



Administrative Committee Regular Meeting

Laurie M. Hopkins

~Agenda~

City Clerk

www.ci.moscow.id.us

208.883.7015

Monday

Council Chambers

4:30 PM

August 13, 2018

206 E. Third St.

Action Items

1. Approval Of Administrative Committee July 23, 2018 Minutes – Laurie M. Hopkins

Documents:

[ADM MINUTES OF 7-23-18.PDF](#)

2. Third Street Interpretive Sign Project - Michael Ray

The Historic Preservation Commission has undertaken a project to create interpretive signage for the larger institutional buildings along the Third Street corridor which are on the National Register of Historic Places. The buildings that have been identified are the 1912 Center, City Hall, Carnegie Library, and the Methodist Church. The interpretive signs are intended to be installed adjacent to the public sidewalk and convey important historical information about the buildings.

PROPOSED ACTIONS: Recommend authorization for the Historic Preservation Commission to proceed with ordering and installing the interpretive signs which have been budgeted in FY2018 and FY2019, or provide staff further direction.

Documents:

[THIRD ST INTERPRETIVE SIGN.PDF](#)

3. Moscow School District Agreement For School Resource Officer - James Fry

The City of Moscow, through the Moscow Police Department, has been employing a School Resource Officer (SRO) position for over 18 years to provide a law enforcement presence and additional resources to the Moscow School District to assist in providing and maintaining a safe and healthy student environment. Taking into account recent incidents of violence in schools across the nation, the District has requested that the City provide an additional School Resource Officer. The City will continue to bear the cost of

the first School Resource Officer and Moscow School District shall provide funding to City to support the second SRO position. If approved, the agreement shall commence on the first day of October, 2018 and will provide 70% funding of the additional position for the first year, 85% the second year and 100% the third year and each subsequent year.

PROPOSED ACTIONS: Recommend approval of the Memorandum of Understanding for Professional Services between the City of Moscow, Idaho and the Moscow School District No. 281 or provide staff further direction.

Documents:

[MSD SCHOOL RESOURCE OFFICER.PDF](#)

4. Amendment Of Title 4, Chapters 4, 7, 8, And 10 Of M.C.C. Regarding Various Zoning Code Amendments - Michael Ray

The Planning and Zoning Commission has been working over the past few months on minor revisions to various sections of the Zoning Code within Title 4, Chapters 4, 7, 8, and 10. The proposed amendments pertain to Planned Unit Developments, lot frontage and access requirements, expiration periods for certain land use actions, and public notice requirements. The Commission conducted a public hearing on this proposed ordinance on July 25, 2018 and unanimously recommended approval to City Council. The proposed ordinance has been scheduled for a public hearing before City Council at the Council's upcoming August 20, 2018 meeting.

PROPOSED ACTIONS: Forward the item for public hearing upon the proposed ordinance at the Council's upcoming August 20, 2018 meeting; or provide staff further direction.

Documents:

[AMENDMENT OF TITLE 4.PDF](#)

5. Vandal Town Block Party Resolutions - Jen Pfiffner

The City of Moscow, University of Idaho and Moscow Chamber of Commerce are hosting the annual Vandal Town Block Party September 7, 2018 in downtown Moscow. The event will welcome back students while celebrating our important community partnerships. The block party is held on Main Street and features live music and local vendors. In years past, local businesses have been provided the opportunity to join the Block Party by hosting beer/wine gardens in the Main Street area and through allowed expansion of permitted sidewalk cafés during the event. Both activities require resolutions. Staff has prepared proposed resolutions for Council consideration.

PROPOSED ACTIONS: Review the resolutions, and:

A. Recommend approval of the resolution allowing beer/wine gardens during the 2018 Vandal Town Block Party; or provide staff further direction.

B. Recommend approval of the resolution allowing expansion of Sidewalk Cafés during the 2018 Vandal Town Block Party; or provide staff further direction.

Documents:

[VANDAL TOWN BLOCK PARTY.PDF](#)

Reports

1. Animals In The Market Implementation Report – Jen Pfiffner

NOTICE: Moscow City Council and committee meetings are televised, videotaped and/or recorded. Individuals attending the meeting who require special assistance to accommodate physical, hearing, or other impairments, please contact the City Clerk, at (208) 883-7015 or TDD 883-7019, as soon as possible so that arrangements may be made.



Administrative Committee

Regular Meeting ~Minutes~

Laurie M. Hopkins
City Clerk

www.ci.moscow.id.us

208.883.7015

Monday
July 23, 2018

3:00 PM

Council Chambers
206 E. Third St.

The meeting was called to order at 3:00 PM

PRESENT: Gina Taruscio Chair, Art Bettge Councilmember, Anne Zabala Councilmember

OTHERS: Mayor Bill Lambert

STAFF: Jen Pfiffner, Kathleen Burns, Bill Belknap, Mia Vowels, Nichole Baker, Les MacDonald, Judi Davis

1. Approval of Administrative Committee June 25, 2018 Minutes – Laurie M. Hopkins

RESULT:	ACCEPTED [UNANIMOUS]
AYES:	Gina Taruscio, Art Bettge, Anne Zabala

2. Amended Fair Housing Resolution – Bill Belknap

The City of Moscow promotes equal opportunity in housing within the community through a number of activities including the passage of City Resolutions documenting the activities the City undertakes to affirmatively promote fair housing within the City. The City passed Resolution 2018-02 on February 20, 2018 for that purpose, but due to an oversight, the additional protections against housing discrimination based upon sexual orientation and/or gender identity/expression prohibited pursuant to Moscow City Code Title 10, Chapter 19, were omitted. Staff has prepared a revised Resolution to correct this error for the Council's consideration.

PROPOSED ACTIONS: Recommend approval of the proposed revised Resolution; or take other action as deemed appropriate.

Belknap presented the item as explained above. The Committee had no questions, recommended approval and asked that it be placed on the Council consent agenda.

RESULT:	RECOMMENDED TO COUNCIL CONSENT [UNANIMOUS]
AYES:	Gina Taruscio, Art Bettge, Anne Zabala

3. Proposed Public Art Location - C & Main Streets – Kathleen Burns

The Public Art Master Plan has identified the highest priority location for the next planned installation of public art in Moscow to be the North City Entry - the north couplet near the intersection of Main and C Streets. Per the Public Art Guidelines; Identification of Public Art Projects, this location has been reviewed by the City staff who have also consulted with the Moscow Arts Commission. The Commission is in favor of pursuing a project at the proposed location. Additionally, City staff has contacted the Idaho Transportation Department (ITD) as the project area is adjacent to the State's right-of-way and they are open to proceeding with an installation at the location.

The estimated timeline of the project, once approved, is 10 months. In an attempt to complete the project given the anticipated timeline and to plan for a potential dedication event at the 2019 Artwalk event, planning for this project is proposed to move forward in FY2018. The project is proposed in the FY2019 budget for up to \$30,000. Planning activities proposed for FY2018 will include defining

Minutes Acceptance: Minutes of Jul 23, 2018 3:00 PM (Regular Items)

the scope and possibilities for the project with no funds to be expended until FY2019 and pending budget approval.

PROPOSED ACTIONS: Approve location of C and Main Street and initial planning for a public art installation at the site in FY2018 or take such other action as deemed appropriate.

Kathleen Burns presented the item as listed above. This project was ranked number one in the master plan and was delayed due to the library project. The area is a small footprint which will be challenging. Burns listed the project committee members. Bettge pointed out this is part of the north entry project and is in favor. The Committee recommended approval and asked that it be placed on the Council regular agenda.

RESULT:	RECOMMENDED TO COUNCIL REGULAR [UNANIMOUS]
AYES:	Gina Taruscio, Art Bettge, Anne Zabala

Reports

ACLU Idaho 25Th Anniversary Mural Project - Kathleen Burns / Kevin Kelp

Kevin Kelp represents the ACLU Idaho 25th Anniversary Mural project. There was enough money for three mural projects. A call for locations was deployed and he visited the locations. The locations chosen are Idaho Falls, Boise Bench and Moscow. The next steps are to establish local subcommittees, a local call for artists, hire the artists and establish timelines. Kelp went through the items that will be included in the call to artist and ACLU will help approve the first round. The subject matter will be different for each town. There is a special donation earmarked for the project in Moscow. The Moscow project will be the flagship project and will be used on all the marketing materials. A local building owner is interested in a larger project and willing to provide private money to the project. For this project, they need support of the local government, permitting and possible traffic plan, and public information with the help of the Arts Department.

The ACLU will do the first review of submittals and will pass them on to the local selection panel. The local selection panel will include Moscow Arts Commission, Human Rights Commission and neighborhood stakeholders. So long as there is no commercial messaging, it would be identified as a mural and not in conflict with the sign code. ACLU wants this project to be in progress during NOWPAC in September. Staff anticipates action items coming forward to City Council.

Adjourn

The meeting was closed at 3:25 PM

Minutes Acceptance: Minutes of Jul 23, 2018 3:00 PM (Regular Items)

MOSCOW CITY COUNCIL AGENDA**Meeting Date:** 08/13/2018**Title:** Third Street Interpretive Sign Project**Responsible Staff:** Michael Ray

Information

DESCRIPTION: The Historic Preservation Commission has undertaken a project to create interpretive signage for the larger institutional buildings along the Third Street corridor which are on the National Register of Historic Places. The buildings that have been identified are the 1912 Center, City Hall, Carnegie Library, and the Methodist Church. The interpretive signs are intended to be installed adjacent to the public sidewalk and convey important historical information about the buildings. The Commission has completed the design of the 1912 Center and City Hall signs as well as a custom ornamental base to be fabricated. There is \$2,500 budgeted in FY2018 and \$2,500 budgeted in FY2019 for the project and it is anticipated that an additional request will be needed in FY2020 to complete the project. The Commission has received a quote from FastSigns of Lewiston for fabrication of the sign faces and the bases. Based upon the quote received the Commission would be able to order one simple base, two custom bases, and two 1/2 inch thick sign faces, with the remaining two faces and one custom base to be budgeted for in FY2020. The first sign that is proposed to be installed at the end of the summer is the 1912 Center sign and the location for the sign is in a raised planter bed adjacent to the public sidewalk. Since the sign is proposed to be installed within a raised planter bed, only a simple base is needed and not the ornamental base. The City Hall sign is proposed to be installed in FY2019 and located adjacent to the sidewalk near the southern entrance.

STAFF RECOMMENDATION: Recommend authorization for the Historic Preservation Commission to proceed with ordering and installing the interpretive signs which have been budgeted in FY2018 and FY2019.

PROPOSED ACTIONS: Recommend authorization for the Historic Preservation Commission to proceed with ordering and installing the interpretive signs which have been budgeted in FY2018 and FY2019, or provide staff further direction.

Necessary Resources/Impacts

Facilities - Sign Installation

Attachments

Project Budget and Bids
 1912 Center Sign Face
 1912 Center Sign Proposed Location
 City Hall Sign Face
 City Hall Sign Proposed Location

Historic Preservation Commission Interpretive Sign Project Budget

Phase 1: FY2018 - FY2019

Sign Type	Cost
1912 Center Sign	
.5" Panel w/ Single Post Base	\$ 1,144.56
City Hall Sign	
.5" Panel w/ Custom Base	\$ 2,189.72
Library Sign	
Custom Base	\$ 1,511.70
Total	\$ 4,845.98
50% Deposit	\$ 2,422.99
FY2018 Budget:	\$ 2,500.00
FY2019 Budget:	\$ 2,500.00

Phase 2: FY2020

Sign Type	Cost
Methodist Church Sign	
.5" Panel w/ Custom Base	\$ 2,189.72
Library Sign	
.5" Panel	\$ 678.02
Total	\$ 2,867.74
Future FY2020 Budget Request	\$ 2,900.00

**FASTSIGNS of Lewiston**

826 21st Street
 Lewiston, ID 83501
 ph: (208) 798-7979
 fax: (208) 798-1525
 Email: 594@fastsigns.com

Estimate**594 - 14186****Estimate Date:** 6/14/2018 2:47:32PM**Printed:** 6/14/2018 2:48:56PM**Customer:** Moscow Historic Preservation Commission

ph: (208) 310-6576

Contact: Nels Reese**Customer:** 3620**Description:** gr_Historic Interpretive Panel Signs**Sales Person:** Gregory Raye**Clerk:** Gregory Raye

email: dnels@uidaho.edu

Dear Nels:

Sincerely,

Gregory Raye
 Customer Service Rep

	Product	Qty	Sides	H x W	Unit Cost	Totals
1	Post & Panel Signage	1	1	24 x 36	\$926.00	\$926.00
	Description: .5" Exterior Panel Single Sided: Matte Finish Exterior use with single post pedestal.					
	Text: [customer provided graphic]					
2	Set Up Fee	1	1	1 x 1	\$50.00	\$50.00
	Description: Set up fee charge by vendor. No additional up-charge by FASTSIGNS					
	Color: White					

Notes:

Estimate good for 30 days.

Line Item Total:	\$976.00
Tax Exempt Amt:	\$110.00
Subtotal:	\$976.00
Shipping:	\$110.00
Taxes:	\$58.56
Total:	\$1,144.56

Deposit Required: \$1,144.56

Bill To: Moscow Historic Preservation Commission
 Nels Reese
 Moscow, ID 83843

Payment due upon order placement for orders under \$250.00. A 50% deposit required otherwise.

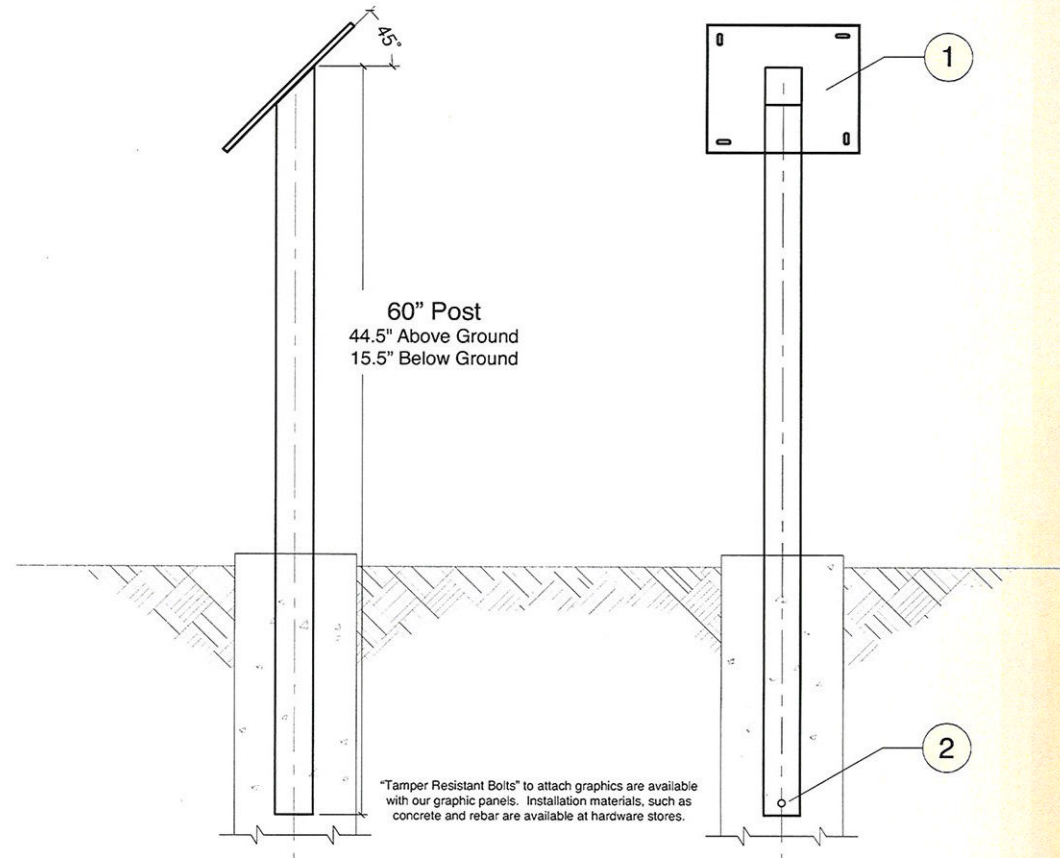
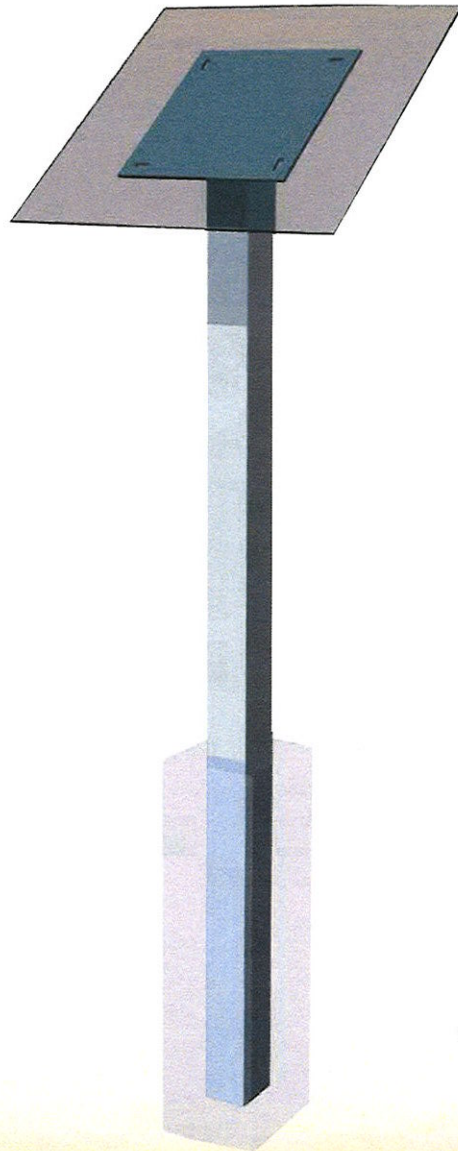
Received/Accepted By:

/ /

SINGLE POST PEDESTAL: In Ground

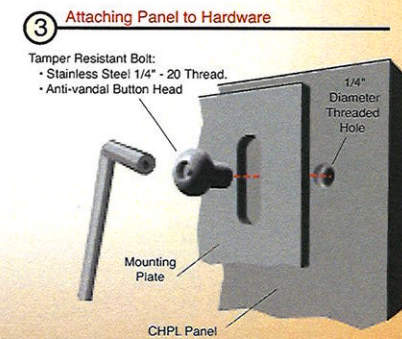
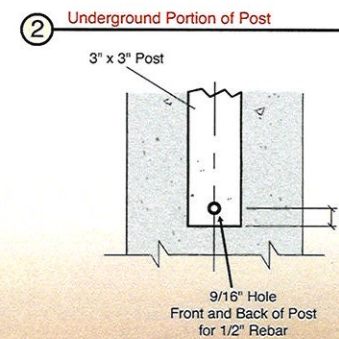
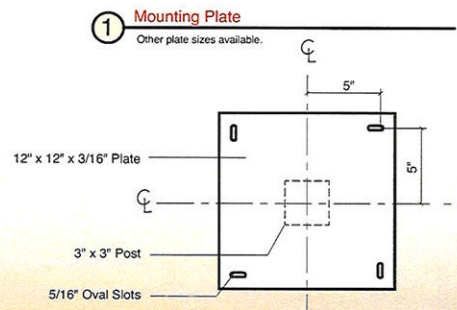
- Black Powder Coated Aluminum
- Custom Sizes and Colors Available

Part #: SPG1212



SIDE

FRONT



**FASTSIGNS of Lewiston**

826 21st Street
 Lewiston, ID 83501
 ph: (208) 798-7979
 fax: (208) 798-1525
 Email: 594@fastsigns.com

Estimate**594 - 14363****Estimate Date:** 7/12/2018 2:18:56PM**Printed:** 7/12/2018 2:23:18PM

Customer: **Moscow Historic Preservation Commission** ph: (208) 310-6576
 Contact: Nels Reese Customer: 3620
 Description: gr_5" Historic Interpretive Panel with Ornamental Custom Base
 Sales Person: Gregory Raye
 Clerk: Gregory Raye email: dnels@uidaho.edu

Dear Nels:

Sincerely,

Gregory Raye
 Customer Service Rep

	Product	Qty	Sides	H x W	Unit Cost	Totals
1	Post & Panel Signage	1	1	24 x 36	\$1,912.00	\$1,912.00
	Description: .5" Exterior Panel Single Sided: Matte Finish Exterior use with custom base.					
	Text: [customer provided graphic]					
2	Set Up Fee	1	1	1 x 1	\$50.00	\$50.00
	Description: Set up fee charge by vendor. No additional up-charge by FASTSIGNS					
	Color: White					
3	Design/Cust. Artwork	*	1	1 x 1	\$0.00	\$0.00
	Description: All clean up, scan or design changes in 15 minute increments. Proof revisions may incur additional time/cost.					

Notes:

Estimate good for 30 days.

Line Item Total:	\$1,962.00
Tax Exempt Amt:	\$110.00
Subtotal:	\$1,962.00
Shipping:	\$110.00
Taxes:	\$117.72
Total:	\$2,189.72

Deposit Required: \$2,189.72

Bill To: Moscow Historic Preservation Commission
 Nels Reese
 Moscow, ID 83843

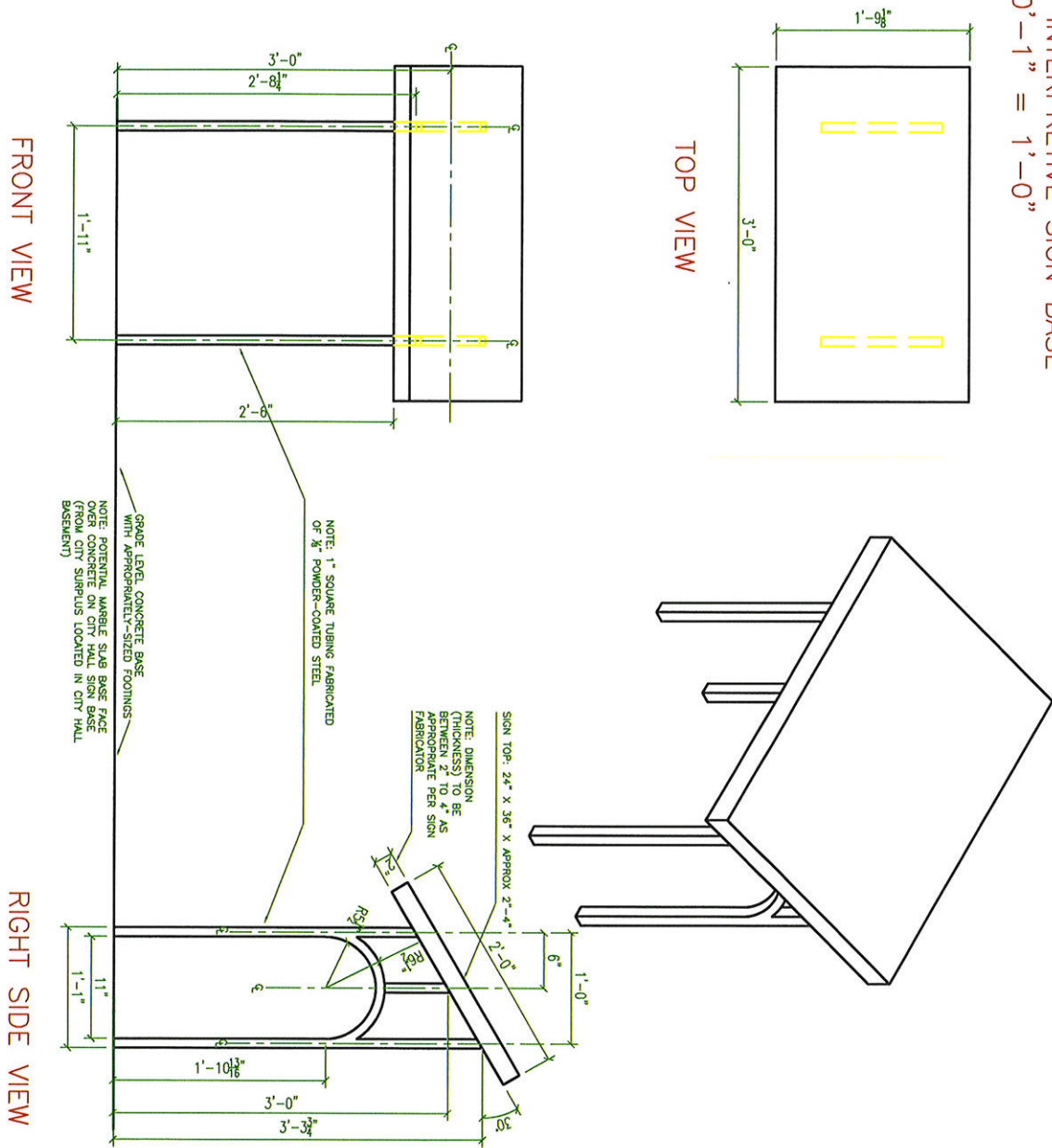
Payment due upon order placement for orders under \$250.00. A 50% deposit required otherwise.

Received/Accepted By:

/ /

MOSCOW INTERPRETIVE SIGN BASE

SCALE: 0'-1" = 1'-0"



BASE DESIGN FOR MOSCOW INTERPRETIVE SIGNS PROJECT

MOSCOW HISTORIC PRESERVATION COMMISSIOON
CITY OF MOSCOW
MOSCOW, IDAHO 83843

DRAWN BY: P. Overholtzer

1 st Rev. Sept. 3, 2017

**FASTSIGNS of Lewiston**

826 21st Street
 Lewiston, ID 83501
 ph: (208) 798-7979
 fax: (208) 798-1525
 Email: 594@fastsigns.com

Estimate**594 - 14315****Estimate Date:** 7/2/2018 4:30:46PM**Printed:** 7/2/2018 4:30:52PM

Customer: **Moscow Historic Preservation Commission** ph: (208) 310-6576
 Contact: Nels Reese Customer: 3620
 Description: gr_Historic Interpretive Panel Sign Custom Podium
 Sales Person: Gregory Raye
 Clerk: Gregory Raye email: dnels@uidaho.edu

Dear Nels:

Sincerely,

Gregory Raye
 Customer Service Rep

	Product	Qty	Sides	H x W	Unit Cost	Totals
1	Powder Coat	2	1	24 x 36	\$1,374.25	\$2,748.50
Text: [customer provided graphic]						

Notes:

Estimate good for 30 days.

Line Item Total:	\$2,748.50
Tax Exempt Amt:	\$110.00
Subtotal:	\$2,748.50
Shipping:	\$110.00
Taxes:	\$164.91
Total:	\$3,023.41

Deposit Required: \$3,023.41

Bill To: Moscow Historic Preservation Commission
 Nels Reese
 Moscow, ID 83843

Payment due upon order placement for orders
 under \$250.00. A 50% deposit required
 otherwise.

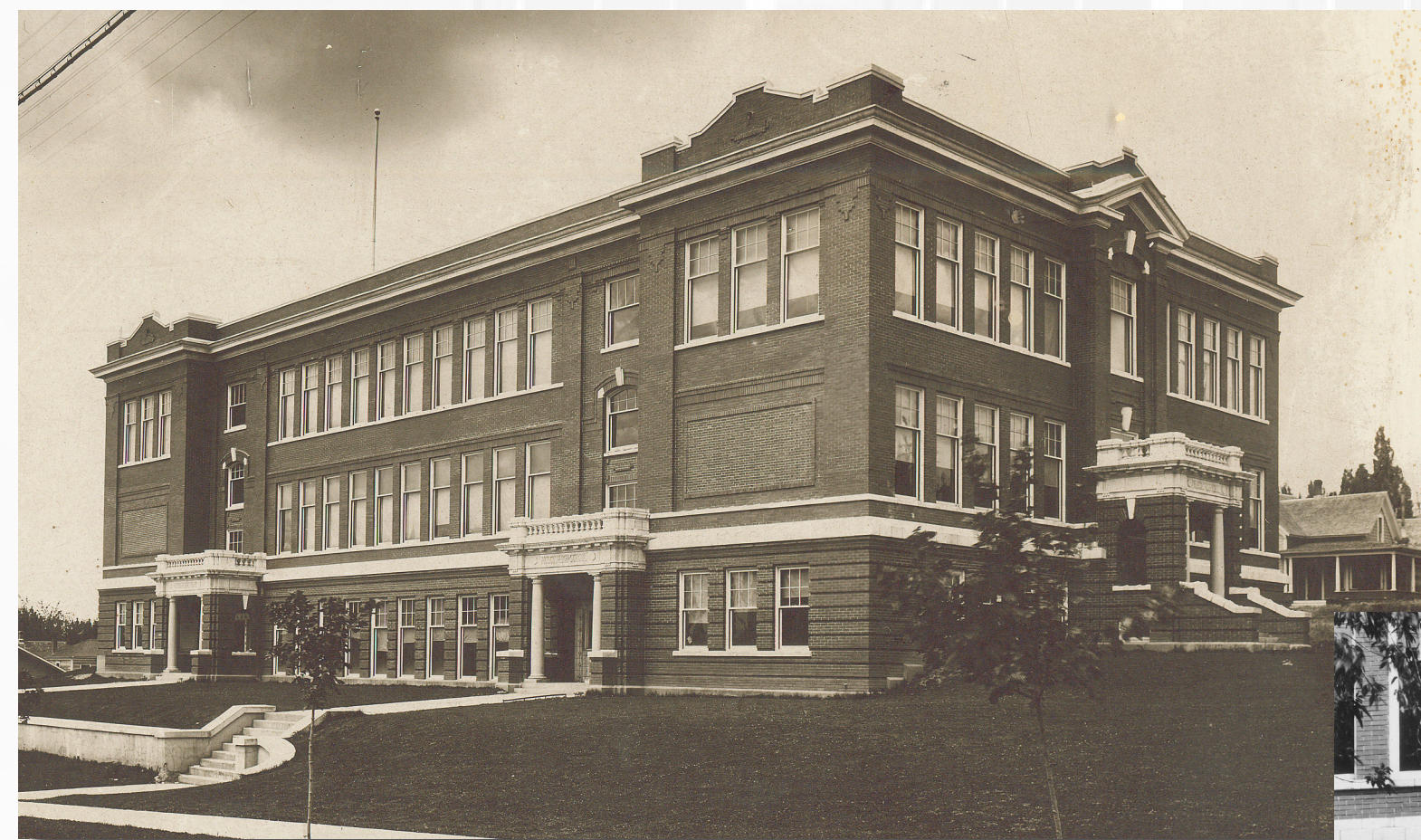
Received/Accepted By:

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1912 Center

Moscow Embraces the Progressive Era

In response to the Progressive Era's call for reform in education, the Moscow School Board commissioned Spokane architect Clarence Hubbell to design the community's second high school. Dedicated in 1912, the school's neoclassical style architecture was both a symbol of the community's commitment to education and a source of pride.



Southeast view of the 1912 High School circa 1920



Old Clothes Day



Moscow High School Graduating Class, 1935

Hubbell took advantage of the school's siting on a promontory overlooking downtown to profile each of its brick and terra cotta facades. Four recessed entry porticos welcomed students from all neighborhoods.

Architectural Detail and Design



Terra cotta entablature and granite columns as designed by architect Clarence Hubbell

Dedication plaques located at each entrance heralded the community's civic aspirations to "train young people of the community for lives of usefulness and to the development of the highest ideals of manhood and womanhood."

Hubbell's design was a poster child for the Progressive Era's emphasis on expanded curriculum and safety through egress planning and use of fire resistant construction. Student well-being was supported by access to abundant daylight and natural ventilation. Classrooms featured walls of windows, glass transoms over doorways conveyed light into the school's spacious central hallways, and pyramidal skylights illuminated the third floor auditorium.



Dedication plaques mounted in south facing entry porticos



Donor sponsored replacement windows served as a fundraising strategy



Historic Preservation
Commission

A Sequence of Adaptive Uses

In 1938, a new high school was constructed across Third Street and the 1912 school was adapted for junior high education. Following construction of a new junior high school facility on D Street in 1959, the 1912 school was once again adapted to serve administrative office, teaching and storage needs. In 1993, the school board voted to relocate the district offices and vacate the building, placing its future in jeopardy.

Creating a Community Center

Throughout the 1990s, headlines and letters in local newspapers fueled a passionate debate. Should the abandoned building be

considered an icon or albatross? A search for the answer was informed by school district appointed committees, technical assessments, and design visualization studies by University of Idaho faculty and students.

Efforts to raise community awareness regarding the former school's architectural and historic significance began with securing its listing on the National Register of Historic Places in 1992. Local preservationists championed adapting the building for use as a community center, ultimately leading to its acquisition by the City of Moscow in 1998.

Thanks to widespread community support and on-going private fundraising by Heart of the Arts Inc., the former school is being restored to its former grandeur - room by room and floor by floor. Public and private events are regularly held on the 1912 Center's outdoor plaza and in handsomely rehabilitated classrooms.



Construction of new plaza begins in 2001



Community members enjoy Border Highlanders on Pall Plaza



Senior Meal in 1912 Center's Great Room



Removal of dropped ceiling reveals skylights over the former third floor auditorium

Historic photos provided by Latah County Historical Society and contemporary photos provided by Moscow Historic Preservation Commission, Heart of the Arts, Inc., and Design West Architects

1912 Center Proposed Sign Location

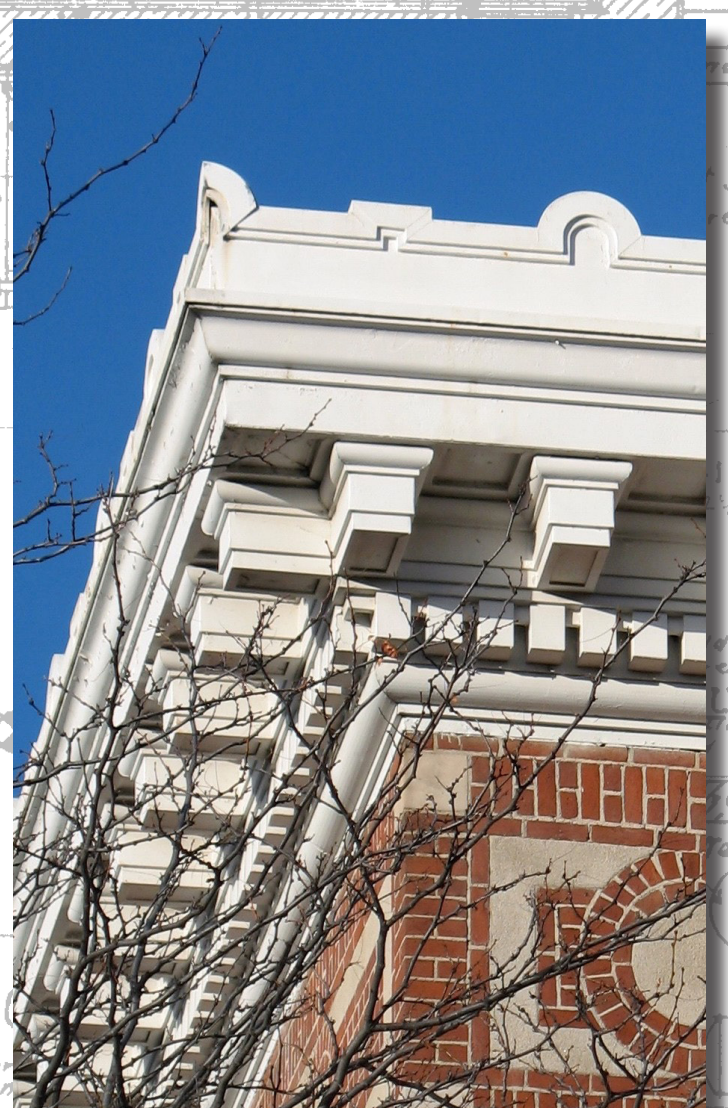


Attachment: 1912 Center Sign Proposed Location (1772 : Third Street Interpretive Sign Project)

Moscow City Hall

Post Office as City Hall

The Moscow City Hall was constructed as Moscow's Federal Building and Post Office in 1910-11 during the Progressive Era when the federal government was expanding civic infrastructure to meet the needs of a rapidly growing country. After serving Moscow for sixty years, construction began in 1973 on a new Post Office just two blocks from this site, placing the future of this Renaissance Revival building in question. The City of Moscow purchased the building and by 1981 it was serving as a Community Center before being transformed into Moscow's City Hall in 1997.

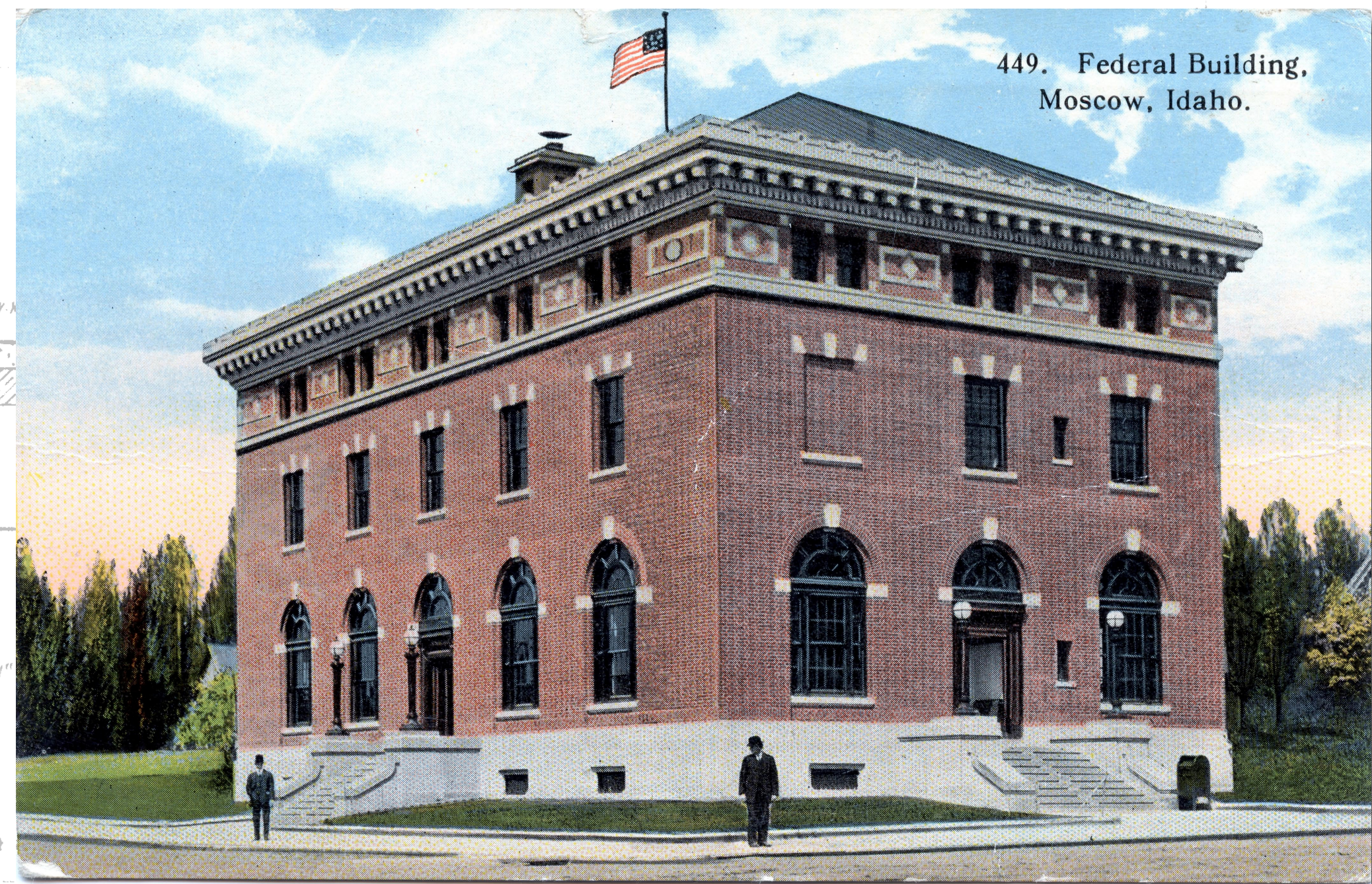


This three-story brick building was designed and constructed in a Neo-Renaissance style and is one of the finest examples of this in the State of Idaho. It was produced from the designs of the United States Treasury Department during the time James Knox Taylor was supervising architect. Mr. Taylor served under Presidents Cleveland, McKinley, Roosevelt and Taft, and built many public buildings in the United States including the Federal Post Offices in Boise, Lewiston and Walla Walla.

Like most of the major buildings in Moscow, the City Hall is constructed of red brick. However, the building is particularly notable as the brick work was done in a Flemish Bond, not seen in any other area building. A Scottish mason named Howard Buchanan was paid double wages to come to Moscow and execute the brickwork. He was reportedly so particular about brick selection and placement that he nearly bankrupted the building's contractor.



Moscow City Hall



449. Federal Building, Moscow, Idaho.

The Beauty in the Details

The three-story building is also richly appointed with ivory terra cotta decoration as well as an oversized sheet metal cornice. The interior of City Hall is much like it was when it was first constructed and the oak detailing in the building is the finest of any public building in Moscow. The elegant first floor lobby offers the citizens of Moscow a positive sense of the past as well as a quality testament to its current civic aspirations and responsibilities.

The City Hall was placed on the National Register of Historic Places in 1973 and today it is also listed as one of Idaho's One Hundred most important buildings along with Moscow's 1912 Building and the Moscow Latah County Public Library. It is listed as a Classic Building on the public website: <http://sah-archipedia.org>.

Today, Moscow's City Hall is home to the Mayor and City Supervisor as well as the Finance Department. It is also the home of the Third Street Gallery, which is open to the public daily and offers an ever-changing selection of fine art.



Historic Preservation Commission

PLUMBING SYMBOLS

Soil (S.P.)	Waste (W.P.)
Vent Pipes (V.P.)	
Cold water (C.W.)	
Hot water (H.W.)	
Gas	
D.S. - Down Spout	
R.T. - Running Trap	
C.O. - Cleanout	
R.C. - Riser Chase	
etc. - Distance of below basement floor	

General Location of Proposed City Hall Sign



Attachment: City Hall Sign Proposed Location (1772 : Third Street Interpretive Sign Project)

MOSCOW CITY COUNCIL AGENDA**Meeting Date:** 08/13/2018**Title:** Moscow School District Agreement for School Resource Officer**Responsible Staff:** James Fry

Information

DESCRIPTION: The City of Moscow, through the Moscow Police Department, has been employing a School Resource Officer position for over 18 years to provide a law enforcement presence and additional resources to the District to assist in providing and maintaining a safe and healthy student environment. In the past the District has contributed \$2,000 per year to the City toward the School Resource Officer Program. Taking into account recent incidents of violence in schools across the nation the District has requested the City to provide an additional School Resource Officer.

The scope of the work provided by the School Resource officer will include but will not be limited to: visibility at school activities (when available) and on campus before school, after school and during lunch times; taking action when criminal acts occur (when available); and speaking to classrooms.

Beginning October 1, 2018 the City will no longer require a \$2,000 yearly contribution from the District for the first School Resource Officer position. Costs for a second School Resource Officer will be shared according to Exhibit A in the Memorandum of Understanding, providing 70% funding of the additional position for the first year, 85% the second year and 100% the third year and each subsequent year. If approved, the agreement shall commence on the first day of October, 2018 for a period of three years.

STAFF RECOMMENDATION: Approve the Memorandum of Understanding for Professional Services between the City of Moscow, Idaho and the Moscow School District No. 281.

PROPOSED ACTIONS: Approve the Memorandum of Understanding for Professional Services between the City of Moscow, Idaho and the Moscow School District No. 281, or provide staff further direction.

Necessary Resources/Impacts

N/A

Attachments

Professional Services Agreement-MSD(SRO)(2018)

MEMORANDUM OF UNDERSTANDING
FOR PROFESSIONAL SERVICES BETWEEN
CITY OF MOSCOW, IDAHO AND
MOSCOW SCHOOL DISTRICT NO. 281

THIS AGREEMENT FOR PROFESSIONAL SERVICES, dated this _____ day of _____, 2018, by and between the City of Moscow, Idaho, 206 East Third Street, Moscow, Idaho, 83843, a municipal corporation of the State of Idaho (hereinafter "City"), and Moscow School District No. 281, 650 North Cleveland, Moscow, Idaho, 83843 (hereinafter "MSD");

INTRODUCTION

WHEREAS, City, through the Moscow Police Department (hereinafter "MPD") has been employing a School Resource Officer (SRO) position for over eighteen (18) years to provide a law enforcement presence and additional resources at MSD in order to assist in providing and maintaining a safe and healthy student environment; and

WHEREAS, in the past, MSD has provided two thousand dollars (\$2,000) per year to the City as a contribution toward the current SRO program; and

WHEREAS, with recent incidents of violence in schools across the nation, MSD has requested City to provide an additional SRO position to support the efforts of MSD in maintaining an inclusive, comfortable and safe educational environment; and

WHEREAS, pursuant to MSD's request, and pursuant to this Agreement, City will hire an additional police officer to fill the position of a second SRO position to perform similar duties as the existing SRO, to include certain duties as set forth herein; and

WHEREAS, City will continue to bear the cost of the first SRO and MSD shall provide funding to City to support the second SRO position, as detailed herein; and

WHEREAS, it is deemed to be in the best interests of City to enter into this Agreement with MSD as hereinafter provided;

NOW, THEREFORE, City and MSD, in consideration of the mutual covenants and stipulations set out, do hereby agree as follows:

TERMS AND CONDITIONS OF MEMORANDUM OF UNDERSTANDING

- A. Term: Pursuant to the terms of this Agreement, City shall hire an additional police officer to fill the request of MSD for a second full time SRO. This Agreement shall commence on the first day of October, 2018 (the Commencement Date), and shall continue per the terms herein for a period of three (3) years, subject to renewal upon agreement by both Parties.
- B. Cost: City will no longer require a two thousand dollars (\$2,000) yearly contribution from MSD for the first SRO position. MSD shall commit to provide funding to support the second SRO position by reimbursing City on a schedule detailed on the chart attached as Exhibit "A".

- C. **Payment of Salaries and Costs:** MSD shall pay to City of Moscow, at the rate stated in the attached Exhibit “A”, to reimburse City for the work of the second SRO. Such payment shall be made in two (2) equal annual installments; the first shall be due the first day of October, and the second, the first day of April of each year this Agreement is in effect.
- D. **Scope of Work:** The SRO will be a sworn police officer of the MPD. In addition to the regular duties of a sworn police officer, the additional duties of the SRO are to be available to school staff and to provide education to classes regarding information pertinent to specific curriculum, as well as act as the key liaison between MPD and the MSD. This mission will be carried out in the following ways:
 - 1. Primary contact/liaison between MPD and MSD personnel.
 - 2. Visible at school activities, when available.
 - 3. Work with students who are at risk regarding attendance concerns.
 - 4. Speak to classrooms regarding a variety of subjects, upon staff request.
 - 5. Be visible around school campus before school, after school, and during lunch times.
 - 6. Take action when criminal acts occur, when available.
- E. **Uniform and Equipment:** The SRO will wear a standard MPD uniform. The SRO will be armed at all times while on duty.
- F. **Location and Assignment of Work:** The SRO will be primarily located in the Moscow Middle School and the Elementary Schools operated by MSD.
- G. **Standard Operating Procedures for the SRO:**
 - 1. The SRO shall strive to follow MSD policies and procedures related to law enforcement action within the schools, but is ultimately required to follow City personnel policy and MPD policy and procedures.
 - 2. The role of SRO to the MSD is two fold: (a) to function in the schools as a Law Enforcement Officer; and (b) to act as an information resource.
 - 3. The SRO will act as a liaison between MSD staff and MPD. It will be the duty of the SRO to help MSD staff with concerns or problems that might be law enforcement related. The SRO will do necessary research and involve appropriate personnel from MPD or the community to resolve concerns or problems brought up by MSD.
 - 4. With approval of the SRO’s Division Commander and the building principals, the SRO may attend the following functions in an on-duty, paid status:
 - a. PTA meetings;
 - b. Staff meetings;
 - c. Dances;
 - d. Sporting events;
 - e. Other school related events upon request by MSD or SRO.

MODIFICATION AND ASSIGNABILITY OF CONTRACT

This Agreement contains the entire agreement between the Parties, and no statements, promises, or inducements made by either Party, or agents of either Party, are valid or binding unless contained

herein. This Agreement may not be enlarged, modified or altered except upon written agreement signed by the Parties hereto.

TERMINATION OF AGREEMENT

Termination for cause. If MSD ceases payment for SRO, City may terminate this Agreement in whole or in part at any time before the end of the three (3) year term. City will thereafter be entitled to receive payment for those services reasonably performed to the date of termination.

ADHERENCE TO LAW REQUIRED

All applicable Federal, State, and Local statutes and regulations are hereby made a part of this Agreement and shall be adhered to at all times. Violation of any of these statutes or regulations by City and/or MSD shall be deemed material and shall subject City and/or MSD to termination of this Agreement for cause.

JURISDICTION AND VENUE

This Agreement shall be construed under and governed by the laws of the State of Idaho. In the event of litigation concerning it, it is agreed that proper venue shall be the District Court of the Second Judicial District of the State of Idaho, in and for the County of Latah.

INDEMNIFICATION

The Parties are governmental entities subject to statutory and constitutional restrictions concerning the acceptance of liability. The Parties liabilities are further governed by the Idaho Tort Claims Act. It is the intention of the Parties that each will be responsible for its own acts and omissions, and those of its officers and employees acting within the course and scope of their employment.

LEGAL FEES

In the event either Party incurs legal expenses to enforce the terms and conditions of this Agreement, the prevailing Party is entitled to recover reasonable attorney's fees and other costs and expenses whether the same are incurred with or without a lawsuit.

IN WITNESS WHEREOF, said MSD and City have caused this Agreement to be executed on the day and year first above written.

MSD:

CITY:

Greg Bailey, Superintendent
Moscow School District
650 North Cleveland Street
Moscow, Idaho 83843

Bill Lambert, Mayor
City of Moscow
206 East Third Street
Moscow, Idaho 83843

ATTEST:

Laurie M. Hopkins, City Clerk

ACKNOWLEDGMENT

STATE OF IDAHO)
) ss.
COUNTY OF LATAH)

On this _____ day of _____, 2018, before me, a Notary Public in and for said State, appeared Greg Bailey, known to me to be the person named above and acknowledged that he executed the foregoing document as the duly authorized representative.

Notary Public for the State of Idaho
Residing at _____
My commission expires _____

EXHIBIT "A"

MOSCOW SCHOOL DISTRICT / CITY OF MOSCOW**ESTIMATED SHARED COSTS FOR SECOND MPD SCHOOL RESOURCE OFFICER (ESTIMATE)**

	2019 Year 1 (Step A)	2020 Year 2 (Step B)	2021 Year 3 (Step C)	2022 Year 4 (Step D)	2023 Year 5 (Step E)	2024 Year 6 (Step F)	2025 Year 7 (Step G)
Wages*	51,002	51,728	53,539	55,413	57,352	59,360	61,437
Benefits**	30,186	31,092	32,025	32,986	33,976	34,995	36,045
Equipment***	3,019	***	***	***	***	***	***
Total	84,207	82,820	85,564	88,399	91,328	94,355	97,482
Moscow School District	58,945 (70%)	70,397 (85%)	85,564 (100%)	88,399 (100%)	91,328 (100%)	94,355 (100%)	97,482 (100%)
Moscow Police Department	25,262 (30%)	12,423 (15%)	0	0	0	0	0

* Includes COLA for 2019 only. Amounts for Years 2-7 per the City of Moscow Step and Grade System Progression Chart. COLA varies depending upon the application of the Consumer Price Index issued by the United States Bureau of Labor Statistics.

** 3.0% estimated increase for benefits each year. Actual adjustments vary annually.

*** Cost of equipment charged in the first year of Agreement. Costs of replacement/upgrades in subsequent years.

MOSCOW CITY COUNCIL AGENDA**Meeting Date:** 08/13/2018**Title:** Amendment of Title 4, Chapters 4, 7, 8, and 10 of M.C.C. Regarding Various Zoning Code Amendments**Responsible Staff:** Michael Ray

Information

DESCRIPTION: The Planning and Zoning Commission has been working over the past few months on minor revisions to various sections of the Zoning Code within Title 4, Chapters 4, 7, 8, and 10. The proposed amendments pertain to Planned Unit Developments, lot frontage and access requirements, expiration periods for certain land use actions, and public notice requirements. The Commission conducted a public hearing on this proposed ordinance on July 25, 2018 and unanimously recommended approval to City Council. The proposed ordinance has been scheduled for a public hearing before City Council at the Council's upcoming August 20, 2018 meeting.

STAFF RECOMMENDATION: Recommend forwarding the item for public hearing upon the proposed ordinance at the Council's upcoming August 20, 2018 meeting.

PROPOSED ACTIONS: Forward the item for public hearing upon the proposed ordinance at the Council's upcoming August 20, 2018 meeting; or provide staff further direction.

Necessary Resources/Impacts:

N/A

Attachments

Proposed Ordinance
Staff Memo

ORDINANCE NO. 2018 -

AN ORDINANCE OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE AMENDMENT OF MOSCOW CITY CODE TITLE 4, CHAPTERS 4, 7, 8, AND 10; PROVIDING FOR THE INSERTION OF MISSING BASE DENSITY REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS; PROVIDING FOR ACCESS REQUIREMENTS FOR RURAL ZONING DISTRICTS; PROVIDING FOR THE AMENDMENT OF THE EXPIRATION AND EXTENSION PERIODS FOR CERTAIN LAND USE ACTIONS; PROVIDING FOR THE AMENDMENT OF THE TIME PERIOD FOR PUBLIC NOTICE REQUIREMENTS; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE BE DEEMED SEVERABLE; AND PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM THE DATE OF ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, there are currently zoning districts which do not have stated residential base densities for Planned Unit Developments and City wishes to create base densities for the missing districts; and

WHEREAS, City wishes to amend the lot access and frontage requirements for rural zoning districts to accommodate the larger lots which are contained within those districts; and

WHEREAS, the existing expiration periods for certain land use actions has presented challenges, especially to larger projects; and

WHEREAS, City wishes to amend the expiration period of certain land use actions to allow for more time to start projects as well as allowing options for applying for extensions to the time period; and

WHEREAS, the existing thirty (30) day public notice period for certain land use actions is excessive and City wishes to reduce the period to fifteen (15) days to be consistent with State Law; and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MOSCOW, IDAHO, AS FOLLOWS:

SECTION 1: That Moscow City Code Title 4, Chapter 4 be amended as follows:

...

Sec. 4-5. Access to Lots and Buildings.

Except as provided below, every lot shall abut a public street right-of-way (other than an alley) for a minimum distance of forty feet (40').

1. Lots on cul-de-sacs and vehicle turnarounds shall abut a public street right-of-way for a minimum distance of twenty feet (20').

2. Approved flag lots shall abut a public street right-of-way for a minimum distance of twenty feet (20'), and the flagpole portion of flag lots shall not exceed one hundred fifty feet (150') in length and shall not be less than twenty feet (20') in width at any point.

3. Approved twinhome lots shall abut a public street right-of-way for a minimum distance of twenty feet (20'). Approved townhouse lots shall abut a public street right-of-way for a minimum distance equal to the minimum lot width of the applicable Zoning District.

4. Legal lots of record that have been approved by the City Council prior to the adoption of this Zoning Code and which do not abut a public street right-of-way shall be excepted from this requirement where sufficient permanent legal access is available (via public right-of-way, private access easement, or other legal means) to provide safe and convenient access for servicing, fire protection, and required off-street parking.

5. Lots within the Agriculture/Forestry (AF), Farm Ranch (FR), and Suburban Residential (SR) Zoning Districts where access is provided by a permanent access easement of no less than twenty feet (20') in width at any point.

6. Flag poles and access easements within the Agriculture/Forestry (AF), Farm Ranch (FR), and Suburban Residential (SR) Zoning Districts may be greater than one hundred fifty feet (150') in length as long as sufficient Fire Department access is provided.

...

SECTION 2: That Moscow City Code Title 4, Chapter 7 be amended as follows:

...

Sec. 7-2. PUD Review - General Administration.

A. Eligibility. Planned Unit Developments are only permitted within the AF, FR, SR, R-1, R-2, R-3, R-4, RO, NB, MB, and GB Zoning Districts. Since the purpose of the Neighborhood Business (NB) Zoning District is to provide commercial services which serve adjacent residential neighborhoods, and PUD proposed within the NB Zone shall incorporate at least one (1) commercial use located along the primary street frontage.

BA. Stages of PUD Review. Review of a proposed Planned Unit Development or of major modifications to an approved PUD shall consist of three (3) steps: an initial Pre-application Meeting, a Preliminary PUD Review, and Final PUD Review. With the concurrence of the Zoning Administrator, an applicant may combine the PUD Review Hearing with the hearings required for associated subdivision applications or zoning district changes.

CB. Neighborhood Meeting. Following the Pre-Application Meeting, every application submittal for a PUD shall be preceded by a neighborhood meeting, conducted in accordance with this Code, to provide the opportunity for neighboring land owners and residents to meet with the applicant to review and provide comments on the proposed PUD.

DC. Application and Fees. An application for PUD on a form provided by the City, including five (5) copies of the required supplemental PUD application contents listed in this Chapter, shall be made to the City Zoning Administrator for any PUD application made pursuant to this Chapter.

ED. Public Hearings. Public hearing provided for herein shall comply with the notice and hearing procedures contained in Idaho Code Section 67-6509, and Chapter 10 of this Zoning Code.

FE. PUD Application Types. A PUD application which does not include nor require a concurrent subdivision plat application shall be processed and considered a Type 1 PUD application and shall be subject to the Type 1 Quasi-judicial hearing procedures of this Code and the Planning and Zoning Commission shall have the final approval authority upon the PUD application. A

PUD application which does include a concurrent subdivision plat application shall be processed and considered a Type 2 PUD application and shall be subject to the Type 2 Quasi-judicial hearing procedures of this Code and the City Council shall have the final approval authority upon the PUD application.

• • •

Sec. 7-6. Residential PUD Density.

The residential density of a PUD shall not exceed the density established by this Section. The permitted number of dwelling units shall be the sum of the base density and any bonus density multiplied by the total acreage of the PUD.

The total acreage of the PUD shall include any area dedicated to the public or preserved as public open space or public easement within the PUD. In calculating any PUD residential density, any fraction of a whole number shall not be permitted as a dwelling unit.

A. Base Density. The base density for Zoning Districts shall be as follows:

Base Density By Zoning District.

AF	0.10 dwelling units/acre
FR	0.29 dwelling units/acre
SR	0.9 dwelling units/acre
R-1	3.5 dwelling units/acre
R-2	4.8 dwelling units/acre
R-3	9.5 dwelling units/acre
R-4	24.0 dwelling units/acre
<u>RO</u>	<u>24.0 dwelling units/acre</u>
<u>NB</u>	<u>24.0 dwelling units/acre</u>
MB	24.0 dwelling units/acre
GB	24.0 dwelling units/acre

Any lot upon which a detached single family dwelling is proposed shall not have a lot size limitation, except as required for purposes of the adopted City Building Code or as limited by the overall density permitted by the underlying Zoning District in addition to bonuses achieved through the PUD process regulations for the underlying zoning district, or as imposed by the Planning and Zoning Commission as a condition of PUD approval.

- B. Required Building Setbacks. Building setbacks from property lines required by an underlying Zoning District shall not be applicable for PUD developments, except to/from the property line(s) serving as the outer boundary of the PUD, unless imposed and justified as part of the PUD approval or where such is required by the City Building Code. Front and rear yard setbacks to/from property lines serving as the outer boundary of the PUD may be modified or waived as part of the PUD approval.
- C. Bonus Allowances. The permitted residential density for a PUD shall be the base density plus any bonus percentage of the base density as granted by the Planning and Zoning Commission or the Council. For all Zoning Districts, the maximum bonus percentage for any proposed PUD shall not exceed fifty percent (50%) of the respective base density. The allowance of a use or housing type not allowed as a permitted use in the underlying Zoning District may be granted as a PUD bonus, provided that such use is justified through the bonus categories of this Chapter and because of the nature and location of the proposed PUD. Where there is a conflict between maximum allowable bonus percentages, the most restrictive shall

apply. The applicant shall provide sufficient plan detail and/or other written supporting information to justify any requested bonus density or request to allow any land use or housing type not otherwise permitted by the underlying Zoning District.

Bonuses may be awarded to a proposed PUD where they are found to conform to one (1) or more of the following categories:

1. Provision of Common Open Space.

Bonuses may be awarded for providing functional, common open space, which may be in the form of natural areas, floodplains, wetlands, stands of trees or other natural vegetation or riparian areas, playgrounds, active or passive recreational areas, internal pedestrian and/or bike paths and similar areas. Up to a ten percent (10%) maximum bonus may be awarded if at least twenty percent (20%) of the proposed PUD area is devoted for functional common open space, in excess of any open space required elsewhere in this Code.

2. Provision of Mixed Housing Types and/or Land Uses.⚠️

Up to a maximum ten percentage (10%) bonus may be awarded for providing a mix of housing types and/or uses. Any combination of single family, duplex, multiple family residences, and/or commercial, institutional or civic uses may qualify. Zero lot line, townhouse, or row house housing consisting of one (1) or two (2) story horizontally attached dwelling units, each having its own entrance and its own front and rear yard and intended for individual ownership, may also be included in this category of bonus allowances.

Housing types not explicitly permitted by the underlying Zoning District shall be limited to a maximum of thirty-three percent (33%) of the total number of dwelling units in the PUD development. The percentage of said housing types permitted in the PUD development may be increased to a maximum of fifty percent (50%) where the PUD proposal successfully incorporates at least three (3) other bonus categories.

Land Uses not permitted in the underlying Zoning District shall be limited to twenty percent (20%) maximum of the total Gross Floor Area (GFA) of the PUD development. However, the percentage of said GFA may be increased to a maximum of thirty-three percent (33%) where the proposal successfully incorporates at least three (3) other bonus categories.

3. Maintenance of Existing Land Contours, Vegetation, or other Special Site Features.

Bonuses may be awarded for proposals which are considerate of and sensitive to the existence of significant amounts of slopes in excess of twenty percent (20%), wetlands, drainages, ponds. Consideration shall be given to the minimization of excavations, fills, retaining walls, and removal of natural vegetative cover and other physical alterations to the site.

Lands which already have been significantly graded or where natural vegetation has been removed within five (5) years previous to the date of the PUD application are not eligible for this bonus. Bonuses will be awarded based on the amount of site disturbance including whether there is minimal or slight disturbance; whether there is excavation other than for structural foundations; whether streets follow contours of the land; amount of grading; and whether there is removal of natural vegetation. Up to a ten percent (10%) bonus may be awarded under this category.

4. Provision of Major Recreational Facilities and/or Neighborhood Gathering Spaces.⚠️

Bonuses may be awarded for the provision of major recreational facilities and/or neighborhood gathering spaces, either public or private, such as ball courts, swimming pools, playgrounds, exercise rooms, or similar facilities. For each one percent (1%) of total project

cost devoted to recreational facilities, a two percent (2%) bonus may be awarded, up to a maximum of six percent (6%).

5. Sustainable Development.

Projects which utilize building and/or development techniques which promote the health and preservation of the environment, as specified herein, and are developed under the Moscow Green Building Program, may receive a bonus of up to a maximum bonus of fifteen percent (15%) of the base density allowed for the PUD project.

a. Energy Conservation: Up to a six percent (6%) bonus may be awarded for PUD developments which reduce or conserve energy usage. Provision of building design, orientation, methods and equipment which are energy efficient, including solar access consideration, may earn bonuses for the PUD project. Application of such methods may receive a two percent (2%) bonus and include provision of insulation in outside walls which exceed the Code's R-value requirements, installation of Energy Star windows and Energy Star rated HVAC systems. Energy efficient equipment shall include fixtures, controls and appliances that have an Energy Star approval. Use of such equipment may also earn a two percent (2%) bonus. A project can also earn an additional two percent (2%) bonus for using a renewable electricity generation system such as solar panels or wind generated power.

b. Materials and Resources: Projects which minimize material use and waste, and which use products that are environmentally friendly may receive up to a six percent (6%) bonus. Construction of smaller homes (as defined by LEED or its equivalent) and which utilize material efficient framing methods may earn a two percent (2%) bonus. Use of local materials and/or environmentally preferred products may earn a bonus of up to two percent (2%), ~~dependant~~-dependent on a product or manufacturer's label that indicates the place of manufacture is within five hundred (500) miles of the City of Moscow, or is approved as environmentally friendly. Projects which minimize construction waste through material efficient methods and/or by using on-site recycling receptacles for construction materials may receive a two percent (2%) bonus.

c. Indoor Environmental Quality: Bonuses may be awarded up to eight percent (8%) of the base density for PUD projects which make an extended effort to improve the on-going indoor environment. Provision of outside air ventilation, exhaust vents, air distribution systems and HVAC air filters that exceed requirements of any applicable Code are eligible for a two percent (2%) bonus. Installation of permanent walk-off mats and central vacuums help to mitigate dirt and dust and may be awarded a two percent (2%) bonus. Homes should be protected from car emissions by tightly sealing walls between the garage and the home, providing an exhaust fan linked to the overhead door, and not locating air handling equipment in the garage; such provisions may be awarded a bonus of two percent (2%). Not providing a garage may satisfy any bonus given for mitigating car exhaust in a garage. The use of finishing products, such as paint or carpeting, which minimize or eliminate toxic fumes that are common in standard products, may be awarded up to an additional two percent (2%) bonus.

d. Provision of Alternative Mode Transportation Features: Features which accommodate alternative mode transportation or promote decrease in automobile usage or traffic, such as bus shelters, turnouts, alternative fuel vehicle support facilities, car pool lots, pedestrian paths, bike racks, etc. may be awarded up to a two (2%) percent bonus.

e. Water Saving Features: A bonus may be awarded for inclusion of a storm water reuse system, xeriscaping or other water saving development features which are not otherwise

required by the Code. Such other water saving features may include those which are sensitive to or which promote aquifer recharge. A total bonus of up to ten percent (10%) may only be awarded if both storm water reuse (five percent [5%] maximum bonus) and xeriscaping (five percent [5%] maximum bonus) are incorporated into the development. A detailed written statement and/or plan shall be provided by the applicant to justify a bonus under this category.

6. Provision of Street, Pedestrian and Bicycle Path Connectivity.

Bonuses may be awarded for increasing pedestrian, bicycle and/or vehicular connectivity between the proposed development and existing and/or future neighborhoods. To be awarded the bonus, such connectivity shall be in excess of adopted City policy and standards.

Connectivity shall promote neighborhood connectivity without overwhelming any particular street, bicycle or pedestrian path, or neighborhood. Examples of such connectivity include reduced block length, provision of alleys, extremely limited cul-de-sac utilization, provision of pedestrian and or bicycle paths, and provision of traditional “grid pattern” street system. A maximum ten percent (10%) bonus may be awarded under this category.

7. Landscaping Plan.

A five percent (5%) maximum bonus may be awarded if the applicant provides a landscaping plan that is significantly in excess of the minimum landscaping otherwise required by the Zoning Code and that it would provide significantly greater benefit to the PUD site or the neighborhood.

8. Provision of Low and/or Moderate Income Housing.

Up to a maximum fifteen percent (15%) bonus may be awarded for providing low income, moderate income, and/or fair market rate housing units which make up a minimum of twenty percent (20%) of the total number of housing units in the PUD. For purposes of this Chapter, low and moderate income and fair market rate housing shall generally mean that which meets the quality and pricing requirements set by HUD and the Idaho Housing and Finance Association.

9. Other Functional or Aesthetic Development Features.

Other qualifying development features which are designed to visually complement or visually preserve the natural environment, especially scenic views, through use of appropriate materials may include, but are not limited to, architectural variety, building mass and height softening features, building location with regard to lot lines (staggered setbacks), the provision of alley access and scenic view corridor preservation for the benefit of others, recessed, side or rear loading garages, and the arrangement of parking such that it is not located within the required front nor street side yard or such that it is located behind or underneath the building(s) and not readily visible from the street. Locating the parking behind or below structures shall warrant a higher bonus than locating the parking outside of the required front and street side yard, where it is visible from the street. The maximum bonus under this category will be up to ten percent (10%).

...

SECTION 3: That Moscow City Code Title 4, Chapter 8 be amended as follows:

...

Sec. 8-3. Variances.

A. Procedures.

1. A written application for a variance indicating the section(s) of this Zoning Code for which a variance is sought and stating the grounds on which it is requested shall be submitted

to the Zoning Administrator at least sixteen (16) days before the hearing at which the matter will be considered by the Board of Adjustment or the Planning and Zoning Commission.

2. The Board of Adjustment or the Planning and Zoning Commission shall hold a hearing on the application not less than sixteen (16) days and not more than sixty (60) days from receipt of application by the Zoning Administrator and shall provide notice to adjoining property owners and an opportunity to be heard in accordance with the Idaho Code and this Code.

3. The hearing shall be a Type 1 Quasi-Judicial Hearing pursuant to Section 4-10-4 of this Code.

B. Relevant Criteria and Standards. Approval or denial of a variance application shall be based upon the following criteria:

1. The applicant has demonstrated that special conditions and/or circumstances exist which are peculiar to the property (such as size, shape, topography or location) which are not applicable to other property similarly situated in the same zoning district.

2. The applicant has demonstrated that, because of the afore-mentioned special conditions of the property, application of the provisions of this Zoning Code would impose undue hardship and would deprive the property owner of rights commonly enjoyed by owners of other property similarly situated in the same zoning district under the terms of this Zoning Code.

3. Granting of the variance will not be in conflict with the public interest or injurious to property or persons in the vicinity of the subject property.

C. Reasoned Statement in Writing. Approval or denial of variance application shall be in writing and shall be accompanied by a reasoned statement that explains the criteria and standards considered by the Board of Adjustment or by the Planning and Zoning Commission to be relevant, the relevant contested facts relied upon, and explains the rationale for the decision based upon the Comprehensive Plan, the Idaho Code, this Code, the U.S. Constitution and the facts in the record. The reasoned statement herein may be in the form of minutes when such minutes are adopted by the Board of Adjustment or by the Planning and Zoning Commission or may be in the form of a separate written document formally adopted by the Board of Adjustment or by the Planning and Zoning Commission. In every case, a reasoned statement shall be adopted by the Board or by the Commission not more than twenty-one (21) days following the date of approval or denial of the variance application.

D. Conditions of Approval. In granting any variance, the Board of Adjustment or the Planning and Zoning Commission may prescribe appropriate conditions and safeguards that enable the Board or the Commission to approve the variance application and ensure the variance is consistent with the purposes, and intents of this Zoning Code.

E. Use Variances. With respect to uses of land, buildings and other structures, this Zoning Code is declared to be a definition of the public interest by the Council, and the spirit of this Zoning Code will not be observed by any variance which permits a use not permitted in the zoning district involved, or any use expressly or by implication prohibited, by the terms of this Zoning Code in said zoning district. Therefore, under no circumstances shall the Board of Adjustment or the Planning and Zoning Commission grant a variance to permit a use not permitted in the zoning district involved, or any use expressly or by implication prohibited, by the terms of this Zoning Code, in said zoning district.

F. Final Decision. A decision of the Board of Adjustment or of the Planning and Zoning Commission, granting or denying a variance, shall become final upon the date of adoption of a written reasoned statement in the official records of the Board of Adjustment or of the

Planning and Zoning Commission or when the Board or the Commission shall find that making the decision effective immediately is necessary for the preservation of property and/or personal rights and shall so certify on the record, whichever comes first in time. A decision of the Board of Adjustment or of the Planning and Zoning Commission shall be final, subject to appeal of the decision to the Council pursuant to this Code.

G. Compliance.:

1. In the event of failure to comply with the plans approved by the Board of Adjustment or by the Planning and Zoning Commission, or with any conditions imposed upon the variance, such permit shall thereupon be immediately revoked and shall automatically be null and void.
2. Where plans are submitted as part of the application for a variance, modifications of the original plans may be required by the Board of Adjustment or by the Planning and Zoning Commission as a condition of approval.
3. Where plans approved by the Board of Adjustment or by the Planning and Zoning Commission are modified following such approval, such plan modifications must be determined by City staff to be in substantial conformance with the plans approved by the Board or the Commission. If plan modifications are not in substantial conformance, the plan modifications must be resubmitted to the Board or to the Commission for an additional public hearing as an amendment to the variance application.

H. RevocationsTerm of Approval. The term of approval of a variance shall not exceed two (2) years from the date of the final decision, unless otherwise approved by the Board of Adjustment. The approval shall expire if the holder of the permit has not completed one (1) or more of the following actions prior to the expiration date:

1. Acquired construction permits and commenced placement of permanent footings and infrastructure; or
2. Commenced the use.

I. Extension of Approval Term. The Zoning Administrator may grant one (1) two (2) year extension to an unexpired variance, upon written request of the applicant. Extensions of variances shall also extend any associated zoning approvals such as variances. Prior to the expiration of the two (2) year approval term granted by the Zoning Administrator, the applicant may request an additional time extension from the Board of Adjustment which shall be considered as a regular agenda item. In determining whether to grant the extension request, and the amount of time for which the extension shall be valid, the Board shall take the following factors into consideration:

1. Whether there have been significant amendments to the Comprehensive Plan or Zoning Ordinance which will affect the conditional use permit; or
 2. Whether there have been significant land use changes in the vicinity which would adversely impact the project or be adversely impacted by the project; or
 3. Whether community facilities and services remain adequate to serve the project.
- Should the Board of Adjustment decide not to grant the extension request, then the Variance shall be null and void and the applicant will be required to start from the beginning of the Variance process.~~If a building permit or occupancy permit pertaining to the variance is not obtained for the subject property within one (1) year from the date of the Board of Adjustment's final decision, such variance shall be immediately revoked and shall be automatically null and void.~~

• • •

Sec. 8-4. Conditional Uses.

A. Procedures.

1. A written application for a Conditional Use Permit indicating the section of this Zoning Code under which the permit is sought and stating the grounds on which it is requested shall be submitted at least twenty-one (21) days before the hearing at which the request is to be considered by the Board of Adjustment.
2. The Zoning Administrator shall hold a hearing on the conditional use permit application not less than twenty-one (21) days and not more than sixty (60) days from the receipt of the application by the Zoning Administrator, giving notice in accordance with Idaho Code Section 67-6512.
3. The public hearing shall be a Type 1 Quasi-Judicial Hearing pursuant to Section 4-10-4 of this Code.
4. Prior to granting a Conditional Use Permit, studies may be required of the social, economic, fiscal, and environmental effects of the proposed conditional use.

B. Relevant Criteria and Standards. Approval or denial of a Conditional Use Permit application shall be based upon the following criteria:

1. The proposed use is a conditionally permitted use within the Zoning District.
2. The character of the proposed use will be in harmony with the neighborhood and surrounding land uses.
3. The proposed use as approved, or as approved with conditions, will not generate nuisances that would be injurious or detrimental to adjoining properties or the neighborhood (including, but not limited to, noise, dust, glare, vibrations, odors, and the like).
4. The location, design, and size of the proposed use will be adequately served by existing streets, public facilities and services.
5. The proposed use will not endanger the public health or safety if located where proposed.
6. The proposed use meets all applicable development standards of the Zoning Code.
7. The proposed use will not be in conflict with the Comprehensive Plan.

C. Reasoned Statement in Writing. Approval or denial of a Conditional Use Permit application shall be in writing and shall be accompanied by a reasoned statement that explains the criteria and standards considered by the Board of Adjustment to be relevant, the relevant contested facts relied upon, and explains the rationale for the decision based upon the Comprehensive Plan, the Idaho Code, this Code, the U.S. Constitution and the facts in the record. The reasoned statement herein may be in the form of minutes when such minutes are adopted by the Board of Adjustment or may be in the form of a separate written document formally adopted by the Board of Adjustment. In every case, a reasoned statement shall be adopted by the Board not more than twenty-one (21) days following the date of approval or denial of the Conditional Use Permit application.

D. Conditions of Approval. The Board of Adjustment may impose conditions including, but not limited to, those (1) minimizing adverse impact on other development; (2) controlling the sequence and timing of development; (3) controlling the duration of development; (4) assuring that development is maintained properly; (5) designating the exact location and nature of development; (6) requiring the provision for on-site or off-site public facilities or services; (7) requiring more restrictive standards than those generally required in an ordinance; and/or (8) requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction.

- E. No Precedent or Transfer. A Conditional Use Permit shall not be considered as establishing a binding precedent to grant other Conditional Use Permits. A Conditional Use Permit is not transferable from one (1) parcel of land to another.
- F. Final Decision. A decision of the Board of Adjustment, granting or denying a Conditional Use Permit shall become final upon the date of adoption of a written reasoned statement in the official records of the Board of Adjustment or when the Board of Adjustment shall find that making the decision effective immediately is necessary for the preservation of property and/or personal rights and shall so certify on the record, whichever comes first in time. A decision of the Board of Adjustment shall be final, subject to appeal of decision to the Council pursuant to this Code.
- G. Compliance.
1. In the event of failure to comply with the plans approved by the Board of Adjustment, or with any conditions imposed upon the Conditional Use Permit, such permit shall thereupon be immediately revoked and shall automatically be null and void.
 2. Where plans are submitted as part of the application for a Conditional Use Permit, modifications of the original plans may be required by the Board of Adjustment as a condition of approval.
 3. Where plans approved by the Board of Adjustment are modified following such approval, such plan modifications must be determined by City Staff to be in substantial conformance with the plans approved by the Board. If plan modifications are not in substantial conformance, the plan modifications must be resubmitted to the Board for an additional public hearing as an amendment to the Conditional Use Permit application.
- H. Term of Approval. The term of approval of a Conditional Use Permit shall not exceed two (2) years from the date of the final decision unless otherwise approved by the Board of Adjustment. The approval shall expire if the holder of the permit has not completed one (1) or more of the following actions prior to the expiration date:
1. Acquired construction permits and commenced placement of permanent footings and infrastructure; or
 2. Commenced the use.
- I. Extension of Approval Term. The Zoning Administrator may grant one (1) two (2) year extension to an unexpired Conditional Use Permit upon written request of the applicant. Extensions of Conditional Use Permits shall also extend any associated zoning approvals such as variances. Prior to the expiration of the two (2) year approval term granted by the Zoning Administrator, the applicant may request an additional time extension from the Board of Adjustment which shall be considered as a regular agenda item. In determining whether to grant the extension request and the amount of time for which the extension shall be valid, the Board shall take the following factors into consideration:
1. Whether there have been significant amendments to the Comprehensive Plan or Zoning Ordinance which will affect the conditional use permit; or
 2. Whether there have been significant land use changes in the vicinity which would adversely impact the project or be adversely impacted by the project; or
 3. Whether community facilities and services remain adequate to serve the project.
- Should the Board of Adjustment decide not to grant the extension request, the Conditional Use Permit shall be null and void and the applicant will be required to start from the beginning of the Conditional Use Permit process.

J. Revocation. If the use and/or occupancy for which the conditional use permit is approved ceases for a period of twenty-four (24) consecutive months, unless otherwise provided for in the Conditional Use Permit, the Conditional Use Permit shall be immediately revoked and shall be automatically null and void.

~~Revocations: If a building permit and/or occupancy permit pertaining to the Conditional Use Permit is not obtained for the subject property of the Conditional Use Permit within one (1) year from the date of the Board of Adjustment's final decision, such Conditional Use Permit shall be immediately revoked and shall be automatically null and void. If the use and/or occupancy for which a conditional use permit is approved ceases for a period of twelve (12) consecutive months, unless otherwise provided for in the Conditional Use Permit, then the Conditional Use Permit shall be immediately revoked and shall be automatically null and void.~~

Sec. 8-5. — Special Uses.

~~A. Procedures:~~

~~1. — A written application for a Special Use Permit indicating the section of this Zoning Code under which the permit is sought and stating the grounds on which it is requested shall be submitted at least twenty one (21) days before the hearing at which the request is to be considered by the Board of Adjustment.~~

~~2. — The Zoning Administrator shall hold a hearing on the special use permit application not less than twenty one (21) days and not more than sixty (60) days from the receipt of the application by the Zoning Administrator, giving notice in accordance with Idaho Code Section 67-6512.~~

~~3. — The public hearing shall be a Type 1 Quasi-Judicial Hearing pursuant to Section 4-10-4 of this Code.~~

~~4. — Prior to granting a Special Use Permit, studies may be required of the social, economic, fiscal, and environmental effects of the proposed use.~~

~~B. Relevant Criteria and Standards. Approval or denial of a Special Use Permit application shall be based upon the following criteria:~~

~~1. — The proposed use is a specially permitted use within the Zoning District.~~

~~2. — The character of the proposed use will be in harmony with the neighborhood and surrounding land uses.~~

~~3. — The proposed use as approved, or as approved with conditions, will not generate nuisances that would be injurious or detrimental to adjoining properties or the neighborhood (including, but not limited to, noise, dust, glare, vibrations, odors, and the like).~~

~~4. — The location, design, and size of the proposed use will be adequately served by existing streets, public facilities and services.~~

~~5. — The proposed use will not endanger the public health or safety if located where proposed.~~

~~6. — The proposed use meets all applicable development standards of the Zoning Code.~~

~~7. — The proposed use will not be in conflict with the Comprehensive Plan.~~

~~C. Reasoned Statement in Writing. Approval or denial of Special Use Permit application shall be in writing, and shall be accompanied by a reasoned statement that explains the criteria and standards considered by the Board of Adjustment to be relevant, the relevant contested facts relied upon, and explains the rationale for the decision based upon the Comprehensive Plan, the Idaho Code, this Code, the U.S. Constitution and the facts in the record. The reasoned statement herein may be in the form of minutes when such minutes are adopted by the Board of Adjustment or may be in the form of a separate written document formally adopted by the~~

~~Board of Adjustment. In every case, a reasoned statement shall be adopted by the Board not more than twenty-one (21) days following the date of approval or denial of the Special Use Permit application.~~

- ~~D. Conditions of approval: The Board of Adjustment may impose conditions including, but not limited to, those (1) minimizing adverse impact on other development; (2) controlling the sequence and timing of development; (3) controlling the duration of development; (4) assuring that development is maintained properly; (5) designating the exact location and nature of development; (6) requiring the provision for on-site or off-site public facilities or services; (7) requiring more restrictive standards than those generally required in an ordinance; and/or (8) requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction.~~
- ~~E. No Precedent or Transfer: A Special Use Permit shall not be considered as establishing a binding precedent to grant other Special Use Permits. A Special Use Permit is not transferable from one (1) parcel of land to another.~~
- ~~F. Final Decision: A decision of the Board of Adjustment granting or denying a Special Use Permit shall become final upon the date of adoption of a reasoned statement in the official records of the Board of Adjustment, or when the Board of Adjustment shall find that making the decision effective immediately is necessary for the preservation of property and/or personal rights and shall so certify on the record, whichever comes first in time. A decision of the Board of Adjustment shall be final, subject to appeal of decision to the Council pursuant to this Code.~~
- ~~G. Compliance:~~
- ~~1. In the event of failure to comply with the plans approved by the Board of Adjustment, or with any conditions imposed upon the Special Use Permit, the permit shall be immediately revoked and shall be automatically null and void.~~
 - ~~2. Where plans are submitted and approved as part of the application for a Special Use Permit, modifications of the original plans may be required by the Board as a condition of approval.~~
 - ~~3. Where plans approved by the Board of Adjustment are modified following such approval, such plan modifications must be determined by City Staff to be in substantial conformance with the plans approved by the Board of Adjustment. If plan modifications are not in substantial conformance, the plan modifications must be resubmitted to the Board of Adjustment for an additional public hearing as an amendment to the Special Use Permit application.~~
- ~~H. Revocations: If a building permit and/or Certificate of Occupancy pertaining to the Special Use Permit is not obtained for the subject property of the Special Use Permit within one (1) year from the date of the Board of Adjustment's final decision, the Special Use Permit shall be immediately revoked and shall be automatically null and void. If the use and/or occupancy for which the special use permit is approved ceases for a period of twelve (12) consecutive months, unless otherwise provided for in the Special Use Permit, then the Special Use Permit shall be immediately revoked and shall be automatically null and void.~~

...

SECTION 4: That Moscow City Code Title 4, Chapter 10 be amended as follows:

...

Sec. 10-7: The Neighborhood Meeting.

A. Purpose.

The purpose of the neighborhood meeting is to allow the developer to present the proposal to neighbors and other members of the public prior to the formal public hearing so that the parties can discuss and consider neighborhood impacts, mitigation, design and construction elements, and the like. A further purpose is to allow developers to have related applications considered concurrently by the hearing bodies.

B. When required.

1. A neighborhood meeting shall be required for each of the land use matters below. Where the applicant desires to file more than one (1) application involving the same project and/or property and desires all related applications to be considered within the same hearing, one (1) neighborhood meeting shall be necessary.

2. A neighborhood meeting shall be required as a pre-requisite to filing of an application with the City for the following land use matters:

- a. Annexation;
- b. Request to amend Comprehensive Plan Map land use designation;
- c. Request to amend Zoning District;
- d. Preliminary Plat;
- e. Planned Unit Development; or
- f. Any combination of the foregoing.

C. Notice of meeting.

1. Notice of the neighborhood meeting shall be given to all property owners of record within six hundred feet (600') of the subject property. Such notice shall be provided at least fourteen (14) days before the first neighborhood meeting regarding the subject property. Notice of the neighborhood meeting shall be made by mail to the current or last known address of the property owners of record. Property owners of record shall be determined by review of records in the possession of Latah County. Alternatively, the City may provide a list of property owners to the applicant upon receipt by City of the proper request form and the appropriate fee.

2. Notice shall include a vicinity map, the general nature of the proposal, the size of the land, the number of lots/dwelling units, the date, time and location of the meeting, and the name, address, telephone number and email address of a contact person.

The neighborhood meeting shall be set at a date, time, and place reasonably calculated to facilitate the attendance of the property owners required to receive notice. Evening meetings during the work week are encouraged.

D. Format.

1. General.

The applicant or applicant's representative shall chair and conduct the meeting according to orderly procedures. The Chair should provide the participants in the neighborhood meeting a fair chance to be heard. The Chair will have the authority to recognize participants in the meeting and to maintain order in the conduct of the neighborhood meeting. Formal rules of evidence will not apply during the neighborhood meeting but the Chair may limit the duration of comments or presentation where necessary to give the broadest number of participants the opportunity to express their views.

2. Order.

The neighborhood meeting shall generally be conducted in the following order; however, the meeting should not be so formal that it precludes or unduly limits participation by those in attendance nor should it be so unruly that information gathering and exchange cannot occur:

- a. Opening of the meeting and a call to order;¹⁵
- b. Introduction of the proposal/project by the applicant and/or the applicant's representatives;¹⁵
- c. Public comments in support of the application;¹⁵
- d. Public comments in opposition of the application;¹⁵
- e. Questions and/or other public testimony;¹⁵
- f. A response of the applicant (if desired by applicant);¹⁵
- g. Any related business; ~~and;~~
- h. Close of the neighborhood meeting.

3. Other.

Conduct by all participating in the neighborhood meeting should be respectful, should avoid personal attack, and should be directed toward gathering and exchanging information regarding the proposal(s).

E. Scope.

Each neighborhood meeting shall be conducted so that those in attendance can discuss the project/proposal which is the subject of the application(s) to be filed. Where more than one (1) application is to be considered in the same public hearing, the meeting shall include discussion of all related matters. For example, where there is to be a submittal for a rezoning along with a preliminary plat, both shall be thoroughly discussed in the neighborhood meeting.

F. Submission of neighborhood meeting materials to City.

1. Time to submit materials.

Neighborhood meeting materials required to be submitted pursuant to this Chapter shall be submitted with the application(s) and relevant fee(s).

2. Materials to be submitted.

The following shall be submitted to the City with the original filing of the land use application(s) and shall constitute part of such land use application(s):

- a. Time, date and location of the neighborhood meeting;¹⁵
- b. Names and addresses of property owners to whom notice was sent;¹⁵
- c. Names and addresses of all attendees;¹⁵
- d. Summary of comments, suggestions and discussion;¹⁵
- e. Applicant's response to comments, suggestions and discussion, including any modifications made or intended to be made to the project proposal/application as a result of the neighborhood meeting comments; ~~and;~~
- f. Materials utilized or submitted (including plans, proposals, designs, power point presentations, maps, handouts, petitions, letters, studies, etc.) shall be submitted with the application for the related project(s).

A verbatim transcript is not required nor is a video and/or audio tape (unless the applicant wishes to submit it). The summary of comments, suggestions and discussion should be extensive enough to allow the reader to understand what occurred.

G. Notice of hearing.

Following receipt by City staff of the required submittals, notice of a public hearing on the related application(s) shall be scheduled before the Planning and Zoning Commission. Notice of such public hearing shall take place not less than ~~thirty-five~~ (3015) days prior to the required public hearing before the Planning and Zoning Commission pursuant to this Code and City policy.

...

SECTION 5: SEVERABILITY. Provisions of this Ordinance shall be deemed severable and the invalidity of any provision of this Ordinance shall not affect the validity of remaining provisions. The remaining sections of Title 4 shall be in full force and effect.

SECTION 6: EFFECT ON OTHER ORDINANCES. Where the definitions contained in this Ordinance are in conflict with relevant portions of the City of Moscow, Idaho, Municipal Code, the definitions contained within those portions of the Moscow Municipal Code will be unaffected until such time, if any, as they are amended to be consistent with this Ordinance.

SECTION 7: EFFECTIVE DATE. This Ordinance shall be effective upon its passage, approval, and publication according to law.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2018.

Bill Lambert, Mayor

ATTEST:

Laurie M. Hopkins, City Clerk

Memo

To: Mayor and City Council
From: Mike Ray, AICP, Planning Manager
Date: July 27, 2018
Re: Amendment of Title 4, Chapters 4, 7, 8, 10 of Moscow City Code Regarding Various Zoning Code Amendments

The Planning and Zoning Commission has been working over the past few months on minor revisions to various sections of the Zoning Code within Chapters 4, 7, 8, and 10. The amendments pertain to Planned Unit Developments, lot frontage and access requirements, expiration periods for certain land use actions, and public notice requirements which are discussed in more detail below.

Access to Lots and Buildings:

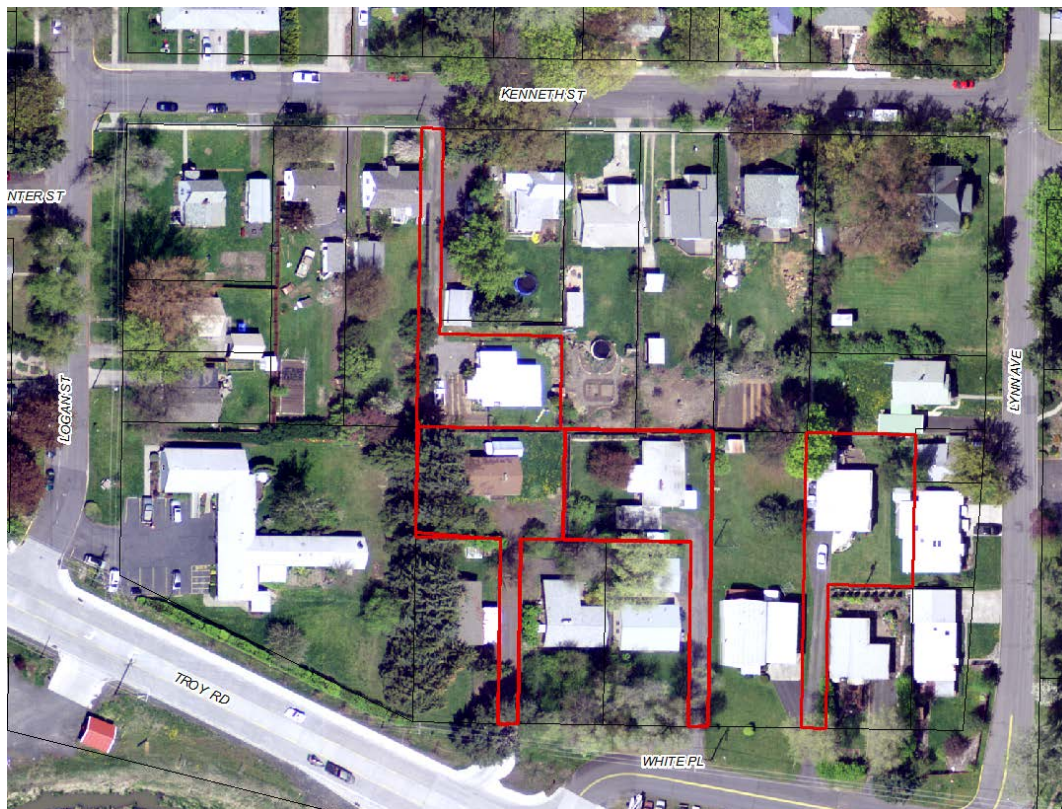
Section 4-5 of the Zoning Code currently contains the requirement that every lot shall abut a public street right-of-way (other than an alley) for a minimum distance of 40 feet with some exceptions. The current exceptions that are listed within the section include lots on cul-de-sacs, flag lots, twinhome lots, townhouse lots, and lots which don't abut a public street right-of-way which were previously approved by City Council.

The current allowance for flag lots specifies that the lot is required to have a flagpole portion of at least 20 feet in width and no more than 150 feet in length. This requirement was likely derived from the International Fire Code, which requires lots to provide Fire Department access. When an access drive exceeds 150 feet in length there is a fire truck turnaround that is typically required. On urban lots within the City, there is often not enough area on the property to be able to satisfy the dimensional requirements of a fire truck turnaround. However, on some of the more rural lots within the City that are within zoning districts which have lots sizes which are an acre or more in area, there is room to accommodate turnarounds.

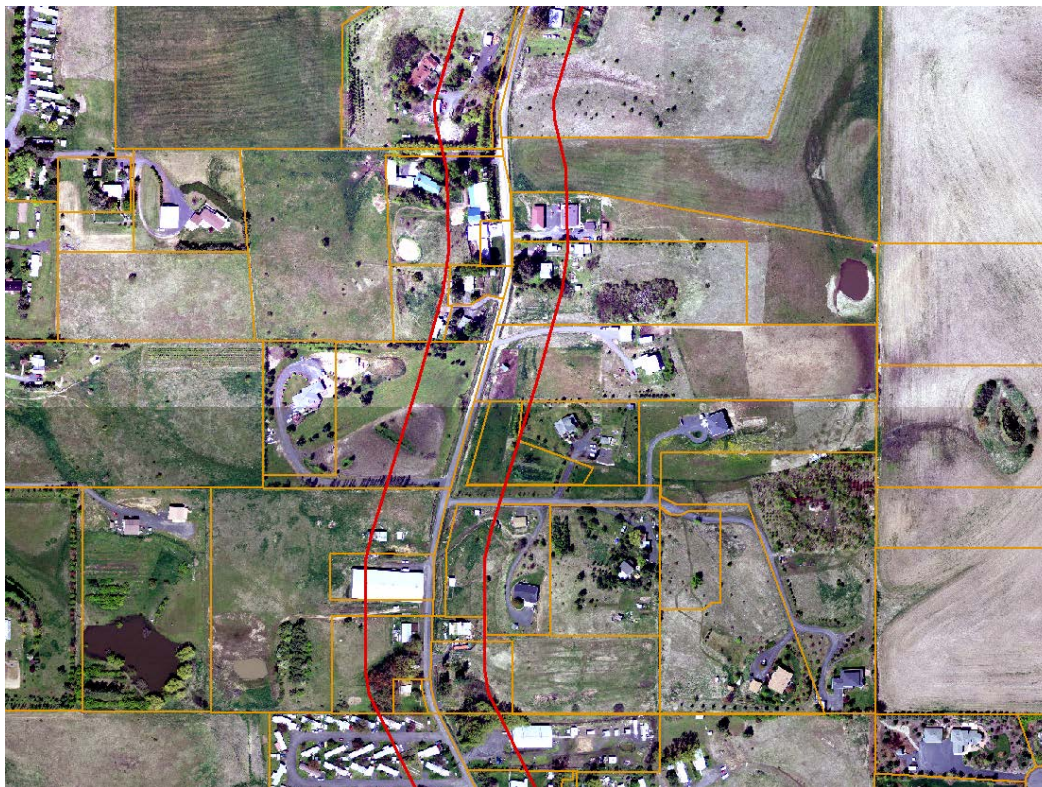
There are a certain areas of the City such as North Polk Extension where the lots were divided to meet lot frontage requirements and many of those lots have exceptionally deep lot depths. These properties are left with a large area at the rear of the lots which has no way of being divided and developed because of the flagpole restrictions. To alleviate this issue, Staff is proposing to insert two new exceptions at the end of the *Access to Lots and Buildings* section. The first proposed exception is to allow lots within the Agriculture/Forestry (AF), Farm Ranch (FR), and Suburban Residential (SR) Zoning Districts to be accessed by a permanent access easement of no less than

twenty feet in width at any point. The second exception is that flag poles and access easements within the Agriculture/Forestry (AF), Farm Ranch (FR), and Suburban Residential (SR) Zoning Districts may be greater than one hundred fifty feet (150') in length as long as sufficient Fire Department access is provided.

This amendment would allow for the creation of additional building lots upon those areas of the City with large lots that are more rural in character. The first image below is an example of some of the flag lots within an urban area of the City utilizing the current flagpole standard and the second image is the area of North Polk Extension where the properties have an exceptionally long depth.



Urban Development of Flag Lots (flagpole portions are no longer than 150 feet)



Lot Configurations Along North Polk Extension (red lines represent a distance of 150 feet from the street)

Planned Unit Developments (PUDs):

After a developer made an inquiry regarding a PUD for a property located within the Neighborhood Business (NB) Zone, it was discovered that there currently is no residential base density for the NB Zone. Upon further examination, there is also nowhere within the PUD chapter that describes which zones are eligible for PUDs. Staff and the Commission reviewed the zoning districts which weren't listed within the residential PUD section and identified the following zones:

- Residential Office (RO)
- Neighborhood Business (NB)
- Research, Technology and Office (RTO)
- Central Business (CB)
- Industrial (I)
- Urban Mixed Commercial (UMC)

In review of the currently unlisted zoning districts, all of the zones appear to be commercial in nature. When the PUD ordinance was originally developed, it was likely during a period when residential uses within commercial zones were limited. Since that time there have been more allowances of residential uses within commercial zones such as residential uses allowed as a permitted use above or behind commercial uses in most zones. Therefore, with the inclusion of the mixture of residential uses within the commercial zones comes the potential for residential PUDs within those zones. In review of the six zones which are currently unlisted, the RO and NB Zones are the most appropriate to add in Staff's opinion. The RTO Zone currently does not

allow residential uses and the Industrial Zone allows for only one dwelling as an accessory use. The CB and UMC Zones as they exist currently, essentially allow for everything that you would go through a PUD process to achieve. There are currently no setback requirements, no parking requirements or a 50% reduction, residential uses are permitted above or behind commercial uses, and residential uses on the ground floor require a Conditional Use Permit (CUP). Therefore, Staff is proposing to insert the RO and NB Zones to the residential base density list and assign 24 dwelling units/acre as the base density, which is the same as other comparable zones. The other aspect of the amendment is to add a section to the beginning of the PUD chapter which clearly states which zones are eligible for PUDs. During discussions with the Planning and Zoning Commission on this section, the Commission wanted the insertion of a statement regarding the incorporation of at least one commercial use located along the primary street frontage. The Commission wanted to highlight the importance that the NB Zone serves in providing pockets of commercial services to surrounding neighborhoods.

Expiration Periods for Certain Land Use Actions:

Chapter 8 is the portion of the Zoning Code which addresses appeals, variances, conditional uses, and special uses. Within each section includes subsections for Procedures, Relevant Criteria and Standards, Reasoned Statement in Writing, Conditions of Approval, No Precedent or Transfer, Final Decision, Compliance, and Revocations. The section that addresses special use permits is being eliminated entirely since the Use Table code amendment, Ordinance 2018-07, consolidated conditional uses and special uses into just conditional uses.

The portion of Chapter 8 that has historically presented challenges for applicants has been the revocations section of the conditional use permit and variance sections. This section pertains to the expiration of the land use action if a building permit is not issued within a year of approval of the action. Some of the larger institutional projects such as schools, churches, public service facilities, and multi-family residential projects have had challenges in the past for meeting this timeframe. Often times, the substantial investment in construction plans, fundraising, and property acquisition happens after the project has received approval through the conditional use permit process since it's uncertain whether the project will be approved or not. For larger projects, one year is not an exceptionally long period of time.

The Commission researched the expiration periods of a number of other jurisdictions in Idaho including Boise, Coeur d'Alene, Meridian, and Lewiston as part of this amendment. It was discovered that most other jurisdictions had a two-year expiration period and that there was also the ability to administratively extend the approval period by another two years. The Commission determined that similar to the other jurisdictions, a two-year approval period that could be extended upon request of the Zoning Administrator by another two years was reasonable. The Commission also wanted the ability for an extension if the initial two-year period and the extension period were close to expiring. This second extension is reviewed by the original decision making body, the Board of Adjustment, and it would not be a public hearing unless there are factors that have changed since the initial approval. The proposed language would give examples of what those factors are which include:

1. Whether there have been significant amendments to the Comprehensive Plan or Zoning Ordinance which will affect the conditional use permit; or
2. Whether there have been significant land use changes in the vicinity which would adversely impact the project or be adversely impacted by the project; or
3. Whether community facilities and services remain adequate to serve the project.

Public Hearing Notice Requirements:

Currently within the Zoning Code there are public hearing notice requirements which vary depending on the land use action. Annexations, Comprehensive Plan Land Use Designation Amendments, Rezones, Preliminary Plats, and PUDs essentially follow the same public hearing process. The entire process generally takes about 4 months to accomplish currently and is described below:

- Neighborhood Meeting
 - Notice all property owners within 600'
 - 14 day notice
- Public Hearing before P&Z
 - Notice all property owners within 600'
 - 30 day notice
 - Posted on-site 7 days in advance of meeting
- Public Hearing before City Council
 - Notice all property owners within 600'
 - 15 day notice
 - Posted on-site 7 days in advance of meeting

The neighborhood meeting process is not a state code requirement and is something that most other jurisdictions do not currently require. The neighborhood meeting is a meeting that the applicant is required to conduct which Staff does not participate in. The purpose of the meeting is for the applicant to meet with property owners in the area to discuss their proposal and to have a discussion and answer any questions that they may have. The applicant is required to have a sign-in sheet and take minutes of what was discussed at the meeting.

After the neighborhood meeting is conducted the applicant then submits all of the neighborhood meeting materials along with the land use application and supplemental materials. The application is then scheduled for public hearing before Planning and Zoning Commission and there is currently a 30-day notice requirement. The 30-day notice requirement is double of what is required by state code, which is only 15-day notice. It has been Staff's experience that the 30-day notice requirement has been excessive and that it may be having the opposite effect since people that are notified may be more likely to forget a meeting that is over a month away. Staff generally takes a week to review the application for completeness prior to sending out notice and would have ample time to complete staff reports if the period was reduced to 15 days.

After Planning and Zoning conducts the hearing a recommendation is forwarded on to City Council and the application is scheduled for public hearing with a 15-day notice requirement. With three opportunities for notification and public input over an

approximately four-month period, the Planning and Zoning Commission is proposing to reduce the current 30-day notice requirement to 15 days for hearings before the Commission.

The Commission conducted a public hearing on this proposed ordinance on July 25, 2018 and unanimously recommended approval to City Council. The proposed ordinance has been scheduled for a public hearing before City Council at the Council's upcoming August 20, 2018 meeting.

MOSCOW CITY COUNCIL AGENDA**Meeting Date:** 08/13/2018**Title:** Vandal Town Block Party Resolutions**Responsible Staff:** Jen Pfiffner

Information

DESCRIPTION: The City of Moscow, University of Idaho and Moscow Chamber of Commerce are hosting the annual Vandal Town Block Party September 7, 2018 in downtown Moscow. The event will welcome back students while celebrating our important community partnerships. The block party is held on Main Street and features live music and local vendors. Local businesses are provided the opportunity to join the Block Party by hosting beer/wine gardens in the Main Street area and through allowed expansion of permitted sidewalk cafés during the event. Both activities require resolutions as approved by the City Council.

Moscow City Code prohibits the possession of alcoholic beverages in public streets and/or public rights-of-way in the City of Moscow except in accordance with specific regulations adopted by Council by way of a Resolution. Staff has included a draft resolution to allow the vending of alcohol within Beer and/or Wine Gardens only during limited hours of the Event for Council consideration. Those hosting beer or wine gardens would need to apply for a catering permit with the City of Moscow in accordance with State Liquor regulations at a cost of \$20.00.

An establishment wishing to temporarily expand its sidewalk cafe for this event only is required to file an amended Sidewalk Cafe Licensed Area site plan to the City Clerk. Written permission from the neighboring business allowing the extension of another business's sidewalk café in front of their business must be included. For those establishments permitted to serve alcohol within their sidewalk cafe, an alcohol catering permit is also required.

STAFF RECOMMENDATION: Review the resolutions, and:

- A. Recommend approval of the resolution allowing beer/wine gardens during the 2018 Vandal Town Block Party.
- B. Recommend approval of the resolution allowing expansion of Sidewalk Cafés during the 2018 Vandal Town Block Party.

PROPOSED ACTIONS: Review the resolutions, and:

- A. Recommend approval of the resolution allowing beer/wine gardens during the 2018 Vandal Town Block Party; or provide staff further direction.
- B. Recommend approval of the resolution allowing expansion of Sidewalk Cafés during the 2018 Vandal Town Block Party; or provide staff further direction.

Necessary Resources/Impacts:

N/A

Attachments

VandalTownBlockPartyBeer-Wine(2018)(pm1)
SidewalkCafeAmendment;VandalTown2018(pm1)0

RESOLUTION NO. 2018 -

A RESOLUTION OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, TO ALLOW FOR THE TEMPORARY VENDING OF BEER AND/OR WINE IN MOSCOW DOWNTOWN CENTRAL BUSINESS ZONING DISTRICT UNDER SPECIFIC REGULATIONS AND UNDER CERTAIN LIMITED CONDITIONS PURSUANT TO MOSCOW CITY CODE SECTION 10-1-12; PROVIDING THIS RESOLUTION TO BE EFFECTIVE UPON ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, Moscow City Code Section 10-1-12 prohibits the possession of alcoholic beverages while present in a public place or a place where the public has permitted access, including public streets and/or public rights-of-way in the City of Moscow, Idaho (hereinafter “CITY”), except in accordance with specific regulations adopted by Council by Resolution; and

WHEREAS, CITY and the Moscow Chamber of Commerce are sponsoring the Vandal Town Block Party September 7, 2018, in downtown Moscow; and

WHEREAS, Vandal Town Block Party (hereinafter “Event”) is an event promoting the close connections between the University of Idaho, Moscow Chamber of Commerce, and CITY; and

WHEREAS, Council wishes to encourage and promote downtown businesses during the event; and

WHEREAS, Moscow Main Street between 2nd and 6th Streets in Moscow is a City Street (hereinafter “the Event Location”); and

WHEREAS, Council wishes to allow for the vending and responsible consumption of beer and/or wine under certain conditions contained herein, and during limited hours during the Event; and

WHEREAS, Council wishes to prohibit the sale and/or consumption of liquor during the Event; and

WHEREAS, Council wishes to grant authority to appropriate CITY staff to approve catering permits for Beer and/or Wine Gardens for the Event; and

WHEREAS, Council believes the regulations contained herein are appropriate; and

WHEREAS, Council believes the specific regulations herein balance the health and safety concerns of citizens, with the desire to promote downtown businesses; and

WHEREAS, Council believes that the specific regulations contained herein balance health and safety concerns of citizens, with the desire to promote responsible use of alcoholic beverages; and

WHEREAS, nothing contained in this Resolution is intended to waive other laws and regulations applicable to the sale and consumption of alcohol within CITY limits; and

WHEREAS, nothing contained within this Resolution is intended to endorse or support any particular belief, philosophy, or political position of any Beer and Wine Garden Sponsor permitted at Event, and/or its affiliates, associations, contributors, supporters, participants, etc.;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Moscow, Idaho as follows:

SPECIFIC REGULATIONS ON THE SALE AND/OR CONSUMPTION OF BEER AND/OR WINE DURING VANDAL TOWN BLOCK PARTY 2018:

Intent:

This Resolution is intended to allow appropriate CITY staff to approve catering permits for Beer and/or Wine Gardens in CITY streets or rights-of-way in Moscow's downtown Central Business Zoning District in appropriate locations approved by CITY staff for the sale and consumption of beer and wine only (and not liquor), pursuant to these specific regulations and is not intended to amend or expand the Moscow City Code or any other applicable law or regulation beyond the scope of the particulars of this Resolution or beyond the hours of the Event. Other than as specifically provided herein, sanitary, health, litter, police, fire, sidewalk café, alcohol vending, and other laws and regulations shall be unaffected by this Resolution. This Resolution shall not establish precedent, nor shall it apply to any event other than the Event held on the 7th day of September, 2018 from 5:30 p.m. to 10:00 p.m. Set-up may begin at 3:00 p.m.; tear-down and clean-up may continue until 11:00 p.m.

Liability, Insurance and Safety:

1. No less than ten (10) days prior to the Event at which the licensed vendor will sell alcohol, the Beer and/or Wine Garden Sponsor shall deliver to the City Clerk one (1) copy of written proof that the licensed vendor has current, paid up, off-premise liquor liability insurance or special event insurance in an amount not less than One Million Dollars (\$1,000,000) combined single limits.
2. CITY shall be named as an additional insured on the insurance policy of the licensed vendor.
3. No less than ten (10) days prior to the Event, the Beer and/or Wine Garden Sponsor shall deliver to the City Clerk the signed original of an agreement with CITY to defend, hold harmless and indemnify CITY, its agents, servants, employees, officers and contractors from any and all claims, causes of action or damages which may arise from the Beer and/or Wine Garden Sponsor's use of the Event Location premises.
4. The Moscow Police Chief or designee is hereby empowered to order the immediate cessation of a Beer and/or Wine Garden Sponsor's activities allowed under this Resolution at any time he/she reasonably determines that it is in the best interest of CITY to do so. There shall be no appeal from a determination by the Moscow Police Chief or his/her designee to terminate all or part of any Beer and/or Wine Garden permitted for Event.

Vendor:

1. There shall be only one (1) licensed vendor of beer and/or wine at in the Beer and/or Wine Garden Sponsor's permitted area;
2. All beer and wine shall be sold only by a licensed vendor;
3. Every licensed vendor shall comply with all alcohol related laws and regulations, including, but not limited to, CITY's requirement of a catering permit;
4. The name, address, telephone number, alcohol license permit number of every licensed vendor, and proof of insurance covering the vendor's activities (as required herein) shall be provided to the City Clerk no less than ten (10) days prior to the Event at which such licensed vendor shall sell alcoholic beverages;
5. CITY shall play no role in determining which vendor shall be selected to sell beer and/or wine in the Permitted Area during the Event described herein;
6. The vendor shall provide at least two (2) persons to check proper identification for those who shall be sold beer and/or wine during the Event. These persons shall be clearly identified and shall be stationed within ten feet (10') of the sales and/or dispensing counter between 5:30 p.m. and 10:00 p.m. while alcoholic beverages are being sold and/or consumed;

Sales and Consumption:

1. No less than ten (10) days prior to the Event at which the licensed vendor will sell beer and/or wine, the Beer and/or Wine Garden Sponsor shall deliver to the City Clerk one (1) copy of a site map which shall be drawn to show the locations, dimensions of, and relative distances between the following: (a) the beer/wine garden within the Street; (b) the barricade, sales and/or dispensing area, consumption area, entry and exit points; (c) identification checking station; and, if any, (d) food sales and service areas. Said site design and any subsequent alterations shall be approved in writing by the Moscow City Supervisor or designee, and by the Moscow Chief of Police or designee prior to the Event;
2. All beer and/or wine sales and consumption shall take place within the area designated by the Beer and/or Wine Garden Sponsor and as shown on the site map required by this Resolution;
3. The designated sales and service area(s) shall be physically separated from the rest of the Event Location by a barricade which is no less than forty four inches (44") tall and which is constructed so no person can pass under, over, or through it except at established entry and exit points located, as shown, on the site map required by this Resolution. All sales, dispensing, service, and consumption shall take place inside the approved barricade area;
4. All food sales and service shall be located outside the approved barricade and have a space of no less than ten feet (10') between the approved barricade and food sales or service area;
5. No person shall be allowed to transport, purchase, consume or possess alcohol in the Permitted Area other than within the area designated for beer and/or wine sales and consumption as shown on the map required by this Resolution;
6. There shall be no more than one (1) entrance and one (1) exit to the area designated for beer and/or wine consumption, as shown on the map required by this Resolution;
7. All beer and/or wine shall be dispensed in and consumed from its original container or a readily identifiable container not more than sixteen ounces (16 oz.) in size which shall not bear a logo for a nonalcoholic beverage;

8. Every occupant within the area(s) designated for beer and/or wine consumption shall provide identification to law enforcement officers or CITY employees who request it;
9. A sign shall be prominently posted at or near all entrances and exits to any area designated for beer and/or wine sales and/or consumption stating to the effect that no alcohol can be consumed within the Permitted Area unless it is purchased within such Permitted Area and that no person under twenty one (21) years of age may purchase, carry, or consume alcohol within the Permitted Area;
10. Beer and/or wine shall be sold only within the designated Beer and/or Wine Garden Sponsor's Permitted Area only between the hours of 5:30 p.m. and 10:00 p.m. on the 7th day of September, 2018;
11. Beer and/or wine shall be consumed only within the designated Beer and/or Wine Garden Sponsor's Permitted Area only between the hours of 5:30 p.m. and 10:00 p.m. on the 7th day of September, 2018, during the Event;
12. No person shall carry or consume an alcoholic beverage within the Beer and/or Wine Garden Sponsor's Permitted Area which is not purchased or dispensed from a licensed vendor at the Event and consumed within the approved consumption area. Consumption of alcohol not purchased within the Beer and/or Wine Garden Sponsor's Permitted Area and outside of the approved consumption area shall be considered a violation of CITY's open container Ordinance.

Failure To Comply:

Failure to comply with this Resolution shall expose any such person to all relevant civil and criminal consequences and may result in denial of subsequent applications for alcohol permits within Moscow for a period of no less than five (5) years.

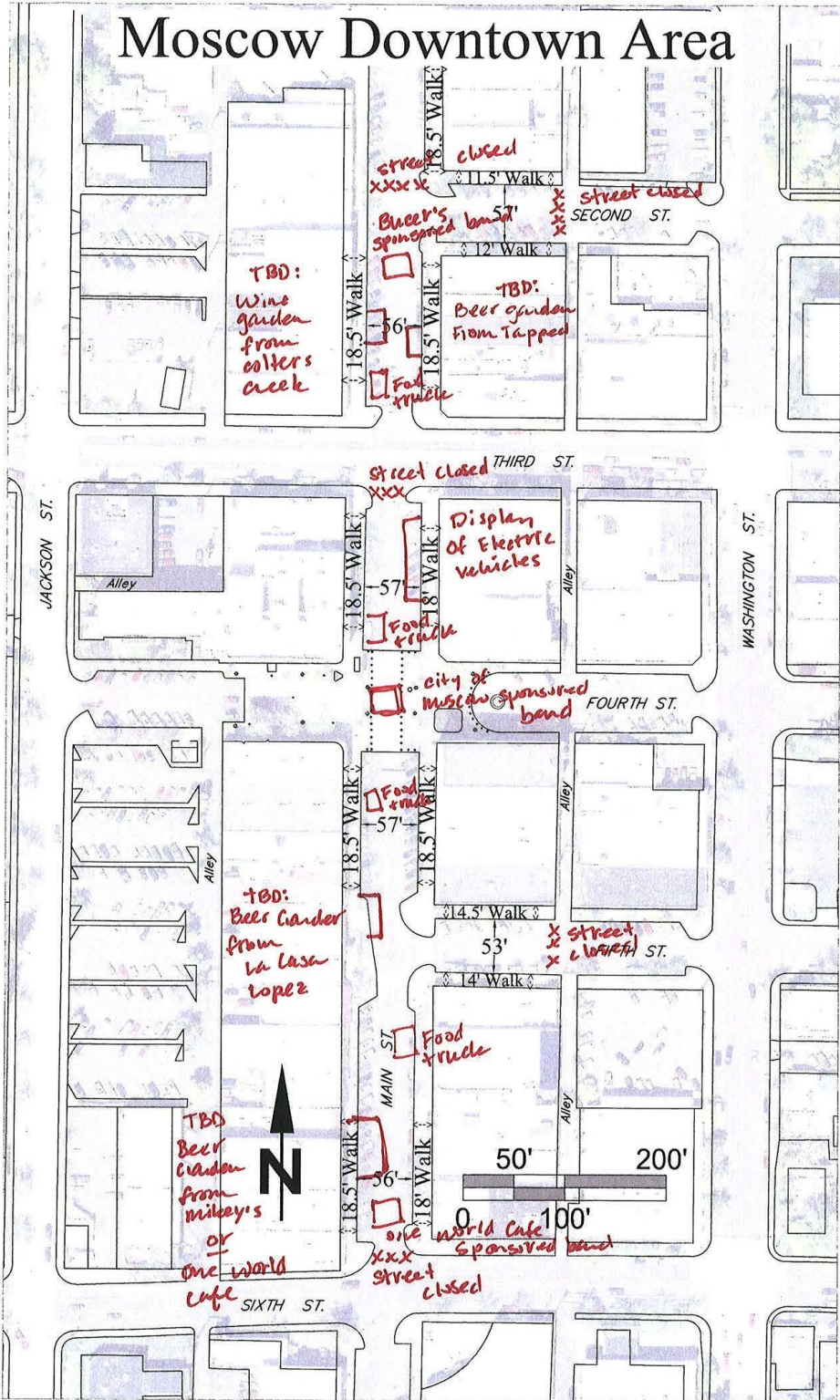
PASSED AND APPROVED by the Mayor of the City of Moscow, Idaho, this _____ day of _____, 2018.

Bill Lambert, Mayor

ATTEST:

Laurie M. Hopkins, City Clerk

Attachment: VandalTownBlockPartyBeer-Wine(2018)(pm1) (1791 : Vandal Town Block Party Resolutions)



RESOLUTION NO. 2018 – __

A RESOLUTION OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, TO ALLOW FOR THE TEMPORARY EXPANSION OF SIDEWALK CAFÉS IN DOWNTOWN MOSCOW UNDER SPECIFIC REGULATIONS AND UNDER LIMITED CONDITIONS PURSUANT TO MOSCOW CITY CODE § 9-12-6(D); PROVIDING THIS RESOLUTION SHALL BE IN EFFECT UPON ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, Moscow City Code § 9-12-6(D) limits the licensed area of a Sidewalk Café to no more than fifty percent (50%) of the unobstructed portion of the abutting sidewalk to the business; and

WHEREAS, the City of Moscow (hereinafter “CITY”) and the Moscow Chamber of Commerce are sponsoring the Vandal Town Block Party (hereinafter “Event”), September 7, 2018, in downtown Moscow; and

WHEREAS, Vandal Town Block Party is an event promoting the close connections between the University of Idaho, Moscow Chamber of Commerce, and CITY; and

WHEREAS, Council wishes to encourage and promote downtown businesses during the event; and

WHEREAS, Council wishes to allow licensed Sidewalk Cafés to expand their operations during the Event with any and all required permits as prescribed by law; and

WHEREAS, Council believes the regulations contained herein are appropriate; and

WHEREAS, Council believes the specific regulations herein balance the health and safety concerns of citizens, with the desire to promote downtown businesses; and

WHEREAS, nothing contained within this Resolution is intended to waive other laws and regulations applicable to Sidewalk Cafés;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Moscow as follows:

Specific regulations for the expansion of Sidewalk Cafés during the Event (Vandal Town Block Party) September 7, 2018.

Intent:

This Resolution is intended to allow the expansion of Sidewalk Café operations pursuant to these specific regulations and is not intended to amend or expand the Moscow City Code or any other applicable law or regulation beyond the scope of the particulars of this Resolution or beyond the day of this Event.

This Resolution is not a waiver of any State, County, or Local requirement of a permit or licensure related to sales and/or distribution of alcohol, including a requirement for a catering permit.

This Resolution shall not establish precedent nor shall it apply to any event other than the permitted Event to be held on the 7th day of September, 2018.

Conditions of Sidewalk Café License:

1. A licensed Sidewalk Café operator, with written permission from an abutting business operator, and if said establishment serving alcohol obtains a proper catering permit, may expand the Sidewalk Café operation to include the unobstructed portion of the abutting sidewalk in front of the neighboring business, up to, but not including, the doorway to the neighboring business;
2. Any Sidewalk Café wishing to expand its Sidewalk Café business during the Event shall be required to file an amended Sidewalk Café Licensed Area Diagram to the City Clerk along with the written permission from the neighboring business allowing the extension of the area in front of the neighboring business;
3. Any Sidewalk Café establishment permitted to serve alcohol shall apply for, and pay for, a catering permit with CITY in accordance with State Alcohol Regulations;
4. Any Sidewalk Café establishment permitted to serve alcohol shall provide delineation of the Licensed Area, consisting of a non-permanent physical barrier such as a railing, potted plants, decorative chain, fence, rope or other physical barrier, as required and approved by CITY; and
5. Failure to comply with this Resolution shall expose any such person to all relevant civil and criminal consequences and may result in denial of subsequent applications for permits for a period of no less than five (5) years.

This Resolution shall become effective as of the _____ day of _____, 2018.

PASSED AND APPROVED by the Mayor of the City of Moscow, Idaho, this _____ day of _____, 2018.

Bill Lambert, Mayor

ATTEST:

Laurie M. Hopkins, City Clerk