

PLANNING & ZONING COMMISSION



Wendy McClure
Commission Chair

~Meeting Minutes~
September 23, 2020

Mike Ray
Staff Liaison

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Parish called the meeting to order at 7:00 PM

MEMBERS PRESENT: in person: Rich Beebe, Michael Nelsen, Robb Parish, Nels Reese, Victoria Seever, Dennis Wilson

via Zoom: Wendy McClure, Chair; Joel Hamilton

MEMBERS ABSENT: Scott Gropp

STAFF IN ATTENDANCE: Sandra Kelly, Mike Ray, Jennifer Fleischman

1. Approval of Minutes from September 9, 2020

Seever moved for approval of the minutes as revised, seconded by Wilson. Motion carried by acclamation.

2. Public Comment

None.

3. Review of Draft Sign Code

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 has completed a draft ordinance to convert portion of the sign code into table format and will review the progress with the Commission.

Ray presented a draft amended Sign Code Ordinance with a background given on the Reed vs. Town of Gilbert Supreme Court Ruling regarding content-based restrictions on signage. Result of the ruling meant that sign codes need to be content neutral, not based on specific topics nor offering exemptions that are based on the content of the sign. The rules that are not content-based and are approved to be utilized in sign codes are size, quantity, and placement of signs, etc. The draft Ordinance would update definitions for billboards, dynamic display signs, off-premise signs, and would completely eliminate the political campaign sign section. The draft also added different exemptions from requiring a sign permit, including but not limited to: government signs, traffic signs, emergency signs, sculptures, etc.

Reese pointed out that two of the exemptions seemed to be similar in content, and McClure seconded. Ray concurred that the two may be redundant and can be consolidated. Seever asked for an example of a stained glass "sign" and discussion followed about some possible reasons that should be in the code but ultimately exempt.

The updates for the draft Sign Code Ordinance continued with eliminating real estate signs, a section within the nonconforming regulations, and the subdivision entrance sign Conditional Use Permit requirement. The section regarding Temporary Signs would be updated to incorporate usage regulations for residential and

commercially zoned areas. Noted were the standards regarding the number of signs allowed during, and around, election times.

Seever brought up the, now common, Latah Recovery Center and Black Lives Matter signs and wanted to know if those would all fall under the same criteria. Ray confirmed that, under the current draft, all signs regardless of content would be covered under the same standards. Discussion ensued regarding the number of signs to set as standard and also whether that covers signs in the backyard or just the front yard. Ray said standards from other jurisdictions indicate that a sign only counts if it is seen from the street, and similar language could be inserted. Parish wondered if the number of signs each residence is allowed should be eliminated completely and the City should not enforce the number of signs. The Commissioners generally agreed that the limit of signs per yard needs to be more than one. Hamilton brought up his concern of many signs continuing throughout the entire year. The Board decided to up the limit to two signs per property and then discuss further. Reese asked for a visual example of different signs and arrangements to be presented before determining a set number of signs per residence. McClure said that she would provide examples at the next meeting.

The draft Code was updated to accommodate commercial zoning district temporary signs as well. Kelly asked about needing a temporary sign permit if you have both a "Welcome" sign and a "Grand Opening" sign. Ray clarified that the "Welcome" signs could be considered a permanent sign and already permitted, which would allow for the "Grand Opening" sign to be temporarily permitted. He mentioned the need to add another sub-section to the draft ordinance regarding temporary signs in residential areas for the non-residential uses such as churches, schools, and other institutional uses. Some discussion about what constitutes consecutive days for the commercial temporary sign permit followed. Ray mentioned that there is another category of signs has been previously added for portable signs, which includes sandwich board and "feather" signs.

One new section in the draft Ordinance is regarding temporary sign standards in the city right-of-way, including rules and regulations for temporary directional signs. Beebe was concerned about the limit of four signs per event, saying that he doesn't think that that would be enough. Commissioners agreed that the number should be increased but clarification needs to be added about having only one per street intersection. Hamilton asked about city property that is not necessarily a right-a-way and Ray said he would add more language to that section to include all city property.

Code Ordinance updates continued with the exemptions and definitions of wall art, murals, and historically significant signs. Discussion between Ray and McClure about the historical signs that are on some older buildings downtown and how that would fit into the sign code. Seever clarified that the murals on the sides of the Moscow School District modular buildings would qualify for an exemption. New sections have been added to encompass billboards and off-premise signs with rules and standards regarding those. The number of portable sandwich board signs for commercial use has been updated to limit it to one per business or entity instead of one per property or building. Standards for dynamic displays have been updated as to not interfere with traffic control devices.

Parish asked what the next steps are for the draft Ordinance. Ray will make the recommended changes and then bring back the final draft to present to the Commission. He wants to contact real estate businesses and other sign stakeholders to get their feedback before finalizing this Ordinance. There was more discussion about likely not having the public hearing before the City Council until after the first of the year (2021).

5. Public Art Lighting Discussion

With the installation of the recent public art project, there has been some discussion amongst Staff regarding the lighting of public art in the City. Currently the majority of lighting is required to be full cut-off with up-lighting only permitted in certain circumstances. The Art Department would like to

request that the Commission review the current lighting ordinance to see if there's a possibility of providing an exemption from the full cut-off requirement for public art.

Ray reviewed the request from the City Arts Department to look at adding illumination to public art pieces. Seever wanted to know if the current Code covered motion sensor lights in residential areas, which it currently does. Current Code was reviewed in regards to residential and non-residential areas, in particular some unclear lighting requirement codes in regards to the University of Idaho that will need to be clarified. Flagpole up-lighting code is an exemption to the dark skies ordinance standards and Ray recommended that be used as a template for creating an exemption for public art lighting. Gropp sent light fixture details to the Board to possibly base the lumen and other standards while drafting the amendment.

There was some conversation between Parish and Hamilton regarding the difficulties balancing ideally illuminating art while also keeping the intent of the dark sky requirements. Hamilton asked Ray what the capabilities are of the lights that Gropp recommended as far as honing the beam of light. Ray went into detail about the possibilities for different lighting options and offered to meet with the Commission at one of the art displays to see the different lights in-person. Kelly asked if different fixtures should be used for select art displays that have more solid or porous surfaces. McClure passed along that she has been in communication with the Sustainable Environment Commission regarding this possible Ordinance amendment and that they have requested to be included in any decision regarding public art lighting code changes. The concern was brought up again about distinguishing between publicly-owned art versus privately-owned. Hamilton mentioned whether it would be a possibility that private art be illuminated in the future. Ray suggested that this amendment would make minor adjustments to the lighting code and then the Commission could come back to do a more thorough revamp at a later time.

Commissioners agreed to a field trip to see the different lumen levels and lighting abilities at an art display, to be scheduled by Ray. McClure and Hamilton are still concerned about the light projecting beyond the art installations and iterated the need for some regulations on shielding light overflow.

4. Transportation Commission Meeting Report

Transportation Commission met on September 10 and discussed Transportation Commission code and procedures, in particular the Ex-Officio membership list. They were also given an update on the Capital Improvement Plan and projects.

5. Announcements

Next meeting scheduled for October 14, 2020.

Following meeting is moved to November 4, 2020.

Last 2020 meeting scheduled December 9, 2020.

The meeting adjourned at 8:42 PM


Wendy McClure, Chair