

PLANNING & ZONING COMMISSION



Wendy McClure
Commission Chair

~Agenda~

Mike Ray
Staff Liaison

p&z@ci.moscow.id.us

208.883.7008

<http://id-moscow.civicplus.com/agendacenter>

Wednesday
September 25, 2019

7:00 PM

Council Chambers
206 E 3rd Street

Call to order

1. Approval of minutes from September 11, 2019 [ACTION ITEM]

ACTION: Approve minutes as presented; approve minutes with amendments; or provide staff further direction.

2. Public Comment

(Time limit 15 minutes. Members of the Public may speak to the Commission regarding matters NOT on the Agenda nor currently pending before the Planning and Zoning Commission. Please state your name and address for the record and limit your remarks to three minutes.)

3. Review of Sign Code Research [ACTION ITEM]

The Supreme Court Case, Reed vs. Town of Gilbert, in 2015 clarified when municipalities may impose content-based restrictions on signage. There are various places within the Sign Code which apply content-based restrictions and need to be amended to comply with the Supreme Court's ruling. Staff will research other sign codes which have been amended in response to Reed vs. Town of Gilbert and review the findings with the Commission.

ACTION: Review other Municipal Sign Codes and provide Staff further direction as deemed necessary.

4. Review the Draft Ordinance Eliminating the Prohibition on Accessory Dwelling Units having their own Separate Electrical Service [ACTION ITEM]

The Zoning Code currently requires that the electrical service for ADUs shall be extended from the primary dwelling on the property. There have been instances recently where the electrical service has been required to be upgraded in the primary dwelling at a substantial cost in order to extend electricity to the ADU. The Commission will review the draft ordinance eliminating this requirement.

ACTION: Review the draft ordinance and provide Staff further direction as deemed necessary.

5. Review the Draft Ordinance Eliminating the Covered Parking Space Requirement for Single-Family and Two-Family Dwellings [ACTION ITEM]

There is a provision of the off-street parking section of the Zoning Code that requires one of the required off-street parking spaces for single-family and two-family dwellings to be covered or located in a place on the property which could be covered in the future. This requirement is unique to Moscow and has historically presented some challenges with certain projects through the years. The Commission will review the draft ordinance eliminating this requirement.

ACTION: Review the covered parking requirement and provide Staff further direction as deemed necessary.

NOTICE: Moscow City Council Commission meetings can be 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.

6. Continuing Education Video Presentation

ACTION: View the first portion of the video entitled, *Living Tiny Legally Part 1*.

7. Transportation Commission Meeting Report

ACTION: Receive report and provide staff further direction if necessary.

8. Announcements

ACTION: Read any correspondence received and provide staff further direction if necessary.

Adjourn

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Commission Chair

~Meeting Minutes~
September 11, 2019

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The meeting was called to order at 7:00 p.m.

MEMBERS PRESENT: Wendy McClure, Chair; Joel Hamilton, Connie Kimmel, Mike Nelsen, Nels Reese, Victoria Seever

MEMBERS ABSENT: Scott Gropp, Robb Parish, Dennis Wilson

ALSO IN ATTENDANCE: Mike Ray, Brandy Sullivan, Anne Peterson

1. Approval of minutes from August 28, 2019

Seever moved approval of the minutes as presented.

RESULT:	ACCEPTED BY ACCLAMATION
MOVER:	Seever
SECONDER:	Hamilton

2. Public Comment

None.

3. Citizen Survey Questions [ACTION ITEM]

Commissioners reviewed draft questions formulated from last meeting's discussion. Reese said he appreciated the question about a mixture of land uses within walking/biking distance without using the word "density" because it can be interpreted so many ways. Commissioners approved the proposed questions.

4. Review of Potential Changes to the Sign Code for Compliance with the Supreme Court Case of Reed vs. Town of Gilbert [ACTION ITEM]

The Supreme Court Case, Reed vs. Town of Gilbert, in 2015 clarified when municipalities may impose content-based restrictions on signage. There are various places within the Sign Code which apply content-based restrictions and need to be amended to comply with the Supreme Court's ruling.

Ray explained the background of the Reed vs. Gilbert case, the various elements within most sign codes, and which portions of Moscow Sign Code will require changes to become compliant. It is illegal to impose different rules for varying sign categories if the categories are determined by content. Sign regulations not based on content (size, number, location, illumination, on-premises vs. off-premises) are legal. Staff will research what other cities have done in response to this case and bringing some suggested amendments for future review.

5. Review the Single Electrical Service for Accessory Dwelling Units Requirement [ACTION ITEM]

The Zoning Code currently requires that the electrical service for ADUs shall be extended from the primary dwelling on the property. There have been instances recently where the electrical service has been required to be upgraded in the primary dwelling at a substantial cost in order to extend electricity to the ADU. Staff wishes to discuss whether this requirement should be amended to allow a separate service on the ADU.

Ray said the historic rationale for prohibiting separate meters on accessory structures was to prevent them from being turned into illegal dwelling units. However, staff have learned there's often not enough service load in the primary dwelling which requires homeowners to make very expensive service upgrades in order to add a legal ADU on their property. Commissioners couldn't think of any compelling reason to continue the single-meter requirement. Ray will incorporate this change into the draft code amendment eliminating the minimum lot size requirement for ADUs.

6. Review the Covered Parking Space Requirement [ACTION ITEM]

There is a provision of the off-street parking section of the Zoning Code that requires one of the required off-street parking spaces for single-family and two-family dwellings to be covered or located in a place on the property which could be covered in the future. This requirement is unique to Moscow and has historically presented some challenges with certain projects through the years. Staff wishes to discuss whether this requirement should be eliminated or not.

Ray acknowledged that staff have found this requirement to be not terribly useful. Nils Peterson, Moscow Affordable Housing Trust Director, said from the audience that he was in favor of eliminating the covered parking requirement because garages increase the cost of housing units, and the setbacks required for future covered parking uses up usable portions of the building lot, both of which make housing less affordable. Commissioners agreed and directed staff to provide draft amendment language at a future meeting.

7. Continuing Education Discussion

McClure recommended some YouTube videos regarding tiny homes for future viewing and discussion. Links will be posted on the Shared Readings webpage and the Commission will view as a group at an upcoming meeting.

8. Transportation Commission Meeting Report

Hamilton announced tomorrow's agenda items include the A Street Project, Sixth Street Bridge repair and the Third Street bike lanes.

9. Announcements

None.

The meeting adjourned at 8:05 p.m.

Wendy McClure, Chair