Becker, and Caitlin O'Brien. Absent was Kelley Gleixner, one seat vacant due to the ascension of Dan Edwards to Mayor on 1/9/20.
Also present: Rand Wichman, City Planner and Teresa Janzen, Deputy Clerk.

APPROVAL OF MINUTES: ACTION ITEM

CO'Brien made a motion to approve the December 10, 2019 minutes; seconded by **MBecker**; all in favor; motion carried.

PUBLIC HEARING on Avista Fence Height Variance Request:

RWichman: Summarized Variance Request from Avista for fence height surrounding utility substation located at 84 E. Prairie Ave.

- City Code allows 7' total height for fencing. Utility district requires use of commercial standards if property is surrounded by commercial zoning. Commercial standards also limit fence height to 7'.
- This property is commercial on 2 sides, utilities on 1 side, and City of Hayden on the north side.
- Avista fence permit was denied as fence height didn't meet standards. Federal Energy Regulatory Commission (FERC) and the National Electric Safety Code requires fence height to be 9' high and include both anti-climb and anti-dig under measures (results in 9.5 total fence height) and brought about the variance request.
- Avista has assigned this substation as a Tier 2 level security based on the NERC CIP-014 standard.
- There was a typo error in the Staff report item 1.03 states we will be having the public hearing on January 16, 2020. The Staff report should have indicated the hearing was on January 14, 2020. The notice was handled correctly and indicated correctly by the City Clerk for the January 14, 2020 hearing. It will be corrected in the Order of Decision.
- Aaron Henson of Avista is stuck on the Freeway in Spokane due to snow and road conditions and was unable to arrive in time for the meeting.

MBecker: Inquired if privacy slats are required

RWichman: Privacy Slats are not applicable here as it is not outdoor storage. Avista prefers the fence to be open so they can see if there are trespassers.

AWasserman: clarified the type of material used in fence leads to anti-climb device and slight visual blocking. Questioned if **RWichman** has seen/verified the NERC CIP-014 standard and if this complies.

RWichman: Has not seen the NERC CIP-014 or the FERC criteria. Does not feel these standards are available to us, they are under the Homeland Security Guidelines that they do not disclose.

MBecker motioned to close public input. **CO'Brien** seconded; all in favor; motion carried.

AWasserman: Led discussion on Avista being good neighbors; this request having minimal impact, and being a reasonable request. He did want it noted that Avista has already installed the fence before the Variance could be approved.

RWichman: Avista had just started the project when they applied for the fence permit and did not realize they would need a variance. They could not leave the substation exposed and unsecured while the Variance request was processed over the past 5 weeks.

CO'Brien: Read the following from the Staff Report:

6.0.1 The proposal as presented **DOES** warrant approval for the following reasons:

1. That the site characteristic of the property for which the variance is requested **DOES NOT** cause undue hardship to the property owner when complying with specific provisions of this title;
2. That reasonable uses of the property **ARE NOT** possible without the requested variance; and
3. That approval of the requested variance **WILL NOT** be in conflict with the public interest and **WILL NOT** create a nuisance, harm adjoining properties, or have an adverse effect on implementation of the comprehensive plan;
4. The request for the variance **IS NOT** for the property owner's convenience or financial profit alone; and
5. The granting of a variance **DOES** grant the minimum relief from the requirements of this title necessary to allow a reasonable use of the property.

CO'Brien motioned to grant the variance as presented by Avista. **MBecker** seconded; all in favor; motion carried.


AWasserman:

VII. Decision by the Commission

Based on the Findings of Fact and Conclusions of Law set forth in this document, the Commission hereby **APPROVES with conditions** the application for a variance to the fence height requirements of Title 5, Chapter 4, Section 4, and Title 5, Chapter 3, Section 11 of the Dalton Gardens Municipal Code.

RWichman will issue the Order of Decision.

CO'Brien made a motion to adjourn; **MBecker** seconded; meeting adjourned.


Alan Wasserman, Chairperson


Teresa Janzen, Deputy Clerk