Moscow City Council

Regular Meeting
~Minutes~

Laurie M. Hopkins
City Clerk

www.ci.moscow.id.us

208.883.7015

Tuesday, September 8, 2020 **7:00 PM** **Council Chambers**
206 E. Third St.

The meeting was called to order at 7:00 p.m.
PRESENT: Mayor Bill Lambert, Art Bettge, Sandra Kelly, Maureen Laflin, Brandy Sullivan, Gina Taruscio, Anne Zabala
STAFF: Gary J. Riedner, Mia Bautista (video), Bill Belknap (video), Jen Pfiffner (video), David Schott (video), Nathan Suhr (video), Sarah Banks (video), Mike Ray, Tim Davis (video), Tyler Palmer (video), Amanda Argona, Alisa Anderson, Laurie M. Hopkins (video)

PLEDGE OF ALLEGIANCE
Council Member Bettge led the Pledge of Allegiance.

CONSENT AGENDA

1. **All Consent Items (ACTION ITEM)**

   A. **Approval of Moscow City Council August 17, 2020 Minutes - Laurie M. Hopkins**
   Minutes presented for approval.

   ACTION: Approve minutes as presented.

   B. **Personnel Policy, Updated Hiring Policies - Jen Pfiffner**

   The City of Moscow Personnel Policy handbook is in the process of being updated. Policies were last updated and approved in 2014. Updates related to hiring practices, processes and all aspects of becoming an employee at the City of Moscow are presented for consideration. Policy updates include recommendations from ICRMP, legally required language, and are based on current practices that have evolved since the last policy update. All policies are reviewed by the Employee Advisory Committee, Risk Management Team, Department Heads, City Attorney, and City Supervisor.

   A Telecommuting Policy and accompanying Standard Operating Procedure is also being proposed for consideration. This policy has been developed in light of COVID-19 work at home time experienced earlier this year. The policy outlines guidance for telecommuting arrangements that may be made for applicable and appropriate positions for regular work as well as during extenuating circumstances. This was reviewed by the Administrative Committee on August 24, 2020 and recommended for approval.

   ACTION: Approve the proposed updates to Hiring and Telecommuting policies of the City of Moscow's Personnel Policies.

C. Resolution for Destruction of City Records - Laurie M. Hopkins / Gary J. Riedner

In 2008, the City Council adopted Resolution 2008-12 classifying City records as temporary, semi-permanent, and permanent, each with a retention schedule. Idaho Code allows for the destruction of temporary and semi-permanent records according to the retention schedule and the adoption of a resolution listing the various types of records. City Staff from City departments have reviewed retention schedules and current records in order to recommend documents for destruction. The proposed Resolution is based upon the review by participating departments and the list has been reviewed by the City Attorney. This was reviewed by the Administrative Committee on August 24, 2020 and recommended for approval.

ACTION: Approve the resolution for destruction of certain City records.

D. Paradise Creek Flood Hazard Mitigation Study Professional Services Agreement - Bill Belknap

As authorized by City Council, following a flooding event in 2017, the City applied for a Flood Hazard Mitigation Grant to study Paradise Creek from the Troy Highway to Darby Road to assess potential mitigation actions to reduce the risk of property damage within the study area. In January of 2020, the City received notice of award for the grant in the amount of $295,200. The local match for the study totals $98,400 including $46,800 in cash match and $51,600 in in-kind staff time for project administration. The City issued a request for statements of qualifications for a consultant to perform the study. Two responses were received and the review committee recommended the selection of Aspect Consulting for the project. Staff and Aspect have negotiated the professional services agreement scope and budget for the Council's review and approval. It is anticipated that the project will take approximately 14 months to complete. This was reviewed by the Public Works/Finance Committee on August 24, 2020 and recommended for approval.

ACTION: Approve the professional services agreement with Aspect Consulting LLC.

Bettge moved and Taruscio seconded to approve the consent agenda as presented. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

REGULAR AGENDA

2. Staff Recognition Report - Gary J. Riedner

None offered.

3. Mayors Appointments (ACTION ITEM)

None offered.

4. Public Comment and Mayor's Response Period (limit 15 minutes)

Victoria Seever (Moscow) complimented the City on the Lillian Otness Park.

5. Citizen Commission Report - Farmers Market Commission – Amanda Argona / Jamie Hill

Argona introduced Jamie Hill, chair of the Farmers Market Commission. Hill provided statistics on customers and amount of orders during the Motor-In Moscow Farmers Market and also detailed the COVID-19 risk reduction strategies used during the market.

6. PUBLIC HEARING: Gateway on Sixth Addition Rezone, Preliminary Plat, and Planned Unit Development (ACTION ITEM) - Mike Ray

The applicant, J&S Holding Company, LLC, is proposing to subdivide a 2.49-acre area generally located to the north of the intersection of Sixth Street and Deakin Avenue. The proposed preliminary plat would create twenty-seven (27) townhouse parcels ranging from 634 to 638 square feet in size; one (1) Multi-Family Residential (R-4) parcel of 0.37 acres in size; and three (3) Central Business (CB) parcels ranging from 0.20 to 0.29 acres in size, referred to as the Gateway on Sixth Addition. Also included in the proposal is a Planned Unit Development (PUD) on the northern 1.41 acres to construct twenty-seven (27) townhouse dwellings and a 4-story multi-family building containing eighteen (18) dwelling units with enclosed parking on the ground floor. The third component of the application is a request to rezone the subject property from the current combination of Motor Business (MB), Multiple Family Residential (R-4), Central Business (CB), and University (U) Zoning Districts to a combination of the Central Business (CB) and Multiple Family Residential (R-4) Zones.

The Planning and Zoning Commission conducted a public hearing for this matter on July 22, 2020 and recommended approval of the preliminary plat with three (3) conditions and recommended approval of the rezone and PUD with no conditions.

PROPOSED ACTIONS: Conduct the public hearing upon the proposed rezone, PUD, and preliminary plat and upon consideration of any testimony presented:

1. Approve the rezone; or approve the rezone with conditions; or reject the rezone; or take other action as deemed appropriate.
2. In accordance with the decision upon the rezone, adopt the Planning and Zoning Commission's Reasoned Statement of Relevant Criteria; or direct Staff to prepare a Reasoned Statement of Relevant Criteria for the Council's consideration at a future meeting.
3. Approve the PUD for Gateway on Sixth Addition; or approve the PUD with conditions; or reject the PUD; or take other action as deemed appropriate.
4. In accordance with the decision upon the PUD, adopt the Planning and Zoning Commission's Reasoned Statement of Relevant Criteria; or direct Staff to prepare a Reasoned Statement of Relevant Criteria for the Council's consideration at a future meeting.
5. Approve the Gateway on Sixth Addition preliminary plat with the three (3) conditions recommended by staff; or approve the preliminary plat with no conditions; or reject the preliminary plat; or take other action as deemed appropriate.
6. In accordance with the decision upon the preliminary plat, adopt the Planning and Zoning Commission's Reasoned Statement of Relevant Criteria; or direct Staff to prepare a Reasoned Statement of Relevant Criteria for the Council's consideration at a future meeting.

Ray introduced the item as written above and went through specifics of the pertinent designations for the comprehensive plan and zoning. Floor plans, elevations and exterior finishes were detailed. Council clarified access to the property and concern for traffic volumes onto Third Street.

Mayor Lambert opened the public hearing at 7:55 p.m.

James Stephens (Hayden ID) applicant, has been working on this project since 2005. His vision for the project is to create a village that is pedestrian oriented community and private ownership. He didn't want the project as only an infill of students, but a multi-family development, meaning over 55 years

old community. There will be CC&R's in place and on-site management. Leasing of spaces in the two existing parking lots will discontinue and the lots will be used for this development. The apartment building includes 18 spaces in a ground floor enclosed garage.

Chuck McDonald (Moscow) owns the Lilly and Third Street used car lot and says traffic and parking is already an issue. He feels with the construction of this development as well as the credit union opening soon, traffic will be a bigger issue.

Rusty Olps (Moscow) is partner in this development. The existing parking lots are currently full. The proposed development has an additional 18 spaces within the apartment complex. A driveway from the southeast lot onto Asbury should increase circulation of traffic causing the amount of cars to stay the same or decrease.

Stewart Scott (Moscow) likes the concept of a village and the general design. His concern is how to guarantee the availability of the parking for this development and prevent it from being dedicated to the University in the future.

Jamie Hill (Moscow) is concerned about parking for those residents in the existing apartments and where customers of the three commercial lots will park once the lots are developed.

Seever said the intersection of Third and Lilly is a concern and while off-street parking is available it is already difficult to get a plow through the street. She likes the idea of senior living but where would an RV park.

Stephens responded there are two spaces per townhouse and RV's are prohibited. While the University owns the two existing parking lots, Stephens has a 55-year lease for the lots with a purchase to own option. Prior to him leasing the lots, the lots were dedicated to students at the U of I. He opened the lots to the renters as well as the public for leasing but the existing apartment complexes never had a right to the lots. The three commercial parcels are in the Central Business Zoning District (CD) and do not require off-street parking. However, with the extra proposed parking spaces, some parking will be provided. The CB requires commercial on the frontage of Sixth Street. Due to the economic climate, those parcels will be developed last to be sure the businesses are viable.

Mayor Lambert closed the public hearing at 8:20 p.m.

The Council was concerned about parking due to the displacement of existing renters parking spaces. Ray explained there is no obligation that the developer provide open public parking nor is there a responsibility to find parking for the existing renters. The development is less dense than allowed in the zoning district and provides more than the required parking spaces.

Taruscio liked the walk-ability and bike-ability of the development; proximity to downtown; mixed ages community; and fills the need for senior housing. Sullivan hopes there will be less vehicular traffic with the proximity of downtown and the university. Laflin agrees with Taruscio and how it fits into the vision of the city. Feels it is unfortunate he is getting pulled into the parking issue. Zabala appreciates the vision and sees parallels with Identity Moscow and the issues that arose how those issues flow to other neighborhoods. She feels it could exacerbate the issue of parking. Ray responded

Identity Moscow was given a 50% parking reduction for mitigation efforts with electric car share vehicles and bicycle parking. Bettge likes the zoning and infill of non-developed land; connection of Third and Sixth Street; pathways; disagrees the similarity to Identity as this development is providing more parking than necessary; aimed at a more permanent resident; agrees with Sullivan in that close proximity to downtown should reduce the number of vehicular trips. Sullivan also agrees it is not similar to Identity as the development is providing more parking as well as driveways.

Taruscio moved to approve the rezone. Bettge seconded. Riedner clarified staff recommends approval of the ordinance under suspension of the rules requiring three complete and separate readings and be read by title and published by summary. Taruscio and Bettge agreed to the correction. Roll Call Vote: Ayes: Five (5). Nays: One (Zabala). Abstentions: None. Motion carried.

Mayor Lambert read Ordinance 2020-09:
AN ORDINANCE OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ZONING OF APPROXIMATELY ONE POINT ZERO EIGHT (1.08) ACRES OF PROPERTY, DESCRIBED IN SECTION 1, PROPERTY #1 AS CENTRAL BUSINESS (CB); PROVIDING FOR THE ZONING OF APPROXIMATELY TWO POINT THREE SEVEN (2.37) ACRES OF PROPERTY, DESCRIBED IN SECTION 1, PROPERTY #2 AS MULTIPLE FAMILY RESIDENTIAL (R-4); PROVIDING FOR THE ZONING OF APPROXIMATELY ZERO POINT ZERO FIVE (0.05) ACRES OF PROPERTY, DESCRIBED IN SECTION 1, PROPERTY #3 AS MOTOR BUSINESS (MB); PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE BE DEEMED SEVERABLE; PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

Bettge moved to adopt the Planning and Zoning Commission's Reasoned Statement of Relevant Criteria. Taruscio seconded. Roll Call Vote: Ayes: Five (5). Nays: One (Zabala). Abstentions: None. Motion carried.

Sullivan said it is hard to imagine a more thoughtful proposal and moved to approve the PUD for Gateway on Sixth Addition. Taruscio seconded the motion. Roll Call Vote: Ayes: Four (4). Nays: Two (Kelly). Abstentions: None. Motion carried.

Bettge moved and Taruscio seconded to adopt the Planning and Zoning Commission's Reasoned Statement of Relevant Criteria. Roll Call Vote: Ayes: Four (4). Nays: Two (Kelly). Abstentions: None. Motion carried.

Bettge moved and Taruscio seconded to approve the Gateway on Sixth Addition preliminary plat with the three (3) conditions recommended by staff and adopt the Planning and Zoning Commission's Reasoned Statement of Relevant Criteria. Roll Call Vote: Ayes: Four (4). Nays: Two (Kelly). Abstentions: None. Motion carried.

7. PUBLIC HEARING: Community Development Block Grant Application (ACTION ITEM) - Alisa Anderson, Nate Suhr

The City's Capital Improvement Plan (CIP) encourages combining future projects that share common goals to allow for the greatest efficiency and to maximize funding opportunities. These

combined projects are excellent candidates for grant funding and if successful, grant funding can be leveraged to complement local funding and allow projects to be constructed ahead of schedule. After analyzing the Parks and Recreation Capital Improvement Plan, City staff identified four separate projects at both Mountain View and Indian Hills Parks that align well with the goals of the Idaho Community Development Block Grant (ICDBG) program to enhance ADA access to these public park facilities. This was reviewed by the Public Works/Finance Committee on August 24, 2020 and forwarded to the City Council for public hearing on September 8, 2020 and with a recommendation for approval.

PROPOSED ACTIONS: After conducting the public hearing and consideration of testimony, approve submittal of an Idaho Community Development Block Grant application for the Mountain View Park and Indian Hills Park ADA Access Projects to the Idaho Department of Commerce; or take such other action deemed appropriate.

Anderson introduced the item as written above and explained Moscow qualifies for this program as Moscow is 53.7% low to moderate income, criteria is at least 51%.

Suhr explained these projects are proposed for design this Fall and Winter with construction in Spring 2021. He described the projects in each park. Indian Hills will include installation of a restroom and ADA parking. Mountain View park a connector pathway and a restroom remodel. The maximum CDBG Parks Grant award is $225,000 and staff proposes the additional funds from Parks Capital accumulation. Anderson added engineering and inspections will be done in house. Grant administration is an in-kind match at 22,500.

Mayor Lambert opened the public hearing at 9:00 p.m. Hearing no testimony, the hearing was closed at 9:01 p.m.

Zabala is excited for these improvements and moved to approve submittal of an Idaho Community Development Block Grant application for the Mountain View Park and Indian Hills Park ADA Access Projects to the Idaho Department of Commerce. Kelly seconded the motion. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

8. PUBLIC HEARING: Open Budget for Fiscal Year 2019-2020 (FY2020) (ACTION ITEM) - Gary J. Riedner / Sarah Banks

The State of Idaho provides a process for cities to amend the original fiscal year budget appropriation ordinance in accordance with Idaho Code section 50-1003. Throughout the year, the City has received additional federal, and/or state, and/or local grant awards, and the City Council has authorized expenditures, including fleet purchases including a Sewer Jet-Vac truck, police body cameras and equipment for employees working remotely and unanticipated capital projects. Staff is proposing to amend Ordinance 2019-09 in the amount of $2,201,207 to accommodate the authorized appropriations. This was reviewed by the Public Works/Finance Committee on August 24, 2020 and forward the item to the full Council for a public hearing to take place September 8, 2020.

PROPOSED ACTIONS: Approve the Open Budget Ordinance under suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary; or consider the Ordinance on first reading and that it be read by title; or reject the Ordinance; or take such other action deemed appropriate.

Riedner described the open budget process and provided details of the changes as written above. Additionally, the ordinance includes CARES Act monies to provide equipment for employees working remotely.

Mayor Lambert opened the public hearing at 9:08 p.m. Hearing no testimony, the public hearing was closed at 9:09 p.m.

Taruscio moved to approve the Open Budget Ordinance under suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary. Zabala seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Mayor read Ordinance 2020-10:
AN ORDINANCE OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING ORDINANCE NO. 2019 – 09, THE APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020; TO APPROPRIATE MONIES IN THE SUM OF ONE HUNDRED THREE MILLION SIX HUNDRED FORTY-EIGHT THOUSAND TWO HUNDRED FIFTY-TWO DOLLARS ($103,648,252); PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

Mayor Lambert called a recess at 9:11 p.m. The meeting reconvened at 9:15 p.m.

9. Resolution to Extend Public Health Emergency Order 20-04 (ACTION ITEM) - Gary J. Riedner

Pursuant to Moscow City Code Title 1, Chapter 11, Section 5(B), on September 2, 2020, Mayor Lambert issued Public Health Emergency Order 20-04, allowing temporary childcare/tutoring facilities to operate under the definition of a daycare but with certain reduced requirements within the City of Moscow. Pursuant to Idaho Code section 46-1011, and MCC 1-11-5(B), the Public Health Emergency Order is effective for seven (7) days, unless extended by resolution of the City Council. The attached draft resolution extends Emergency Order 20-04 until January 1, 2021.

Following the recent decision of the Moscow School District to have students attend in-class instruction for two days per week with three additional days of on-line instruction due to the COVID-19 pandemic, the City has received a number of calls from daycare providers and others expressing the desire to open tutoring centers to assist children and parents during this extraordinary event. City Staff met to discuss the matter and identify what actions the City could take to assist the community during this event, while also ensuring the safety of the children who may be served by these temporary facilities.

Staff has prepared a temporary Day Care/Tutoring Center proposal to help meet the potential anticipated community need. The proposal was presented to Administrative Committee on August 24, 2020.

PROPOSED ACTIONS: Adopt the resolution extending Public Health Emergency Order 20-04 until January 1, 2021, or take such other action deemed appropriate.

Riedner introduced the item as written above and describing the particular reduced requirements: waiver of the requirement to obtain a conditional use permit for temporary daycares with locations in all commercial and residential zoning districts; issuance of a temporary provider license upon successful passage of the local and ISP background checks; suspension of the requirement for background checks for children 13 years and older who are receiving care at the facility; waiver of the requirement for an outdoor play area; waiver of the 4 hour continuing education requirement suspension of the in-person CPR and first aid training but requiring on-line CPR and first aid training Adult/child ratios will not be changed and will still be enforced.

Laflin asked if encouraging taking kids to parks could be added to the resolution. Riedner responded that some daycares do not transport children as there is too much liability. Encouragement could be added as a recital in the resolution. Laflin was also concerned about specifying specific CPR and first aid classes and proving proof of attendance.

Sullivan would like to see the requirement of a plan submitted, similar to what restaurants provided to the health department. A plan that includes guidelines and checklists as to what the daycare will do to assist in reducing the chance of transmission of the COVID-19 virus. Riedner responded those requirements are not in place for current daycares. If a plan was required, Council would be holding a temporary daycare to a higher standard than a current licensed daycare. Completing online CPR rather than in-person is also being allowed for new employees of current daycares. Sullivan would feel more comfortable calling it a temporary tutoring facility as Moscow is stricter than the state with regulations.

Kelly appreciates the idea of having more places for children to go but also wants to know there is a plan in place for handwashing, etc.

Discussion ensued regarding day care definitions and exclusions (see attached). The primary purpose of this emergency order is due to land use regulations and the requirement for a CUP. Providers are already allowed to have a temporary license prior to the background check being complete.

Bettge is in favor of extending as it provides some level of safety and checks as opposed to having no control, and encourage people to do the right thing and streamline the process.

Bettge moved to adopt the resolution extending Public Health Emergency Order 20-04 until January 1, 2021. Taruscio seconded.

Sullivan said she wants to help but doesn't feel it is the right time to facilitate more options without saying there are certain expectations. Kelly preferred a shorter time such as three weeks and also ask for a plan from those interested in this temporary process. Laflin suggested a shorter time with an expectation a plan will be required at the end of that time period in order to continue.

Bettge called the question. Sullivan seconded call of question. Roll Call Vote for the adoption of the resolution: Ayes: Two (Bettge, Taruscio). Nays: Four. Abstentions: None. Motion failed.

Kelly moved to approve the emergency order for one month to October 5, 2020. The motion died for the lack of second. Laflin offered a motion such as approval of the expansion until October 5 and informing people that more safety precautions will be required. Belknap clarified the only difference between a temporary facility to a permanent facility from a daycare regulation perspective is to allow online CPR which the state waived and waiving the outdoor play area. All other regulations apply. The land use regulations waive the CUP but doesn't address safety protocols, only suitability of the property and public comment. Laflin is struggling with the need to have a place for children to go and the need for a parent to know their kids are safe.

Taruscio feels there is value in the emergency order as it meets the need for parents struggling to find a place for their children. Taruscio moved to extend Public Health Emergency Order 20-04 until December 25. Kelly seconded adding she doesn't like not having anything at all. Discussion ensued regarding termination of the resolution. Laflin suggested a change to the motion from December 25 to either December 7 or 21. Riedner suggested Dec 22 as that is the day after the Council meeting where the issue can be brought back. Laflin moved and Taruscio seconded to amend the motion to December 22, 2020. Roll Call Vote: Ayes: Five. Nays: One (Sullivan). Abstentions: None. Motion carried. Roll Call Vote on original motion to extend the resolution to December 22, 2020: Ayes: Four. Nays: Two (Sullivan, Zabala). Abstentions: None. Motion carried.

10. Solid Waste Franchise Agreement Amendment (ACTION ITEM) - Tim Davis / Tyler Palmer

There are four areas within the Solid Waste Franchise Agreement between the City of Moscow and Latah Sanitation, Inc. (LSI), being proposed to be amended. LSI has requested financial relief from the City for revenue losses experienced from the operations of the Moscow Recycling Center and additional compensation for necessary extra garbage and recycling routes, resulting from the 2016 decision by City Council, electing not to eliminate residential alley collection of solid waste and recycling, as had been proposed by LSI at that time. The current proposal removes tires and household hazardous waste disposal costs from the current miscellaneous rate. These items would be compensated as they had been prior to 2013, as a direct reimbursement to LSI for actual costs of disposal. The City will also relieve LSI of the majority of the recycling education duties and shift the education role in-house for efficiency and cost savings. This was reviewed by the Public Works/Finance Committee on August 24, 2020 and was forwarded to the full Council for discussion.

PROPOSED ACTIONS: Approve the Resolution Amending the Solid Waste Franchise Agreement Exhibits A, C, D E, and G, or take such other action deemed appropriate.

Palmer gave a brief history and Davis detailed each amendment. No questions were asked. Bettge moved to approve the Resolution Amending the Solid Waste Franchise Agreement Exhibits A, C, D E, and G. Kelly seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

11. Update on Governor's Public Safety Grant Initiative and Revision and Acceptance of Updated L-2 and Appropriation Ordinance (ACTION ITEM) - Gary J. Riedner / Sarah Banks

On August 17, 2020, the City Council approved the City's participation in the Governor's Public Safety Grant Initiative (GPSGI) in the amount of $1,646,816 for FY2021. The GPSGI utilizes federal Coronavirus Aid, Relief, and Economic Security (CARES) Act funds. The GPSGI provides

funding for public safety payroll expenses to city and county governments that agreed to participate in the Initiative and further agreed to provide the resulting savings as property tax relief to their taxpayers by foregoing the taxes that would otherwise traditionally have been collected.

On July 6, 2020, the City Council had approved the filing of a Letter of Intent to participate in the GPSGI. The City of Moscow was notified that it had been approved to receive $1,646,816 in GPSGI funds, which includes 3% allowed Administrative Expenses, and Moscow Urban Renewal Agency (MURA) increment, both of which are deducted from the amount to be used for property tax relief.

Staff presented amended FY2021 Appropriations Ordinance 2020-08 which was approved under suspension of the rules requiring three complete and separate readings and that the ordinance be read by title and published by summary. The City Council also authorized the Mayor to execute a revised L-2 Property Tax Certification.

On August 25, 2020, the City was informed by the Idaho State Tax Commission that the amount of the increment to be paid to the Moscow Urban Renewal Agency had been recalculated, which necessitates a further amendment of the FY2021 Appropriations Ordinance and further revision of the L-2 Property Tax Certification. Those revised documents are included in the backup for City Council consideration.

Staff has also received, and is continuing to receive, further guidance regarding the GPSGI. In order to provide for as much time as possible to continue to research the program, Mayor Lambert has requested an extension of time to file the L-2, pursuant to Idaho Code section 63-803(3), in accordance with the attached memo from the City Supervisor.

PROPOSED ACTIONS:

1. Review and approve the draft second revised FY2021 Appropriations Ordinance under suspension of the rules requiring three complete and separate readings and that the ordinance be read by title and published by summary; or take other such action deemed appropriate; and
2. Authorize the Mayor's execution of the revised L-2 property tax certification; or take other such action deemed appropriate.

Riedner introduced the item as written above and explained the error in the amount of the increment for the MURA payment, which is reflected in the proposed ordinance. Treasury requirements have been challenged by some of the county's prosecutors because it may replace revenues, which is prohibited by the original CARES Act. Because the funding is tied to a property tax reduction, that may exceed some of the requirements of the CARES Act. On September 3rd, Idaho Attorney General issued an opinion based upon September 2nd further guidance by the Treasury department which removes some of those road blocks. Besides asking for approval of the revised appropriations ordinance and the updated L-2, Staff is requesting to file the L-2 on the final day for filing in case further information is provided or if any issue with CARES funding is brought forward. The Bonner County Commissioners filed a lawsuit in the U.S. District Court for Northern California which is another reason staff would like to wait until the last possible moment to turn in the L-2.

Taking the CARES Act funding will reduce property taxes for next year. The second year (FY2022), the savings are no longer there and taxes go back up to what they would have been. If Council decides

to take up to 3% allowed by law, that will compound the issue. The tax payors will need as much outreach and education as possible.

Bettge moved to approve the second revised FY2021 Appropriations Ordinance under suspension of the rules requiring three complete and separate readings and that the ordinance be read by title and published by summary. Seconded by Kelly. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Mayor Lambert read Ordinance 2020-11:
AN ORDINANCE REPLACING AND SUPERSEDING ORDINANCE 2020-08, ENTITLED ANNUAL APPROPRIATION ORDINANCE; THIS NEW ORDINANCE IS ENTITLED "AMENDED ANNUAL APPROPRIATION ORDINANCE" APPROPRIATING NINETY-SIX MILLION ONE HUNDRED THIRTY-THREE THOUSAND FIVE HUNDRED THIRTEEN DOLLARS ($96,133,513) FOR THE PURPOSE OF DEFRAYING ALL NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF MOSCOW, LATAH COUNTY, STATE OF IDAHO, FOR THE 2021 FISCAL YEAR BEGINNING THE FIRST DAY OF OCTOBER, 2020, AND ENDING THE THIRTIETH DAY OF SEPTEMBER, 2021, AND ALLOTTING RESOURCES BY FUND FOR SAID APPROPRIATION FOR THE OBJECTS AND PURPOSES SET FORTH IN THIS ORDINANCE; LEVYING AD VALOREM TAXES IN THE AMOUNT OF SEVEN MILLION THREE HUNDRED SIXTY-SIX THOUSAND SIX HUNDRED SIXTY-SIX DOLLARS ($7,366,666) FOR THE 2021 FISCAL YEAR; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE BE DEEMED SEVERABLE; PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

Taruscio moved to authorize the Mayor's execution of the revised L-2 property tax certification and direct staff to hold submission of L-2 until final date due. Kelly seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

REPORTS

Reports were delayed.

ADJOURN TO EXECUTIVE SESSION PER IDAHO CODE 74-206 (1)(C) AND (F) - THE MEETING WILL NOT RECONVENE.

Kelly moved and Taruscio seconded to adjourn to executive session at 10:47 p.m. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Bill Lambert, Mayor

ATTEST:

Laurie M. Hopkins, City Clerk

CITY OF MOSCOW INCORPORATED JULY 12 1887 STATE OF IDAHO

CITY OF MOSCOW
MINUTES OF CITY COUNCIL EXECUTIVE SESSION
September 8, 2020

Present: Mayor Lambert, Art Bettge, Sandra Kelly, Maureen Laflin, Brandy Sullivan, Gina Taruscio, Anne Zabala

Also Present: Gary J. Riedner, City Supervisor; Mia Bautista, City Attorney; Bill Belknap, Deputy City Supervisor

The executive session was called to order at 10:51 p.m.

Item discussed pursuant to I.C. 74-206(1)(B), (C), (F)

The executive session was adjourned at 11:15 p.m.

BEFORE THE CITY COUNCIL
OF THE CITY OF MOSCOW, COUNTY OF LATAH,
STATE OF IDAHO

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS REGARDING A REQUEST FOR A REZONE OF AN APPROXIMATELY THREE POINT FIVE (3.50) ACRE AREA OF LAND GENERALLY LOCATED NORTH OF THE INTERSECTION OF SIXTH STREET AND DEAKIN AVENUE, KNOWN AS GATEWAY ON SIXTH ADDITION TO THE CITY OF MOSCOW, IDAHO.

WHEREAS, the applicant filed an application for a Rezone on June 26, 2020; and

WHEREAS, this matter came before the Moscow Planning and Zoning Commission during a duly noticed public hearing on July 22, 2020; and

WHEREAS, this matter came before the Moscow City Council during a duly noticed public hearing on September 8, 2020; and

WHEREAS, having reviewed the application, including all exhibits entered, and having considered the issues presented by the applicant and the opponents:

THE CITY COUNCIL OF THE CITY OF MOSCOW, IDAHO, AFTER DUE DELIBERATION AND CONSIDERATION, HEREBY CONCLUDES:

I. RELEVANT FACTS AND CONCLUSIONS

1. The City Council considered the request pursuant to the City of Moscow 2009 Comprehensive Plan, City of Moscow Zoning Ordinance, the Local Land Use Planning Act, and other applicable development regulations.

2. The subject property is an approximately three point five (3.50) acre area of land generally located north of the intersection of Sixth Street and Deakin Avenue.

3. The subject property is currently vacant except for two parking lots and access drive on the northeastern portion of the site. Ghormley Park is located to the west of the subject property, self-storage units and Cedar Veterinary Clinic to the north, a multi-family residential neighborhood to the northeast, and Patty's Kitchen Restaurant and the University of Idaho to the south.

4. The subject property is relatively flat and Paradise Creek across Sixth Street and is flows through the property located to the southwest.

5. The subject property is currently designated as Urban Mixed (UM). UM designated areas,

> *"are intended to provide for the infill development and adaptive re-use of areas that surround downtown. Within these areas, a mix of residential and limited commercial uses should be promoted through the development of small urban apartments, townhomes, and two- to three-story vertically mixed-use buildings. The urban mixed area should provide a pedestrian connection between the University of Idaho and downtown, and provide space for*

a variety of housing alternatives, niche retail, restaurants, artist studios, and personal and professional services. Off-street parking should be required, but the requirements should be reduced in this area due to the likely number of non-motorized travel the uses will attract."

6. The residential neighborhood to the east, the commercial corridor along Sixth Street, and Legacy crossing to the southeast are also within the UM designation. Ghormley Park to the west is designated as Parks and Open Space, the University of Idaho campus to the southwest is designated as University (U), and commercial properties to the north are designated as Auto-Urban Commercial (AU-C).

7. Sixth Street is currently designated by the Thoroughfare Plan as a collector street and Lilly Street is designated as a local neighborhood street.

8. The subject property is currently located within the Motor Business (MB), Multiple Family Residential (R-4), Central Business (CB), and University (U) Zoning Districts and is proposed to be rezoned to a combination of Multiple Family Residential (R-4) and Central Business (CB).

9. According to the Zoning Code the R-4 Zoning District is,

   "Provides for the most intense residential land uses permitted in the community. It is to be applied where activity levels are high and adequate public facilities are available, especially near the University of Idaho campus or the City Central Business Zoning District. Adequate transportation access should be given high priority in determining the appropriate location for R-4 zoning districts."

10. Uses permitted within the R-4 Zone include single family dwellings, two family dwellings, twinhomes, townhouses, and multi-family dwellings. Also permitted are professional offices, bed and breakfasts, daycare facilities, and parking lots.

11. The minimum lot size for parcels within the R-4 Zone is 5,000 sf or 800 sf per dwelling unit, whichever is greater, for single-family, two-family, and multi-family dwellings; 2,250 sf for twinhome dwellings; and 1,800 sf for townhouse dwellings. The minimum lot width is for single-family, two-family, and multi-family dwellings is 50 feet; 25 feet for twinhomes; and 18 feet for townhouses.

12. According to the Zoning Code the purpose of the CB Zoning District,

    "is to provide a location for groups of compatible commercial uses having the common characteristic of not involving more than incidental and minimal assembly, fabrication or storage of commodities; for example, establishments dispensing retail commodities, and those providing professional and personal services to the individual. The CB Zoning District is the most intensive commercial Zoning District. To promote pedestrian use, unbroken, street-level, commercial frontage is encouraged in this Zoning District."

13. A wide range of commercial and residential uses are permitted within the CB Zoning District. There is no minimum lot size or width requirements for lots within the CB Zone.

14. As part of the proposed rezone, the City is expanding the rezone area to correct the zoning on three adjacent properties. Properties that contain apartment buildings at 402 and 410 S. Lilly Street have the University (U) Zone extend across them, likely because of the parking lots that were associated with the University of Idaho to the south. The proposal would be to rezone these two properties to the R-4 Zone which would me more appropriate. Also included is another small portion of the U Zone which extends upon the Cedar Veterinary Clinic property. The proposal would be to eliminate the U Zone and rezone the entire property to MB, which most of the property currently is already.

15. The property is considered developable in the City's Comprehensive Water System Plan dated January 2012.

16. The property is considered developable in the City's Comprehensive Water System Plan dated January 2012.

17. The subject property has multiple points of access at various locations. There is an existing driveway access off of Sixth Street which is located directly to the east of Patty's Kitchen. This driveway provides access to the existing parking lot in the southeast corner and also provides a connection to Lilly Street and the alley between Lilly Street and Asbury Street.

18. Sixth Street in this location is currently designated as a collector street and is developed with two travel lanes with designated turn lanes, bike lanes, a new furnishing zone with brick pavers and street trees, and 8 ft. wide sidewalks. Paradise Path is located to the southwest of the subject property and follows Paradise Creek to the west.

19. Lilly Street serves as access from the north of the subject property. The northern parking lot is located at the intersection of Lilly Street and Fourth Street, and Lilly Street essentially terminates into the subject property. The portion of Lilly Street from Third Street to the subject property is developed as a 30 ft wide street with intermittent curb and sidewalk and parking on both sides of the street. The current Idaho Central Credit Union project at the southwest corner of Third Street and Lilly Street will be constructing new curbing, tree lawns, and sidewalks on the entire Lilly Street frontage. Currently there is no curbing, tree lawns or sidewalks on ICCU's frontage on the west side of Lilly Street.

20. The applicant conducted a neighborhood meeting with affected property owners within 600 feet of the subject property on April 14, 2020 to discuss the proposed preliminary plat.

BASED ON THE ABOVE RELEVANT FACTS AND CONCLUSIONS, THE CITY COUNCIL OF THE CITY OF MOSCOW HEREBY FINDS THE FOLLOWING RELEVANT CRITERIA AND STANDARDS:

II. RELEVANT CRITERIA AND STANDARDS

1. **The proposed rezone is consistent with Comprehensive Plan goals, objectives, and implementation actions.** The proposed zoning district is consistent and in conformance with the uses and densities designated within the 2019 Comprehensive Plan. The Urban Mixed (UM) Land Use Designation corresponds with the proposed Multiple Family Residential (R-4) and Central Business (CB) Zones. Therefore, the Council finds that the proposed rezone is consistent with the Comprehensive Plan.

2. **The proposed rezone would provide for the logical and orderly location of land uses and community services and facilities.** The proposed rezone corrects a conglomeration of zoning districts that currently include the Motor Business (MB), Multiple Family Residential (R-4), Central Business (CB), and University (U) Zoning Districts. The CB Zone largely remains the same and the remainder of the property is proposed to be rezoned to R-4, which is consistent with the adjacent residential neighborhood. The CB Zone will remain a continuation of the Sixth Street corridor which primarily contains a mixture of commercial uses.

3. **The uses expected to occur as a result of the rezone will be compatible with the surrounding area.** The proposed zoning is consistent with adjacent zoning districts and will create a logical and orderly zoning configuration for the subject area.

4. **The size, type, and density of development expected to occur as a result of the rezone will not place an undue burden upon delivery of services provided by any political subdivision within the planning jurisdiction.** The proposed zoning and uses are suitable for the area and will not unduly burden the neighborhood of public infrastructure.

5. **The size, type, and density of development expected to occur as a result of the rezone can be adequately served by the existing transportation network, public facilities and services.** The subject property has street frontage on Sixth Street to the south and Lilly Street to the north. There are currently sufficient and available public utility services to meet the needs of the development that would be permitted under the proposed zoning districts. Water and sewer connections are readily available in the area and the property has been determined to be developable in the City's Comprehensive Water and Sewer System Plans.

III. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City Council of the City of Moscow approves the rezone request for the approximately three point five (3.5) acre area of land generally located north of the intersection of Sixth Street and Deakin Avenue with no conditions.

PASSED BY THE CITY COUNCIL OF THE CITY OF MOSCOW this 8th day of September, 2020.

Bill Lambert, Mayor

BEFORE THE CITY COUNCIL
OF THE CITY OF MOSCOW, COUNTY OF LATAH,
STATE OF IDAHO

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS REGARDING A REQUEST FOR A PLANNED UNIT DEVELOPMENT OF AN APPROXIMATELY TWO (2) ACRE AREA OF LAND GENERALLY LOCATED NORTH OF THE INTERSECTION OF SIXTH STREET AND DEAKIN AVENUE, KNOWN AS GATEWAY ON SIXTH WITHIN THE CITY OF MOSCOW, IDAHO.

WHEREAS, the applicant filed an application for a Planned Unit Development (PUD) on June 26, 2020; and

WHEREAS, this matter came before the Moscow Planning and Zoning Commission during a duly noticed public hearing on July 22, 2020; and

WHEREAS, this matter came before the City Council during a duly noticed public hearing on September 8, 2020; and

WHEREAS, having reviewed the application, including all exhibits entered, and having considered the issues presented by the applicant and the opponents:

THE CITY COUNCIL OF THE CITY OF MOSCOW, IDAHO, AFTER DUE DELIBERATION AND CONSIDERATION, HEREBY CONCLUDES:

I. RELEVANT FACTS AND CONCLUSIONS

1. The City Council considered the request pursuant to the City of Moscow 2009 Comprehensive Plan, City of Moscow Zoning Ordinance, the Local Land Use Planning Act, and other applicable development regulations.

2. The subject property is an approximately two (2) acre area of land generally located north of the intersection of Sixth Street and Deakin Avenue.

3. The subject property is currently vacant except for two parking lots and access drive on the northeastern portion of the site. Ghormley Park is located to the west of the subject property, self-storage units and Cedar Veterinary Clinic to the north, a multi-family residential neighborhood to the northeast, and Patty's Kitchen Restaurant and the University of Idaho to the south.

4. The subject property is relatively flat and Paradise Creek across Sixth Street and is flows through the property located to the southwest.

5. The subject property is currently designated as Urban Mixed (UM). UM designated areas,

   "are intended to provide for the infill development and adaptive re-use of areas that surround downtown. Within these areas, a mix of residential and limited commercial uses should be promoted through the development of small urban apartments, townhomes, and two- to three-story vertically mixed-use buildings. The urban mixed area should provide a

pedestrian connection between the University of Idaho and downtown, and provide space for a variety of housing alternatives, niche retail, restaurants, artist studios, and personal and professional services. Off-street parking should be required, but the requirements should be reduced in this area due to the likely number of non-motorized travel the uses will attract."

6. The residential neighborhood to the east, the commercial corridor along Sixth Street, and Legacy crossing to the southeast are also within the UM designation. Ghormley Park to the west is designated as Parks and Open Space, the University of Idaho campus to the southwest is designated as University (U), and commercial properties to the north are designated as Auto-Urban Commercial (AU-C).

7. Sixth Street is currently designated by the Thoroughfare Plan as a collector street and Lilly Street is designated as a local neighborhood street.

8. The subject property is currently located within the Motor Business (MB), Multiple Family Residential (R-4), Central Business (CB), and University (U) Zoning Districts and is proposed to be rezoned to a combination of Multiple Family Residential (R-4) and Central Business (CB).

9. According to the Zoning Code the R-4 Zoning District is,

   "Provides for the most intense residential land uses permitted in the community. It is to be applied where activity levels are high and adequate public facilities are available, especially near the University of Idaho campus or the City Central Business Zoning District. Adequate transportation access should be given high priority in determining the appropriate location for R-4 zoning districts."

10. Uses permitted within the R-4 Zone include single family dwellings, two family dwellings, twinhomes, townhouses, and multi-family dwellings. Also permitted are professional offices, bed and breakfasts, daycare facilities, and parking lots.

11. The minimum lot size for parcels within the R-4 Zone is 5,000 sf or 800 sf per dwelling unit, whichever is greater, for single-family, two-family, and multi-family dwellings; 2,250 sf for twinhome dwellings; and 1,800 sf for townhouse dwellings. The minimum lot width is for single-family, two-family, and multi-family dwellings is 50 feet; 25 feet for twinhomes; and 18 feet for townhouses.

12. According to the Zoning Code the purpose of the CB Zoning District,

    "is to provide a location for groups of compatible commercial uses having the common characteristic of not involving more than incidental and minimal assembly, fabrication or storage of commodities; for example, establishments dispensing retail commodities, and those providing professional and personal services to the individual. The CB Zoning District is the most intensive commercial Zoning District. To promote pedestrian use, unbroken, street-level, commercial frontage is encouraged in this Zoning District."

13. A wide range of commercial and residential uses are permitted within the CB Zoning District. There is no minimum lot size or width requirements for lots within the CB Zone.

14. As part of the proposed rezone, the City is expanding the rezone area to correct the zoning on three adjacent properties. Properties that contain apartment buildings at 402 and 410 S. Lilly Street have the University (U) Zone extend across them, likely because of the parking lots that were associated with the University of Idaho to the south. The proposal would be to rezone these two properties to the R-4 Zone which would me more appropriate. Also included is another small portion of the U Zone which extends upon the Cedar Veterinary Clinic property. The proposal would be to eliminate the U Zone and rezone the entire property to MB, which most of the property currently is already.

15. The concurrently proposing a preliminary plat that would create twenty-seven (27) townhouse parcels; one (1) Multi-Family Residential (R-4) parcel; and three (3) Central Business (CB) parcels ranging from 0.20 to 0.29 acres in size, referred to as the Gateway on Sixth Addition.

16. The minimum lot size for single-family, two-family, and multi-family dwellings parcels within the R-4 Zone is 5,000 sf or 800 sf per dwelling unit, whichever is greater, and 1,800 sf for townhouse dwellings. The minimum lot width is for single-family, two-family, and multi-family dwellings is 50 feet and 18 feet for townhouses. The CB Zone does not specify a minimum lot size or minimum lot width.

17. The applicant is proposing the Planned Unit Development (PUD) on the area which is proposed to be entirely located within the R-4 Zone, which includes the northern 1.41 acres of the main property and the two existing parking lots. The area of the two existing parking lots is 0.60 acres, which brings the total size of the area where the PUD is proposed to approximately 2 acres in size.

18. The applicant is requesting a PUD to allow for a reduction in the minimum lot size and setbacks for the townhouse lots, an increase in the maximum height permitted for the 4-story multi-family building, and to permit the townhouse lots to have frontage on internal courtyard which also serves as emergency services access instead of a public street right-of-way.

19. The proposed townhouse lots range from 634 to 638 square feet in size and range in width from 23.8 to 28.7 feet. The standard minimum lot size for townhouses in the R-4 Zone is 1,800 sf and 18 feet in width. The townhouses are proposed to have no setbacks and extend out to the property lines on all sides. The townhouse setbacks in the R-4 Zone are 15 ft front, 20 ft rear, 0 ft interior side, and 8 ft exterior side. The townhouses are proposed to be three stories with the options of three different floor plans, A, B, and C.

20. The exteriors on the 'A' units will contain a brick veneer on the front façade with a metal bump out for windows, and the rear façade is proposed to be board and batten siding with an additional metal bump out and small deck. The first-floor plan contains the living room, small kitchenette, bedroom, and bathroom. The second floor contains the kitchen and dining area as well as a master bedroom and bathroom. There is an open loft space on the third floor.

21. The exteriors of the 'B' units contain a brick veneer on the front façade with rear board and batten siding. The first-floor plan includes the living room, kitchen, and a bathroom. The second floor contains two bedrooms and a shared bathroom, and the third floor has an additional bedroom, bathroom, and outdoor balcony.

22. The exteriors of the 'C' unit contain a brick veneer on the front façade with rear board and batten siding with a metal bump out and small deck. The first-floor plan contains a single car garage, laundry room, and entry area. The second floor includes the living and kitchen area, bedroom, and bathroom. The third floor is partially open to below and includes one bedroom, a bathroom, and walk-in closet.

23. Six townhouses are adjacent to the northern-most existing parking lot, and the remainder will be accessed via an internal courtyard constructed of permeable pavers that also serves as an emergency services access road.

24. The proposed emergency access drive that also serves as an internal courtyard that begins near the Sixth Street and Deakin Avenue intersection. The access from Sixth Street will be blocked with bollards and only pedestrians, bicyclists, and emergency vehicles are permitted on this portion of the internal courtyard.

25. Also included in the PUD proposal is a Multi-Family Residential (R-4) parcel of 0.37 acres in size that is proposed to be developed with a 4-story multi-family building. The ground floor is proposed to be an enclosed parking garage with 18 parking spaces, bicycle storage, and lobby with access to an elevator and stairs to the upper floors. The second, third, and fourth floors are proposed to be the same floor plan and will contain 6 dwelling units on each floor, totaling 18 units. Each floor will contain two 2-bedroom units that are each 980 sf in size and four 1-bedroom units that are 592 sf each. The total height of the fourth floor is 48.5 ft, which exceeds the 40 ft height limitation in the R-4 Zone.

26. The minimum PUD base density of the R-4 Zone is 24 units per acre. The proposed PUD has a base density of 22.5 units per acre, therefore no density bonuses are required as part of the project.

27. The total number of parking spaces required for the proposed PUD is 80 spaces. Townhouses require 2 spaces per unit, one-bedroom apartments require 1.25 spaces per unit, and two-bedroom apartments require 1.75 spaces per apartment. The applicant has provided 18 parking spaces in the ground floor enclosed garage of the apartment building and there 88 parking spaces proposed within the two existing parking lots, for a total of 106 spaces.

28. The applicant has indicated that there will be property management on-site who will be in charge of parking management.

29. A 6 in. water main currently exists on the east side of Lilly Street and an 8 in. water main extends horizontally across the southern portion of the subject property. A water main will be extended within the internal courtyard which will connect to meter banks to service the townhouses, apartment building, and commercial lots. Private water lines will be extended along the rear of the townhouses and connected to the water meter banks.

30. The property is considered developable in the City's Comprehensive Water System Plan dated January 2012. The Engineering Department has determined that the existing system has adequate potable and fire flows to serve the proposed development.

31. The property is considered developable in the City's Comprehensive Water System Plan dated January 2012. Public Works has determined that the existing system has adequate potable and fire flows to serve the proposed development.

32. It is anticipated that under commonly observed residential household water use within the City (114 gallons per day per occupant) that the proposed development could be reasonably anticipated to use approximately 4.21 million gallons of water per year (45 du x 2.25 occupants/du x 114 gallons/occupant x 365 days/year = 4.21 million gallons/year).

33. Sanitary sewer is proposed to be extended throughout the proposed development within the internal courtyard/emergency access drive corridors. An 8 in. PVC main will be extended through the development to eventually connect to a 24 in. main that extends in the northwesterly direction across Ghormley Park to the west.

34. The Engineering Department has determined that the system has adequate capacity to convey the additional flow from the development. The subject property is considered developable in the Comprehensive Sewer System Plan dated September 2011.

35. Trench drains within the permeable pavement system that makes up the internal courtyard/emergency services access drive collect the storm sewer and eventually convey it to an existing 30 in. storm drain in the north side sidewalk in Sixth Street. The detention facilities of the proposed development will need to meet Moscow's Stormwater Runoff Control Standards which required the stormwater to be detained to the pre-development rate.

36. The subject property has multiple points of access at various locations. There is an existing driveway access off of Sixth Street which is located directly to the east of Patty's Kitchen. This driveway provides access to the existing parking lot in the southeast corner and also provides a connection to Lilly Street and the alley between Lilly Street and Asbury Street.

37. As part of the proposed PUD, there will be a curb cut and emergency access drive constructed in close proximity to the Sixth Street and Deakin Avenue intersection. This is a secondary approach onto Sixth Street and will only serve as pedestrian, bicycle, and emergency services access. Sixth Street in this location is currently designated as a collector street and is developed with two travel lanes with designated turn lanes, bike lanes, a new furnishing zone with brick pavers and street trees, and 8 ft. wide sidewalks. Paradise Path is located to the southwest of the subject property and follows Paradise Creek to the west.

38. Lilly Street serves as access from the north of the subject property. The northern parking lot is located at the intersection of Lilly Street and Fourth Street, and Lilly Street essentially terminates into the subject property. The portion of Lilly Street from Third Street to the subject property is developed as a 30 ft wide street with intermittent curb and sidewalk and parking on both sides of the street. The current Idaho Central Credit Union project at the southwest corner of Third Street and Lilly Street will be constructing new curbing, tree lawns, and sidewalks on the entire Lilly Street frontage. Currently there is no curbing, tree lawns or sidewalks on ICCU's frontage on the west side of Lilly Street.

39. The proposed PUD and subdivision plat are within the requirements of the parkland dedication codes of the City. The net developable area is 2.49 acres and is zoned a combination of CB and R-4, which require a 9% parkland dedication requirement. This results in a dedication requirement of 9,780 sf (0.037 acres), or at the current value of $13,500/acre, $3,032.00. The property owner is requesting a City/Property Owner cooperative project that includes a pedestrian/bicycle pathway connection from Sixth Street to the Ghormley Park parking lot, providing access to Third Street. The first phase would be from Sixth Street to the northwest corner of the project, utilizing a cost-share approach. The second phase would complete the connecting pathway to the Ghormley Park parking lot, at the City's expense. The property owner's investment into the first phase would far exceed the parkland dedication requirement of $3,032 and would satisfy all parkland dedication requirements.

40. The project proposal was reviewed by the Parks and Recreation Commission on June 25, 2020, and the Pathways Commission on July 14, 2020, and both supported the parkland dedication/plan proposal. Parks and Recreation Staff are also recommending approval of the proposal.

41. The applicant conducted a neighborhood meeting with affected property owners within 600 feet of the subject property on April 14, 2020 to discuss the proposed preliminary plat.

BASED ON THE ABOVE RELEVANT FACTS AND CONCLUSIONS, THE CITY COUNCIL OF THE CITY OF MOSCOW HEREBY FINDS THE FOLLOWING RELEVANT CRITERIA AND STANDARDS:

II. RELEVANT CRITERIA AND STANDARDS

1. **The proposed PUD is consistent with the Comprehensive Plan.** The proposed PUD is consistent with the uses and densities designated within the 2019 Comprehensive Plan. The Urban Mixed (UM) designation is intended to provide for the infill development and adaptive re-use of areas that surround downtown. Within these areas, a mix of residential and limited commercial uses should be promoted through the development of small urban apartments,

townhomes, and two- to three-story vertically mixed-use buildings. The PUD also contributes to providing a pedestrian connection between the University of Idaho and downtown. Therefore, the Council finds that the proposed PUD is consistent with the Comprehensive Plan.

2. **The proposed PUD is consistent with the intents and purposes of this Chapter.** The proposed PUD meets the intent of the PUD chapter to permit and encourage innovative, economical, and attractive development; which includes land uses which harmonize with natural features and constraints; which promotes efficient, innovative, economical, attractive, and environmentally sensitive development; and which efficiently phases and locates public and private services and facilities. The proposed mixed-use PUD is an attractive development which utilizes an oddly-shaped property to orient linear townhouses adjacent to Ghormley Park and an existing parking lot. The proposed PUD creates twenty-seven (27) townhouses on smaller lots, which creates a different housing type and more affordable housing options in the City. The 4-story apartment building provides a parking garage and a more urban residential living option for residents.

3. **The proposed PUD is compatible with the character and uses in the surrounding area.** The PUD is consistent with the surrounding area which is primarily a mixture of residential and commercial developments. The proposed PUD provides for development of the subject property, including the general construction and alignment of the pedestrian connection and emergency services access drive between the University of Idaho and downtown.

4. **Public services and utilities are available or can be made available and are adequate to accommodate the proposed PUD.** Public Works has indicated that water, sanitary sewer, and storm sewer systems are readily available in the area and can accommodate the proposed PUD. The subject property has been determined to be developable in the 2012 Comprehensive Water System Plan and the 2011 Comprehensive Sewer System Plan. The subject property has multiple points of access at various locations. There is an existing driveway access off of Sixth Street which is located directly to the east of Patty's Kitchen. An internal courtyard/emergency access drive is also proposed to be constructed in close proximity to the Sixth Street and Deakin Avenue intersection. Lilly Street serves as access from the north of the subject property.

5. **The proposed PUD will not endanger the public health or safety.** There is no evidence that the proposed PUD would have an impact on the public health and safety. The proposed PUD will help serve the need of providing a more affordable housing option of single-family homes on smaller lots.

6. **The residential densities, proposed land uses, and design proposed within the PUD promote the innovative, efficient, economic and attractive development of the subject property.** The proposed PUD with twenty-seven (27) townhouses on smaller lots ranging from 634 to 638 square feet in size provides an efficient and economical home ownership opportunity which is currently limited in the City. The proposed townhouses will have three design options which are attractive and will provide a quality product on smaller lots which are served by an internal courtyard.

III. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City Council of the City of Moscow approves the PUD request for the approximately two (2) acre area of land generally located north of the intersection of Sixth Street and Deakin Avenue with no conditions.

PASSED BY THE CITY COUNCIL OF THE CITY OF MOSCOW this 8th day of September, 2020.

Bill Lambert, Mayor

BEFORE THE CITY COUNCIL
OF THE CITY OF MOSCOW, COUNTY OF LATAH,
STATE OF IDAHO

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS REGARDING A REQUEST FOR A PRELIMINARY SUBDIVISION PLAT OF A TWO POINT FOUR NINE (2.49) ACRE AREA OF LAND GENERALLY LOCATED NORTH OF THE INTERSECTION OF SIXTH STREET AND DEAKIN AVENUE, KNOWN AS GATEWAY ON SIXTH ADDITION TO THE CITY OF MOSCOW, IDAHO.

WHEREAS, the applicant filed an application for a Preliminary Subdivision Plat on June 26, 2020; and

WHEREAS, this matter came before the Moscow Planning and Zoning Commission during a duly noticed public hearing on July 22, 2020; and

WHEREAS, this matter came before the Moscow City Council during a duly noticed public hearing on September 8, 2020; and

WHEREAS, having reviewed the application, including all exhibits entered, and having considered the issues presented by the applicant and the opponents:

THE CITY COUNCIL OF THE CITY OF MOSCOW, IDAHO, AFTER DUE DELIBERATION AND CONSIDERATION, HEREBY CONCLUDES:

I. RELEVANT FACTS AND CONCLUSIONS

1. The City Council considered the request pursuant to the City of Moscow 2009 Comprehensive Plan, City of Moscow Zoning Ordinance, the Local Land Use Planning Act, and other applicable development regulations.

2. The subject property is a two point four-nine (2.49) acre area of land generally located north of the intersection of Sixth Street and Deakin Avenue.

3. The subject property is currently vacant except for two parking lots and access drive on the northeastern portion of the site. Ghormley Park is located to the west of the subject property, self-storage units and Cedar Veterinary Clinic to the north, a multi-family residential neighborhood to the northeast, and Patty's Kitchen Restaurant and the University of Idaho to the south.

4. The subject property is relatively flat and Paradise Creek across Sixth Street and is flows through the property located to the southwest.

5. The subject property is currently designated as Urban Mixed (UM). UM designated areas,

   "are intended to provide for the infill development and adaptive re-use of areas that surround downtown. Within these areas, a mix of residential and limited commercial uses should be promoted through the development of small urban apartments, townhomes, and two- to three-story vertically mixed-use buildings. The urban mixed area should provide a

pedestrian connection between the University of Idaho and downtown, and provide space for a variety of housing alternatives, niche retail, restaurants, artist studios, and personal and professional services. Off-street parking should be required, but the requirements should be reduced in this area due to the likely number of non-motorized travel the uses will attract."

6. The residential neighborhood to the east, the commercial corridor along Sixth Street, and Legacy crossing to the southeast are also within the UM designation. Ghormley Park to the west is designated as Parks and Open Space, the University of Idaho campus to the southwest is designated as University (U), and commercial properties to the north are designated as Auto-Urban Commercial (AU-C).

7. Sixth Street is currently designated by the Thoroughfare Plan as a collector street and Lilly Street is designated as a local neighborhood street.

8. The subject property is currently located within the Motor Business (MB), Multiple Family Residential (R-4), Central Business (CB), and University (U) Zoning Districts and is proposed to be rezoned to a combination of Multiple Family Residential (R-4) and Central Business (CB).

9. According to the Zoning Code the R-4 Zoning District is,

   "Provides for the most intense residential land uses permitted in the community. It is to be applied where activity levels are high and adequate public facilities are available, especially near the University of Idaho campus or the City Central Business Zoning District. Adequate transportation access should be given high priority in determining the appropriate location for R-4 zoning districts."

10. Uses permitted within the R-4 Zone include single family dwellings, two family dwellings, twinhomes, townhouses, and multi-family dwellings. Also permitted are professional offices, bed and breakfasts, daycare facilities, and parking lots.

11. The minimum lot size for parcels within the R-4 Zone is 5,000 sf or 800 sf per dwelling unit, whichever is greater, for single-family, two-family, and multi-family dwellings; 2,250 sf for twinhome dwellings; and 1,800 sf for townhouse dwellings. The minimum lot width is for single-family, two-family, and multi-family dwellings is 50 feet; 25 feet for twinhomes; and 18 feet for townhouses.

12. According to the Zoning Code the purpose of the CB Zoning District,

    "is to provide a location for groups of compatible commercial uses having the common characteristic of not involving more than incidental and minimal assembly, fabrication or storage of commodities; for example, establishments dispensing retail commodities, and those providing professional and personal services to the individual. The CB Zoning District is the most intensive commercial Zoning District. To promote pedestrian use, unbroken, street-level, commercial frontage is encouraged in this Zoning District."

13. A wide range of commercial and residential uses are permitted within the CB Zoning District. There is no minimum lot size or width requirements for lots within the CB Zone.

14. As part of the proposed rezone, the City is expanding the rezone area to correct the zoning on three adjacent properties. Properties that contain apartment buildings at 402 and 410 S. Lilly Street have the University (U) Zone extend across them, likely because of the parking lots that were associated with the University of Idaho to the south. The proposal would be to rezone these two properties to the R-4 Zone which would me more appropriate. Also included is another small portion of the U Zone which extends upon the Cedar Veterinary Clinic property. The proposal

would be to eliminate the U Zone and rezone the entire property to MB, which most of the property currently is already.

15. The proposed preliminary plat would create twenty-seven (27) townhouse parcels; one (1) Multi-Family Residential (R-4) parcel; and three (3) Central Business (CB) parcels ranging from 0.20 to 0.29 acres in size, referred to as the Gateway on Sixth Addition.

16. The minimum lot size for single-family, two-family, and multi-family dwellings parcels within the R-4 Zone is 5,000 sf or 800 sf per dwelling unit, whichever is greater, and 1,800 sf for townhouse dwellings. The minimum lot width is for single-family, two-family, and multi-family dwellings is 50 feet and 18 feet for townhouses. The CB Zone does not specify a minimum lot size or minimum lot width.

17. The applicant is concurrently proposing a Planned Unit Development (PUD) on the area which is proposed to be entirely located within the R-4 Zone, which includes the northern 1.41 acres of the main property and the two existing parking lots. The area of the two existing parking lots is 0.60 acres, which brings the total size of the area where the PUD is proposed to approximately 2 acres in size.

18. The applicant is requesting a PUD to allow for a reduction in the minimum lot size and setbacks for the townhouse lots, an increase in the maximum height permitted for the 4-story multi-family building, and to permit the townhouse lots to have frontage on internal courtyard which also serves as emergency services access instead of a public street right-of-way.

19. The proposed townhouse lots range from 634 to 638 square feet in size and range in width from 23.8 to 28.7 feet. The standard minimum lot size for townhouses in the R-4 Zone is 1,800 sf and 18 feet in width.

20. The three commercial lots that are located within the CB Zone are also included in the proposed preliminary plat. The area, which is adjacent to Sixth Street, is 1.08 acres in size and is proposed to be divided into three lots of 0.29, 0.29, and 0.20 acres in size. The primary vehicular access will be via the existing driveway directly to the east of Patty's Kitchen, which currently leads to the southernmost parking area and eventually connects to Lilly Street. There is a proposed emergency access drive that also serves as an internal courtyard that begins near the Sixth Street and Deakin Avenue intersection. The access from Sixth Street will be blocked with bollards and only pedestrians, bicyclists, and emergency vehicles are permitted on this portion of the internal courtyard.

21. A 6 in. water main currently exists on the east side of Lilly Street and an 8 in. water main extends horizontally across the southern portion of the subject property. A water main will be extended within the internal courtyard which will connect to meter banks to service the townhouses, apartment building, and commercial lots. Private water lines will be extended along the rear of the townhouses and connected to the water meter banks.

22. The property is considered developable in the City's Comprehensive Water System Plan dated January 2012. The Engineering Department has determined that the existing system has adequate potable and fire flows to serve the proposed subdivision.

23. The property is considered developable in the City's Comprehensive Water System Plan dated January 2012. Public Works has determined that the existing system has adequate potable and fire flows to serve the proposed subdivision.

24. It is anticipated that under commonly observed residential household water use within the City (114 gallons per day per occupant) that the proposed development could be reasonably

anticipated to use approximately 4.21 million gallons of water per year (45 du x 2.25 occupants/du x 114 gallons/occupant x 365 days/year = 4.21 million gallons/year).

25. Sanitary sewer is proposed to be extended throughout the proposed development within the internal courtyard/emergency access drive corridors. An 8 in. PVC main will be extended through the development to eventually connect to a 24 in. main that extends in the northwesterly direction across Ghormley Park to the west.

26. The Engineering Department has determined that the system has adequate capacity to convey the additional flow from the development. The subject property is considered developable in the Comprehensive Sewer System Plan dated September 2011.

27. Trench drains within the permeable pavement system that makes up the internal courtyard/emergency services access drive collect the storm sewer and eventually convey it to an existing 30 in. storm drain in the north side sidewalk in Sixth Street. The detention facilities of the proposed development will need to meet Moscow's Stormwater Runoff Control Standards which required the stormwater to be detained to the pre-development rate.

28. The subject property has multiple points of access at various locations. There is an existing driveway access off of Sixth Street which is located directly to the east of Patty's Kitchen. This driveway provides access to the existing parking lot in the southeast corner and also provides a connection to Lilly Street and the alley between Lilly Street and Asbury Street.

29. As part of the proposed subdivision, there will be a curb cut and emergency access drive constructed in close proximity to the Sixth Street and Deakin Avenue intersection. This is a secondary approach onto Sixth Street and will only serve as pedestrian, bicycle, and emergency services access. Sixth Street in this location is currently designated as a collector street and is developed with two travel lanes with designated turn lanes, bike lanes, a new furnishing zone with brick pavers and street trees, and 8 ft. wide sidewalks. Paradise Path is located to the southwest of the subject property and follows Paradise Creek to the west.

30. Lilly Street serves as access from the north of the subject property. The northern parking lot is located at the intersection of Lilly Street and Fourth Street, and Lilly Street essentially terminates into the subject property. The portion of Lilly Street from Third Street to the subject property is developed as a 30 ft wide street with intermittent curb and sidewalk and parking on both sides of the street. The current Idaho Central Credit Union project at the southwest corner of Third Street and Lilly Street will be constructing new curbing, tree lawns, and sidewalks on the entire Lilly Street frontage. Currently there is no curbing, tree lawns or sidewalks on ICCU's frontage on the west side of Lilly Street.

31. The proposed subdivision falls under the requirements of the parkland dedication codes of the City. The net developable area is 2.49 acres and is zoned a combination of CB and R-4, which require a 9% parkland dedication requirement. This results in a dedication requirement of 9,780 sf (0.037 acres), or at the current value of $13,500/acre, $3,032.00. The property owner is requesting a City/Property Owner cooperative project that includes a pedestrian/bicycle pathway connection from Sixth Street to the Ghormley Park parking lot, providing access to Third Street. The first phase would be from Sixth Street to the northwest corner of the project, utilizing a cost-share approach. The second phase would complete the connecting pathway to the Ghormley Park parking lot, at the City's expense. The property owner's investment into the first phase would far exceed the parkland dedication requirement of $3,032 and would satisfy all parkland dedication requirements.

32. The project proposal was reviewed by the Parks and Recreation Commission on June 25, 2020, and the Pathways Commission on July 14, 2020, and both supported the parkland dedication/plan proposal. Parks and Recreation Staff are also recommending approval of the proposal.

33. The applicant conducted a neighborhood meeting with affected property owners within 600 feet of the subject property on April 14, 2020 to discuss the proposed preliminary plat.

BASED ON THE ABOVE RELEVANT FACTS AND CONCLUSIONS, THE CITY COUNCIL OF THE CITY OF MOSCOW HEREBY FINDS THE FOLLOWING RELEVANT CRITERIA AND STANDARDS:

II. RELEVANT CRITERIA AND STANDARDS

1. **This plat is not contradictory to the Moscow Comprehensive Plan.** The proposed preliminary plat is consistent with the uses and densities designated within the 2019 Comprehensive Plan. The Urban Mixed (UM) designation is intended to provide for the infill development and adaptive re-use of areas that surround downtown, which the preliminary plat is intended to accomplish. The proposed plat also contributes to providing a pedestrian connection between the University of Idaho and downtown.

2. **This plat is compatible with the Moscow Zoning Ordinance.** The applicant is concurrently requesting a PUD in order to allow a reduction in the minimum lot size and to permit the townhouse lots to have frontage on internal courtyard which also serves as emergency services access instead of a public street right-of-way. All other Zoning Code requirements will be met as part of the proposal.

3. **This plat is compatible with the Moscow Subdivision Ordinance.** The proposed preliminary plat is consistent and in conformance with the general requirements of the Moscow Subdivision Ordinance including, but not limited to, the provision of the logical and orderly connection to the City's street network, public utilities, and the provision of public parkland.

4. **This plat is considerate of the natural features of the subject land.** The proposed preliminary plat provides for development of the subject property, including the general construction and alignment of the internal courtyard/emergency services access drive in conformance and consideration of the natural contours of the subject property.

5. **This plat is not expected to place an undue burden on public services and infrastructure, and does not pose an apparent threat to the public health, safety or welfare.** The subject property has property frontage on Sixth Street to the south and Lilly Street to the north. An additional emergency services access drive is proposed to be constructed that will connect Sixth Street and Lilly Street and also provide internal access to the proposed lots. There are currently sufficient and available public utility services to meet the needs of the proposed development. Water and sewer connections are readily available in the area and the property has been determined to be developable in the City's Comprehensive Water and Sewer System Plans.

6. **Other: None.**

III. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City Council of the City of Moscow approves the preliminary subdivision plat request for the two point four-nine (2.49) acre area of land generally located north of the intersection of Sixth Street and Deakin Avenue with the following conditions:

Engineering:

1. The water line tap design for the 4-story multi-family property will need to be revised to come directly from a City water main instead of a dedicated fire hydrant line, as is currently proposed.
2. All water lines from water main to each water meter and each fire hydrant are required to be within a City easement to allow access.
3. The access drive at the southwest end of the property near the Sixth Street and Deakin Avenue intersection is limited to emergency vehicle and pedestrian access only due to the proximity to the intersection.

PASSED BY THE CITY COUNCIL OF THE CITY OF MOSCOW this 8th day of September, 2020.

Bill Lambert, Mayor