

Moscow City Council



Regular Meeting ~Agenda~

www.ci.moscow.id.us

Laurie M. Hopkins
City Clerk

208.883.7015

Monday, December 7, 2020

7:00 PM

**Council Chambers
206 E. Third St.**

The Moscow Mayor, City Council and Staff welcome you to tonight's meeting. This meeting is open to the public, but is subject to social distancing protocols as recommended in Governor Little's Stay Healthy Guidelines, so the number of attendees at any one time may be limited, and masks will be required of attendees. If you do not have a mask, a disposable mask will be provided. We appreciate and encourage public participation. For regular agenda items, an opportunity for public comment is sometimes provided after the staff report. However, the formality of procedures varies with the purpose and subject of the agenda item; therefore, the Mayor may exercise discretion in deciding when to allow public comment during the course of the proceedings and limitations may be placed on the time allowed for comments. Citizens wishing to comment on business that is not on the agenda will be provided the opportunity to do so during the public comment item on the agenda. If you plan to address the Council, you will find a list of "Tips for Addressing the Council" in the door pocket outside the City Council Chambers. Pursuant to the Governor's Proclamation relating to the conduct of public meetings during the COVID-19 crisis, the meeting will be broadcast. Citizens wishing to comment on business on the agenda are encouraged to communicate with the Mayor and City Council by phone or email (council@ci.moscow.id.us) in order to respect social distancing protocol. Please note that Moscow City Council meetings are televised, videotaped and/or recorded. Thank you for your interest in City government.

PLEDGE OF ALLEGIANCE

CONSENT AGENDA

1. All Consent Items (ACTION ITEM)

A. Approval of Moscow City Council November 9, 2020 Minutes - Laurie M. Hopkins

Minutes presented for approval.

ACTION: Approve minutes as presented.

B. Approval of Moscow City Council November 16, 2020 Minutes - Laurie M. Hopkins

Minutes presented for approval.

ACTION: Approve minutes as presented.

REGULAR AGENDA

2. Mayors Appointments (ACTION ITEM)

3. Public Hearing: Ordinance Amending Moscow City Code Title 7, Chapters 1, 4, 7, 10, 12, 15, and 16 Regarding Construction Regulations (ACTION ITEM) - Justin Goodwin

In 2019, the Idaho Legislature adopted the 2018 International Building, Residential, Mechanical, Existing Building, Fire, and Energy Codes for the construction regulations for Idaho. All local jurisdictions are required to adopt the codes adopted by the State by January 1, of 2021. Beginning in July, the Moscow Building Department Staff and the Building Code Advisory Committee conducted four meetings to review the proposed changes to the International Codes as adopted by the State of Idaho and recommended adoption with some modifications. The proposed ordinance would adopt the 2018 International Codes with the modifications proposed by Staff and the Building Code Advisory Committee. This item was reviewed by the Public Works/Finance Committee on November 23, 2020.

PROPOSED ACTIONS: After conducting the public hearing and consideration of testimony received, approve the proposed 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; or reject the Ordinance; or take such other action deemed appropriate.

4. State Local Agreement for the Mountain View Road Improvement Project - Bill Belknap

The City has been pursuing the next phase of the Mountain View Improvements which would extend from the Sixth Street intersection through the Joseph Street intersection. The \$3.45M project generally includes widening of the roadway, installation of bike lanes, curbing, sidewalk and lighting improvements as well as the installation of a roundabout at the Sixth Street intersection. The project is nearing final design and is currently programmed for construction in FY2024. City staff were recently notified that the project is on the list to receive funding to advance the project to construction in 2021 if additional stimulus or redistribution funds become available. In preparation of that possibility, the Local Highway Technical Assistance Council (LHTAC) has requested the City to expedite the execution of a State/Local agreement for the project, as well as to be prepared to fund the City's match of \$198,112 within one week of notice of award. The agreement and associated resolution are before the Council for review and approval.

PROPOSED ACTIONS: Approve the State/Local Agreement and associated Resolution; or take other such action deemed appropriate.

5. Appeal of Conditional Use Permit and Variance at 420 E Second Street (ACTION ITEM) - Aimee Hennrich

On August 18, 2020, Unitarian Universalist Church of the Palouse (UUCP) submitted an application for a Conditional Use Permit (CUP) to expand the existing Church located at 420 E. Second Street, and a variance application to waive a portion of the off-street parking requirements associated with the proposed expansion. The Board of Adjustment conducted a public hearing for the proposed CUP and variance on September 29, 2020, and subsequently voted to approve the variance to waive twelve (12) off-street parking spaces and approve the CUP application with two (2) conditions. On October 22, 2020, the Community Development Department received an appeal letter from Willy and Lisa Tate, Anne Marshall, Jim Riosa, and Carrie Barker, stating that they wish to appeal the Board of Adjustment's decision to City Council.

PROPOSED ACTIONS:

1. After considering the record and appeal request; sustain the decision of the Board in whole or in

part; reverse the decision of the Board in whole or in part; or remand the matter in whole or in part to the Board with comments and/or instructions for further consideration by the Board; or take other such action deemed appropriate.

2. Direct staff to prepare a written decision based on the Council's action.

6. Consideration of Metrics to Evaluate Continuation, Extension or Termination of Amended Public Health Emergency Order 20-03, and Resolution Integrating Metrics and Extending APHEO 20-03 to June 9, 2021 - Gary J. Riedner

On November 9, 2020, the City Council considered a metrics model to be used by the Council in evaluating the decision to continue, extend or terminate the application of Amended Public Health Emergency Order 20-03 (APHEO 20-03), which requires social distancing and facial coverings when social distancing cannot be maintained in public places. The Council approved the concept of the metrics as proposed, the time requirements, the status of the Governor's Idaho Rebounds Plan, consideration of the status of COVID-19 in Whitman County, and consideration of recommendations from Public Health-Idaho North Central District, Latah County, Gritman Medical Center, University of Idaho, and Moscow School District. The memo from the City Supervisor, attached to the meeting packet, provides a final metrics model for City Council consideration, and applies the model to current COVID-19 conditions as they exist in the community. The attached proposed Resolution incorporates the metrics model and extends APHEO 20-03 to June 9, 2021, unless terminated earlier by City Council after applying the metrics model to then-current COVID-19 conditions in the community. The June 9, 2021 termination date takes into consideration the close of the University of Idaho's spring semester, and the end of Moscow School District's academic year.

PROPOSED ACTIONS: After consideration of the information contained in the memo from the City Supervisor, approve the metrics model for evaluation of the continuation, extension and/or termination of APHEO 20-03, and approve the Resolution incorporating the metrics model and extending the termination date of APHEO 20-03 to June 9, 2021 unless terminated earlier by City Council after applying the metrics model to then-current COVID-19 conditions, or take such other action deemed appropriate.

7. University of Idaho Emergency Services Agreement Renewal (ACTION ITEM) – Gary J. Riedner

The City of Moscow has been providing the University of Idaho emergency response services by contract since 1966. The current Master Agreement for Services was renewed in October 2017 for a term of three (3) years. Staff has been working with the University of Idaho to negotiate the renewal of the Agreement. Changes from the current Master Agreement include:

1. That the initial contract amount for FY2021 will be the same as the contract amount for FY2020 (\$1,460,775), with subsequent increases of 1% in FY2022; 2% in FY2023 and 3% in FY2024 and in subsequent fiscal years.
2. Five (5) year term and renewal.

The City Supervisor met with UI President Scott Green and Vice President for Finance and Administration Brian Foisy and discussed the UI's participation in the scheduled purchase of the ladder truck replacement in FY2025 and the UI is comfortable with the terms of the Agreement.

The University will be presenting the Master Agreement for Services to the State Board of Education/UI Board of Regents at its December Board meeting. This was reviewed by the Public Works/Finance Committee on November 23, 2020 and recommended for approval.

PROPOSED ACTIONS: Approve the Master Services Agreement with the University of Idaho, or take such other action deemed appropriate.

ADJOURN

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

Moscow City Council



Special Meeting ~Minutes~

www.ci.moscow.id.us

Laurie M. Hopkins
City Clerk

208.883.7015

Monday, November 9, 2020

6:00 PM

Council Chambers
206 E. Third St.

PLEDGE OF ALLEGIANCE

Mayor Lambert led the Pledge of Allegiance.

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

PRESENT: Mayor Bill Lambert, Art Bettge, Sandra Kelly, Maureen Laflin (Virtual), Brandy Sullivan (Virtual), Gina Taruscio (Virtual), Anne Zabala (Virtual)

OTHERS: Kara Besst (Virtual), Dr. Nicolas Garrett (Virtual), Kathie LaFortune (Virtual), Carol Moehrle (Virtual), Greg Bailey (Virtual), Dr. John Brown (Virtual)

STAFF: Gary J. Riedner (Virtual), Mia Bautista (Virtual), Bill Belknap (Virtual), Deb Carscallen (Virtual), Brian Nickerson (Virtual), Laurie M. Hopkins (Virtual), Tyler Palmer (Virtual)

REGULAR AGENDA

1. Consideration of Metrics to Evaluate Continuation Extension or Termination of Public Health Emergency Order 20-03 (ACTION ITEM) – Gary J. Riedner

The City Council has requested information and a recommendation relating to potential metrics which may be considered by the Council in evaluating the decision to continue, extend or terminate the application of Amended Public Health Emergency Order 20-03 (APHEO 20-03), which requires social distancing and facial coverings when social distancing cannot be maintained in public places.

The attached memo from the City Supervisor includes recommendations for development of a protocol for evaluating APHEO 20-03 in light of then-current COVID-19 conditions as they exist in the community.

PROPOSED ACTIONS: After consideration of the information contained in the memo from the City Supervisor, approve a protocol for evaluation of the continuation, extension and/or termination of APHEO 20-03, or take such other action deemed appropriate.

Riedner presented statistics on confirmed cases in Latah County, information risk levels and the Public Health Idaho North Central District (PH-INCD) metrics and risk assessment tool. See attached presentation. The PH-INCD requires the following to be placed in the minimal risk category: based on a 7-day moving average, new daily cases must be less than 1 case per 10,000 population (for Latah County that would be 4 or fewer new daily cases); based on a 7-day moving average, the number of confirmed COVID-19 hospital admissions district-wide must be within the range of 0-5; test results must be reported in 1-4 days.

Moehrle agreed the numbers are rising in all five PH-INCD counties as a total. The Board of Health

meets regularly and is willing to present the data in a different way if it can provide more relevant information. Latah County has been at 11-15 cases a week and is higher than normal, but other counties have jumped into the red category based on their respective population. A week ago, Latah and Nez Perce counties were moved to the moderate category. PH-INCD is working on strategy to report cases by zip code without revealing confidential information. Of the 1109 cases reported in the county, 910 of those were in the 83843 zip code. Most of the smaller counties in the north central district are in the green category but are now showing larger case increases. The levels are based on the number of cases per 10,000 population.

Dr. John Brown, Chief Medical Officer at Gritman stated that data shows masks are helping. The New England Journal of Medicine reported a decreased fatality rate is due in part to using masks, even though they are not a 100% solution. The amount of virus a person is inoculated with seems to correlate with how severe a case the person has. He urges the Council to continue the mandate and feels the proposed measures to discontinue the mask mandate seem rational and he supports them.

Dr. Nick Garrett, Moscow Emergency Physicians Group (MEPG) agrees with Dr. Brown. Masks are the easiest and cheapest way to prevent exposure and spreading of the virus. At a risk level of high, the State will recommend potentially considering face covering and masks. He feels masks are the last thing we should remove. Kootenai, Sacred Heart and St. Joseph hospitals have been at or near capacity for several weeks. When it takes more time to transfer a patient because that hospital doesn't have space, the morbidity rate goes up. The MEPG supports continuing the face covering mandate for as long as necessary and the metrics that are being built are reasonable and prudent.

Toni Broyles, University of Idaho (UI) reported that the UI lab assists with testing and is part of the reason the one to four day responsive testing is met. UI is in favor of metrics but feel it should be based on the number of cases compared to the amount of testing. The daily case rate will drop when students leave town as UI won't be actively testing. A full retest is anticipated for January which will be three full tests of the campus community within a six-month timeframe. The UI is in favor of the mask mandate and have no intention to remove their mask mandate. Would like the mask mandate to be the last protocol eliminated when the time comes.

Greg Bailey, MSD Superintendent thanked all of the organizations for their support of the school district. The hybrid schedule is working and he feels the mask wearing is the biggest thing that is helping keep the cases low. With 2,400 students and 300 employees, they have only had 13-14 cases. He appreciates the City mask mandate as it has helped their requirement of masks and feels the masks will be the last thing to go away from.

Kathie LaFortune, Latah County Commission reported the County appreciates the mask mandate and were able to have a successful election because of that mandate. They feel the proposed metrics align with Public Health and support them.

Kelly Zakariasen (Moscow) asked what percentage of cases in Latah County are symptomatic when tested and what follow up testing there is. Moehrle said there is anecdotal information that most people have had symptoms at some point. CDC recommendations are not for retesting those that have had a positive test as the positivity stays in your system for at least three months. Dr. Garrett agrees that retests do not provide useful information. People shed the virus from a testing perspective beyond

three months but may not be able to spread the virus past the 10-14 days. Retesting would be a waste of resources. Connie Osborne of Gritman said that other than the UI mandated student tests, most tests were administered because the patients were symptomatic. The symptoms are similar to the flu, so we can anticipate more symptomatic testing due to flu-like symptoms.

Shyla Paradis (Moscow) states that she feels people will get sick anyway; masks are not doing any good and wearing a mask should be a choice; this is not healthy for the community because even the flu can put people at risk; understand at-risk people need to take the precautions but healthy people should not be required to.

Mayor Lambert commented that these are not normal times and that masks are for prevention and the greater good of the community.

Bettge said if we are looking at positive cases per capita and only testing those people whom are symptomatic, it would bias the number of people who may be positive yet asymptomatic. Osborne replied that at the UI all people were tested and were typically asymptomatic. Broyles added that Gritman and UI lab are a partnership. The UI lab will not close when students are gone and will remain open until deemed unnecessary. There are no capacity issues and have been doing 100's of swabbing a day. Dr. Brown commented that if someone is tested positive who is not having symptoms, it could mean they had COVID-19 three months ago. There is a higher expectation that if someone that tests positive when having symptoms, that it is a true positive.

Taruscio believes the number of COVID cases are low because the community has worked together and she likes the proposed metrics as a framework.

Sullivan asked if there a way to determine the same three metrics for Whitman County. Moehrle said the numbers would need to be received and that she would work with Riedner and run the numbers. Osborn said one aspect of exposure is how long the person has been with the person that tested positive. Dr. Brown added that it seems to matter which person was masked, what the distance of exposure was, and the length of time exposed. There is controversy over the recent study done in the jails regarding 15 minutes of exposure.

Zabala is interested to see what information will result by breaking cases out by zip code. She likes the proposed metrics and getting input from our partners.

Laflin likes the partners being involved and the quality of experts and team. The City has heard support for the mask mandate for months, even when Latah was in the green zone. Wants to find a way to work with the population that doesn't think masks work.

Sandra asked what we should say when asked why people should wear a mask. Dr. Brown said there is some acceptance of minimal risk in life but COVID is 4-6 times more lethal than the flu. Numerous studies show that mask use decreases fatal cases. Hospital capacity isn't only the number of beds, it is also the number of staff available to provide care. Besst agreed with Dr. Brown regarding staffing. There can also be a staffing challenge with new COVID cases and exposing staff and/or having to isolate. Dr. Garrett said the regional perspective as a whole will need to be looked at regularly as patients are sent to area hospitals and some may not be available due to capacity level. Moehrle added

that mask wearing is keeping people out of the hospital and saving those resources for those general health issues. They are watching behavioral health issues which are climbing and the number of calls to the suicide and crisis center has increased. Broyles said UI has 200 beds for active cases and only have 13 being used at this time. She noted that asymptomatic testing saves hospital overflow.

Bettge moved and Taruscio seconded to approve the concept of proposed metrics, the timeframe of three weeks in the green zone, and if possible incorporation of similar metrics of Whitman County, with reference to the Governors' designation of Stage of Idaho Rebounds Plan including getting the point of view of our institutional partners and medical experts. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

ADJOURN

The meeting adjourned at 7:28 p.m.

Bill Lambert, Mayor

ATTEST:

Laurie M. Hopkins, City Clerk

Moscow City Council



Regular Meeting ~Minutes~

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Laurie M. Hopkins
City Clerk

208.883.7015

**Monday, November 16,
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 (Virtual), Maureen Laflin (Virtual), Brandy Sullivan (Virtual), Gina Taruscio (Virtual), Anne Zabala (Virtual)

STAFF: Gary J. Riedner (Virtual), Mia Bautista (Virtual), Bill Belknap (Virtual), Mike Ray, Laurie M. Hopkins (Virtual)

PLEDGE OF ALLEGIANCE

Council Vice President Bettge led the Pledge of Allegiance.

CONSENT AGENDA

1. All Consent Items (ACTION ITEM)

A. Approval of Moscow City Council November 2, 2020 Minutes - Laurie M. Hopkins

Minutes presented for approval.

ACTION: Approve minutes.

B. Disbursement Report October 2020 - Sarah Banks

Staff presented the October 2020 Accounts Payable Report to Public Works / Finance Committee on November 9, 2020. The Committee received the report and approved the disbursements as presented.

ACTION: Receive the Disbursements Report for the month of October 2020.

C. Idaho Transportation Department Cooperative Lighting Agreement - Bill Belknap

As part of the upcoming U.S. 95 realignment project, the Idaho Transportation Department (ITD) is proposing to install 9 new street luminaires that will extend from the existing bridge crossing of the South Fork of the Palouse River to the future intersection of the new U.S. 95 and old U.S. 95 intersection just south of the CHS Primeland's grain silos. As is common for ITD projects, ITD installs the light fixtures and the City assumes the responsibility for the future electrical and maintenance costs for the luminaires. ITD is requesting that the City enter into the proposed Cooperative Lighting Agreement that documents each parties' responsibilities with regard to the roadway lighting system. Staff is recommending that the Council approve the proposed agreement.

ACTION: Approve the proposed Cooperative Lighting Agreement and Associated Resolution with the Idaho Transportation Department

D. Mutual Aid Agreement with Idaho Department of Lands – Brian Nickerson

The Mutual Assistance Agreement with the Idaho Department of Lands (IDL) allows cooperation among local agencies, including IDL, should a need arise for mutual aid throughout the Ponderosa District and the State of Idaho. This agreement will provide the opportunity for the City to collect reimbursements for apparatus and personnel being deployed in a mutual aid situation. This will also place the Moscow Fire Department along with the Moscow Volunteers as a resource for the state if outside resources are determined to be needed. Deployment to such incidents is not required, however if a request is made and if the apparatus and personnel are available, then the resource is deployed. The option to fill the request is at the discretion of the fire chief or his/her designee. An example was the request for resources for the wildland fires in Orofino this past September. This was reviewed by the Administrative Committee on November 9, 2020 and recommended for approval.

ACTION: Approve the Mutual Assistance Agreement with the Idaho Department of Lands (IDL).

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)

Public comment suspended due to roll back to Idaho Rebounds Plan Modified Stage 2.

5. Public Hearing: Annexation, Comprehensive Plan Land Use Designation, and Zoning Designation for an Approximately 156 Acre Area Proposed to be Annexed into the City of Moscow and Located Directly West of Highway 95 and South of the Current City Limits Boundary (ACTION ITEM) - Mike Ray

The applicant, Schweitzer Engineering Laboratories (SEL), is requesting the annexation, Comprehensive Plan land use designation amendment, and rezoning of an approximately 154-acre property located directly west of Highway 95 and south of the current City Limits boundary. The applicant is proposing to change the Comprehensive Plan land use designation from a combination of Auto-Urban Commercial, High-Density Residential, Auto-Urban Residential, and Rural and Agricultural to the Auto-Urban Commercial designation. The applicant is proposing to rezone the subject property from the Agriculture Forestry (AF) Zone to the Motor Business (MB) Zone. As a result of the proposed annexation request, there appeared to be three remnant parcels that would become County "islands" which would be completely surrounded by the City of Moscow. In accordance with the City's annexation policy, the owners of the three remnant parcels were

contacted and Staff has expanded the annexation request to include the island parcels with the same proposed Comp Plan and zoning designations as the SEL proposal.

The City of Moscow Planning and Zoning Commission conducted a public hearing for the proposed Comprehensive Plan land use designation and rezone on October 14, 2020 and recommended approval with no conditions.

PROPOSED ACTIONS: Conduct the public hearing upon the annexation, Comprehensive Plan land use, and zoning designation and upon consideration of any testimony presented:

1. Approve the Annexation 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 Annexation Ordinance on first reading; or reject the Annexation Ordinance; or take other action as deemed appropriate.
2. If the Annexation Ordinance is approved, approve the proposed Comprehensive Plan Land Use Designation Resolution and adopt the Planning and Zoning Commission Reasoned Statement of Relevant Criteria; or reject the proposed Comprehensive Plan Land Use Designation Resolution and direct staff to prepare a Reasoned Statement of Relevant Criteria; or take other action as deemed appropriate.
3. If the Annexation Ordinance is approved and Comprehensive Plan Land Use Designation Resolution is approved, approve the proposed Zoning Ordinance under suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary and adopt the Planning and Zoning Commission Reasoned Statement of Relevant Criteria; or consider the Zoning Ordinance on first reading; or reject the Zoning Ordinance and direct staff to prepare a Reasoned Statement of Relevant Criteria; or take other action as deemed appropriate.

Ray introduced the item by describing the zoning, comprehensive plan designation, access, streets and utilities.

Mayor Lambert opened the public hearing at 7:12 p.m.

Hailey Lewis, Government Affairs Specialist at Schweitzer Engineering Laboratories (SEL) said the company is excited to expand into Moscow and address SEL's business needs.

Jana Schultheis, Vice President of Property SEL, have over 5,000 employees worldwide and 2,500 of those are in Pullman. There are approximately 125 acres in Pullman and used 100 of those acres. They were looking for 150 acres for development for the next 30-50 years and chose Moscow because it is business friendly and they like the Palouse. Projects are developed in response to what industry is bringing. She asked the Council for support of the annexation, Comprehensive Plan designation change and rezone.

Mayor Lambert closed the public hearing at 7:21 p.m.

If annexation and zoning to MB is approved, SEL could divide the property and sell it should they decide not to develop. Bettge and Kelly expressed their support. Bettge moved to approve the Annexation 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 Lambert read Ordinance 2020-12 by title:

AN ORDINANCE OF THE CITY OF MOSCOW, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING THAT LAND DESCRIBED IN SECTION 1 OF THIS ORDINANCE, AND GENERALLY SHOWN ON EXHIBIT “A” ATTACHED HERETO AND INCORPORATED BY THIS REFERENCE, BE ANNEXED TO THE CITY OF MOSCOW; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE BE DEEMED SEVERABLE; PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM AND AFTER PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

Sullivan moved to approve the proposed Comprehensive Plan Land Use Designation Resolution and adopt the Planning and Zoning Commission Reasoned Statement of Relevant Criteria. Laflin seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Taruscio moved to approve the proposed Zoning Ordinance under suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary and adopt the Planning and Zoning Commission Reasoned Statement of Relevant Criteria. Kelly seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Mayor Lambert read Ordinance 2020-13 by title:

AN ORDINANCE OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ZONING OF AN APPROXIMATELY ONE-HUNDRED SIXTY-THREE (163) ACRE PROPERTY, DESCRIBED IN SECTION 1 OF THIS ORDINANCE, 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.

6. Ordinance Amending Title 4, Chapter 3 of Moscow City Code Regarding Amendments to the Telecommunications Code to Establish Standards for Small Wireless Facilities (ACTION ITEM) - Mike Ray

Telecommunications service providers are currently in the process of deploying new cellular wireless technology, referred to as 5G/small cell, throughout the developed world. 5G/small cell high speed deployment will bring much higher data speeds and traffic through the use of higher-frequency radio waves, which have a shorter range than the frequencies used by previous cell phone towers. Since small wireless facilities have a shorter range, they require a greater number of facilities which are typically located in the public right-of-way. Telecommunications services are largely governed by the Federal Communications Commission (FCC) and the Telecommunications Act, but local governments are allowed to adopt certain regulations at the local level. With the likelihood of 5G/small cell deployment in Moscow at some point in the future, Staff has worked with the Planning and Zoning Commission to draft an ordinance that addresses 5G/small cell installations in the telecommunications code. The proposed ordinance would define small wireless facilities, re-organize certain sections, make minor grammatical changes, and insert small wireless facility standards. On September 9, 2020, the Planning and Zoning Commission conducted a public hearing upon the proposed ordinance and recommended approval to City Council with a minor modification. This item was reviewed by the Public Works/Finance Committee on October 12,

2020 and considered on first reading by the Council on October 19, 2020 and second reading on November 2, 2020.

PROPOSED ACTIONS: Approve the proposed Ordinance under suspension of the rules requiring a third complete reading and that it be read by title and published by summary; or reject the Ordinance; or take such other action deemed appropriate.

Ray provided a brief introduction. Sullivan inquired if a NEPA review is now required. Ray explained NEPA review is for federally funded or federal projects. The master license agreement includes a provision that addresses review of the agreement if there are changes in the FCC regulations.

Bettge moved to approve the proposed Ordinance under suspension of the rules requiring a third complete reading and that it be read by title and published by summary. Taruscio seconded.

Sullivan understands there needs to be an ordinance as there is no current regulation. She feels this is a beginning which includes a way to continue to review and update as regulations change. Laflin likes the use of the word encouragement, which gives a message to the staff as to what is important but gives them discretion.

Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Mayor Lambert read Ordinance 2020-14 by title:

AN ORDINANCE OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE AMENDMENT OF MOSCOW CITY CODE TITLE 4, CHAPTER 3; PROVIDING FOR THE AMENDMENT OF THE TELECOMMUNICATIONS CODE TO ESTABLISH STANDARDS FOR SMALL WIRELESS FACILITIES; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE BE DEEMED SEVERABLE; AND PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM THE DATE OF ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

7. Transportation Commission Proposed Amendment to Chapter 11, Title 3 of Moscow City Code (ACTION ITEM) - Bill Belknap

Recently, the Transportation Commission has conducted a review of the Chapter 11 of Title 3 of Moscow City Code which addresses the membership and charge of the Transportation Commission. The Commission is recommending amendments to the organization, ex-officio membership, and staff liaison to the Transportation Commission.

PROPOSED ACTIONS: Approve the 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.

Belknap introduced the item as written above. Council members were in support of the proposed ordinance. Bettge moved to approve the 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 Lambert read Ordinance 2020-15 by title:

AN ORDINANCE OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE AMENDMENT OF MOSCOW CITY CODE TITLE 3, CHAPTER 11, RELATING TO TRANSPORTATION COMMISSION; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE BE DEEMED SEVERABLE; AND PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM THE DATE OF ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

REPORTS

Reports are suspended due to roll back to Idaho Rebounds Plan Modified Stage 2.

ADJOURN

The meeting adjourned at 8:00 p.m.

Bill Lambert, Mayor

ATTEST:

Laurie M. Hopkins, City Clerk

CITY COUNCIL STAFF REPORT

DATE: Monday, December 7, 2020



RESPONSIBLE STAFF

Justin Goodwin

REVIEWED BY

Public Works/Finance Committee

ADDITIONAL PRESENTER(S)

OTHER RESOURCES

AGENDA ITEM TITLE

Public Hearing: Ordinance Amending Moscow City Code Title 7, Chapters 1, 4, 7, 10, 12, 15, and 16 Regarding Construction Regulations (ACTION ITEM) - Justin Goodwin

DESCRIPTION

In 2019, the Idaho Legislature adopted the 2018 International Building, Residential, Mechanical, Existing Building, Fire, and Energy Codes for the construction regulations for Idaho. All local jurisdictions are required to adopt the codes adopted by the State by January 1, of 2021. Beginning in July, the Moscow Building Department Staff and the Building Code Advisory Committee conducted four meetings to review the proposed changes to the International Codes as adopted by the State of Idaho and recommended adoption with some modifications. The proposed ordinance would adopt the 2018 International Codes with the modifications proposed by Staff and the Building Code Advisory Committee. This item was reviewed by the Public Works/Finance Committee on November 23, 2020.

STAFF RECOMMENDATION

After conducting the public hearing and consideration of testimony received, approve the proposed Ordinance under suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary.

PROPOSED ACTIONS

PROPOSED ACTIONS: After conducting the public hearing and consideration of testimony received, approve the proposed 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; or reject the Ordinance; or take such other action deemed appropriate.

FISCAL IMPACT

PERSONNEL IMPACT

ATTACHMENTS

1. 2018 Construction Regulation Ordinance_Draft

ORDINANCE NO. 2020 -

AN ORDINANCE OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE AMENDMENT OF MOSCOW CITY CODE TITLE 7, CHAPTERS 1, 4, 7, 10, 12, 15, AND 16; PROVIDING FOR THE AMENDMENT OF THE CONSTRUCTION REGULATIONS CODE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE BE DEEMED SEVERABLE; AND PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM THE DATE OF ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the City has adopted a number of international and uniform codes in order to promote health, safety, and welfare within the community; and

WHEREAS, the changes recommended herein are the result of careful review by City staff (particularly the City Building Official), and Building Code Advisory Committee; and

WHEREAS, the International Building Code (hereinafter “IBC”) applies to the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment use, height, area and maintenance of buildings and structures within the City; and

WHEREAS, Council believes that it is in the best interest of the City to adopt the 2018 Edition of the IBC, with amendments, to replace the currently adopted 2015 Edition of the IBC; and

WHEREAS, the International Existing Building Code (hereinafter “IEBC”) applies where an existing building is remodeled, repaired, or otherwise undergoes a change of use/or occupancy; and

WHEREAS, the Council believes that it is the best interest of the City to adopt the 2018 Edition of the IEBC to replace the currently adopted 2015 Edition of the IEBC; and

WHEREAS, the Council believes its is in the best interest of the City to adopt the 2018 Edition of the International Energy Conservation Code (hereinafter “IECC”) to replace the currently adopted 2015 Edition of the IECC; and

WHEREAS, the International Mechanical Code (hereinafter “IMC”) and Parts V and VI of the International Residential Code (hereinafter “IRC”) applies to the installation of heating and cooling duct, heating ventilation air cooling (HVAC) equipment, repair, moving and removing of HVAC equipment.

WHEREAS, the Council believes its in the best interest of the City to adopt the 2018 Edition of the IMC to replace the currently adopted 2012 Edition of the IMC; and

WHEREAS, the International Fuel Gas Code (hereinafter “IFGC”) applies to the installation, repair, moving and removing of gas piping; and

WHEREAS, the Council believes its in the best interest of the City to adopt the 2018 Edition of the IFGC to replace the currently adopted 2012 Edition of the IFGC; and

WHEREAS, the International Fire Code (hereinafter “IFC”) applies to the alteration, repair, moving, removal, demolition of fire sprinkling systems and occupancy, equipment use and height of buildings and structures within the City; and

WHEREAS, the Council believes its in the best interest of the City to adopt the 2018 Edition of the IFC to replace the currently adopted 2015 Edition of the IFC; and

WHEREAS, the International Residential Code (hereinafter “IRC”) applies to the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment use, height, area and maintenance of one and two family buildings and structures within the City; and

WHEREAS, the Council believes its in the best interest of the City to adopt the 2018 Edition of the IRC to replace the currently adopted 2012 Edition of the IRC; and

WHEREAS, on December 7, 2020 the City Council conducted a public hearing and considered and adopted the amendments contained herein;

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

SECTION 1: That Moscow City Code Title 7, Chapter 1 be amended as follows:

Sec. 1-1. Adoption of International Building Code.

The International Building Code, ~~2015~~ 2018 Edition, published by the International Code Council is hereby adopted as the official building code of the City, and shall apply to the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures in the City.

The Clerk shall keep one (1) certified copy of the current adopted editions of the International Building Codes on file.

(Ord. 97-31, 9/27/97; 99-29, 8/16/99; 2001-17, 09/17/2001; 2002-22; 12/02/02; 2005-01, 01/18/2005; 2007-18, 12/17/2007; 2010-25, 12/20/2010; 2014-01, 01/21/2014; 2017-17, 12/18/2017)

Sec. 1-2. Amendments to International Building Code.

The following amendments to the adopted sections of the International Building Code, ~~2015~~ 2018 Edition, are hereby made:

~~Sections 102.6 shall be amended to read:~~

~~—The legal occupancy of any structure existing on the date of adoption of this Code shall be permitted to continue without change, except as is specifically covered by this Code or as deemed necessary by the Building Official for the general safety and welfare of the occupants and the public.~~

~~—Section 103 is amended to read as follows:~~

~~*Creation of Enforcement Agency Section 103.1.* There is hereby established in this jurisdiction a code enforcement agency which shall be under the administrative and operational control of the Building Official. The Building Official shall develop such rules, regulations and standards as are necessary for the efficient administration of this chapter.~~

~~Section 103.2 shall be amended to read as follows:~~

~~—The Building Official, if any, shall be appointed by the chief appointing authority of the jurisdiction.~~

Section 103.3 shall be amended as follows:

The last sentence of this section is hereby deleted.

~~Section 105.2(4) shall be amended to read as follows:~~

~~—Retaining walls retaining less than forty-eight inches (48”) of earth, unless supporting a structure, a slope greater than 3:1 or impounding Class I, II, or III—A liquids.~~

Section 107.1 shall be amended as follows:

Section 107.1 Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional, if it is found that the nature of the work applied for is such that it does not affect structural components, life, and fire safety requirements, or accessibility requirements, and that review of construction documents is not necessary to obtain compliance with this Code.

Section 111 All references to the Building Official in this section shall amended to the ‘authority having jurisdiction’.

~~*Section 308.3.4 Five or Fewer Persons Receiving Care.* A facility such as the above with five (5) or fewer persons receiving care shall be classified as Group R-3 or shall comply with the International Residential Code provided an automatic sprinkler system is installed in accordance with Section 903.3.1.3 or installation of a NFPA 13R sprinkler system.~~

~~—Section 308.4 shall be amended with the deletion of “Foster Care Facilities”.~~

~~—Section 308.4.1 shall be deleted.~~

Section 901.8 shall be amended as follows:

Section 901.8 Pump and Riser Room Size. Fire pump and automatic sprinkler system riser rooms shall be designed with adequate space for all equipment necessary for the installation, as defined by the manufacturer, with sufficient working room around the stationary equipment. Clearances around the equipment to elements of permanent construction, including other installed equipment and appliances shall have a minimum of thirty inches (30”) of clearance to allow inspection, service, repair, or replacement without removing such elements of permanent construction or disabling the function of a required fire resistance rated assembly. Fire pump and automatic sprinkler system riser rooms shall be provided with a door(s) and unobstructed passageway large enough to allow removal of the largest piece of equipment.

Section 903.2.8 shall be amended to read as follows:

Exception: An automatic fire sprinkler is not required in Group R containing two (2) units or less.

Section 915.1 shall be amended as follows:

Section 915.1 Carbon Monoxide Alarms. New and existing group I or R occupancies located in a building containing a fuel-burning appliance or a building which has an attached garage, where a permit is required for additions, remodels, and/or gas mechanical work, shall be equipped with single station carbon monoxide alarms.

Section 1019.2.1 Exit Access in an Ambulatory Care Facility with a ramp, the ramp landing

at the egress door will be eighty inches (80") wide by sixty-four inches (64") long, to allow for stretcher access to and from the building.

Exception: Alternate means to gain access to the facility with a stretcher, shall be approved by the authority having jurisdiction ~~of the Fire Department~~.

Section ~~1503.4~~ 1502.5 *Roof Drainage shall read as follows:*

Design and installation of roof drainage systems shall comply with the Idaho State Plumbing Code, 2015 Edition.

Roof drainage shall terminate on the same property as the building or be connected with tight joint pipe to an approved storm collection system, or other approved drainage system.

Section 1602. ~~1~~ 2 shall be ~~amended~~ *added* to include the following definitions:

Balcony, exterior: An exterior floor projecting from and supported by a structure without additional independent supports.

Table 1607.1 shall be amended as follows:

...

5. Balconies (exterior) and decks^h

Unsupported balconies shall have a minimum live load of one hundred pounds (100 lbs.) per foot².

...

Section 1607. ~~12~~ 13 shall have added:

All roofs shall be designed to carry a minimum of forty (40) pounds per square foot (psf), unit live load, plus all required unit dead load. Potential accumulation of snow at valleys, parapets, roof structures and offsets in roofs of uneven configuration shall be considered.

Section 3002.4 shall be amended as follows:

Section 3002.4 Where elevators are provided in buildings three (3) or more stories above, or three (3) or more below, grade plane, not fewer than one (1) elevator shall be provided for fire department emergency access to all floors. The elevator car shall be of such a size and arrangement to accommodate an ambulance stretcher twenty four inches by eighty four inches (24" x 84") with not less than five inch (5") radius corners, in the horizontal, open position, and shall be identified by the international symbol for emergency medical services. The symbol shall not be less than three inches (3") in height and shall be placed inside on both sides of the hoist way door frame.

Section 3002.4.1 shall be amended as follows:

Section 3002.4.1 In health care facilities, two (2) stories or more with an elevator, at least one (1) elevator will meet the criteria of 3002.4

(Ord. 2002-22, 12/02/02; 2005-01, 01/15/2005; 2007-18, 12/17/2007; 2010-25, 12/20/2010; 2014-01, 01/21/2014; 2017-14, 12/18/2017; 2017-17, 12/18/2017)

...

Sec. 1-5. Adoption of Manufactured Home Installation Standard.

A. The Idaho Manufactured Home Installation Standard, ~~2004~~ *2018* Edition, published by the Idaho Division of Building Safety, is hereby adopted as the official manufactured installation standard of the City of Moscow, Idaho, and shall apply to the erection, construction, enlargement, and alteration of manufactured homes in the City.

B. The City Clerk shall keep one (1) copy of the current adopted edition of the Idaho Manufactured Home Installation Standard on file.

(Ord. 2000-24, 10/2/2000; 2002-22, 12/02/02; 2010-25, 12/20/2010)

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

Sec. 4.1. Adoption of Code.

A certain document, one (1) certified copy of which is kept on file by the Clerk, being marked and designated as the International Fuel Gas Code, ~~2012~~ 2018 Edition, as edited, copyrighted and published by the International Code Council is hereby adopted.

(Ord. 2005-01, 01/18/2005; 2007-18, 12/17/2007; 2010-26, 12/20/2010; 2014-20, 12/01/2014)

Sec. 4-2. Amendments to the International Fuel Gas Code.

Section 103.2 shall be amended as follows:

The Building Official, if any, shall be appointed by the chief appointing authority of the jurisdiction.

Section 303.3 shall be amended by the deletion of exceptions 3 and 4.

~~Section 406.4.1 shall be amended to read: Test Pressure and Duration. Low pressure gas piping systems shall be tested at twenty (20) psi for a duration of twenty (20) minutes. High pressure gas piping systems shall be tested at thirty (30) psi for a duration of sixty (60) minutes.~~

~~Section 406.4.2 shall be deleted.~~

Section 503.4.1.1.2 shall be added:

Section 503.4.1.1.2 Testing: All plastic pipe located within a structure used for venting flue gases shall be tested at five (5) psi for fifteen (15) minutes duration.

(Ord. 2005-01, 01/18/2005; 2010-26, 12/20/2010)

Sec. 4-3. City Not Liable.

Adoption by the City of the International Fuel Gas Code, ~~2012~~ 2018 Edition, shall not relieve the owner or contractor of any responsibility or liability for compliance with said Code, nor shall the City assume such liability through the issuance of any permit or certificate of inspection or by reason of inspection.

(Ord. 2005-01, 01/18/2005; 2007-18, 12/17/2007; 2010-26, 12/20/2010; 2014-20, 12/01/2014)

SECTION 3: That Moscow City Code Title 7, Chapter 7 be amended as follows:

FIRE PREVENTION

Sec. 7-1: Declaration of intent

Sec. 7-2: Codes adopted and/or amended

Sec. 7-3: Amended, Deletions and additions

Sec. 7-4: Establishment of ~~Bureau of Fire Prevention~~ Department of Fire Prevention

Sec. 7-5: Terms

Sec. 7-6: Appointment and duties of Fire Chief

Sec. 7-7: Violation; Penalties

Sec. 7-8: Fire lanes on private property, devoted to public use

Sec. 7-9: Safety inspections

Sec. 7-10: Refusal of entry; appeals

...

Sec. 7-2. Codes Adopted and/or Amended.

A. 1. The International Fire Code, adopted by the State Fire Marshal pursuant to authority provided in Title 41, Chapter 2 of the Idaho Code with revisions, additions, deletions, and/or

appendices adopted by the State Fire Marshal and with any further revisions, additions, deletions, and/or appendices as contained in this Chapter, shall be the rules, regulations and ordinances governing and regulating (a) the storage, use and handling of dangerous and hazardous materials, substances, devices and processes; (b) the maintenance of buildings, premises and equipment; (c) the maintenance of adequate egress facilities; and (d) fire safety measures for minimizing losses of life and property.

2. The Clerk shall keep one (1) certified copy of the ~~2015~~ 2018 Edition of the IFC on file. The Clerk shall also keep one (1) copy of the IDAPA 18.01.50 (State Fire Marshal's adoption of the International Fire Code ~~2015~~ 2018 Edition, with amendments) on file. The City shall have on file for inspection the various publications of the National Fire Protection Association (International) that are referenced by the IFC.

B. In addition to appendices adopted by the State Fire Marshal, the following appendices to the IFC are adopted as part of the IFC:

1. Appendix H. Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) instruction;

2. Appendix I. Fire Protection Systems – Noncompliant Conditions;

3. Appendix K. Construction Requirements for existing Ambulatory Care facilities.

(Ords. 99-36, 12/6/99; 2001-17; 09/17/2001; 2003-11; 05/19/03; 2005-02, 01/18/2005; 2008-21, 09/15/2008; 2011-17, 10/03/2011; 2014-11, 07/07/2014; 2018-06)

Sec. 7-3. Amendments, Deletions and Additions.

The IFC is hereby amended as follows:

A. *Section 105.1.1 Permits* shall be amended as follows:

It shall be unlawful for any person, firm, or corporation to use a building or premises or to engage in any activities for which a permit is required by the authority having jurisdiction without first having obtained such permit. Permits may be required from the ~~Bureau of Fire Prevention~~ Department of Fire Prevention.

A permit from the ~~Bureau of Fire Prevention~~ Department of Fire Prevention shall be required at all times for the following activities, operations, practices or functions:

1. Carnivals and Fairs;

2. Explosives (Fireworks);

3. Open Burning (delete the exception); and

4. Pyrotechnic Special Effects Material.

B. *Section 505.1 Address Identification*.

1. New and existing buildings shall be provided with approved address numbers or letters. Each character shall not be less than four inches (4") in height and not less than one half inch (1/2") in width. They shall be installed on a contrasting background and be plainly visible from the street or road fronting the property anytime of day. When required by the Fire Code Official, address numbers shall be provided in additional approved locations to facilitate emergency response and shall be not less than four inches (4") in height and not less than one half inch (1/2") in width and shall be reflective. Where access is by means of a private road, if the building address cannot be viewed from the public way, a monument, pole or other approved sign or means shall be used to identify the structure. Address numbers shall be maintained.

2. Driveway serving more than one address shall be required to install an address sign at the entrance of the driveway indicating the lowest address and highest address with a hyphen between the numbers.

3. Apartment or commercial buildings containing stairways/ramps shall have signs visible from the parking areas indicating what apartment/business number are served by that stairway/ramp.
4. Any address numeric located on the non-street side of a building requires the name of the address street to accompany the numeric.
- C. *Section 507.5 Fire Hydrants* shall have added:
Five-inch (5") storz fittings shall be installed on all new hydrants.
- D. *Section 507.5.4 Obstruction* shall have added:
1. No vehicle shall be placed in front thereof or within fifteen feet (15') of either side of said fire hydrant, distance to be measured along curb in each direction from a line drawn from the center of the fire hydrant perpendicular to the curb, except when the Fire Code Official determines and approves a distance less than fifteen feet (15').
2. Except, that an emergency fire, police or ambulance shall be allowed to park in the above designated area for emergency or inspection purposes only.
- E. ~~*Section 703.2.4 Hold Open Devices. Where the International Building Code requires self-closing doors, the Fire Code Official may require magnetic hold open devices that release upon activation of a fire alarm.*~~
Section 705.2.3 Hold open devices.
Where the International Building Code requires self-closing doors in path of egress, a magnetic hold open device that releases upon activation of a fire alarm or loss of power shall be installed.
- F. *Section 903.2.8* shall be amended as follows:
Exception: An automatic fire sprinkler is not required in Group R containing two (2) units or less.
- G. *Section 903.3.6 Hose Threads* shall have added:
Fire hose threads for Fire Department connections shall be two point five inches (2.5").
- H. *Section 907.1 Fire Alarm and Detection Systems* shall have added:
Partial or Limited Detection systems are Allowed. If notification devices are provided, they shall meet requirements of Subsection 7.3.G.1 herein.
- I. *Section 915.1* shall be amended as follows:
Section 915.1 Carbon Monoxide Alarms. New and existing group I or R occupancies located in a building containing a fuel-burning appliance or a building which has an attached garage, where a permit is required for additions, remodels, and/or gas mechanical work, shall be equipped with single station carbon monoxide alarms.
- J. *Section 2305.1.1 Delivery Vehicle Location* shall have added:
In making a delivery of Class I liquids to a bulk plant and to a service station, the tank vehicle shall be completely off the street and sidewalk area.
- K. ~~*Section 5706.1.1 Special Operations*~~ is amended to read as follows:
3. (a) Any person, firm, or corporation desiring to install a bulk plant for the handling or storage of flammable liquids within the corporate limits of the City, shall make application to the ~~Bureau of Fire Prevention~~ Department of Fire Prevention for a permit to do so. Such application shall include a plat or sketch showing the proposed location, a full description of the proposed installation to include the size and character of tanks proposed to be installed, a statement as to whether the tanks are to be located above or underground, and proposed measures for fire protection.

- (b) This application shall be submitted to the Council, together with a recommendation of said ~~Bureau of Fire Prevention~~ Department of Fire Prevention as to the action to be taken.
- (c) The Council shall act on said application at the earliest possible date by accepting or rejecting same, and its decision shall be final.
- (d) The Clerk shall notify the ~~Bureau of Fire Prevention~~ Department of Fire Prevention in writing of the action taken by the Council on the application. If the action of the Council is favorable, the ~~Bureau of Fire Prevention~~ Department of Fire Prevention will issue the permit. If not, the permit shall be denied.
- L. *Section 604.2.2.7 605.12.5 Treatment Systems* shall have added:
Exception: Upon approval of the ~~Fire Chief~~ Fire Code Official, emergency response kits recommended by the Chlorine Institute may be used for chlorine gas product leaks in lieu of the treatment system requirements of this section as long as there are an adequate number of responders immediately available who are trained in their use and who are acceptable to the ~~Fire Chief~~ Fire Code Official.
- M. *Chapter 80, Referenced Standards*, shall have added: Beginning on page 463 of the NFPA Referenced Standards, the most current NFPA standards shall be considered part of the requirements of the IFC to the prescribed extent of each such reference.
(Ords. 2003-11; 05/19/03; 2005-02, 01/18/2005; 2008-21, 09/15/2008; 2008-24, 12/01/2008; 2011-17, 09/19/2011; 2014-11, 07/07/2014; 2018-06, 04/16/2018)

Sec. 7-4. Establishment of ~~Bureau~~ Department of Fire Prevention.

- A. The IFC as amended, deleted and added to shall be enforced by the ~~Bureau of Fire Prevention~~ Department of Fire Prevention in the Fire Department of the City, which is hereby established and which will be operated under the supervision of the Chief of the Fire Department.
- B. The Chief of the Fire Department may detail such members of the Fire Department as inspectors as shall from time to time be necessary.
(Ord. 2003-11; 05/19/03; Ord. 2005-02, 01/18/2005; 2008-21, 09/15/2008)

Sec. 7-5. Terms.

- A. Wherever the word "Municipality" is used in the IFC, as amended, deleted or added to, it shall be held to mean "City."
- B. Whenever the words "Chief of the ~~Bureau of Fire Prevention~~ Department of Fire Prevention" are used in the IFC, as amended, deleted or added to, they shall be held to mean "Fire Chief of the City of Moscow".
(Ord. 2005-02, 01/18/2005, 2008-21, 09/15/2008)

...

Sec. 7-8. Fire Lanes on Private Property, Devoted to Public Use.

- A. The Chief of the ~~Bureau of Fire Prevention~~ Department of Fire Prevention with the Chief of Police shall have the power to designate fire lanes and access roads and their markings on private property devoted to public use.
- B. Parking of motor vehicles or otherwise obstructing fire lanes shall be prohibited at all times.

Sec. 7-9. Safety Inspections.

- A. No inspection shall take place during the nighttime hours unless the inspector has probable

cause to believe that life-threatening circumstances exist on the premises or the owner or a resident consents to the inspection.

- B. All commercial buildings, including buildings of three (3) or more units used for residential uses, shall be subject to inspection during daylight hours. Owners or residents may demand twenty-four (24) hours' notice of such inspection.
- C. Single family or duplex dwellings may not be inspected unless such inspection has been requested by the owner or a resident, or the inspector has cause to believe that a dangerous situation exists or that a law, code, or ordinance related to the safe and proper use of the premises exists.
- D. When violations are noted by the ~~Fire Marshal's office~~, Department of Fire Prevention the owner/and occupants shall be given at least thirty (30) days to correct the noted violations, unless the violations are life threatening. If the violations are life threatening, a shorter time period may be given or the property may be ordered vacated. After expiration of the period given for correction, the premises may be reinspected.
- E. Inspection Fee. A fee, as set from time to time by Resolution of the Council, shall be assessed for reinspection of premises at which violations have been noted. The fee for an inspection may be waived if it is found that all necessary corrections have been completed. If, after the original inspection and three (3) reinspections of the premises, the owner or occupant has failed to correct the safety violations the ~~Fire Marshal~~ Fire Code Official may order the premises to be vacated and that the premises not be utilized until all corrections have been made and inspected. The owner of the premises shall be responsible for all fees charged pursuant to this section. The Council may, from time to time, amend the fees charged under this section by resolution.

(Ord. 2003-11; 05/19/03; Ord. 2005-02, 01/18/2005; 2008-21, 09/15/2008; 2018-06, 04/16/2018)

Sec. 7-10. Refusal of Entry; Appeals.

- A. Should entry to any building, structure or premises be refused the Fire Chief or a ~~fire prevention inspector~~ Fire Code Official having a right of entry under any adopted City Code, the Fire Chief may utilize any remedy available under the IFC, this Code, or the Idaho Code. Such refusal of entry shall also be grounds for revoking the Certificate of Occupancy for the premises.
- B. Termination of a Certificate of Occupancy by the ~~Fire Chief~~ Fire Code Official may be appealed to the Board of Appeals for a hearing on the issue. Appeal to this Board must be made in writing by the property owner. If made within ten (10) days of the date that the termination notice is served, such appeal shall stay termination until the matter can be heard by the Board.

(Ord. 2003-11; 05/19/03; Ord. 2005-02, 01/18/2005; 2008-21, 09/15/2008)

SECTION 4: That Moscow City Code Title 7, Chapter 10 be amended as follows:

Sec. 10-1. Adoption of Code.

A certain document, one (1) certified copy of which is kept on file by the Clerk, being marked and designated as the International Mechanical Code, ~~2012~~ 2018 Edition, as edited, copyrighted and published by the International Code Council is hereby adopted.

(Ord. 2001-17; 09/17/2001; 2005-01, 01/18/2005; 2007-18, 12/17/2007; 2010-26, 12/20/2010; 2014-20, 12/01/2014)

Sec. 10-2. Amendments to the International Mechanical Code

~~Section 507.2.1.1 shall be amended by deleting the language “A method of interlock between an exhaust hood system and appliances equipped with standing pilot burners shall not cause the pilot burners to be extinguished. A method of interlock between an exhausted system and cooking appliances shall not involve or depend upon any component of a fire extinguishing system.”~~

~~—Section 507.2.1.2 shall be amended by adding the language “Exception. This section only pertains to foods manufactured one year past the date of adoption of this code by the City of Moscow.”~~

Section 850.3 shall be amended by adding the language “or approved as per manufacturer’s specifications.”

(Ord. 2014-20, 12/01/2014)

Sec. 10-3. City Not Liable.

Adoption by the City of the International Mechanical Code, ~~2012~~ 2018 Edition, shall not relieve the owner or contractor of any responsibility or liability for compliance with said code, nor shall the City assume such liability through the issuance of any permit or certificate of inspection or by reason of inspection.

(Ords. 89-15, 7/10/89; 92-17, 8/3/92; 97-31, 9/25/97; 99-29, 8/16/99; 2005-01, 01/18/2005; 2007-18, 12/17/2007; 2010-26, 12/20/2010; 2014-20, 12/01/2014)

SECTION 5: That Moscow City Code Title 7, Chapter 12 be amended as follows:

Sec. 12-1. Adoption of Code.

The International Existing Building Code, ~~2012~~ 2018 Edition, as published by the International Code Council, is hereby adopted as an official Code of the City. One (1) certified copy of this Code shall be kept on file by the Clerk for public use.

(Ord. 2001-17; 09/17/2001; 2005-01, 01/18/2005; 2007-18, 12/17/2007; 2010-26, 12/20/2010; 2014-01, 01/21/2014)

...

Sec. 12-3. City Not Liable.

Adoption by the City of the International Existing Building Code, ~~2012~~ 2018 Edition, shall not relieve the owner or contractor of any responsibility or liability for compliance with said Code, nor shall the City assume such liability through the issuance of any permit or certificate of inspection or by reason of inspection.

(Ords. 89-15, 7/10/89; 92-18, 8/3/92; 97-31, 9/25/97; 99-29, 8/16/99; 2005-01, 01/18/2005; 2007-18, 12/17/2007; 2010-26, 12/20/2010; 2014-01, 01/21/2014)

SECTION 6: That Moscow City Code Title 7, Chapter 15 be amended as follows:

Sec. 15-1. Adoption of Code.

The International Energy Conservation Code, ~~2015~~ 2018 Edition, ~~with 2009 Amendments for Residential, published by International Code Council~~, is hereby adopted as an official Code of the City applicable to all occupancies within the City.

The Clerk shall keep one (1) certified copy of the current adopted Edition of the International Energy Conservation Code on file.

(Ord. 2005-01, 01/18/2005; 2007-18, 12/17/2007; 2010-25, 12/20/2010; 2017-17, 12/18/2017)

Sec. 15-2. Amendments to the International Energy Conservation Code.

~~The following Section 403.5.1 shall be amended as follows:~~

~~Section 403.5.1, 2009 International Energy Conservation Code. Whole House Fan Ventilation. All dwelling units shall have a whole house fan installed rated at one hundred (100) cubic feet per minute (cfm) or more. The whole house fan shall be activated by a twenty-four (24) hour timer set to run the exhaust fan. A humidistat may be installed in place of a timer.~~

(Ord. 2005-01, 01/18/2005; 2007-18, 12/17/2007; 2010-25, 12/20/2010; 2017-17, 12/18/2017)

Sec. 15-3. City Not Liable.

Adoption by the City of the International Energy Conservation Code, ~~2009~~ 2018 Edition, ~~with 2009 Amendments for Residential~~, shall not relieve the owner or contractor of any responsibility or liability for compliance with said Code, nor shall the City assume such liability through the issuance of any permit or certificate of inspection or by reason of inspection.

(Ord. 2005-01, 01/18/2005; 2007-18, 12/17/2007; 2010-25, 12/20/2010; 2017-17, 12/18/2017)

SECTION 7: That Moscow City Code Title 7, Chapter 16 be amended as follows:

Sec. 16-1. Adoption of Code.

Parts I-VI, and IX, and Appendix Chapters A, B, C, D, E, F, G, H, J, M, and Q of the International Residential Code, ~~2012~~ 2018 Edition, published by the International Code Council are hereby adopted as the official building code of the City for one (1) and two (2) family dwellings, townhouses and twin homes, as defined by this Code, and shall apply to the erection, construction, enlargement, alteration, repair, moving, removal conversion, demolition, occupancy, equipment, use, height, area and maintenance of one (1) and two (2) family dwellings, townhouses and twin homes, in the City.

The Clerk shall keep one (1) certified copy of the current adopted edition of the International Residential Code on file.

(Ords. 2002-22, 12/2/02; 2005-01, 01/18/2005; 2007-18, 12/17/2007; 2010-25, 12/20/2010; 2014-20, 12/01/2014)

Sec. 16-2. Amendments to the International Residential Code.

The following amendments to the adopted portions of the ~~2012~~ 2018 Edition of the International Residential Code are hereby made:

~~Section G2406.2 shall be amended by the deletion of exceptions 3 and 4.~~

~~Section G2408.2 shall be amended by the deletion of the exception.~~

Section G2427.4.3 shall be added and shall read as follows: Testing: All plastic pipe located within a dwelling used for venting flue gases shall be tested at five (5) psi for fifteen (15) minutes duration.

~~Section M1502.4.2 shall be amended by deleting the words “not to exceed twelve feet (12’)” and inserting the words “not to exceed four feet (4’) or every joint”.~~

~~Section M2101.10 shall be amended by replacing the words “fifteen (15) minutes” with the words “thirty (30) minutes”.~~

Creation of Enforcement Agency

Section R103.1. There is hereby established in this jurisdiction a code enforcement agency which shall be under the administrative and operational control of the Building Official. The Building Official shall develop such rules, regulations and standards as are necessary for the efficient administration of this Chapter.

Section R302.5.4 shall be added: Openings between the garage and the residence shall be equipped with a minimum of two (2) self-closing hinges.

~~Section R302.6 shall be replaced with the following language: The garage shall be separated from the residence and its attic area by not less than five eighths inch (5/8") gypsum board applied to the garage side. Where the separation is a floor-ceiling assembly, the structure supporting the separation and the ceiling shall be protected by not less than five eighths inch (5/8") gypsum board or equivalent.~~

~~Table R302.6, "Dwelling/garage Fire Separation" shall be amended to require that all gypsum board shall be five eighths inch (5/8") gypsum board or the equivalent and not one half inch (1/2") gypsum board.~~

~~Section R303.4 shall be replaced with the following language:~~

~~R303.4 Mechanical Ventilation.— Dwelling units shall be provided with whole house mechanical ventilation in accordance with Section M1507.3.~~

~~—Exception: Where the air infiltration rate of a dwelling unit is equal to five (5) air changes per hour or greater when tested with a blower door at a pressure of zero point two inch (0.2) w.e. (50 Pa) in accordance with Section N1102.4.1.2.~~

~~Section R308.4 "Hazardous locations" For Glazing shall be amended by the deletion of exception 2 in R308.4.3.~~

~~Section R308.4.5 shall be amended by inserting the words "and horizontally" after the word "vertically" and before the word "above" and by the deletion of the exception in R308.4.7.~~

~~—Section R311.3 shall have the following sentence deleted: "The width of each landing shall not be less than the door served." The following sentence shall be added to Section R311.3: "All landings shall have minimum width of thirty six inches (36")."~~

~~—Section R311.3.1. shall be amended by deleting the Exception.~~

~~—Section R315.2 shall be amended by inserting the words 'for additions, re-models, and/or gas/mechanical work' after the word "permit" and before the word "occurs", with deletions of exceptions 1 and 2 of 312.1.2.~~

~~—Table R403.1 to be amended as follows:~~

~~—When one (1) floor is supported by the foundation, thickness of the foundation wall shall be six inches (6") if concrete, and eight inches (8") if unit masonry when the foundation wall is forty-eight inches (48") or less in height. When the foundation wall is forty eight inches (48") or more in height and one (1) floor is supported by the foundation, thickness of the foundation shall be eight inches (8") if concrete, and eight inches (8") if unit masonry; width of footing shall be sixteen inches (16"); thickness of footing shall be eight inches (8"); depth below undisturbed ground surface shall be thirty inches (30").~~

~~—When two (2) floors are supported by the foundation, thickness of the foundation wall shall be eight inches (8") if concrete, and eight inches (8") if unit masonry; width of footing shall be sixteen inches (16"); thickness of footing shall be eight inches (8"); depth below undisturbed ground surface shall be thirty inches (30") When three (3) floors are supported by the foundation, thickness of the foundation wall shall be ten inches (10") if concrete; and ten inches (10") if unit masonry; width of footing shall be twenty inches (20"); thickness of footing shall be ten inches (10"); depth below undisturbed ground surface shall be thirty inches (30").~~

- ~~— 1. Where unusual conditions or frost conditions are found, footings and foundations shall be required to be engineered.~~
- ~~— 2. The ground under the floor may be excavated to the elevation of the top of the footing.~~
- ~~— 3. Foundations may support a roof in addition to the stipulated number of floors. Foundations supporting roofs only shall be as required for supporting one (1) floor.~~
- ~~— Amend table 404.1.2(2), 404.1.2. (3) to say all foundation walls four feet (4') or less #4 bar twenty-four inch (24") on center vertical and horizontal. Foundation walls more than four feet (4') but less than ten feet ((10') #4 bar eighteen inch (18") on center vertical and horizontal. More than ten feet (10') wall shall be designed by a design professional.~~
- ~~— Section R406.1 shall be amended by deletion, in the first sentence, of the words "that retain earth and enclose interior spaces and floors below grade".~~
- ~~— Section R408.2 shall be amended by the deletion of exceptions 1, 2, 3, and 5.~~
- ~~— Section R501.3 Fire Protection of Floors, shall be deleted in its entirety.~~
- ~~— Table R602.3.1 of the 2012 IRC shall be replaced with Table 602.3.1 of the 2009 IRC.~~
- ~~— Section R602.3.2 Top Plates shall be amended by deletion of the sentence "Joints in plates need not occur over studs." and replacing that sentence with "Joints in plates shall occur over studs."~~
- ~~— Section R703.2 shall be amended by the deletion of exceptions 2 and 3.~~
- ~~— Section M2101.10 shall be amended by replacing the words "fifteen (15) minutes" with the words "thirty (30) minutes".~~

Appendix M shall be amended at Section AM103.1.3.1 by deletion in the first sentence of the words "...and be at least six feet (6') (1,529 mm) tall..."; and by deletion in the second sentence of the words "...to be installed at a minimum of five feet (5') (1,528 mm) above the ground".

Appendix R of the International Residential Code, 2012 Edition, titled "Tiny Homes", shall be added.

Section AR104.1.1 shall be amended to say "... Lofts shall have a floor area of not less than thirty-five (35) square feet (3.25 m), and a maximum of two hundred (200) square feet."

Section AR104.1.3 shall be amended by the deletion of the exception: "Under gable roofs with a minimum slope of 6:12, portions of a loft with a sloping ceiling measuring less than sixteen inches (16") (406 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft."

(Ords. 2002-22, 12/2/02; 2004-24, 05/03/04; 2005-01, 01/18/2005; 2007-18, 12/17/2007; 2010-25, 12/20/2010; 2014-20, 12/01/2014; 2017-17, 12/18/2017; 2019-05, 06/03/2019)

Sec. 16-3. City Not Liable.

Adoption by the City of the International Residential Code, ~~2012~~ 2018 Edition, shall not relieve the owner or contractor of any responsibility or liability for compliance with said Code, nor shall the City assume such liability through the issuance of any permit or certificate of inspection or by reason of inspection.

(Ords. 2005-01, 01/18/2005; 2007-18, 12/17/2007; 2010-25, 12/20/2010; 2014-20, 12/01/2014)

SECTION 8: SEVERABILITY. Provisions of this Ordinance shall be deemed severable and the invalidity of any provision of this Ordinance shall not affect the validity of remaining provisions. The remaining sections of Title 7 shall be in full force and effect.

SECTION 9: EFFECT ON OTHER ORDINANCES. Where the definitions contained in this Ordinance are in conflict with relevant portions of the City of Moscow, Idaho, Municipal Code, the definitions contained within those portions of the Moscow Municipal Code will be unaffected until such time, if any, as they are amended to be consistent with this Ordinance.

SECTION 10: EFFECTIVE DATE. This Ordinance shall be effective upon its passage, approval, and publication according to law.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2020.

Bill Lambert, Mayor

ATTEST:

Laurie M. Hopkins, City Clerk

CITY COUNCIL STAFF REPORT

DATE: Monday, December 7, 2020



RESPONSIBLE STAFF

Bill Belknap, Deputy City Supervisor,
Community Planning and Design

REVIEWED BY

ADDITIONAL PRESENTER(S)

OTHER RESOURCES

AGENDA ITEM TITLE

State Local Agreement for the Mountain View Road Improvement Project - Bill Belknap

DESCRIPTION

The City has been pursuing the next phase of the Mountain View Improvements which would extend from the Sixth Street intersection through the Joseph Street intersection. The \$3.45M project generally includes widening of the roadway, installation of bike lanes, curbing, sidewalk and lighting improvements as well as the installation of a roundabout at the Sixth Street intersection. The project is nearing final design and is currently programmed for construction in FY2024. City staff were recently notified that the project is on the list to receive funding to advance the project to construction in 2021 if additional stimulus or redistribution funds become available. In preparation of that possibility, the Local Highway Technical Assistance Council (LHTAC) has requested the City to expedite the execution of a State/Local agreement for the project, as well as to be prepared to fund the City's match of \$198,112 within one week of notice of award. The agreement and associated resolution are before the Council for review and approval.

STAFF RECOMMENDATION

Approve the State/Local Agreement and associated Resolution.

PROPOSED ACTIONS

PROPOSED ACTIONS: Approve the State/Local Agreement and associated Resolution; or take other such action deemed appropriate.

FISCAL IMPACT

Local match in the amount of \$198,112 from the Roadway Improvement Program line item 350-150-40-770-80

PERSONNEL IMPACT

ATTACHMENTS

1. Mountain View State Local Agreement

**STATE/LOCAL AGREEMENT
(CONSTRUCTION)
PROJECT NO. A013 (014)
MOUNTAIN VIEW RD
CITY OF MOSCOW
KEY NO. 13014**

PARTIES

THIS AGREEMENT is made and entered into this _____ day of _____, _____, by and between the **IDAHO TRANSPORTATION BOARD** by and through the **IDAHO TRANSPORTATION DEPARTMENT**, hereafter called the State, and the **CITY OF MOSCOW**, acting by and through its Mayor and Council, hereafter called the Sponsor.

PURPOSE

The Sponsor has requested federal participation in the costs of widening an existing two-lane rural road, to include a roundabout at the intersection of Mountain View Road and 6th Street, which has been designated as Project No. A013 (014). This Agreement sets out the responsibilities of the parties in the construction and maintenance of the project.

Authority for this Agreement is established by Section 40-317 of the Idaho Code.

The Parties agree as follows:

SECTION I. GENERAL

1. This Agreement is entered into for the purpose of complying with certain provisions of the Federal-Aid Highway Act in obtaining federal participation in the construction of the project.
2. Federal participation in the costs of the project will be governed by the applicable sections of Title 23, U.S. Code (Highways) and rules and regulations prescribed or promulgated by the Federal Highway Administration, including, but not limited to, the requirements of 23 U.S.C. §313.23 and CFR §635.410.
3. Funds owed by the Sponsor shall be remitted to the State through the ITD payment portal at:
<https://apps.itd.idaho.gov/PayITD> .

4. All information, regulatory and warning signs, pavement or other markings, and traffic signals, the cost of which is not provided for in the plans and estimates, must be erected at the sole expense of the Sponsor upon the completion of the project.
5. The location, form and character of all signs, markings and signals installed on the project, initially or in the future, shall be in conformity with the Manual of Uniform Traffic Control Devices as adopted by the State.
6. This State/Local Agreement (Construction) upon its execution by both Parties, supplements the State/Local Agreement (Project Development) by and between the same parties, dated May 22, 2012.
7. Sufficient Appropriation. It is understood and agreed that the State is a governmental agency, and this Agreement shall in no way be construed so as to bind or obligate the State beyond the term of any particular appropriation of funds by the Federal Government or the State Legislature as may exist from time to time. The State reserves the right to terminate this Agreement if, in its sole judgment, the Federal Government or the legislature of the State of Idaho fails, neglects or refuses to appropriate sufficient funds as may be required for the State to continue payments. Any such termination shall take effect immediately upon notice and be otherwise effective as provided in this Agreement.

SECTION II. That the State shall:

1. Enter into an Agreement with the Federal Highway Administration covering the federal government's pro rata share of construction costs.
2. Advertise, open bids, prepare a contract estimate of cost based on the successful low bid and notify the Sponsor thereof.
3. Award a contract for construction of the project, based on the successful low bid, if it does not exceed the State's estimate of cost of construction by more than

ten (10) percent. If the low bid exceeds the estimate by more than 10%, the bid will be evaluated, and if justified, the contract will be awarded and the Sponsor will be notified.

4. Obtain concurrence of the Sponsor before awarding the contract if the Sponsor's share of the low bid amount exceeds the amount set forth in Section III, Paragraph 1 by more than ten (10) percent.
5. Provide to the Sponsor sufficient copies of the Contract Proposal, Notice to Contractors, and approved construction plans.
6. Designate a resident engineer and other personnel, as the State deems necessary, to supervise and inspect construction of the project in accordance with the plans and specifications in the manner required by applicable state and federal regulations. This engineer, or his authorized representatives, will prepare all monthly and final contract estimates and change orders, and submit all change orders to the Sponsor for their concurrence. If the Sponsor's share of any change order exceeds \$1,000.00, the State will submit a statement to the Sponsor indicating the amount owed by the Sponsor.
7. Appoint the Local Highway Technical Assistance Council as the contract administrator for the State.
8. Notify the Sponsor when construction engineering and inspection (CE&I) costs have reached approximately 85% of the estimated cost for CE&I.
9. Maintain complete accounts of all project funds received and disbursed, which accounting will determine the final project costs.
10. Upon completion of the project, after all costs have been accumulated and the final voucher paid by the Federal Highway Administration, provide a statement to the Sponsor summarizing the estimated and actual costs, indicating an adjustment for or against the Sponsor. Any excess funds transmitted by the Sponsor and not required for the project will be applied to any outstanding balance the Sponsor may have on a previously

completed project. If no such outstanding balance exists, the excess funds will be returned to the Sponsor.

SECTION III. That the Sponsor shall:

1. Pay to the State before the advertisement for bids, the amount of **ONE HUNDRED NINETY-EIGHT THOUSAND, ONE HUNDRED TWELVE DOLLARS (\$198,112)**, which is the Sponsor's estimated share of the cost for construction plus preliminary engineering, and construction engineering & inspection (CE&I), and after deducting credit for the Sponsor's previous deposit as applies to Preliminary Engineering and the Sponsor's match for the consulting agreement. These costs and the Sponsor's match are detailed in the attached *Worksheet for State/Local Construction Agreements* marked Exhibit A. The actual cost to the Sponsor will be determined from the total quantities obtained by measurement plus the actual cost of engineering and contingencies required to complete the work. Construction engineering, inspection and contingencies will be approximately 24.55% of the total construction cost.
2. Upon approval of the lowest qualified bid received, if the Sponsor's share exceeds the amount set forth in Section III, Paragraph 1, transmit to the State the Sponsor's portion of such excess cost.
3. Authorize the State to administer the project and make any necessary changes and decisions within the general scope of the plans and specifications. Prior approval of the Sponsor will be obtained if it is necessary, during the life of the construction contract, to deviate from the plans and specifications to such a degree that the costs will be increased or the nature of the completed work will be significantly changed.
4. Designate an authorized representative to act on the Sponsor's behalf regarding action on change orders. That authorized representative's name is Scott Bontrager, City Engineer, Phone No. 208-883-7030.
5. When change orders are submitted by the State for approval pursuant to Section II, Paragraph 6, the

Sponsor or its authorized representative shall give approval of same as soon as possible, but no later than ten (10) calendar days after receipt of the change order. If approval is delayed, any claims due to that delay shall be the responsibility of the Sponsor.

6. Upon receipt of any statement referred to in Section II, Paragraphs 6 and 10, indicating an adjustment in cost against the Sponsor, promptly remit to the State a check or warrant in that amount.
7. Maintain the project upon completion to the satisfaction of the State. Such maintenance includes, but is not limited to, preservation of the entire roadway surface, shoulders, roadside cut and fill slopes, drainage structures, and such traffic control devices as are necessary for its safe and efficient utilization. Failure to maintain the project in a satisfactory manner will jeopardize the future allotment of federal-aid highway funds for projects within the Sponsor's jurisdiction.
8. To the extent permitted by Idaho law and as provided by the Idaho Tort Claims Act, indemnify, save harmless the State, regardless of outcome, from the expenses of and against suits, actions, claims or losses of every kind, nature and description, including costs, expenses and attorney fees that may be incurred by reason of any act or omission, neglect or misconduct of the Sponsor or its consultant in the design, construction and maintenance of the work which is the subject of this Agreement, or Sponsor's failure to comply with any state or federal statute, law, regulation or rule. Nothing contained herein shall be deemed to constitute a waiver of the State's sovereign immunity, which immunity is hereby expressly reserved.

EXECUTION

This Agreement is executed for the State by its Highways Construction and Operations Division Administrator, and executed for the Sponsor by the Mayor, attested to by the City Clerk, with the imprinted corporate seal of the City of Moscow.

IDAHO TRANSPORTATION DEPARTMENT

Division Administrator
Highways Construction and Operations

ATTEST:

CITY OF MOSCOW

Clerk

Mayor

(SEAL)

By regular/special meeting
on _____.

cf: 13014 SLA Const

WORKSHEET FOR STATE / LOCAL CONSTRUCTION AGREEMENTS

Key No: 13014

Project No: A013(0014)

Project Name: Mountain View Rd

Sponsor: City of Moscow

Description of work: This project will widen an existing 24' wide two-lane rural road section to a 36' wide two-lane urban road with bicycle lanes, turn lanes, storm drainage improvements, illumination, curbs, gutter, sidewalks and a roundabout at the intersection of Mountain View Road and 6th Street.

Date of State/Local Agreement for Project Development: 5/22/2012

TOTAL ESTIMATED COST OF CONSTRUCTION <i>Includes E&C</i>	\$2,721,320
APPROVED FORCE ACCOUNT WORK	\$0
PLUS PE BY STATE <i>(from 2101)</i>	\$10,000
PLUS PL BY LHTAC <i>(from 2101)</i>	\$104,000
PLUS PC <i>(from PC Agreements)</i>	\$408,030
MINUS ALL NON-PARTICIPATING PARTICIPATING TOTAL	\$0
MATCH PERCENTAGES	\$3,243,350
PERCENTAGE AMOUNTS	
MINUS FEDERAL MAXIMUM	
ADD OVERAGE <i>(If Any To Local)</i>	
LOCAL SHARE OF CONSTRUCTION AMOUNT	

FEDERAL

LOCAL

92.66%

7.34%

\$3,005,288.11

\$238,061.89

\$0

3,005,288



\$0

\$238,062

ADJUSTMENTS

PLUS ALL NON-PARTICIPATING <i>(From above if work by contract)</i>	\$0
MINUS FUNDS ADVANCED BY THE SPONSOR FOR STATE PE <i>(from PD Agreement)</i>	\$10,000
MINUS APPROVED FORCE ACCOUNT WORK <i>(From above)</i>	\$0
MINUS PRELIMINARY ENGINEERING PAID BY LOCAL	\$29,949
<i>(If LPA has not rec'd reimbursement, use actual PC dollars paid by LPA)</i>	
<i>(If LPA has rec'd reimbursement, use local match % of actual PC dollars paid by LPA)</i>	
<i>(Amounts must be supported by District Records Inspector Audit)</i>	

CONSTRUCTION AMOUNT REQUIRED FROM SPONSOR AFTER ADJUSTMENTS \$198,112

Comments:

PREPARED BY: Heather Parker

Date: 11/10/2020

EXHIBIT A

RESOLUTION NO. 2020 –

A RESOLUTION OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ACCEPTING THE OBLIGATIONS FOR THE CONSTRUCTION OF MOUNTAIN VIEW ROAD AS STATED IN THE ATTACHED AGREEMENT WITH THE IDAHO TRANSPORTATION DEPARTMENT, TO BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the Idaho Transportation Department, hereafter called the STATE, has submitted an Agreement stating obligations of the STATE and the City of Moscow, hereafter called the CITY, for construction of Mountain View Road, see Attachment A; and

WHEREAS, the STATE is responsible for obtaining compliance with laws, standards and procedural policies in the development, construction and maintenance of improvements made to the Federal-aid Highway System when there is federal participation in the costs; and

WHEREAS, certain functions to be performed by the STATE involve the expenditure of funds as set forth in the Agreement; and

WHEREAS, the STATE can only pay for work associated with the State Highway system; and

WHEREAS the CITY is fully responsible for its share of project costs;

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

1. That the Agreement for Federal Aid Highway Project A013(014) is hereby approved.
2. That the Mayor and the City Clerk are hereby authorized to execute the Agreement on behalf of the CITY.
3. That duly certified copies of the Resolution shall be furnished to the Idaho Transportation Department.

SEVERABILITY. Provisions of this Resolution and said Agreement shall be deemed severable and the invalidity of any provision of this Resolution shall not affect the validity of the remaining provisions.

EFFECTIVE DATE. This Resolution shall be effective upon its passage and approval.

PASSED AND APPROVED by the Mayor and City Council of the City of Moscow, Idaho, this _____ day of _____, 2020.

Bill Lambert, Mayor

CERTIFICATION. I hereby certify that the above is a true copy of a Resolution passed at a regular meeting of the City Council, City of Moscow, held on _____, _____.

ATTEST:

Laurie M. Hopkins, City Clerk

(Seal)

Attachment A

STATE/LOCAL AGREEMENT
(CONSTRUCTION)
PROJECT NO. A013 (014)
MOUNTAIN VIEW RD
CITY OF MOSCOW
KEY NO. 13014

PARTIES

THIS AGREEMENT is made and entered into this _____ day of _____, _____, by and between the IDAHO TRANSPORTATION BOARD by and through the IDAHO TRANSPORTATION DEPARTMENT, hereafter called the State, and the CITY OF MOSCOW, acting by and through its Mayor and Council, hereafter called the Sponsor.

PURPOSE

The Sponsor has requested federal participation in the costs of widening an existing two-lane rural road, to include a roundabout at the intersection of Mountain View Road and 6th Street, which has been designated as Project No. A013 (014). This Agreement sets out the responsibilities of the parties in the construction and maintenance of the project.

Authority for this Agreement is established by Section 40-317 of the Idaho Code.

The Parties agree as follows:

SECTION I. GENERAL

1. This Agreement is entered into for the purpose of complying with certain provisions of the Federal-Aid Highway Act in obtaining federal participation in the construction of the project.
2. Federal participation in the costs of the project will be governed by the applicable sections of Title 23, U.S. Code (Highways) and rules and regulations prescribed or promulgated by the Federal Highway Administration, including, but not limited to, the requirements of 23 U.S.C. §313.23 and CFR §635.410.
3. Funds owed by the Sponsor shall be remitted to the State through the ITD payment portal at:
<https://apps.itd.idaho.gov/PayITD> .

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Mountain View Road, City of Moscow
Key No. 13014
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4. All information, regulatory and warning signs, pavement or other markings, and traffic signals, the cost of which is not provided for in the plans and estimates, must be erected at the sole expense of the Sponsor upon the completion of the project.
5. The location, form and character of all signs, markings and signals installed on the project, initially or in the future, shall be in conformity with the Manual of Uniform Traffic Control Devices as adopted by the State.
6. This State/Local Agreement (Construction) upon its execution by both Parties, supplements the State/Local Agreement (Project Development) by and between the same parties, dated May 22, 2012.
7. Sufficient Appropriation. It is understood and agreed that the State is a governmental agency, and this Agreement shall in no way be construed so as to bind or obligate the State beyond the term of any particular appropriation of funds by the Federal Government or the State Legislature as may exist from time to time. The State reserves the right to terminate this Agreement if, in its sole judgment, the Federal Government or the legislature of the State of Idaho fails, neglects or refuses to appropriate sufficient funds as may be required for the State to continue payments. Any such termination shall take effect immediately upon notice and be otherwise effective as provided in this Agreement.

SECTION II. That the State shall:

1. Enter into an Agreement with the Federal Highway Administration covering the federal government's pro rata share of construction costs.
2. Advertise, open bids, prepare a contract estimate of cost based on the successful low bid and notify the Sponsor thereof.
3. Award a contract for construction of the project, based on the successful low bid, if it does not exceed the State's estimate of cost of construction by more than

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Mountain View Road, City of Moscow
Key No. 13014
Page No. 2*

ten (10) percent. If the low bid exceeds the estimate by more than 10%, the bid will be evaluated, and if justified, the contract will be awarded and the Sponsor will be notified.

4. Obtain concurrence of the Sponsor before awarding the contract if the Sponsor's share of the low bid amount exceeds the amount set forth in Section III, Paragraph 1 by more than ten (10) percent.
5. Provide to the Sponsor sufficient copies of the Contract Proposal, Notice to Contractors, and approved construction plans.
6. Designate a resident engineer and other personnel, as the State deems necessary, to supervise and inspect construction of the project in accordance with the plans and specifications in the manner required by applicable state and federal regulations. This engineer, or his authorized representatives, will prepare all monthly and final contract estimates and change orders, and submit all change orders to the Sponsor for their concurrence. If the Sponsor's share of any change order exceeds \$1,000.00, the State will submit a statement to the Sponsor indicating the amount owed by the Sponsor.
7. Appoint the Local Highway Technical Assistance Council as the contract administrator for the State.
8. Notify the Sponsor when construction engineering and inspection (CE&I) costs have reached approximately 85% of the estimated cost for CE&I.
9. Maintain complete accounts of all project funds received and disbursed, which accounting will determine the final project costs.
10. Upon completion of the project, after all costs have been accumulated and the final voucher paid by the Federal Highway Administration, provide a statement to the Sponsor summarizing the estimated and actual costs, indicating an adjustment for or against the Sponsor. Any excess funds transmitted by the Sponsor and not required for the project will be applied to any outstanding balance the Sponsor may have on a previously

*State/Local Agreement (Construction)
Mountain View Road, City of Moscow
Key No. 13014
Page No. 3*

completed project. If no such outstanding balance exists, the excess funds will be returned to the Sponsor.

SECTION III. That the Sponsor shall:

1. Pay to the State before the advertisement for bids, the amount of **ONE HUNDRED NINETY-EIGHT THOUSAND, ONE HUNDRED TWELVE DOLLARS (\$198,112)**, which is the Sponsor's estimated share of the cost for construction plus preliminary engineering, and construction engineering & inspection (CE&I), and after deducting credit for the Sponsor's previous deposit as applies to Preliminary Engineering and the Sponsor's match for the consulting agreement. These costs and the Sponsor's match are detailed in the attached *Worksheet for State/Local Construction Agreements* marked Exhibit A. The actual cost to the Sponsor will be determined from the total quantities obtained by measurement plus the actual cost of engineering and contingencies required to complete the work. Construction engineering, inspection and contingencies will be approximately 24.55% of the total construction cost.
2. Upon approval of the lowest qualified bid received, if the Sponsor's share exceeds the amount set forth in Section III, Paragraph 1, transmit to the State the Sponsor's portion of such excess cost.
3. Authorize the State to administer the project and make any necessary changes and decisions within the general scope of the plans and specifications. Prior approval of the Sponsor will be obtained if it is necessary, during the life of the construction contract, to deviate from the plans and specifications to such a degree that the costs will be increased or the nature of the completed work will be significantly changed.
4. Designate an authorized representative to act on the Sponsor's behalf regarding action on change orders. That authorized representative's name is _____, Phone No. _____.
5. When change orders are submitted by the State for approval pursuant to Section II, Paragraph 6, the

*State/Local Agreement (Construction)
Mountain View Road, City of Moscow
Key No. 13014
Page No. 4*

Sponsor or its authorized representative shall give approval of same as soon as possible, but no later than ten (10) calendar days after receipt of the change order. If approval is delayed, any claims due to that delay shall be the responsibility of the Sponsor.

6. Upon receipt of any statement referred to in Section II, Paragraphs 6 and 10, indicating an adjustment in cost against the Sponsor, promptly remit to the State a check or warrant in that amount.
7. Maintain the project upon completion to the satisfaction of the State. Such maintenance includes, but is not limited to, preservation of the entire roadway surface, shoulders, roadside cut and fill slopes, drainage structures, and such traffic control devices as are necessary for its safe and efficient utilization. Failure to maintain the project in a satisfactory manner will jeopardize the future allotment of federal-aid highway funds for projects within the Sponsor's jurisdiction.
8. To the extent permitted by Idaho law and as provided by the Idaho Tort Claims Act, indemnify, save harmless the State, regardless of outcome, from the expenses of and against suits, actions, claims or losses of every kind, nature and description, including costs, expenses and attorney fees that may be incurred by reason of any act or omission, neglect or misconduct of the Sponsor or its consultant in the design, construction and maintenance of the work which is the subject of this Agreement, or Sponsor's failure to comply with any state or federal statute, law, regulation or rule. Nothing contained herein shall be deemed to constitute a waiver of the State's sovereign immunity, which immunity is hereby expressly reserved.

*State/Local Agreement (Construction)
Mountain View Road, City of Moscow
Key No. 13014
Page No. 5*

EXECUTION

This Agreement is executed for the State by its Highways Construction and Operations Division Administrator, and executed for the Sponsor by the Mayor, attested to by the City Clerk, with the imprinted corporate seal of the City of Moscow.

IDAHO TRANSPORTATION DEPARTMENT

Division Administrator
Highways Construction and Operations

ATTEST:

CITY OF MOSCOW

Clerk

Mayor

(SEAL)

By regular/special meeting
on _____.

cf: 13014 SLA Const

*State/Local Agreement (Construction)
Mountain View Road, City of Moscow
Key No. 13014
Page No. 6*

WORKSHEET FOR STATE / LOCAL CONSTRUCTION AGREEMENTS			
Key No: 13014			
Project No: A013(0014)			
Project Name: Mountain View Rd			
Sponsor: City of Moscow			
Description of work: This project will widen an existing 24' wide two-lane rural road section to a 36' wide two-lane urban road with bicycle lanes, turn lanes, storm drainage improvements, illumination, curbs, gutter, sidewalks and a roundabout at the intersection of Mountain View Road and 6th Street.			
Date of State/Local Agreement for Project Development: 5/22/2012			
TOTAL ESTIMATED COST OF CONSTRUCTION Includes E&C \$2,721,320 APPROVED FORCE ACCOUNT WORK \$0 PLUS PE BY STATE (from 2101) \$10,000 PLUS PL BY LHTAC (from 2101) \$104,000 PLUS PC (from PC Agreements) \$408,030 MINUS ALL NON-PARTICIPATING \$0 PARTICIPATING TOTAL \$3,243,350 MATCH PERCENTAGES PERCENTAGE AMOUNTS MINUS FEDERAL MAXIMUM ADD OVERAGE (If Any To Local) LOCAL SHARE OF CONSTRUCTION AMOUNT	FEDERAL	LOCAL	92.66% 7.34% \$3,005,288.11 \$238,061.89 \$0 3,005,288 \$0 \$238,062
ADJUSTMENTS			
PLUS ALL NON-PARTICIPATING (From above if work by contract) \$0 MINUS FUNDS ADVANCED BY THE SPONSOR FOR STATE PE (from PD Agreement) \$10,000 MINUS APPROVED FORCE ACCOUNT WORK (From above) \$0 MINUS PRELIMINARY ENGINEERING PAID BY LOCAL \$29,949 (If LPA has not rec'd reimbursement, use actual PC dollars paid by LPA) (If LPA has rec'd reimbursement, use local match % of actual PC dollars paid by LPA) (Amounts must be supported by District Records Inspector Audit)			
CONSTRUCTION AMOUNT REQUIRED FROM SPONSOR AFTER ADJUSTMENTS			\$198,112
Comments:			
PREPARED BY: Heather Parker Date: 11/10/2020			

EXHIBIT A

rd 8/06

CITY COUNCIL STAFF REPORT

DATE: Monday, December 7, 2020



RESPONSIBLE STAFF

Aimee Hennrich

REVIEWED BY

ADDITIONAL PRESENTER(S)

OTHER RESOURCES

No other resources.

AGENDA ITEM TITLE

Appeal of Conditional Use Permit and Variance at 420 E Second Street (ACTION ITEM) - Aimee Hennrich

DESCRIPTION

On August 18, 2020, Unitarian Universalist Church of the Palouse (UUCP) submitted an application for a Conditional Use Permit (CUP) to expand the existing Church located at 420 E. Second Street, and a variance application to waive a portion of the off-street parking requirements associated with the proposed expansion. The Board of Adjustment conducted a public hearing for the proposed CUP and variance on September 29, 2020, and subsequently voted to approve the variance to waive twelve (12) off-street parking spaces and approve the CUP application with two (2) conditions. On October 22, 2020, the Community Development Department received an appeal letter from Willy and Lisa Tate, Anne Marshall, Jim Riosa, and Carrie Barker, stating that they wish to appeal the Board of Adjustment's decision to City Council.

STAFF RECOMMENDATION

1. After considering the record and appeal request; sustain the decision of the Board in whole or in part; reverse the decision of the Board in whole or in part; or remand the matter in whole or in part to the Board with comments and/or instructions for further consideration by the Board; or take other such action deemed appropriate.
2. Direct staff to prepare a written decision based on the Council's action.

PROPOSED ACTIONS

PROPOSED ACTIONS:

1. After considering the record and appeal request; sustain the decision of the Board in whole or in part; reverse the decision of the Board in whole or in part; or remand the matter in whole or in part to the Board with comments and/or instructions for further consideration by the Board; or take other such action deemed appropriate.
2. Direct staff to prepare a written decision based on the Council's action.

FISCAL IMPACT

No fiscal impact.

PERSONNEL IMPACT

No personnel impact.

ATTACHMENTS

1. BOA Packet CUP and VAR

2. RCS - CUP
3. RCS - VAR
4. Notice of Public Meeting - Appeal
5. Appeal Application Letter
6. Hearing Transcript
7. BOA meeting Minutes 9-29-20

BOARD of ADJUSTMENT



Joe Bazzoli
Commission Chair

~ Meeting Agenda ~

Aimee Hennrich
Staff Liaison

boa@ci.moscow.id.us

208.883.7095

<http://www.ci.moscow.id.us/agendacenter>

**Tuesday
September 29, 2020**

7:00 PM

**Council Chambers
221 E 2nd Street**

Call to order

1. **Approval of Minutes from September 17, 2020 [ACTION ITEM]**

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

2. **Public Hearing: Proposal for a Conditional Use Permit at 420 E. Second Street – LUP2020-0020 [ACTION ITEM]**

Conditional Use Permit Application to expand an existing Church (Unitarian Universalist Church of the Palouse) located at 420 E. Second Street in the Multiple Family Residential (R4) Zoning District per MCC 4-3-4.

ACTION: Conduct the public hearing upon the proposed conditional use permit request and upon consideration of any testimony presented, approve the conditional use permit and direct Staff to prepare a reasoned statement of relevant criteria and standards; or approve the conditional use permit with conditions and direct Staff to prepare a reasoned statement of relevant criteria and standards; or deny the conditional use permit request and direct Staff to prepare a reasoned statement of relevant criteria and standards; or take other action as deemed appropriate.

3. **Public Hearing: Proposal for a Variance at 420 E. Second Street – LUP2020-0022 [ACTION ITEM]**

Variance Application to waive a portion of the additional off-street parking requirement for the proposed expansion of the Unitarian Universalist Church of the Palouse, located at 420 E Second Street.

ACTION: Conduct the public hearing for the proposed Variance and upon consideration of any testimony presented, approve the Variance without conditions and direct Staff to prepare a reasoned statement of relevant criteria and standards; or approve the Variance with conditions and direct Staff to prepare a reasoned statement of relevant criteria and standards; or deny the Variance and direct Staff to prepare a reasoned statement of relevant criteria and standards; or take other action as deemed appropriate.

4. **Board Communications**

5. **Other Business**

Adjournment

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

BOARD of ADJUSTMENT



Joe Bazzoli
Commission Chair

~Meeting Minutes~
September 17, 2020

Aimee Hennrich
Staff Liaison

boa@ci.moscow.id.us

208.883.7095

<http://www.ci.moscow.id.us/354/Board-of-Adjustment>

Bazzoli called the meeting to order at 5:37 PM

MEMBERS PRESENT: Joe Bazzoli, Chair; Steve Bush, Marshall Comstock, Mark Monson

MEMBERS ABSENT: Annette Biegler, Tim Thomson

STAFF IN ATTENDANCE: Aimee Hennrich, Jennifer Fleischman

1. Approval of Minutes from September 15, 2020

Monson moved for approval of the minutes as discussed and modified, seconded by Bush. Motion carried by acclamation.

2. Approval of Relevant Criteria and Standards for a Property Located at 722 E First Street – LUP2020-0021

Conditional Use Permit application to convert the garage of a non-conforming duplex into living space within the Moderate Density, Single Family Residential (R2) Zoning District.

Monson moved for approval of the Relevant Criteria and Standards as presented, seconded by Bush. Motion carried by acclamation.

3. Board Communications

The next hearing is scheduled for Tuesday, September 29th.

4. Other Business

None.

The meeting adjourned at 5:41 pm.

Joe Bazzoli, Chair

Date

AMENDED NOTICE OF PUBLIC HEARING

Proposals for Conditional Use Permit and Variance at 420 E Second St
Permit Applications LUP2020-0020 and LUP2020-0022

A public hearing at which you may be present and speak will be conducted before the Board of Adjustment of the City of Moscow at which time the following proposals will be considered:

1. Conditional Use Permit Application to expand an existing Church (Unitarian Universalist Church of the Palouse) located at 420 E. Second Street in the Multiple Family Residential (R4) Zoning District per MCC 4-3-4.
2. **Variance Application to waive a portion of the additional off-street parking requirements for the proposed expansion of the Unitarian Universalist Church of the Palouse, located at 420 E Second Street.**

HEARING DATE: ~~Tuesday, September 15, 2020~~ **Tuesday, September 29, 2020**

HEARING LOCATION: Council Chambers on the Second Floor of Moscow City Hall
206 East Third Street, Moscow, Idaho

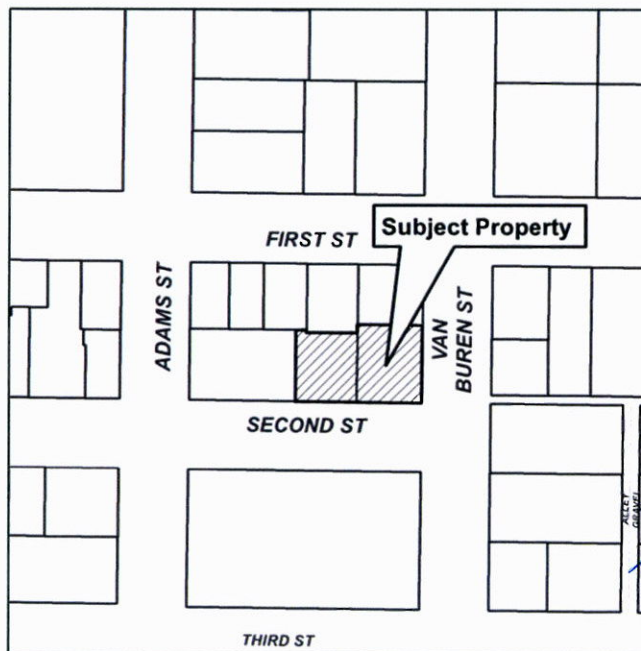
MEETING TIME: 7:00 pm

Note: Meeting start time is not necessarily indicative of hearing start time for the proposal advertised in this notice. Multiple hearings and/or agenda items may make it difficult to determine hearing start time, which could occur late in the meeting.

The file containing information on this matter is available for public review at the Community Development Department located in the Paul Mann Building at 221 East Second Street, Moscow, Idaho. Call 883-7035 for a meeting agenda and further information about the matter.

Verbal testimony at the hearing is generally limited to three (3) minutes time. Minor amounts of written materials (less than two (2) pages) may be submitted to the hearing body at any time prior to the close of comments, as determined by the hearing body. More in-depth written

materials require at least five (5) calendar days for review prior to the hearing. You may obtain further information about the public hearing process and procedures on the City's Website at: <http://id-moscow.civicplus.com/593/Public-Hearing-Notices>



Laurie Hopkins, Moscow City Clerk


Jennifer Fleischman, Deputy City Clerk

Publish: September 12, 2020

For City Use Only			
Updated App	Date Received	9/9/20	
Dept	Fee Type	Fees	Paid
CD	Application Fee	\$500	✓
	Receipt Number	WP2020-0020	

(Please type or print plainly with blue ink.)

5. **Authorization:** Section Title 4; Chapter 3 of the Moscow Zoning Ordinance authorizes the proposed use, subject to a Conditional Use Permit and the proposed balcony, subject to a variance for the additional parking requirements.
6. **Operating Characteristics:** Detail the operating characteristics of the proposed use. In other words, provide specific information which describes and defines how the proposed use will be conducted and what will be involved in the day to day operations of the proposed use. Applicable information may include hours of operation, number of people (employees, customers, students, etc.) involved, traffic and/or delivery information, services provided, equipment or machinery which may be involved, or any other information which helps describe and define the proposed use and impacts which it may have.

___ The church will continue to operate as it has since acquiring the site in 1985, with Sunday morning services and religious education as well as a variety of mid-week and evening small group activities, choir practice, and community events, such as weddings and concerts in the sanctuary. Remodeling of the sanctuary will provide a 28 seat increase in the sanctuary seating capacity. The church is also requesting a variance to reconstruct the historic balcony in the sanctuary which would have an additional 43 seats. The Balcony is an Alternate in the bid documents, to be constructed if finances allow. The Owner understands that the balcony seating requires a variance, which is being sought concurrently with this application. ___

7. *Before the Moscow Board of Adjustment may issue a Conditional Use Permit, the Board must first make findings of compliance with the following seven relevant criteria and standards. Please indicate in the spaces provided below what you believe to be justification showing compliance with each of the relevant criteria and standards.*

Criteria #1. THE PROPOSED USE IS A CONDITIONALLY PERMITTED USE WITHIN THE ZONING DISTRICT.

Justification and compliance with criteria #1: ___ In Section 3-4 of the zoning code, the Land Use Table, identifies Religious Facilities as a qualified conditionally approved use. The proposal maintains the historic use of the site as a Religious Facility. ___

Criteria #2. THE CHARACTER OF THE PROPOSED USE WILL BE IN HARMONY WITH THE NEIGHBORHOOD AND SURROUNDING LAND USES.

Justification and compliance with criteria #2:

_ The project is located within the Fort Russell Historic District. The neighborhood is a mosaic of zoning districts that capture the historic character of development of the area. The immediate neighborhood is a mix of residential uses (many historic houses) and "several prominent community institutions are located in the neighborhood, including the city library, John Russell Elementary, the old Moscow High School (1912 Building), and several churches including Moscow First Methodist Church, St. Mary's Catholic Church, St. Mark's Episcopal Church, [and the subject property], which are all notable within the district and the city for their distinctive architecture." [from Fort Russell Neighborhood Historic District (Boundary Increase and Additional Documentation) (2015)]

The small house to the west of the church (414 E 2nd St) was purchased by the Church in 1988 to be used for religious education and small group meetings. The Fort Russell Neighborhood survey dates the building between 1904-28 and notes "As indicated by Sanborn maps, the single-story bay window on the façade elevation, the enclosed porch beneath an extension of the roof on the façade, a corner, gable-roof bay on the southeast corner, and a covered stair on the west side are all nonhistorical alterations."

The proposed project will retain the historic church in its current form and will replace the small house with a new structure that matches the design elements and materials of the church. The resulting structures will be harmonious and continue to fit within the varied tapestry of the neighborhood.____

Criteria #3. THE PROPOSED USE AS APPROVED, OR AS APPROVED WITH CONDITIONS, WILL NOT GENERATE NUISANCES THAT WOULD BE INJURIOUS OR DETRIMENTAL TO ADJOINING PROPERTIES OR THE NEIGHBORHOOD (INCLUDING BUT NOT LIMITED TO NOISE, DUST, GLARE, VIBRATIONS, ODORS AND THE LIKE).

Justification and compliance with criteria #3: ____ The project does not request to change the use from its current use as a religious facility. This use does not presently generate nuisances that are injurious or detrimental to the adjoining neighborhood. The additional on-site parking will be provided to serve the proposed expansion of the sanctuary. Concurrently, a variance is being sought to provide additional balcony seating, for which additional on-site parking is not provided.

Further, maintaining the current use on the site is advantageous for the carbon footprint of the community, as opposed to having the church relocate to a greenfield site on the edge of the city. Presently many people walk or bike to the facility and fixed route transit comes within a block of the site.____

Criteria #4. THE LOCATION, DESIGN, AND SIZE OF THE PROPOSED USE WILL BE ADEQUATELY SERVED BY EXISTING STREETS, PUBLIC FACILITIES AND SERVICES.

Justification and compliance with criteria #4: ____ The project does not substantially change the intensity of use on the site and it will continue to be adequately served by existing streets and public facilities. A modest expansion of seating in the Sanctuary is paired with newly constructed on-site parking subject to a joint facility agreement with Latah County (Latah County Historical Society's McConnell Mansion). The parking will be developed off an existing N-S drive that is shared between the Church and Latah County (Latah County Historical Society's McConnell Mansion). The shared parking agreement is attached to this application. Balcony seating is anticipated to mostly supply overflow capacity for occasional events.____

Criteria #5. THE PROPOSED USE WILL NOT ENDANGER THE PUBLIC HEALTH OR SAFETY IF LOCATED WHERE PROPOSED.

Justification and compliance with criteria #5: ____ The proposal will not endanger the public health or safety. Further, since the church is regularly used by the general public, the modernizations within the project will make it more accessible and safer for individuals with mobility impairments.____

Criteria #6. THE PROPOSED USE MEETS ALL APPLICABLE DEVELOPMENT STANDARDS OF THE ZONING CODE.

Justification and compliance with criteria #6: ___ The proposal meets all the applicable development standards of the Zoning code, including setbacks, height, and parking requirements. The 28 new seats in the Sanctuary are provided with 7 new parking places (4:1 ratio) as required. The potential Balcony is a Bid Alternate. Concurrent with this application, the Owner is seeking a Variance for the parking required. ___

Criteria #7. THE PROPOSED USE WILL NOT BE IN CONFLICT WITH THE COMPREHENSIVE PLAN.

Justification and compliance with criteria #7: ___ The Comprehensive plan designates the site Urban Residential and anticipates the existing R-4 zoning. ___

CONDITIONS OF APPROVAL

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

COMPLIANCE

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

REVOCATIONS

If a Building Permit and/or Certificate of Occupancy pertaining to the Conditional Use Permit is not obtained for the subject property within one year from the date of the Board of Adjustment's final decision, the Conditional Use Permit shall be immediately revoked and shall be automatically null and void. If the use and/or occupancy for which the Conditional Use Permit is approved ceases for a period of twelve consecutive months, unless otherwise provided for in the Conditional Use Permit, then the Conditional Use Permit shall be immediately revoked and shall be automatically null and void.

Application Submittal:

This application must be completed and submitted with the below described items to the Moscow Community Development Director at least twenty-one days prior to the hearing at which the application is to be considered by the Board or the application will not be processed.

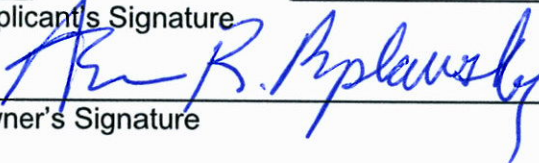
The following items must be submitted with this application before it will be processed:

1. Application Fee
2. Site Plan, drawn to scale
3. Floor Plans, drawn to scale
4. Elevation Drawings, drawn to scale (for new construction only)

I understand this information is a public record and may be posted to a public website.


Applicant's Signature

Sept 8, 2020
Date


Owner's Signature

Sept. 9, 2020
Date



**CITY OF MOSCOW
COMMUNITY DEVELOPMENT**
Ph: 208-883-7035
Fax: 208-883-7033
apeterson@ci.moscow.id.us

For City Use Only			
Date Received		9/04/20	
Dept	Fee Type	Fees	Paid
CD	Application Fee	\$500	\$500
Receipt Number		LUP2020-0022	

APPLICATION FOR ZONING VARIANCE

(Please type or print plainly with blue ink.)

GENERAL INFORMATION

1. Applicant

Name: Nils Peterson Telephone: 509/336-1664

 841 Travois Way, Moscow ID 83843
(home address)

alpopsky@gmail.com

Relationship to affected property (please check one):

Owner Purchaser Lessee Other ☒ (explain below)

 Applicant is serving as a representative of the Owner and Owner's building committee

2. Owner of Affected Property (if other than applicant)

Name: Unitarian Universalist Church of the Palouse, Inc Telephone: 208/882-3428

 420 & 414 East 2nd St, Moscow, ID 83843
(home address)

3. Location of Affected Property: 420 & 414 East 2nd St, Moscow, ID 83843

Legal Description: Russell's Addition block 1 Lots 8 & 9
(subdivision) (block) (lot)

If described by Metes and Bounds, please attach copy of deed.

INFORMATION ON REQUESTED VARIANCE

4. **Proposal:** The applicant proposes the following construction and/or use for the above-described property:

 The applicant has submitted a CUP for a remodel of the Church sanctuary and a demolition and reconstruction of the "yellow house" as a more function facility for religious education and offices.

This Variance Request is to allow the construction of a balcony in the sanctuary with an additional 43 seats which would require 11 additional on-site parking spaces

Existing and proposed site conditions shall be shown on an attached site plan drawn to a standard engineer's or architect's scale. The site plan shall show, label and dimension all property lines and easements, existing and proposed buildings, parking lot and driveway(s) and fencing. The site plan should also show topography and landscaping if pertinent to the Variance.

5. **Reason(s) for Variance Request:** The proposed construction and/or use described in Question 4 above would be in violation of Section Title 4 Sec 6-2 of the Moscow Zoning Ordinance which requires that:

 Minimum number of parking spaces for Civic & Social Organizations is 1 per 4 seats. The balcony with 43 seats would require an additional 11 on-site parking spaces. The applicant is requesting a variance from this parking requirement.

6. ***In order for the Board of Adjustment to issue a Variance, the Board must make findings of compliance with the following three relevant criteria and standards. Please indicate in the spaces provided below what you believe to be justification showing compliance with each of the relevant criteria and standards.***

Criteria #1. SPECIAL CONDITIONS AND/OR CIRCUMSTANCES EXIST WHICH ARE PECULIAR TO THE PROPERTY (SUCH AS SIZE, SHAPE, TOPOGRAPHY OR LOCATION) WHICH ARE NOT APPLICABLE TO OTHER PROPERTY SIMILARLY SITUATED IN THE SAME ZONING DISTRICT.

Justification and compliance with criteria #1: ___ The Unitarian Church is located within the Fort Russell Historic District. The neighborhood is a mosaic of zoning districts that capture the historic character of development of the area. The immediate neighborhood is a mix of residential uses (many historic houses) and “several prominent community institutions are located in the neighborhood, including the city library, John Russell Elementary, the old Moscow High School (1912 Building), and several churches including Moscow First Methodist Church, St. Mary’s Catholic Church, St. Mark’s Episcopal Church, [and the subject property], which are all notable within the district and the city for their distinctive architecture.” [from Fort Russell Neighborhood Historic District (Boundary Increase and Additional Documentation) (2015)]

The neighborhood was developed prior to the extensive use of the automobile and the lots were not sized for the inclusion of on-site parking. The renovations and replacement of the “yellow house” requested in the CUP application is providing 7 new parking places, related to additional seating to be provided in the sanctuary.

Historically the church had a balcony. When the current owner modernized the facility after their purchase in 1985, the balcony space was blocked off and a portion used for the Minister’s office. This request is to recreate the historic balcony use, with seating for 43. Site constraints prevent adding additional parking.

Criteria #2. BECAUSE OF THE AFOREMENTIONED SPECIAL CONDITIONS OF THE PROPERTY, APPLICATION OF THE PROVISIONS OF THIS ZONING CODE WOULD IMPOSE UNDUE HARDSHIP AND WOULD DEPRIVE THE PROPERTY OWNER OF RIGHTS COMMONLY ENJOYED BY OWNERS OF OTHER PROPERTY SIMILARLY SITUATED IN THE SAME ZONING DISTRICT.

Justification and compliance with criteria #2: _____ The building has served as a church for most of its 100+ years. At the time of its construction and during most of its use, there were no on-site parking requirements. The Church is providing 7 new parking spaces (in a joint use arrangement with Latah County’s McConnell Manson historic house) to accommodate the expansion of seating in the sanctuary. It is not practical to provide additional on-site parking. The Church seeks to restore a historic balcony use, lost in a previous remodel. _____

Criteria #3. GRANTING OF THE VARIANCE WILL NOT BE IN CONFLICT WITH THE PUBLIC INTEREST OR INJURIOUS TO PROPERTY OR PERSONS IN THE VICINITY OF THE SUBJECT PROPERTY.

Justification and compliance with criteria #3: ____ Granting of this variance will not be in conflict with the Public Interest or injurious to property or persons in the vicinity. The Church uses the sanctuary primarily on Sunday mornings for worship. This is a time when there is relatively less demand for street parking in the vicinity. The 1912 Center has indicated a willingness to share its parking when not needed for its own uses. The Church also uses the sanctuary on other occasions, for weddings, funerals, musical concerts and other events open to the community. These additional events may or may not use the balcony and will place only occasional demands on neighborhood parking.

The Church's location in the Historic District and in proximity to the downtown area make it a destination for people on foot or bicycle which can mitigate the actual demand for automobile parking. ____

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

Compliance:

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

Revocations: If a building permit or occupancy permit pertaining to the Variance is not obtained for the subject property within one (1) year from the date of the Board of Adjustment's final decision, such Variance shall be immediately revoked and shall be automatically null and void.

Application Submittal: This application must be completed and submitted with the below described items to the Moscow Community Development Director at least sixteen (16) days prior to the hearing at which the application is to be considered by the Board of Adjustment, or the application will not be processed. Applicant will be notified by the City Planner as to the time and place of the hearing pertaining to this application.

The following items must be submitted with this application:

1. Application Fee
2. Legal description (deed) of subject property, if it is not subdivision, block and lot.
3. Site Plan (drawn to scale)
4. Floor Plan(s) (drawn to scale), if applicable
5. Elevation Drawing(s) (drawn to scale), if applicable

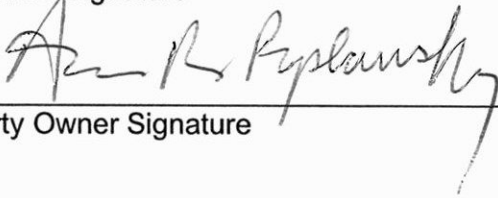
I understand this information is a public record and may be posted to a public website.



Applicant's Signature

Aug 31, 2020

Date

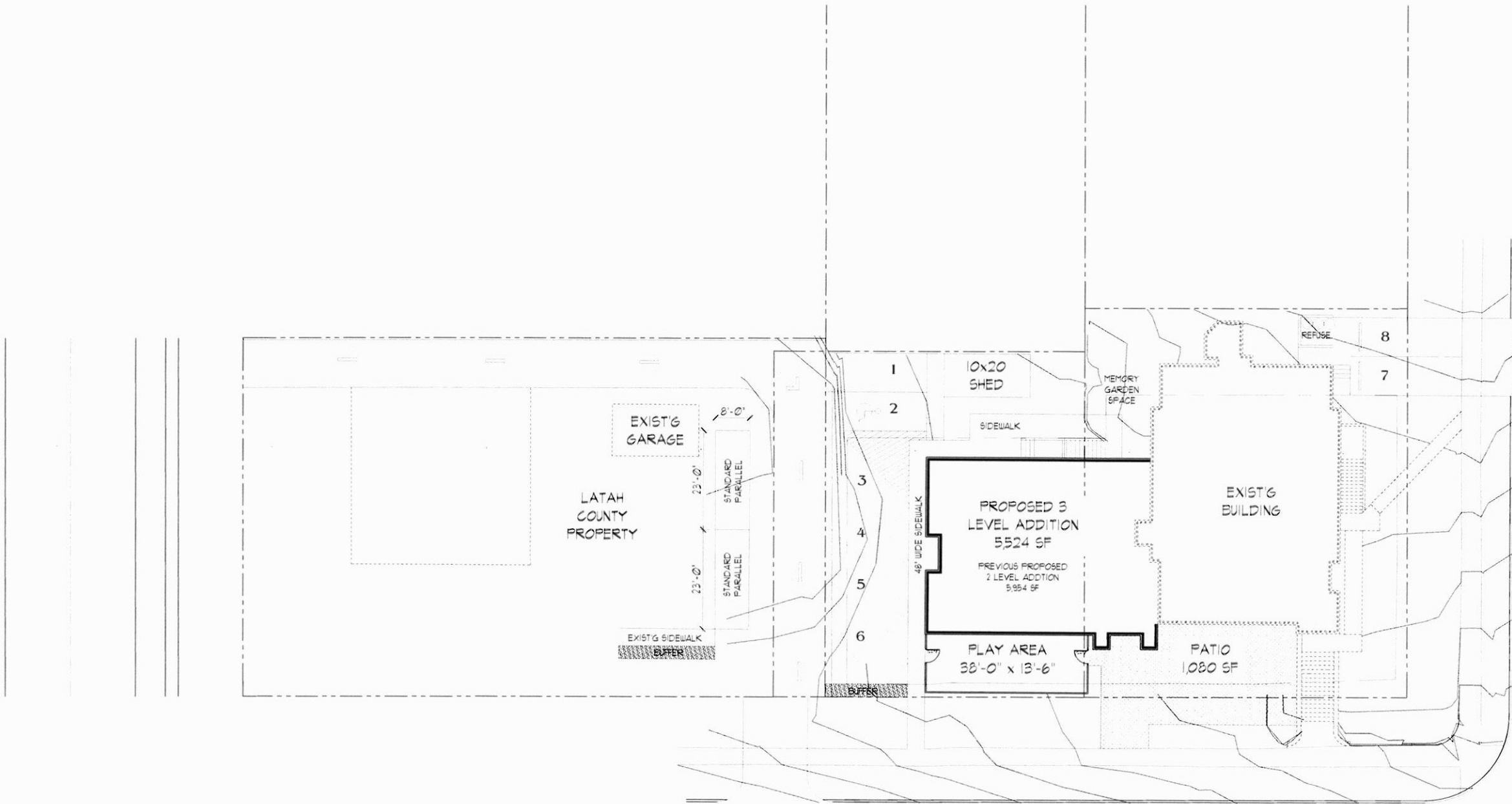


Property Owner Signature

Sept 4, 2020

Date

Unitarian Universalist Church of the Palouse
420 E 2nd St, Moscow Idaho



Proposed Site Plan

SCALE: 1/8" = 1'-0"

Dated 03-04-20

Second & Van Buren
Moscow, Idaho

Addition & Remodel
Unitarian Universalist Church of the Palouse

Job Number: 00-104518
Drafted by: John H. Paul
Date: 01/02/09
Sheet Contents:
Site Plan

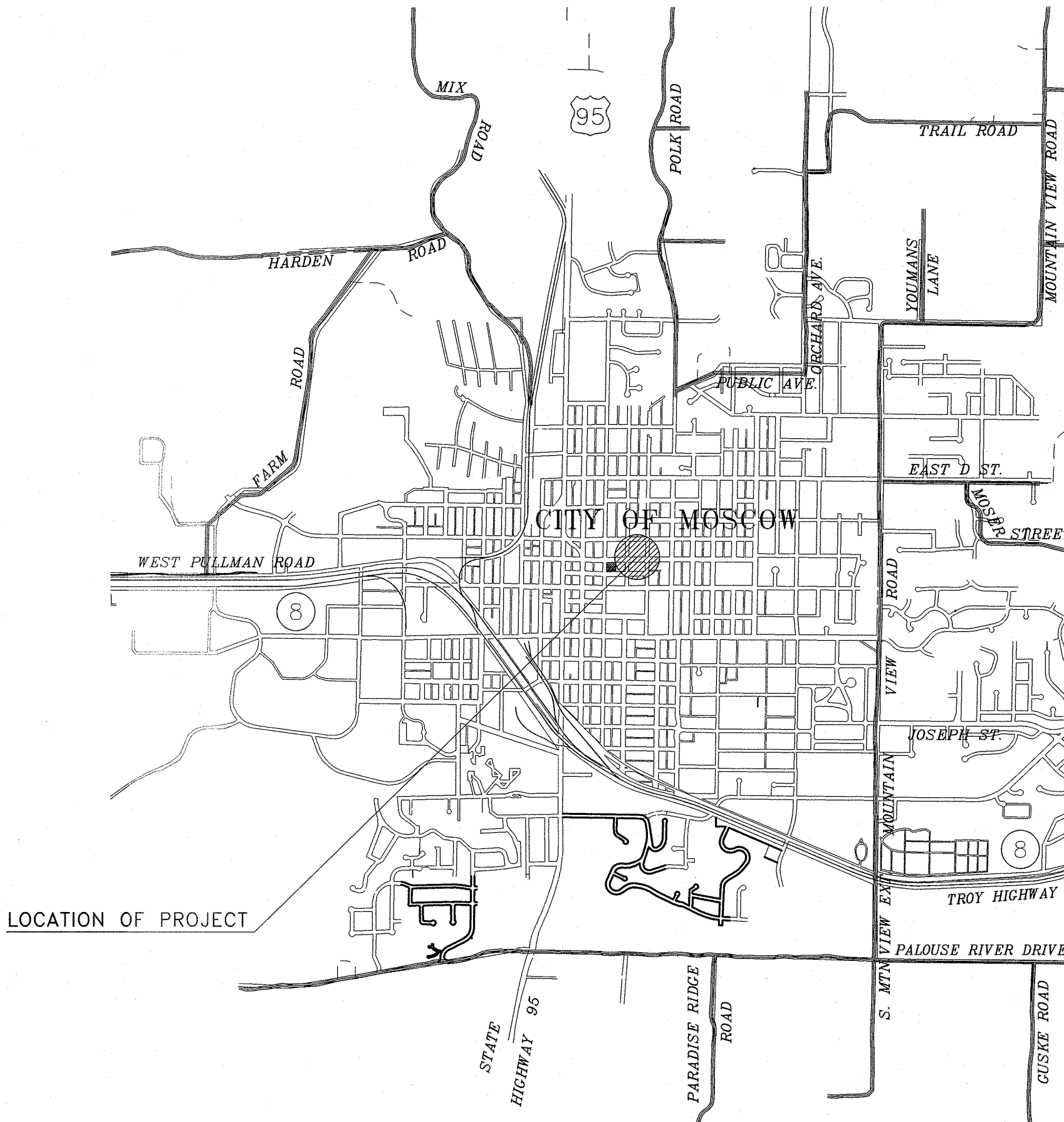
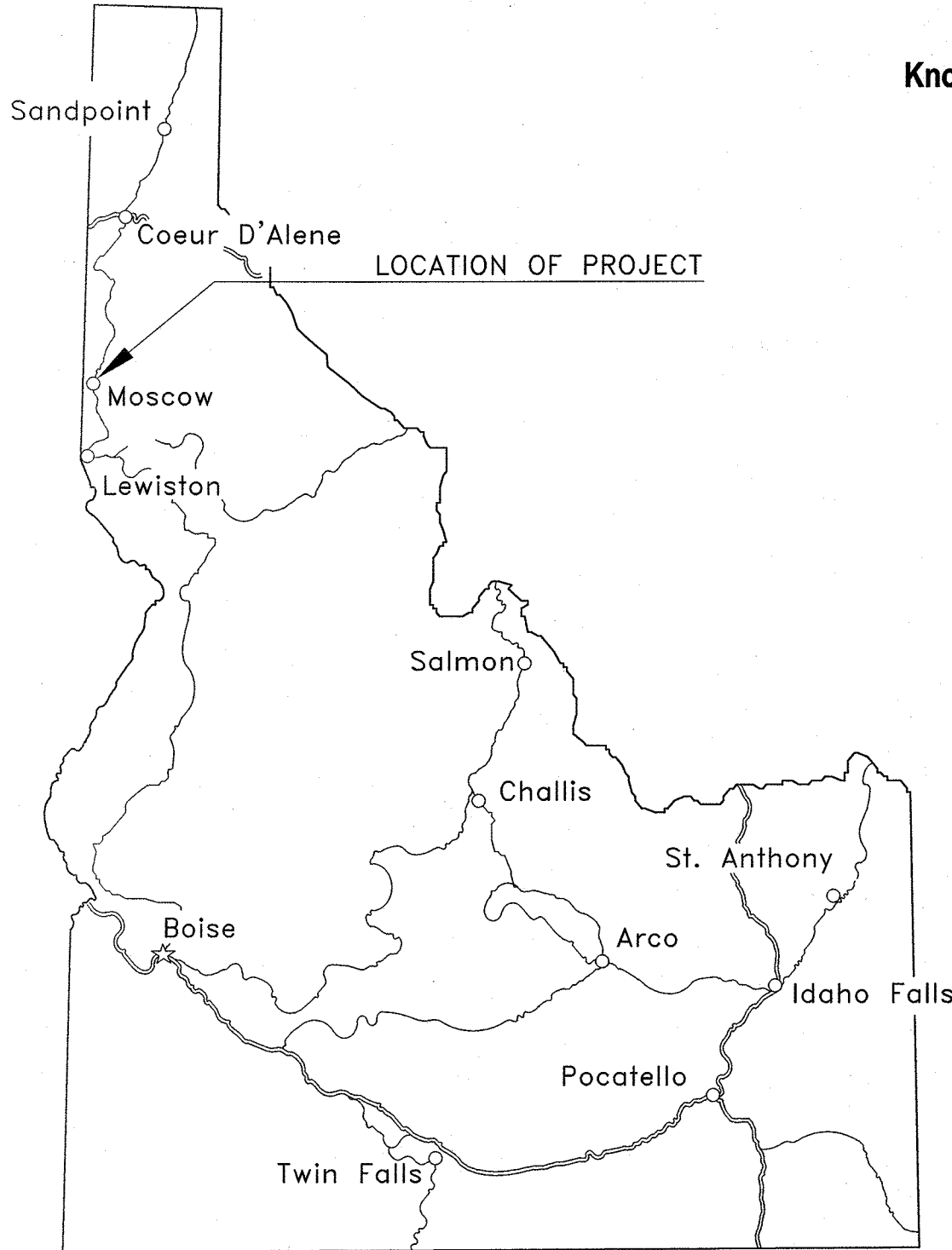
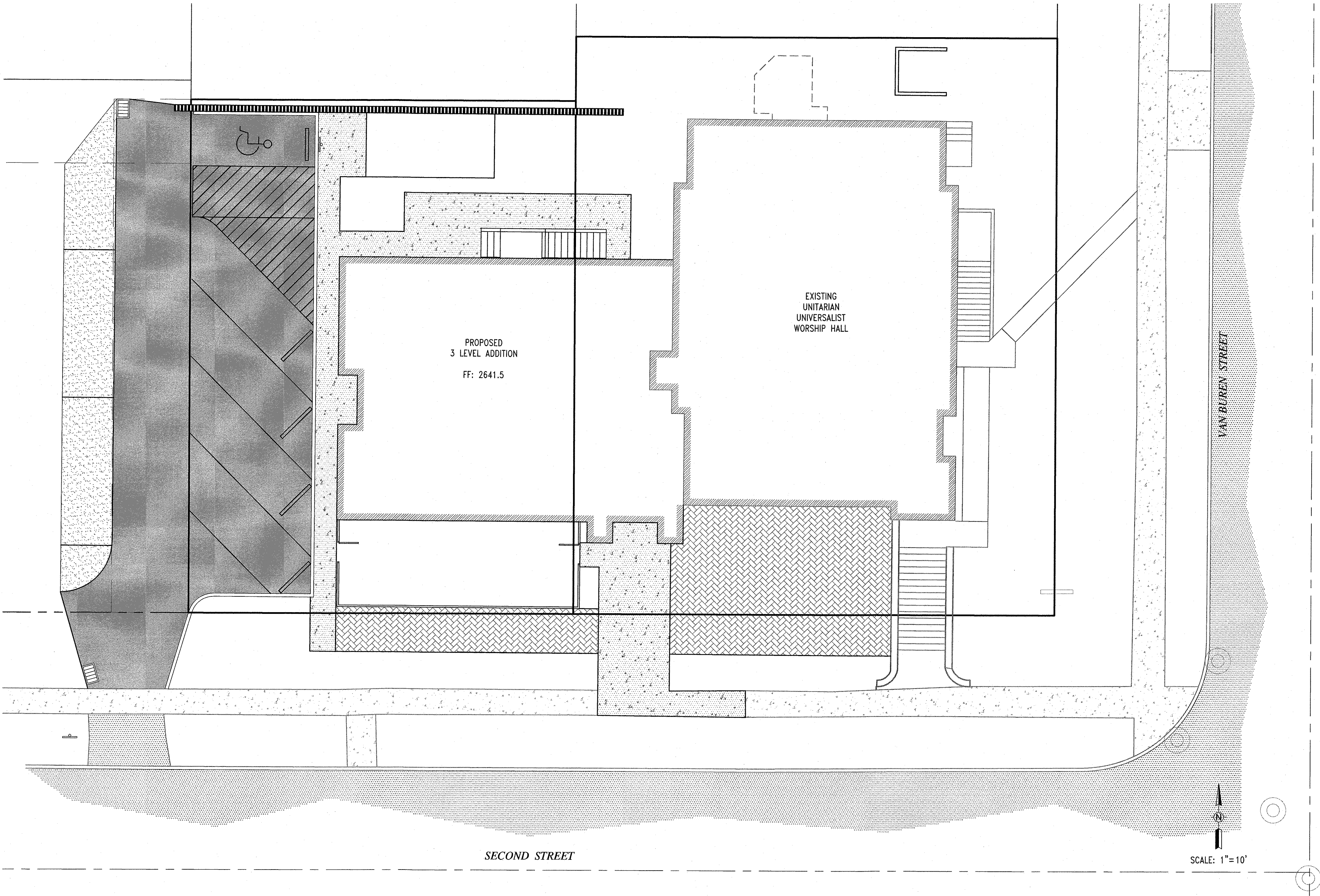
UUCP ADDITION

CITY OF MOSCOW

LATAH COUNTY, IDAHO

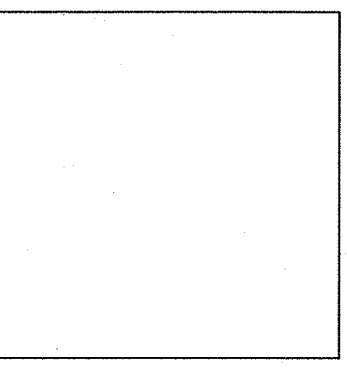
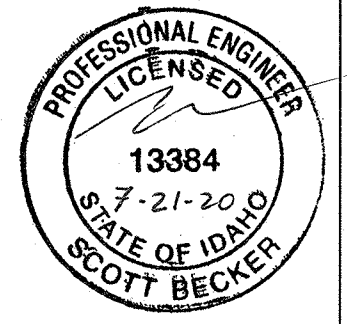
BASIS OF ELEVATION
THE BASIS OF ELEVATION FOR THIS SURVEY IS NAVD88, ESTABLISHED BY GPS.
THE BASE POSITION BEING CORRECTED BY NGS ONLINE POSITIONING USER
SERVICE (OPUS).

Sheet Number	Sheet Title
C1	COVER SHEET
C2	GRADING PLAN
C3	UTILITY AND LAYOUT PLAN
C4	GENERAL NOTES AND DETAILS



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Moscow Idaho 83843
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UUCP ADDITION
COVER SHEET
UNITARIAN UNIVERSALIST CHURCH OF THE PALOUSE
420 E. SECOND STREET
MOSCOW, IDAHO 83843
(208) 882-4328

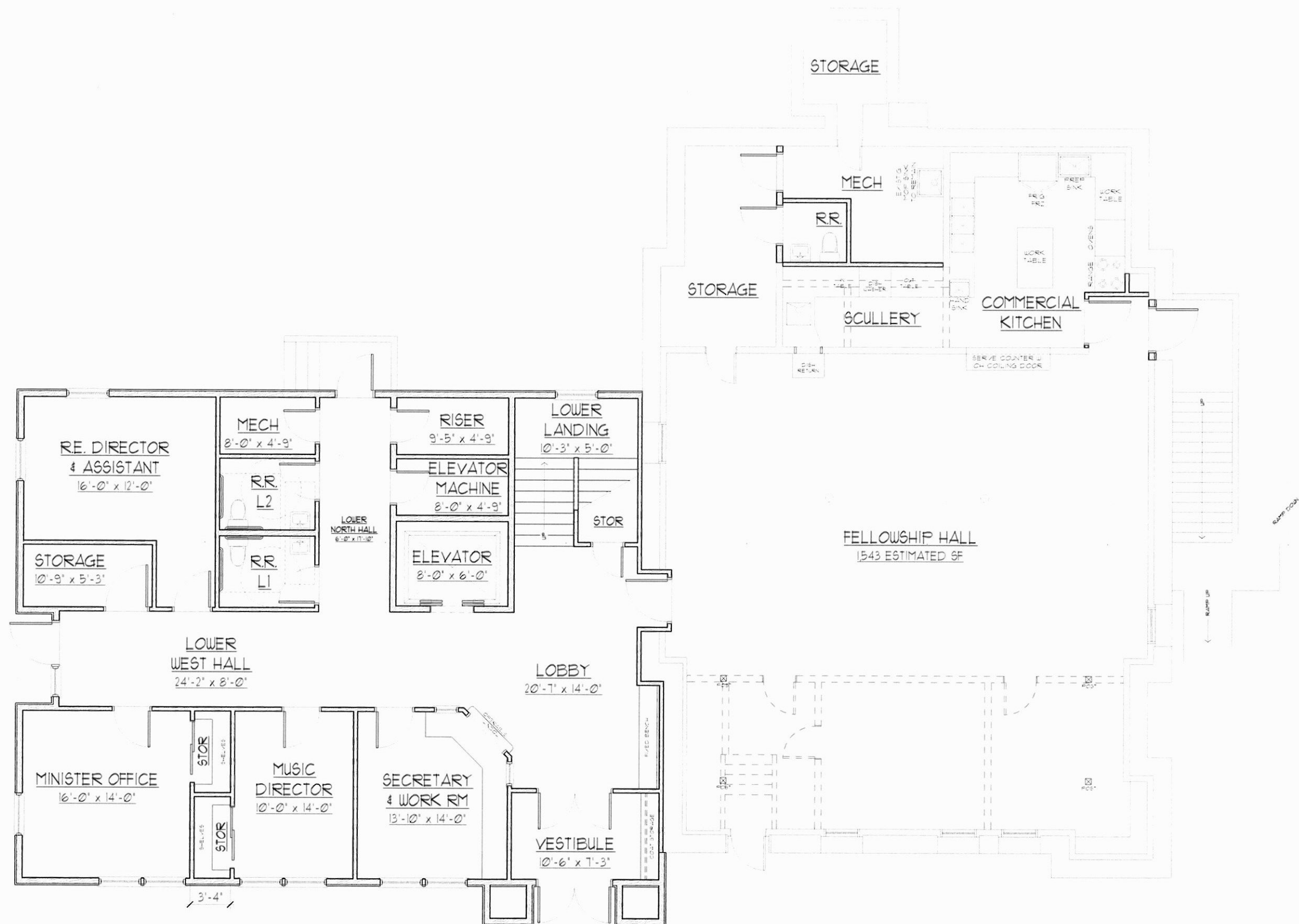
Designed By:	SB
Drafted by:	SW
Checked by:	SB
File Name:	4308 COVER.dwg
Tab:	COVER
Layer Style:	STANDARD
Plot Style:	PRIMARY.CTB
Project:	4308-05-20
Date:	7/21/2020

C1

Unitarian Universalist Church of the Palouse Fellowship Ground Level

SCALE: 1/4" = 1'-0"

Dated 03-20-20



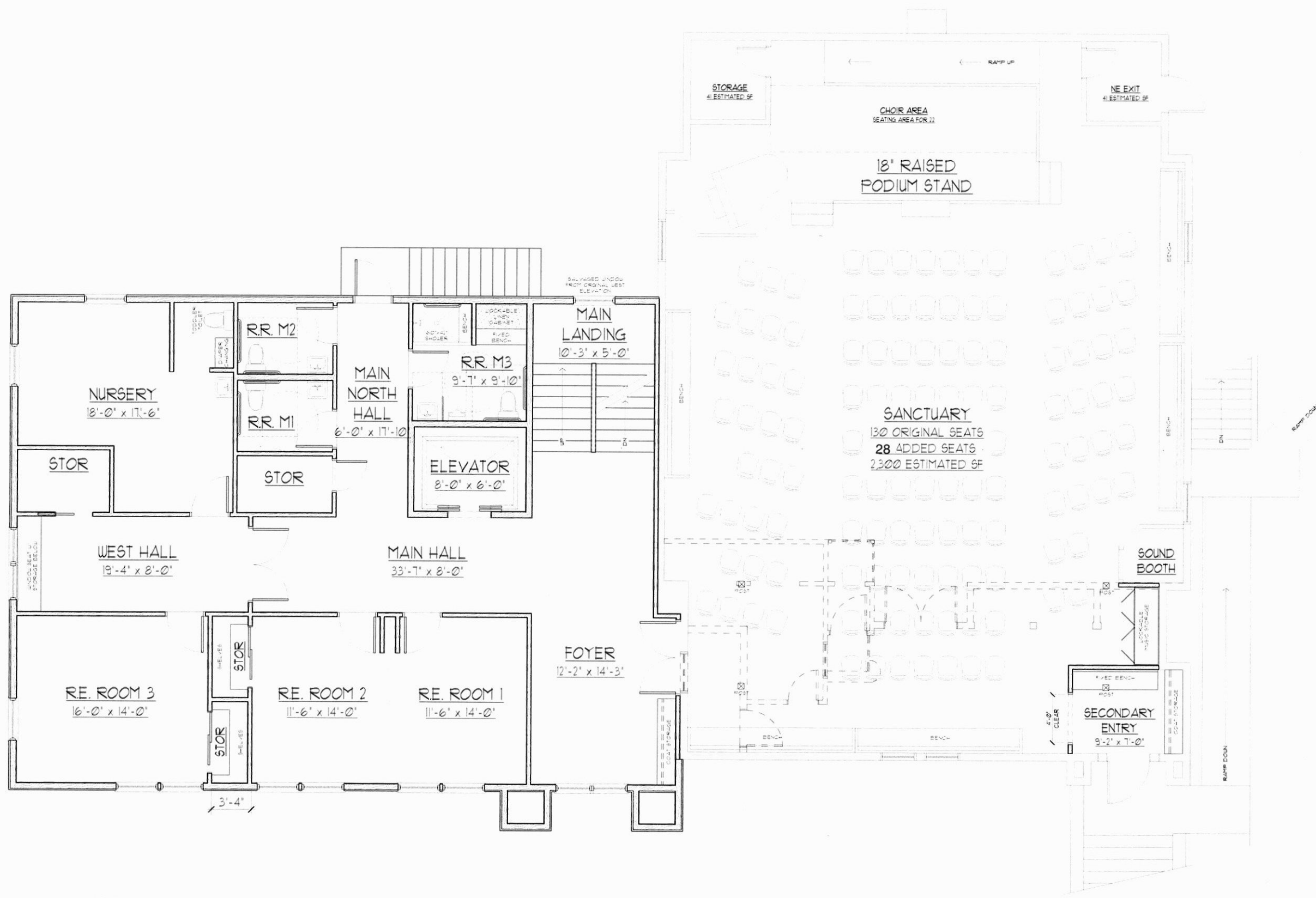
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Second & Van Buren
Moscow, Idaho

Addition & Remodel Unitarian Universalist Church of the Palouse

Job Number: 00-104518
Drafted by: Jon H. Paul
Date: 01/20/20
Sheet Contents:
As-Built Plans

A-2



Unitarian Universalist Church of the Palouse Sanctuary Level

SCALE: 1/4" = 1'-0"

Dated 03-20-20

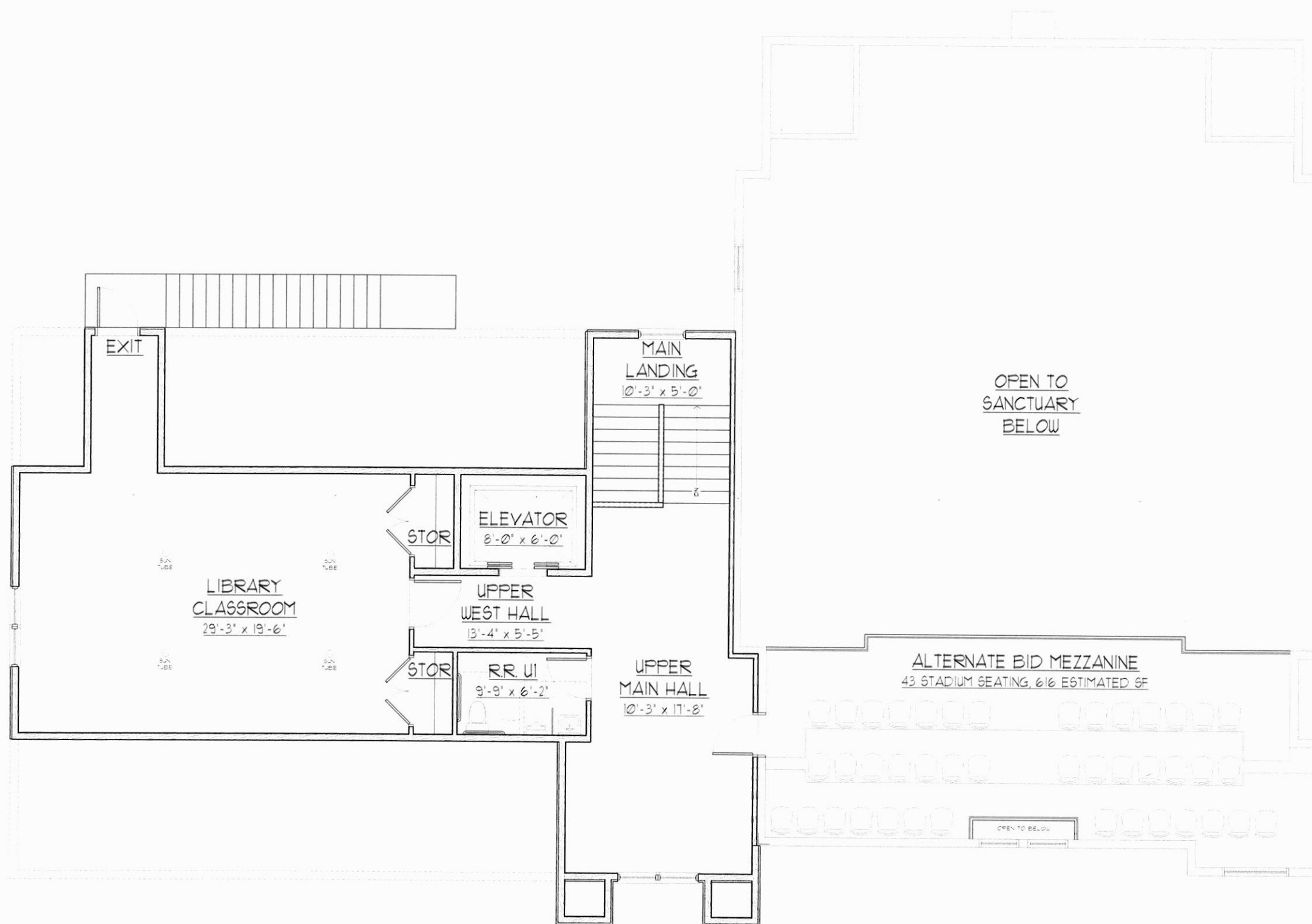
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Second & Van Buren
Moscow, Idaho

Addition & Remodel Unitarian Universalist Church of the Palouse

Job Number: 00-10459
Drafted by: John H. Paul
Date: 01/02/19
Sheet Contents:
Basement Plan

A-3



Unitarian Universalist Church of the Palouse Balcony Level

SCALE: 1/4" = 1'-0"

Dated 03-18-20

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Second & Van Buren
Moscow, Idaho

Addition & Remodel
Unitarian Universalist Church of the Palouse

Job Number: 00-024519
Drafted by: John M. Paul
Date: 01/30/19
Sheet Contents:
Basement Floor Plan

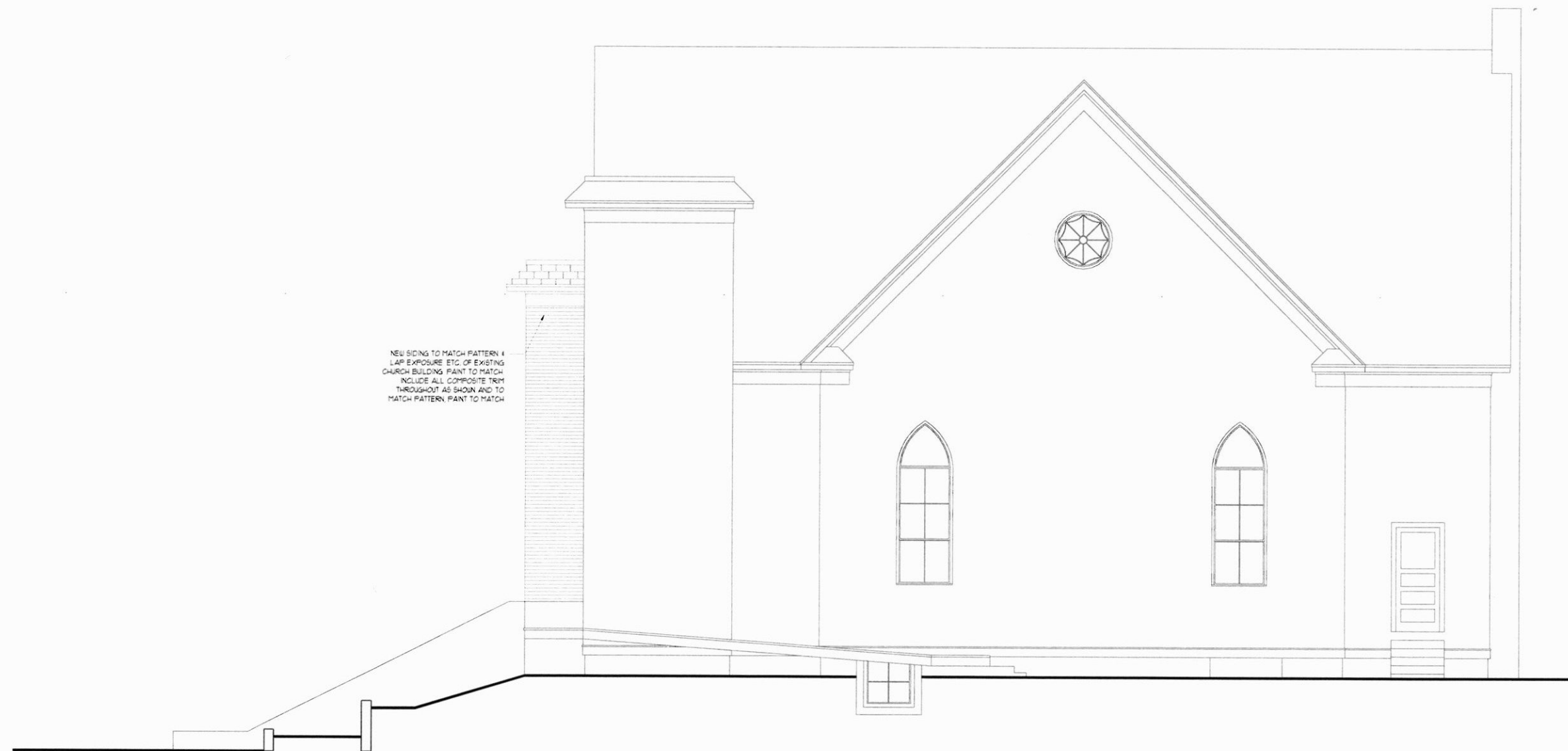
A-4



South Elevation

SCALE 1/4" = 1'-0"

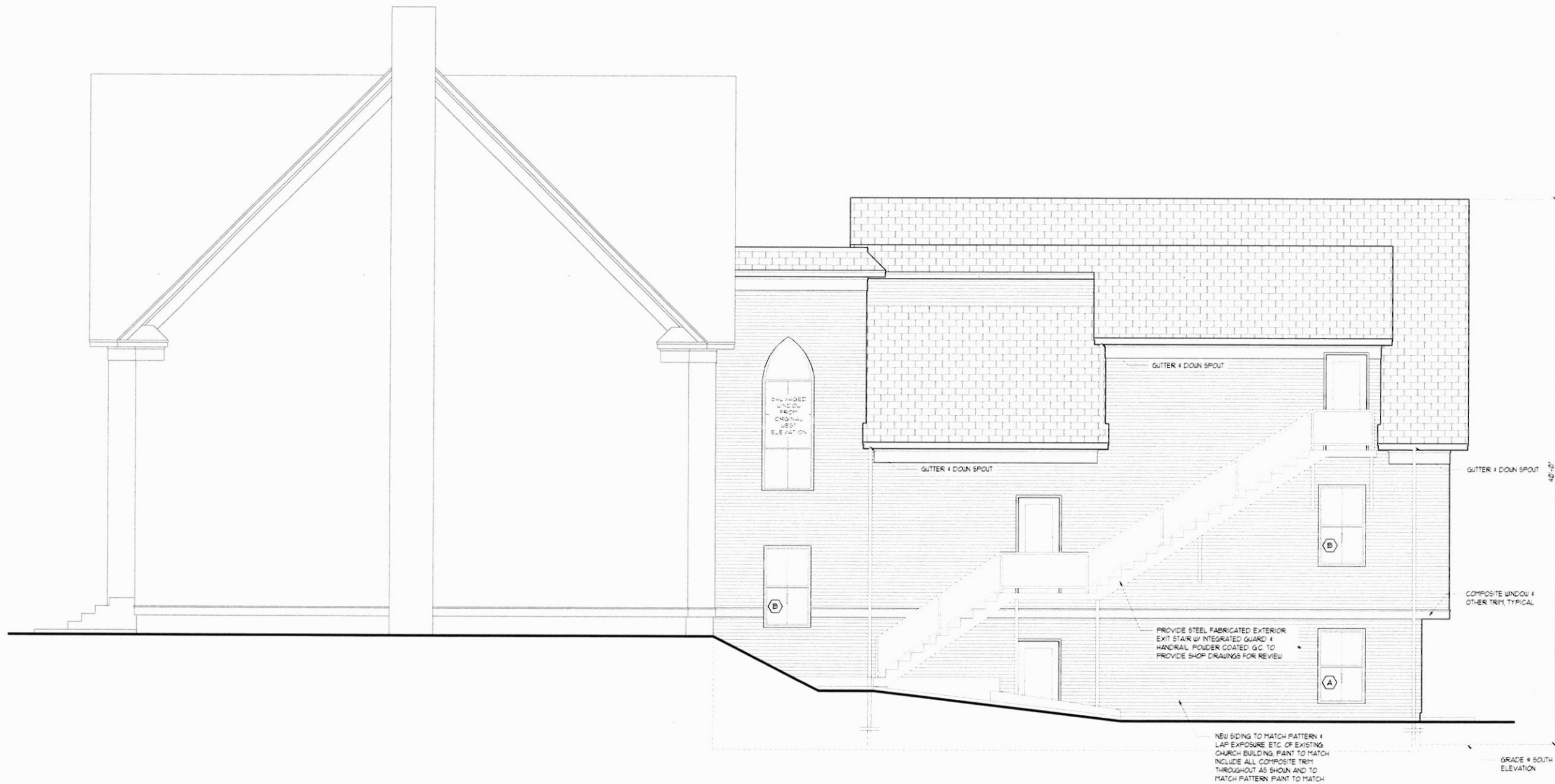
Job Number:
Drafted by:
Date:
Sheet Contents:
Exterior Elevation



East Elevation

SCALE: 1/4" = 1'-0"

Job Number:
Drafted by:
Date:
Sheet Contents:
Exterior Elevation



North Elevation

SCALE: 1/4" = 1'-0"

Job Number:
Drafted by:
Date:
Sheet Contents:
Exterior Elevation

A-11



West Elevation

SCALE: 1/4" = 1'-0"

Job Number:
 Drafted By:
 Date:
 Sheet Contents:
 Exterior Elevation

T 39 N, R 5 W, S 8

RECORD OF SURVEY

A Partial Re-Survey of Block 1 of the
Plat of Russel's Addition to Moscow
Section 8, T39N, R5W, Boise Meridian
City of Moscow
Latah County, Idaho



ORIGINAL SCALE : 1" = 50 FEET
CADD FILE : Barker ROS.dwg

LEGEND

- Set 5/8" X 30" long rebar w/ aluminum cap LS 10162
- Found Property Corner as Described
- Calculated Position - Nothing Found or Set
- ⊕ Found Section or 1/4 Section Corner
- Subject Property Boundary Line
- Section Line
- City Street Centerline
- City Street Right of Way Line
- Easement Line
- - - - - Fenceline

- 1 Block Number
- 5 Lot Number

BASIS OF BEARINGS

The Basis of Bearings for this survey is the Idaho Coordinate System, West Zone, NAD 83, as shown between the found SW corner and S 1/4 corner of Section 8, said bearing being S 89° 20' 36" E.

SURVEY REFERENCES

1. Plat of Russel's Addition to Moscow, Book 1 of Plats, Page 3
2. Warranty Deed, Instrument Number 574987
3. Warranty Deed, Instrument Number 512175
4. Warranty Deed, Instrument Number 578046
5. Warranty Deed, Instrument Number 366026
6. Warranty Deed, Instrument Number 373520
7. Warranty Deed, Instrument Number 400390
8. Deed, Instrument Number 227186

SURVEYOR NOTES

1. The purpose of this survey was to locate and re-monument (if necessary) the corners of the property described in Warranty Deed, Instrument Number 574987.
2. All measurements made to found monuments were found to match the original plat dimensions in close conformity. Consequently, dimensions shown hereon are record dimensions.

SURVEYOR CERTIFICATION

This map correctly represents a survey made by me or under my direction in conformance with the Survey Recording Act and at the request of D. Ray Barker in July, 2016.



John L. Dunn - Idaho Professional Land Surveyor

COUNTY RECORDER CERTIFICATE

STATE OF IDAHO, COUNTY OF LATAH
RECORDED AT THE REQUEST OF RIM ROCK
AT 4:14 THIS 18th DAY OF JULY, 2016
RECORDED 5.00
DEPUTY S. Chapman

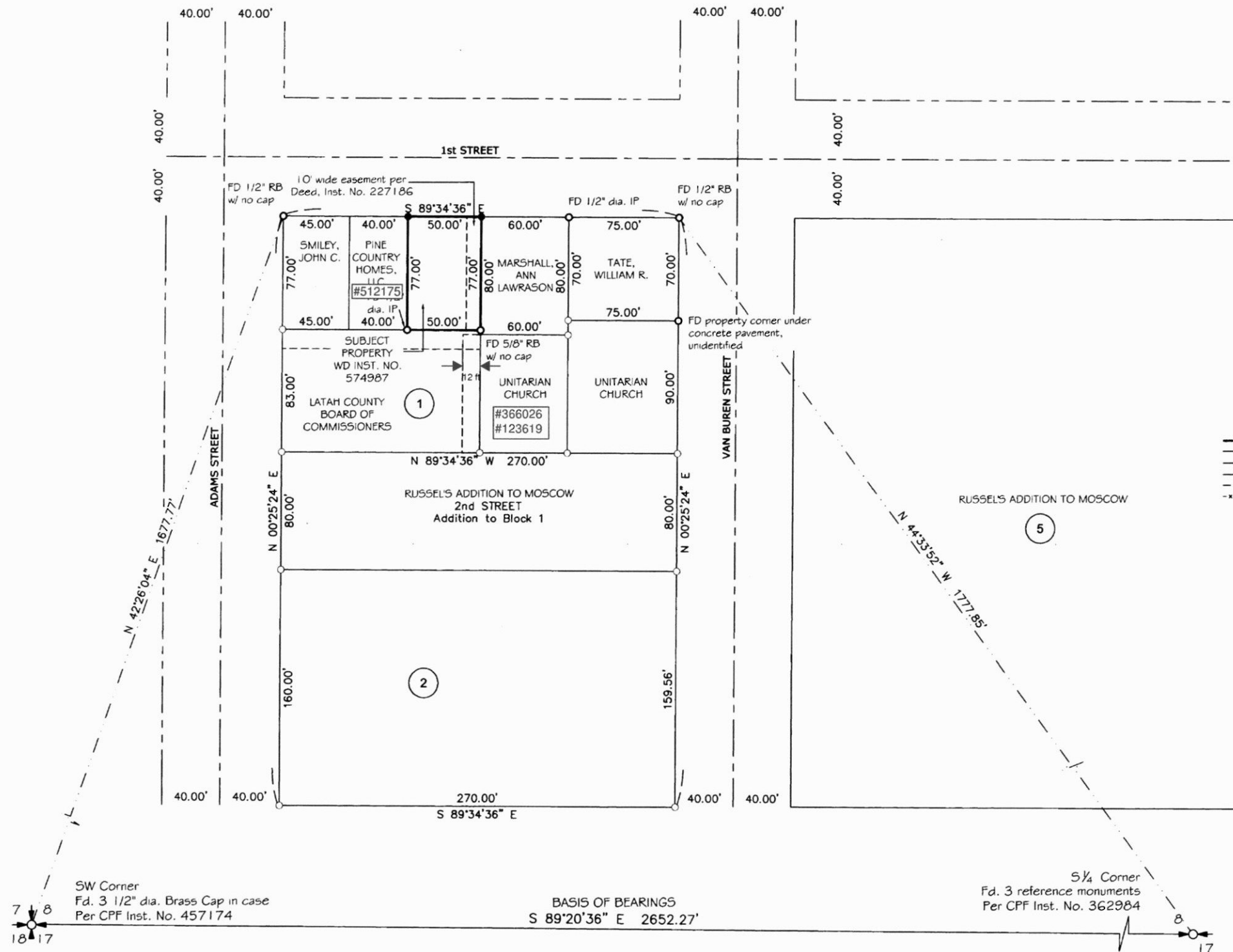


RIM ROCK CONSULTING, INC.

Land Surveying
Site Planning
Mapping

1008 West 3rd Street #102 Moscow, Idaho 83843 208-883-5339 rimrock@rimrockconsulting.net

SHEET
1
OF
1



SW Corner
Fd. 3 1/2" dia. Brass Cap in case
Per CPF Inst. No. 457174

BASIS OF BEARINGS
S 89°20'36" E 2652.27'

S 1/4 Corner
Fd. 3 reference monuments
Per CPF Inst. No. 362984

DATE	STATE	COUNTY	PROJECT	DRAWN BY
JULY 2016	ID	LATAH	BARKER ROS	JLD

NO. 607380
AT THE REQUEST OF
Latah County Prosecutor's Office
DATE & HOUR
7/30/20 2:05 PM
HENRIANNE K. WESTBERG
LATAH COUNTY RECORDER
FEE \$ 0 BY AKH

SHARED PARKING AGREEMENT

The Parties to this Agreement are the Latah County Board of Commissioners, "County," and the Unitarian Universalist Church of the Palouse, Inc. "UUCP."

UUCP owns a parcel of land in Moscow, Idaho, bounded on the east by Van Buren Street and on the south by Second Street, with the following legal description:

Beginning at a point 80 feet South of a point 75 feet West of the Northeast corner of Block 1 of Russell's Addition to the City of Moscow, as shown by the recorded plat thereof, thence South 80 feet; thence West 60 feet; thence North 80 feet; thence East 60 feet to the PLACE OF BEGINNING.

TOGETHER WITH the strip of land 12 feet wide along the West side of said tract to be used jointly as driveway or alley by the properties abutting thereon.

SUBJECT TO sewer easement, as more fully set out in Book 6 of O.A.R.E at page 97, records of Latah County, Idaho.

"the UUCP property."

County owns a contiguous parcel of land in Moscow, Idaho, commonly referred to as the McConnell Mansion, bounded on the west by Adams Street and on the south by Second Street with the following legal description:

Commencing at a point on the West line of Block One (1) of Russell's Addition to the city of Moscow, 77 feet southerly from the Northwest corner thereof; thence southerly a distance of 83 feet more or less, to the southwest corner of said block; thence easterly along the south boundary line of said block a distance of 135 feet, more or less; thence northerly a distance of 83 feet, more or less; thence westerly a distance of 135 feet, more or less, to the point of beginning, in Latah County, State of Idaho.

"the County property."

A twelve-foot strip of land lies on the east of the County property and adjacent to the west border of the UUCP property running seventy feet north to south. The parties have shared the use of the driveway for many years. In this Agreement, the twelve-foot easement is referred to as "the North-South driveway."

In order to provide more safe and efficient parking and ingress and egress to their respective properties, the parties create and execute this agreement to provide more detailed terms for the shared use of parking spaces on the property of each of the parties and shared rights to the use of alleys for ingress and egress, as well as the

SHARED PARKING AGREEMENT - XXX

maintenance of the shared property.

For the mutual benefits received, County and UUCP therefore agree:

1. UUCP will create five parking spaces in the parking area configured approximately as shown on the Proposed Site Plan dated June 2020, shown at the end of this document, and incorporated by reference.
2. County grants UUCP an easement for use by members, staff, and visitors of UUCP property over and to the two parallel parking spaces on the west side of the North-South Driveway. County will not be responsible for any required signage on these spaces.
3. UUCP grants County an easement over and to the parking area created by UUCP as shown on the Proposed Site Plan for the use by employees, staff, and visitors of the County property.
4. County grants UUCP an easement for use by UUCP members, staff, and visitors of the property over and to the South 13 feet of the North 90 feet of the West 123 feet in Block 1, Russell's Addition to the City of Moscow, as shown by the recorded plat thereof, all being located in the County of Latah, State of Idaho. In this Agreement, the thirteen-foot easement is referred to as "the East-West driveway."
5. UUCP will pay for any costs associated with the construction and maintenance of the parking spaces and any costs required to pave them.
6. UUCP will pay for any required costs to pave and maintain the North-South driveway.
7. UUCP will be responsible for the cost of snow removal from and any similar periodic upkeep to the pavement of the North-South driveway and parking spaces referenced in this Agreement.
8. The East-West driveway will be designated for Eastbound travel only. The North-South driveway will be designated for Southbound travel only. County will not be responsible for any signage regarding this designation.
9. UUCP will have priority for the use of the parking spaces detailed in this Agreement from two hours before until two hours after UUCP's Sunday services, excluding the last Sunday in July of each year.
10. County will have priority for the use of the parking spaces detailed in this Agreement during hours when the McConnell Mansion is open on Saturdays. County will also have priority for the use of these spaces for its Ice Cream Social on the last Sunday of July in each year.

SHARED PARKING AGREEMENT - XXX

11. **INSURANCE AND INDEMNIFICATION:** Each Party will be responsible for maintaining its own insurance for coverage of any liabilities which might arise under from this Agreement. Further, each Party agrees to be responsible, and to indemnify the other party, for the acts of its officers, agents or employees in performing the duties described in this Agreement.

12. **CHOICE OF LAW:** This Agreement will be governed by and interpreted in accordance with the laws of the State of Idaho, with venue for any action brought pursuant to this Agreement to be in the Second Judicial District, State of Idaho.

13. **SEVERABILITY:** In the event that any provision of this Agreement is found for any reason to be unenforceable, the remainder of this Agreement will remain in full force and effect and will be binding upon the Parties.

14. **SURVIVAL:** All covenants, conditions, indemnifications, and other elements in this Agreement that might involve performance subsequent to any termination or expiration of this Agreement or that cannot be reasonably ascertained or fully performed until after termination or expiration of this Agreement will survive.

15. **MODIFICATIONS:** This Agreement may be modified or amended only by a writing duly executed by both Parties.

16. **PERFORMANCE/WAIVER:** The failure of a Party hereto to insist upon strict performance or observance of the terms of this Agreement will not be a waiver of any breach of any terms or conditions of this Agreement by the other Party.

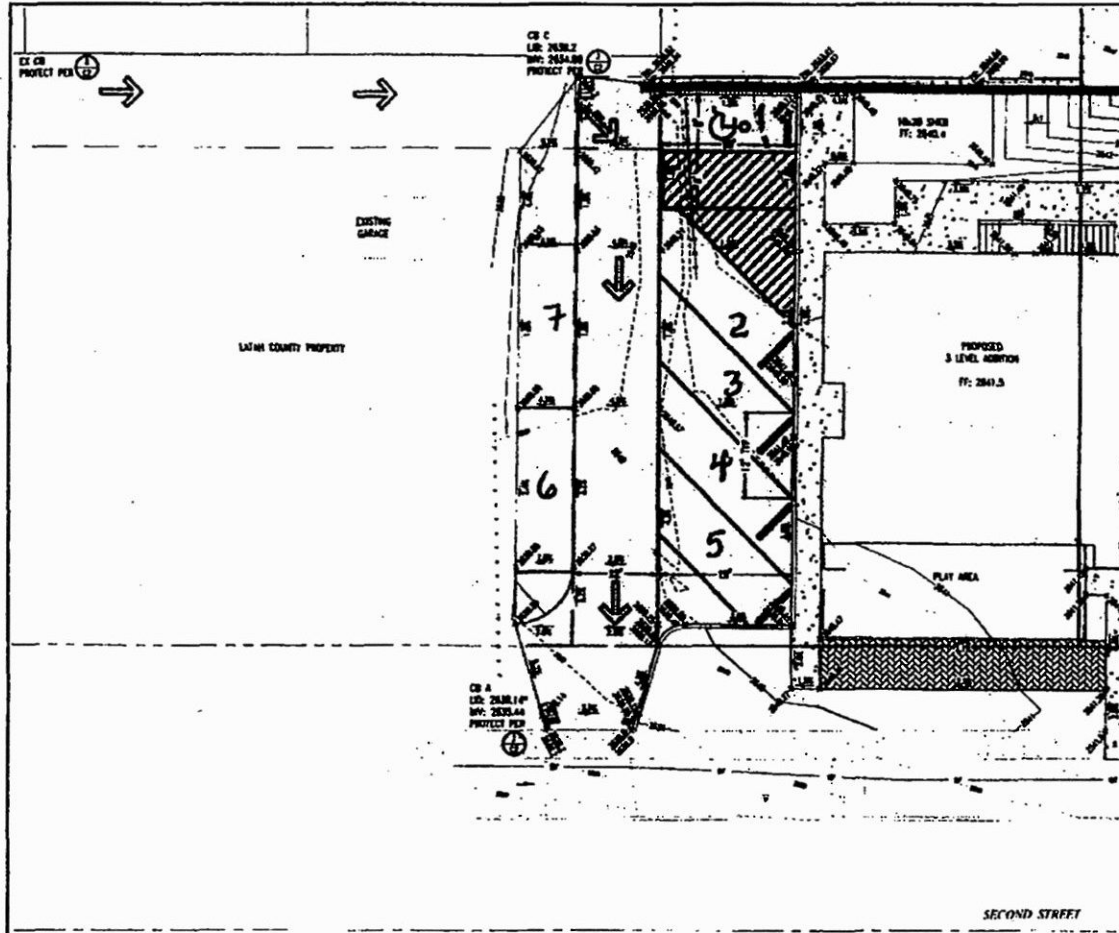
17. **FORCE MAJEURE:** Neither Party will be liable for any failure to perform as required by this Agreement to the extent that such failure to perform is caused by any reason beyond the Party's control, or by reason of any of the following: labor disturbances or disputes, accidents, failure of any required governmental approval, civil disorders, acts of aggression, acts of God, failure of utilities, mechanical shutdowns, material shortages, disease, or similar occurrences.

18. **ATTORNEY FEES:** In the event a controversy, claim, or action arises between the Parties to this Agreement regarding the enforcement of its terms and conditions, or the breach of any of its provisions, the prevailing Party will be entitled to recover from the other Party all costs and expenses incurred by the prevailing Party, including reasonable attorney fees, regardless of whether such controversy, claim, or action is prosecuted to judgment or appealed.

19. **MERGER AND INTEGRATION:** This writing embodies the whole agreement of the Parties.

20. There are no promises, terms, conditions, or obligations other than those contained in this Agreement. All previous and contemporaneous communications, representations, or agreements, either verbal or written, between the Parties are
SHARED PARKING AGREEMENT - XXX

superseded by this Agreement.



Latah County/UUCP Shared Parking Agreement – June 2020 Site Plan.

IN WITNESS WHEREOF, the Parties have executed this Agreement on July 13, 2020.

Rich Alldredge
Rich Alldredge, President
Unitarian Universalist Church of the Palouse, Inc.

STATE OF IDAHO)
) ss.
County of Latah)

This record was acknowledged before me on 7/19/2020 by Richard Alldredge, as
President of Unitarian Universalist Church of the Palouse, Inc.



Debbie L. Olson
Notary Public for Idaho
Commission Expires March 2, 2023

Board of Latah County Commissioners

By: [Signature]
Thomas C. Lamar, Chairman

By: [Signature]
David McGraw, Commissioner

By: [Signature]
Kathie LaFortune, Commissioner

STATE OF IDAHO)
) ss.
County of Latah)

On this 27th day of July, 2020, before me, a notary public, personally appeared the above Latah County Commissioners, known or identified to me to be the people whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



[Signature]
Notary Public for Idaho
Commission Expires 04-13-23

COMMUNITY DEVELOPMENT AND DESIGN STAFF REPORT

HEARING DATE: September 29, 2020

GENERAL INFORMATION

Hearing Body: Board of Adjustment

Subject: Expansion of the existing Church (Unitarian Universalist Church of the Palouse) located at 420 East Second Street with the Multiple Family Residential Zoning District (R-4)

Attachments: A. Public Hearing Notice – published in the Moscow-Pullman Daily News on Saturday, September 12, 2020

B. Conditional Use Permit Application
1. Site Plan, Elevations and Floor Plan

C. Variance Permit Application

Prepared by: Aimee Hennrich, Planner I

STAFF REVIEW

Proposal: The applicant, Unitarian Universalist Church of the Palouse, is proposing to construct a 5,917 square foot addition on to the existing church located at 420 East Second Street. The project will include the removal of an existing administrative building owned and used by the Unitarian Church located at 414 E. Second Street. The removal of the administration building will facilitate the addition and renovations to the main church building including the addition of new balcony seating. The applicant proposes seven new parking spaces to satisfy a portion of the parking required for the expansion, and has applied for a variance to waive the eleven additional parking spaces required. The subject property is located within the Multiple Family Residential Zoning District (R-4) where Religious Facilities are permitted as a Conditional Use per MCC 4-3-4.



Aerial

Zoning: The subject property is located within the Multiple Family Residential Zoning District (R-4). Adjacent properties to the north and west are also within the R-4 Zoning District. The adjacent property to the south is located within the Medium Density Residential Zoning District (R-3). The adjacent property to the south is located within the General Business Zoning District (GB).

Per MCC 4-2-4(G), *“The R-4 zoning district 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.”*

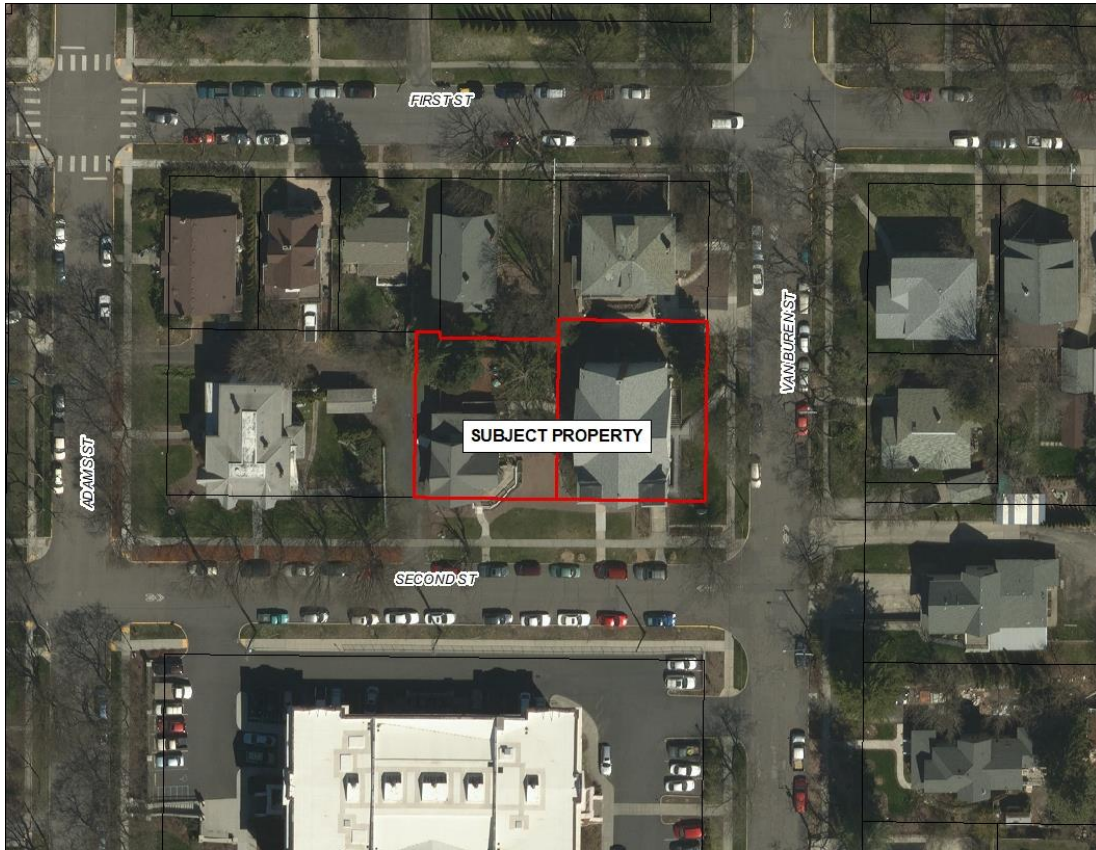


Zoning Map

Site and Area Land Use: The subject property currently consists of two separate parcels, to be combined into one parcel upon development. The larger parcel, which contains the current church is approximately 6,705 square feet. The smaller parcel which contains one building is approximately 5,756 square feet. The approximate size of both lots combined totals 12,461 square feet (.286 acres). The parcel to the west of the subject property is Latah County Historical Society's McConnell Mansion. The 1912 Center occupies the parcel to the south across East Second Street. Parcels to the north and east are both occupied by two-family and single-family dwelling units.

Streets and Access: The subject property has 146 feet of frontage along Second Street. Second Street is a local neighborhood street and has an 80 foot right of way with a tree lawn, curb, gutter, and sidewalk. Along Van Buren Street the property has 90 feet of frontage and is also a local neighborhood street and has an 80 foot right of way with a tree lawn, curb, gutter, and sidewalk. The subject property can be accessed via one existing vehicular approach on Second Street. This driveway has been used jointly between the McConnell Mansion to the west and the subject property 414 E. Second for many years.

Comprehensive Plan: Chapter 2, Community Character and Land Use, designates the subject property's existing land use as Urban Residential. Urban Residential (Moderate Density) is for the neighborhoods that abut downtown and where there is a high incidence of multiple-family dwellings. Multiple Family Residential (R-4) is the primary current zoning for this area.



Subject Property

Background: The existing church building on the property dates back to the early 1900s. It was acquired by the Unitarian Universalist Church of the Palouse in 1985. The small house to the west, located at 414 E Second Street was purchased by the Church in 1988 and is currently used for administrative purposes. In September of 2008, the Unitarian Church applied and was approved for a Variance to allow a reduction in the front and street side yard setbacks in order to expand an existing accessibility ramp to meet required ADA standards.

Parking: According to MCC 4-6-2, Religious Facilities require one parking space per four seats, plus one per 100 square feet of open assembly area. The existing church does not provide any on-site parking. MCC 4-6-2(3)(d) states in part, in the case of enlargements or expansions triggering requirements for additional parking, additional off-street parking spaces are required only to serve the enlarged or expanded area, not the entire building or use. With the remodel and expansion of the existing church, current plans include an additional 28 seats in the sanctuary, and 43 new seats in the balcony level, resulting in a requirement of seven new parking spaces for the sanctuary and 11 new spaces for the balcony. According to MCC4-6-2(C), subject to approval by the Zoning Administrator, deviation from parking standards may be allowed with a joint use agreement provided that:

1. The applicant demonstrates that there is no substantial conflict between the principal operating hours of the building, structure or use for which the joint use of parking spaces and/or lots is proposed.

2. The parking spaces and/or lots for such proposed joint use is not farther than five hundred feet from any building it is to serve.
3. Up to one hundred percent of the parking spaces and/or lots required by this section for a church or for an auditorium incidental to a public or parochial school, may be supplied by the off-street parking spaces and/or lots provided by uses primarily of a “daytime” nature.
4. The parties concerned in the joint use of off-street parking spaces and/or lots shall submit a written agreement for such joint use in a form to be recorded, which shall be approved by the City Attorney as to form and content. Such agreement, when approved by the Zoning Administrator as conforming to the provisions of this Section, shall be recorded in the office of the Latah County Recorder and copies thereof filed with the Clerk.

The applicant has proposed a site plan showing five new parking spaces located on the west side of the subject property adjacent to the north/south access drive that is shared between the Unitarian Church and the McConnell Mansion. On the west side of the north/south access drive are two parallel parking spaces that are proposed to be entirely on the McConnell Mansion property. The applicant has provided a recorded shared parking agreement between the Unitarian Church and Latah County (owner of the McConnell Mansion). The agreement details the shared use of the seven parking spaces and also allows for rights of access.

Per the joint use provision of the Zoning Code above, the Zoning Administrator is required to review and determine whether there is a substantial conflict between the principal operating hours of the two uses and the parking spaces that are proposed to be shared. Based upon the operating hours that have been submitted for the McConnell Mansion and the Unitarian Church, it is Staff’s determination that there isn’t a substantial conflict between the hours of operation of the two uses. Per the Zoning Code, the City will draft a joint use agreement that documents the decision, which will be signed and recorded at the Latah County Recorder.

The proposed parking lot satisfies seven parking spaces, with a total of eleven spaces that are still required as part of the proposal. With no area on the property to create additional parking spaces, the applicant has applied for a Variance to waive the requirement for the remaining eleven parking stalls required as a result of the balcony addition.

The 1912 Center to the south of the subject property applied for a Variance to waive one-hundred and thirteen (113) additional off-street parking spaces for the renovation and future occupancy of the remaining floors of the 1912 Center, which was approved by the Board of Adjustment on August 8, 2019.

Input from other departments/Entities: None.

RELEVANT CRITERIA AND STANDARDS

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

RECOMMENDATION

Staff recommends **approval** of the application for a Conditional Use Permit at 420 E Second Street for the expansion of the existing Unitarian Universalist Church and approval of the Variance application to waive the requirement for eleven additional off-street parking spaces with the following condition:

1. The applicant enters into a joint use agreement which satisfies the provisions of the Joint Use Parking Section of the City Code for the seven parking spaces that are proposed to be constructed as part of the proposal.

Board shall direct staff to prepare Relevant Standards and Criteria to be reviewed at an upcoming meeting.

**BEFORE THE BOARD OF ADJUSTMENT
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 CONDITIONAL USE PERMIT FOR THE EXPANSION OF AN EXISTING CHURCH (THE UNITARIAN UNIVERSALIST CHURCH OF THE PALOUSE), LOCATED AT 414 AND 420 E SECOND STREET, PER MOSCOW CITY CODE 4-6-2.

WHEREAS, the applicant filed an application for a Condition Use Permit on August 18, 2020; and

WHEREAS, this matter came before the Moscow Board of Adjustment during a duly noticed public hearing on September 29, 2020; and

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

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

I. RELEVANT FACTS AND CONCLUSIONS

1. The Board of Adjustment considered the request pursuant to the City of Moscow Zoning Code, Comprehensive Plan, and Moscow City Code.
2. The applicant, Nils Peterson, is requesting a Conditional Use Permit (CUP) to expand the Unitarian Universalist Church of the Palouse located at 420 E. Second Street.
3. The applicant is proposing to construct a 5,917 square foot addition on to the existing church located at 420 East Second Street. The project will include the demolition of an existing building owned and used by the Unitarian Church located at 414 E. Second Street. The removal of the building will facilitate the addition and renovations to the main church building including the addition of new balcony seating.
4. The applicant proposes seven (7) new parking spaces to satisfy a portion of the parking required for the expansion, and has concurrently applied for a Variance to waive the eleven (11) additional off-street parking spaces still required as part of the proposed expansion.
5. The existing church building on the property dates back to the early 1900s. It was acquired by the Unitarian Universalist Church of the Palouse in 1985.
6. The small house to the west, located at 414 E Second Street, was purchased by the Church in 1988.
7. In September of 2008, the Unitarian Church applied and was approved for a Variance to allow a reduction in the front and street side yard setbacks in order to expand an existing accessibility ramp to meet required ADA standards.
8. The subject property is located within the Multiple Family Residential Zoning District (R-4).
9. The maximum building height in the R-4 Zone is forty (40) feet.

10. Adjacent properties to the north and west are also within the R-4 Zoning District. The adjacent properties to the east are located within the Medium Density Residential Zoning District (R-3). The adjacent property to the south is located within the General Business Zoning District (GB).
11. The subject property currently consists of two separate parcels, to be combined into one parcel upon development. The larger parcel, which contains the current church is approximately 6,705 square feet. The smaller parcel which contains the existing administrative building is approximately 5,756 square feet. The approximate size of both lots combined totals 12,461 square feet (.286 acres).
12. The parcel to the west of the subject property is the McConnell Mansion which is managed by Latah County Historical Society. The 1912 Center occupies the parcel to the south across Second Street. Parcels to the north and east are both occupied by two-family and single-family dwellings.
13. The subject property has 146 feet of frontage along Second Street. Second Street is a local neighborhood street and has an 80-foot right-of-way with a tree lawn, curb, gutter, and sidewalk. The subject property has 90 feet of frontage along Van Buren Street which is also designated as a local neighborhood street and has an 80 foot right of way with a tree lawn, curb, gutter, and sidewalk.
14. The subject property can be accessed via one existing vehicular approach on Second Street. This driveway has been used jointly between the McConnell Mansion to the west and the subject property 414 E. Second for many years.
15. The proposed addition contains three stories and is forty (40) feet in height. The ground floor contains the lobby, administrative offices, restrooms, elevator, and stairs. The second floor contains a foyer, nursery, religious education rooms, restrooms, and access to the main sanctuary. The third floor contains the library classroom, a restroom, and hallway access to a future mezzanine above the main sanctuary.
16. Religious Facilities require one parking space per four seats, plus one per 100 square feet of open assembly area (i.e. gymnasiums, auditoriums, etc.).
17. The existing church does not provide any on-site parking. MCC 4-6-2(3)(d) states in part, in the case of enlargements or expansions triggering requirements for additional parking, additional off-street parking spaces are required only to serve the enlarged or expanded area, not the entire building or use.
18. With the remodel and expansion of the existing church, current plans include an additional twenty-eight (28) seats in the sanctuary and forty-three (43) new seats in the balcony level, resulting in a requirement of seven (7) parking spaces for the sanctuary and eleven (11) parking spaces for the mezzanine.
19. The applicant indicated that the mezzanine level seating is to be constructed at a date yet to be determined, and the applicant wishes to phase in that portion of the project in the future.
20. The applicant has proposed a site plan showing five (5) new parking spaces located on the west side of the subject property adjacent to the north/south access drive that is shared between the Unitarian Church and the McConnell Mansion.
21. On the west side of the north/south access drive are two (2) existing parallel parking spaces that are proposed to be entirely on the McConnell Mansion property.
22. The applicant has provided a recorded shared parking agreement between the Unitarian Church and Latah County (owner of the McConnell Mansion). The agreement details the shared use of the seven parking spaces and also allows for rights of access.
23. Subject to approval by the Zoning Administrator, deviation from parking standards may be allowed with a joint use agreement provided that:

1. The applicant demonstrates that there is no substantial conflict between the principal operating hours of the building, structure or use for which the joint use of parking spaces and/or lots is proposed.
 2. The parking spaces and/or lots for such proposed joint use is not farther than five hundred feet from any building it is to serve.
 3. Up to one hundred percent of the parking spaces and/or lots required by this section for a church or for an auditorium incidental to a public or parochial school, may be supplied by the off-street parking spaces and/or lots provided by uses primarily of a “daytime” nature.
-
24. The Zoning Code requires that the parties concerned in the joint use of off-street parking spaces and/or lots shall submit a written agreement for such joint use in a form to be recorded, which shall be approved by the City Attorney as to form and content. Such agreement, when approved by the Zoning Administrator as conforming to the provisions of this Section, shall be recorded in the office of the Latah County Recorder and copies thereof filed with the Clerk.
 25. Per the joint use provision of the Zoning Code above, the Zoning Administrator is required to review and determine whether there is a substantial conflict between the principal operating hours of the two uses and the parking spaces that are proposed to be shared. Based upon the operating hours that have been submitted for the McConnell Mansion and the Unitarian Church, it is Staff’s determination that there isn’t a substantial conflict between the hours of operation of the two uses. Per the Zoning Code, the City will draft a joint use agreement that documents the decision, which will be signed and recorded at the Latah County Recorder.
 26. The proposed parking lot provides seven (7) parking spaces, with a total of eleven (11) spaces that are still required as part of the proposal. With no area on the property to create additional parking spaces, the applicant has applied for a Variance to waive the requirement for the remaining eleven (11) parking spaces required as a result of the mezzanine seating.
 27. The 1912 Center to the south of the subject property applied for a Variance to waive one-hundred and thirteen (113) additional off-street parking spaces for the renovation and future occupancy of the remaining floors of the 1912 Center, which was approved by the Board of Adjustment on August 8, 2019.
 28. The Board heard public testimony in opposition of the proposal due to the topography of the lot and the adverse effects a retaining wall could have on an adjoining property owners existing tree.
 29. The Board determined that it was appropriate to expand the Variance request to waive twelve (12) parking spaces rather than eleven (11). Consequently, six (6) off street parking spaces need to be provided as a result of the proposal rather than seven (7).
 30. The Board concluded that the reduction in required parking allows the applicant to redesign the parking lot to shift the parking spaces to the south to allow for greater protection of the adjacent property to the north, including established trees.

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

II. RELEVANT CRITERIA AND STANDARDS

1. The proposed use (is/is not) a conditionally permitted use within the Zoning District.

Religious Facilities are a conditionally permitted use in the Multiple Family Residential (R-4) Zoning District.

2. The character of the proposed use (will/will not) be in harmony with the neighborhood and surrounding land uses. The proposed use is in harmony with the neighborhood and surrounding land uses. Previous to the ownership of the Unitarian Universalist Church, and since original construction, the subject property has always been used as a religious facility. The character of the proposed use will remain in harmony as the use of the subject property is not changing. The Unitarian Universalist Church has occupied the original church since 1985 and the house at 414 E Second St since 1988 and will continue with similar operations. The subject property is located in an area that is close to the City core which contains many institutional buildings including the 1912 Center, Methodist Church, Carnegie Library, and Presbyterian Church.

3. The proposed use as approved, or as approved with conditions, (will/will not) generate nuisances that would be injurious or detrimental to the adjoining properties or the neighborhood (including, but not limited to, noise, dust, glare, vibrations, odors, and the like). The proposed use, as approved with conditions, will not generate nuisances that would be injurious or detrimental to the adjoining properties or the neighborhood. The Board determined that an increase in the number of parking spaces waived by the Variance proposal was warranted in order to reduce the impact to the adjacent properties to the north.

4. The location, design, and size of the proposed use (will/will not) be adequately served by existing streets, public facilities and services. The location, design, and size of the proposed use will be adequately served by existing streets, public facilities, and services. The streets adjacent to the subject property, Second Street and Van Buren Street, have an 80-foot right-of-way and are developed with tree lawns, curb, gutter, and sidewalks. The private driveway which access the proposed off-street parking area currently exists and will be improved to parking lot standards as part of the proposal.

5. The proposed use (will/will not) endanger the public health or safety if located where proposed. The expansion of the Unitarian Universalist Church will not endanger the public health or safety if located where proposed.

6. Proposed use (meets/does not meet) all applicable development standards of the Zoning Code. The proposed use meets all applicable development standards of the Zoning Code including maximum building height, setbacks, off-street parking standards, building and fire code requirements, and ADA standards. With the approved Variance request, the proposal will also meet all off-street parking requirements.

7. The proposed use (will/will not) be in conflict with the Comprehensive Plan. The proposed use will not be in conflict with the Comprehensive Plan. The preservation and expansion of the existing church building is consistent with a Goal of *Section 2.7.1 - General Land Use and Community Character* to preserve and enhance special areas of the community to celebrate the community's identity, character, and heritage.

III. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City of Moscow Board of Adjustment approves the application for the Conditional Use Permit to expand an existing Church (Unitarian Universalist Church of the Palouse) located at 420 East Second Street with the following two conditions:

1. The site plan shall be redesigned to reduce the number of parking spaces to six (6) in order to protect the neighbor's property, including any trees. In the redesign of the site plan, the ADA parking space shall be located where it can be accommodated the best.
2. The applicant enter into a joint use agreement which satisfies the provisions of the Joint Use Parking Section of the City Code.

PASSED BY THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW THE 14 OF
OCTOBER, 2020.



Joe Bazzoli, Chair
Board of Adjustment

**BEFORE THE BOARD OF ADJUSTMENT
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 VARIANCE REQUEST TO WAIVE A PORTION OF THE ADDITIONAL OFF-STREET PARKING REQUIREMENTS FOR THE EXPANSION OF A CHURCH (UNITARIAN UNIVERSALIST CHURCH OF THE PALOUSE), LOCATED AT 414 AND 420 E. SECOND STREET, PER MOSCOW CITY CODE 4-6-2.

WHEREAS, the applicant filed an application for a variance on September 04, 2020; and

WHEREAS, this matter came before the Moscow Board of Adjustment during a duly noticed public hearing on September 29, 2020; and

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

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

I. RELEVANT FACTS AND CONCLUSIONS

1. The Board of Adjustment considered the request pursuant to the City of Moscow Zoning Code, Comprehensive Plan, and Moscow City Code.
2. The applicant, Nils Peterson, is requesting a Variance to waive eleven (11) off-street parking spots required for the expansion of the Unitarian Universalist Church of the Palouse.
3. The applicant is concurrently requesting a Conditional Use Permit to expand the Church located at 420 E. Second Street.
4. The applicant proposes seven (7) new parking spaces to satisfy a portion of the parking required for the expansion.
5. The applicant is proposing to construct a 5,917 square foot addition on to the existing church located at 420 East Second Street. The project will include the demolition of an existing building owned and used by the Unitarian Church located at 414 E. Second Street. The removal of the building will facilitate the addition and renovations to the main church building including the addition of new balcony seating.
6. The existing church building on the property dates back to the early 1900s. It was acquired by the Unitarian Universalist Church of the Palouse in 1985.
7. The small house to the west, located at 414 E Second Street was purchased by the Church in 1988 and is currently used for administrative purposes.
8. In September of 2008, the Unitarian Church applied and was approved for a Variance to allow a reduction in the front and street side yard setbacks in order to expand an existing accessibility ramp to meet required ADA standards.

9. The subject property is located within the Multiple Family Residential Zoning District (R-4).
10. The maximum building height in the R-4 Zone is forty (40) feet.
11. Adjacent properties to the north and west are also within the R-4 Zoning District. The adjacent properties to the east are located within the Medium Density Residential Zoning District (R-3). The adjacent property to the south is located within the General Business Zoning District (GB).
12. The subject property currently consists of two separate parcels, to be combined into one parcel upon development. The larger parcel, which contains the current church is approximately 6,705 square feet. The smaller parcel which contains the existing administrative building is approximately 5,756 square feet. The approximate size of both lots combined totals 12,461 square feet (.286 acres).
13. The parcel to the west of the subject property is the McConnell Mansion which is managed by Latah County Historical Society. The 1912 Center occupies the parcel to the south across Second Street. Parcels to the north and east are both occupied by two-family and single-family dwellings.
14. The subject property has 146 feet of frontage along Second Street. Second Street is a local neighborhood street and has an 80-foot right-of-way with a tree lawn, curb, gutter, and sidewalk. The subject property has 90 feet of frontage along Van Buren Street which is also designated as a local neighborhood street and has an 80 foot right of way with a tree lawn, curb, gutter, and sidewalk.
15. The subject property can be accessed via one existing vehicular approach on Second Street. This driveway has been used jointly between the McConnell Mansion to the west and the subject property 414 E. Second for many years.
16. Religious Facilities require one parking space per four seats, plus one per 100 square feet of open assembly area (i.e. gymnasiums, auditoriums, etc.).
17. The existing church does not provide any on-site parking. MCC 4-6-2(3)(d) states in part, in the case of enlargements or expansions triggering requirements for additional parking, additional off-street parking spaces are required only to serve the enlarged or expanded area, not the entire building or use.
18. With the remodel and expansion of the existing church, current plans include an additional twenty-eight (28) seats in the sanctuary and forty-three (43) new seats in the balcony level, resulting in a requirement of seven (7) parking spaces for the sanctuary and eleven (11) parking spaces for the mezzanine.
19. The applicant indicated that the mezzanine level seating is to be constructed at a date yet to be determined, and the applicant wishes to phase in that portion of the project in the future.
20. The applicant has proposed a site plan showing five (5) new parking spaces located on the west side of the subject property adjacent to the north/south access drive that is shared between the Unitarian Church and the McConnell Mansion.
21. On the west side of the north/south access drive are two (2) existing parallel parking spaces that are proposed to be entirely on the McConnell Mansion property.
22. The applicant has provided a recorded shared parking agreement between the Unitarian Church and Latah County (owner of the McConnell Mansion). The agreement details the shared use of the seven parking spaces and also allows for rights of access.
23. Subject to approval by the Zoning Administrator, deviation from parking standards may be allowed with a joint use agreement provided that:

1. The applicant demonstrates that there is no substantial conflict between the principal operating hours of the building, structure or use for which the joint use of parking spaces and/or lots is proposed.
 2. The parking spaces and/or lots for such proposed joint use is not farther than five hundred feet from any building it is to serve.
 3. Up to one hundred percent of the parking spaces and/or lots required by this section for a church or for an auditorium incidental to a public or parochial school, may be supplied by the off-street parking spaces and/or lots provided by uses primarily of a “daytime” nature.
-
24. The Zoning Code requires that the parties concerned in the joint use of off-street parking spaces and/or lots shall submit a written agreement for such joint use in a form to be recorded, which shall be approved by the City Attorney as to form and content. Such agreement, when approved by the Zoning Administrator as conforming to the provisions of this Section, shall be recorded in the office of the Latah County Recorder and copies thereof filed with the Clerk.
 25. Per the joint use provision of the Zoning Code above, the Zoning Administrator is required to review and determine whether there is a substantial conflict between the principal operating hours of the two uses and the parking spaces that are proposed to be shared. Based upon the operating hours that have been submitted for the McConnell Mansion and the Unitarian Church, it is Staff’s determination that there isn’t a substantial conflict between the hours of operation of the two uses. Per the Zoning Code, the City will draft a joint use agreement that documents the decision, which will be signed and recorded at the Latah County Recorder.
 26. The proposed parking lot provides seven (7) parking spaces, with a total of eleven (11) spaces that are still required as part of the proposal. With no area on the property to create additional parking spaces, the applicant has applied for a Variance to waive the requirement for the remaining eleven (11) parking spaces required as a result of the mezzanine seating.
 27. The 1912 Center to the south of the subject property applied for a Variance to waive one-hundred and thirteen (113) additional off-street parking spaces for the renovation and future occupancy of the remaining floors of the 1912 Center, which was approved by the Board of Adjustment on August 8, 2019.
 28. The Board heard public testimony in opposition of the proposal due to the topography of the lot and the adverse effects a retaining wall could have on an adjoining property owners existing tree.
 29. The Board determined that it was appropriate to expand the Variance request to waive twelve (12) parking spaces rather than eleven (11). Consequently, six (6) off street parking spaces need to be provided as a result of the proposal rather than seven (7).
 30. The Board concluded that the reduction in required parking allows the applicant to redesign the parking lot to shift the parking spaces to the south to allow for greater protection of the adjacent property to the north, including established trees.

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

II. RELEVANT CRITERIA AND STANDARDS

1. **Are there special conditions or circumstances that exist which are peculiar to the property (such as size, shape, topography or location) which are not applicable to other properties similarly situated in the same Zoning District?** The Unitarian Universalist Church has been functioning as a church at this location for many years and has never provided off-street parking. The applicant has proposed a site plan showing five new parking spaces located on the west side of the subject property adjacent to the north/south access drive that is shared between the Unitarian Church and the McConnell Mansion. On the west side of the north/south access drive are two parallel parking spaces that are proposed to be entirely on the McConnell Mansion property. The proposal includes as much parking as can fit within the parameters of the City's parking lot development standards, while allowing for a moderate addition to accommodate the growth of the Church located in a historic building. The size of the subject property is much smaller than other institutional use properties in the surrounding area such as the 1912 Center, Methodist Church, Carnegie Library, and Presbyterian Church. The smaller size of the property is compounded by the fact that it is a corner lot which reduces the buildable area of the property.
2. **Because of the aforementioned special conditions of the property, would application of the provisions of the Zoning Code impose undue hardship and deprive the property owner of rights commonly enjoyed by owners of other property similarly situated in the same Zoning District?** The building on the property dates back to the early 1900s and has always served as a church. The house located at 414 E Second Street was purchased by the Church in 1988. The applicant has developed as much parking on-site as is possible, while proposing a moderate addition to the existing building. Other institutional use properties in the surrounding area such as the 1912 Center, Methodist Church, Carnegie Library, and Presbyterian Church all have limited parking and are larger than the proposed addition to the Unitarian Church. Additionally, the 1912 Center to the south of the subject property applied for a Variance to waive one-hundred and thirteen (113) additional off-street parking spaces for the renovation and future occupancy of the remaining floors of the 1912 Center, which was approved by the Board of Adjustment on August 8, 2019. Therefore, it would be an undue hardship to prohibit an expansion to accommodate the growing congregation, while so many other institutional uses in the area enjoy larger properties and buildings with minimal off-street parking.
3. **Will the granting of the Variance be in conflict with the public interest or injurious to the property or persons in the vicinity of the subject property?** The Board finds that it is in the public's interest to approve the Variance for twelve (12) parking spaces in order allow the applicant to redesign the site plan to allow greater protection of the adjacent property to the north. The Unitarian Universalist Church is located in an area close to the core of town amongst other institutional buildings, which provides a centralized location that is accessible by multiple modes of transportation. The building is also located within the Fort Russell Historic District and it is in the public's interest to preserve the district as much as possible and not demolish historic buildings in order to construct off-street parking lots.

III. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City of Moscow Board of Adjustment approves the application for a Variance to waive twelve (12) off-street parking spaces for the expansion of the Unitarian Universalist Church at 420 East Second Street with no conditions.

PASSED BY THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW THE 14 OF
OCTOBER, 2020.



Joe Bazzoli, Chair
Board of Adjustment

NOTICE OF PUBLIC MEETING

Appeal of an Approved Conditional Use Permit and Variance at 420 E Second Street in the City of Moscow, Permit Application LUP2020-0025

A public meeting at which you may be present will be conducted before the City Council of the City of Moscow at which time the following proposal will be considered:

1. Appeal of a Conditional Use Permit Application that was approved September 29, 2020 by the Board of Adjustment to expand an existing Church (Unitarian Universalist Church of the Palouse) located at 420 E. Second Street in the Multiple Family Residential (R-4) Zoning District per MCC 4-3-4.
2. Appeal of a Variance Application that was approved September 29, 2020 by the Board of Adjustment to waive a portion of the additional off-street parking requirements for the proposed expansion of the Unitarian Universalist Church of the Palouse, located at 420 E Second Street.

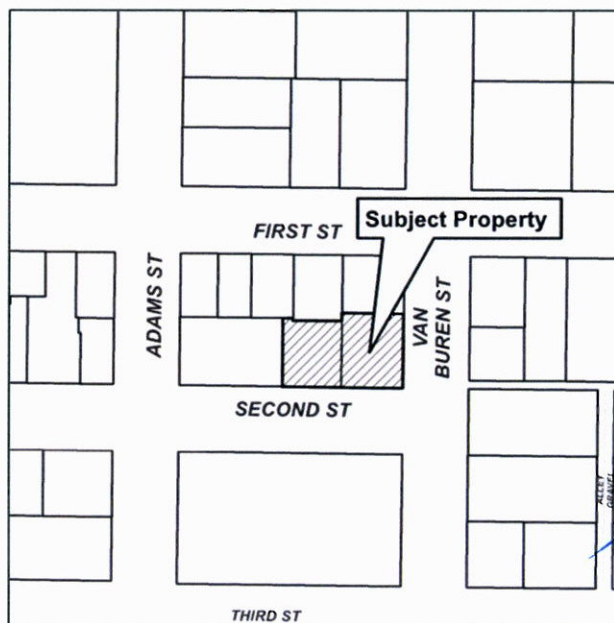
The Council shall not act on an appeal which differs materially from that which was considered by the Board of Adjustment. When considering the merits of an appeal, no additional public testimony or information shall be taken or considered by the Council.

MEETING DATE: Monday, December 7th, 2020

MEETING LOCATION: Council Chambers on the Second Floor of Moscow City Hall
206 East Third Street, Moscow, Idaho

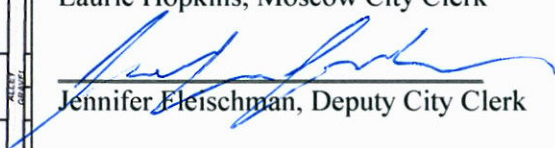
MEETING TIME: 7:00pm

Notice: On November 13, 2020, Governor Little designated Idaho to return to Stage 2 under the Idaho Rebounds Plan as a result of the Covid-19 Pandemic, which included a restriction on gatherings of groups of more than ten (10) persons. In accordance with the Order, attendance at this meeting will be limited. The meeting will be broadcast on the City's TV channel (Spectrum channel 1301) and streamed live for public viewing by entering the following link: <https://www.ci.moscow.id.us/522/Meeting-Videos>. Anyone requiring special accommodations please contact Jennifer Fleischman, Deputy City Clerk, at jfleischman@ci.moscow.id.us or 208-883-7035.



The file containing information on this matter is available for public review at the Community Development Department located in the, Paul Mann Building at 221 East Second Street, Moscow, Idaho. Call 883-7022 to get a meeting agenda and further information about the matter. You may obtain further information about the public hearing process and procedures on the City's Website at: <https://www.ci.moscow.id.us/593/Public-Hearing-Notices>

Laurie Hopkins, Moscow City Clerk


Jennifer Fleischman, Deputy City Clerk

Publish: Saturday, November 21, 2020

RECEIVED

OCT 22 2020

10/20/2020

City of Moscow

APPEAL- Approval of Conditional Use Permit 2020-002 and 2020-0022 (420 E 2nd St.)

Dear Members of the Moscow City Council,

We, the adjacent, property-tax paying neighbors to the north of the proposed Unitarian Universalist Church Project at 420 E. Second, unanimously reject the project as proposed and appeal the decision to approve the CUP and Variances for the following reasons:

1. The project does not meet several of the criteria for approval. (attached documentation from all adjacent homeowners)
2. An acknowledgement was made by the commission and the church that the project does *not* meet criteria. The subsequent proposals by the Church to address these failings are further rejected because they do not offer actual solutions to the specific concerns of all homeowners.
3. This 1.7 million dollar construction project is not a simple multi-seat addition for church administration and education, but a massive building to support the infrastructure needs of multiple organizations around the Palouse and should be evaluated under the closer scrutiny of any newly constructed 5500 square foot building with an, as yet unestablished, or untold, number of daily occupants and full-time, overnight residents.
4. Finding enthusiastic agreement and a mutual parking benefit for the project from the 1912 Center and the McConnell Mansion property should carry less weight than the access and parking needs of adjacent, private-property stakeholders.
5. Using past Conditional Use Permits and Variances for other public buildings in the area as precedent should not apply to a new building of unprecedented volume in our neighborhood.

Please consider the following detailed concerns of Anne L. Marshall:

The proposed unitarian church addition at 420 E Second St. does not meet several of the criteria for a conditional use, specifically:

Criteria #2. THE CHARACTER OF THE PROPOSED USE WILL BE IN HARMONY WITH THE NEIGHBORHOOD AND SURROUNDING LAND USES.

1. The proposed addition is too big for its site and the block. It is larger in area and height than the McConnell Mansion and totally dwarfs the residential properties to the north. By making this an addition attached directly to the existing church, this combined structure will be more than double the size of the largest other structure on the block, the McConnell Mansion.
2. The proposed parking and shed at the north property boundary are not in harmony with the backyard use of adjoining neighbors.

Criteria #3. THE PROPOSED USE AS APPROVED, OR AS APPROVED WITH CONDITIONS, WILL NOT GENERATE NUISANCES THAT WOULD BE INJURIOUS OR DETRIMENTAL TO ADJOINING PROPERTIES OR THE NEIGHBORHOOD.

1. The massive new building will block views, sunlight, and fresh air to residential neighbors to the north.
2. Noise, dust, fumes, and increased traffic from the parking will be detrimental to residential neighbors to the north.
3. Excavating at the north edge of the property jeopardizes the stability of soil and fence of the neighbor to the north.
4. The proposed parking and grade cut will destroy two significant mature trees on a neighboring property, a fir and a sequoia, and possibly a third, an Engelman Spruce. (This will only be mitigated if the earth is not cut within the drip lines of the trees.)
5. Access to poorly located parking spaces will necessitate cutting down a cluster of lilacs and a plum tree in the heart of the block.

Criteria #4. THE LOCATION, DESIGN, AND SIZE OF THE PROPOSED USE WILL BE ADEQUATELY SERVED BY EXISTING STREETS, PUBLIC FACILITIES AND SERVICES.

1. The site is not large enough to accommodate parking required by this large addition.
2. In an effort to shoehorn in parking that does not really fit, the service alley is becoming one-way (without considering or consulting with residential neighbors), making access difficult or impossible for residential neighbors.

Criteria #5. THE PROPOSED USE WILL NOT ENDANGER THE PUBLIC HEALTH OR SAFETY IF LOCATED WHERE PROPOSED.

1. Loss of sunlight and fresh air, especially during a viral pandemic, will endanger the health of residential neighbors.
2. Increased traffic in the heart of a residential block is a safety hazard.

Criteria #6. THE PROPOSED USE MEETS ALL APPLICABLE DEVELOPMENT STANDARDS OF THE ZONING CODE.

1. It is not at all clear that the proposal meets zoning standards because the drawings are incomplete and inaccurate; the actual contour of the land and grade elevations are not included, especially on the south and west elevations. The site plan included is barely legible and does not include legible dimensions. What is legible is a horrifyingly bad site design that appears to be the result of packing in parking spaces on a site that is too small to accommodate them.

Criteria #7. THE PROPOSED USE WILL NOT BE IN CONFLICT WITH THE COMPREHENSIVE PLAN.

1. The proposal does not “protect and expand the city’s urban forest”(1.4) —it destroys trees!
2. The proposal does not protect the neighborhood identity and character (1.4)—it diminishes the quality of life for residential neighbors.
3. The proposal is out of scale, thus disregarding 2.5.4 that says, “The massing and design of buildings is an important factor in how the community looks and feels with scale, height, and setbacks all being important factors. They can impact compatibility with existing development, the availability of solar access, and even the comfort of pedestrians.”

This proposed construction will reduce the value of all residential properties on the block. In the long run this will be a less desirable place to live, owners will reduce or discontinue investment to their properties, and this puts this entire block of historic houses at risk of becoming a slum that is ultimately demolished.

Also, please consider the detailed concerns of Carrie Barker:

I am one of the property owners who will be affected by the proposed Unitarian Universalist Church addition at 420 E Second St. I had the pleasure to meet several representatives from the congregation during their planning of this addition and they are wonderful people and assets to this community. I would like several criteria to be addressed in regards to the parking lot that is being proposed in order to meet zoning codes that would allow the project to move forward. The recommendation of the church and Latah county historical society to enter into a joint use agreement in order to satisfy the use parking section of the City Code should be re-evaluated. There is a variance application to waive a portion of the additional off-street Parking requirement for the proposed expansion. If the expansion is to be approved, I believe not just a portion of, but all of the off-street parking should be waived and the parking spaces proposed be thrown out of the plans.

#3- The proposed use will not generate nuisances that would be unjurious or detrimental to adjoining properties or the neighborhood. – The plan involves excavating the land to create a parking lot. Because parking spaces are being crowded into an alley that’s purpose is to provide the property and surrounding residences with access there will be an issue with traffic and parked cars blocking the access to these residences which will be an extreme and ongoing nuisance that cannot be resolved once the project is complete. The agreement between Latah County and the church to establish one way alley access did not take into consideration the personal needs and uses of the homeowners who use this alley for access to their off street parking as well as access to their homes for utility services needed which can pose a serious problem in the event of an emergency (such as a fire) in which access to the back side of the residences is needed and there is not time to clear out visiting vehicles. The use of the alley as a driveway to a parking lot will congest and constrict its usage to the homeowners and was never it’s intended use for good reason. My residence requires use of the alley to access it from the south side and I was never consulted on any changes to the alley. There is also a cluster of lilac and plum trees in the alley that I was told would need to be cut down in order to create enough access to the proposed parking. Not only does this exemplify how a massive project is being shoved into a very small space that will overcrowd it, it completely eliminates the privacy in my backyard. Completely losing privacy to my backyard is the definition of a nuisance and it cannot be denied that it will be detrimental to my property value moving forward.

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

Though the actual building being proposed may not endanger the public or the residents of the block in itself, the parking lot that has been proposed in order to meet the development standards of the zoning code absolutely does. As stated above, the use of the alley as a driveway to a private parking lot poses a serious threat in the event of an emergency situation in which emergency or utility vehicles will need access to the south sides of the residences. The intent of the alley is access for the property itself and the residents adjacent to it, not for foreign traffic as used like a public roadway with unknown volumes of traffic. Because the alleyway is right up against not only my back yard, but several of my neighbors, this adds a safety hazard the traffic poses to our children and pets who use our backyards as a safe space to play and relax. This is undeniably detrimental not only to our safety, but also to any future liability for Latah County and the Church in the event of an unfortunate accident. Using an access alley as the designated driveway to a private parking lot creates too many ambiguous liabilities, have these even been addressed? Who would be responsible for the hazards created by new, foreign traffic introduced? It was brought to my attention by Mr. Hamilton, who is associated with the Unitarian Universalist Church and a pleasant man to chat with, that the parking lot was only proposed out of necessity to meet zoning requirements for the construction of an additional building. If the building is to move forward with construction, my opinion is it's in the best interest of the city to allow an exemption to be made in regards to the zoning code that requires a certain ratio of parking spaces per so many seats, especially considering the amount of parking is in no way reflective of the number of seats in the Church due to the original structure being grandfathered in. Or to not allow a variance at all. If the intention of a zoning code is to be of advantage to the residents, utilizing it in way that is detrimental to the residents and homeowners of the community nullifies its original intent. If the code is to protect us, how dare it be so hastily disregarded yet at the same time used in way that is extremely detrimental to the residents. These arbitrary and pointless 7 parking spaces, along with the alley construction are of a permanent and significant burden on the residents of this block and If the city cares about its residents the way it claims, it will not use zoning codes to disadvantage its residents with zoning requirements that were meant to protect them. The Unitarian Universalist Church is an asset to this community and its growth should not present a nuisance to its literal neighbors in the community in a forced effort to comply with zoning codes that are arbitrary to the project at hand. Just like every community during a politically charged time in history, Moscow is a community in which we are more and more everyday becoming divided by our differences in religion, politics and lifestyles. Moscow's eclectic charm is something that defines our community and It is in my opinion that we should be using growth, development and city planning to unite us, not divide us. There is a way for the Unitarian Universalist Church to grow and develop without becoming a burden on its literal neighbors, including myself, who wishes to support them regardless of my non-affiliation with their church. This is why I believe more thought and consideration needs to be made before allowing this project to move forward with its current plans.

Also, please consider the specific concerns of Jim Riosa:

I am writing as one of the residents that will be directly affected by the proposed demolition and new construction at 420 E. Second St that is being categorized as a "church building addition" in the Conditional Use Permit and Variance Application documentation(LUP2020-0020 and LUP2020-0022). Due to the lack of consultation with the residents during the design and subsequent variances, I have some concerns over some of the statements being claimed.

The first correction I would like to make is on the "Basis of Bearings" dated July 2016. Our property is listed as "Fine Country Homes". This is no longer the case. The property has been

owner occupied for approximately 3.5 years, and no longer reflects a rental with a transient occupation.

My first concern is with Criteria #2 - "THE CHARACTER OF THE PROPOSED USE WILL BE IN HARMONY WITH THE NEIGHBORHOOD AND SURROUNDING LAND USES". The scale of the proposed development represents a significant increase in footprint, and in particular the increase in elevation across this site will create a monolithic structure that in no way reflects the character of the neighborhood.

My second concern reflects on the additional on-site parking and traffic flow as mentioned in Criteria 3 - "THE PROPOSED USE WILL NOT GENERATE NUISANCES THAT WOULD BE UNJURIOUS OR DETRIMENTAL TO ADJOINING PROPERTIES OR THE NEIGHBORHOOD" and Criteria 4 - "THE LOCATION, DESIGN, AND SIZE OF THE PROPOSED USE WILL BE ADEQUATELY SERVED BY EXISTING STREETS, PUBLIC FACILITIES, AND SERVICES". As someone who accesses their driveway off the E-W laneway I find several of the claims questionable.

In the agreement between UUCP and the county, the East-West Driveway is claimed to be 13 feet in width. This is not entirely true. The northwest landscaping on McConnell Mansion reduces this width to 10 feet. Further The width of the laneway is significantly wider in the area where the storage shed is located, adding a further 4.5 feet to the laneway. The location and design of my rear driveway is such that it was designed for ingress from the east. Approaching from the west and the narrower section requires driving up on flower beds and over the lawn. Further, by observation, any contractor working on McConnell mansion will approach the laneways from Second street, as the wider section facilitates larger vehicles and the use of a utility trailer. It appears to me that the direction of flow was an arbitrary decision. The proposed angled parking could be reversed and traffic flow would be maintained with minimal effect on current usage.

I would also like to consider the implication of paving, maintenance, and snow removal. As currently written, there is only a plan for the N-S laneway. This raises the question of what maintenance is done on the E-W laneway? If it is to be paved, what effect does that have on drainage? The E-W laneway is a lower grade, and would receive excess runoff from the higher elevation hard surface. A similar issue exists with snow removal. Where will the snow go? Large berms of snow could also affect spring runoff adversely on the E-W laneway. Also, if no one is maintaining the E-W laneway, this could provide serious access issues during the winter. The entrance onto Adams street is tight (approximately 10 feet), street parking tends to come right up to the edge of the entrance, making approach angles difficult, and the city snow plowing can cause significant berms that would impede all but the largest of 4 wheel drive vehicles. In all, I do not believe this has been adequately thought out.

There has also been the suggestion that the new construction would like to tie into an updated sewer line in the E-W laneway. I currently have an elevated outdoor deck off my living and kitchen area, that provides for outdoor entertainment and cooking. The view currently is best described as sylvan. Any excavation to replace a sewer line would destroy the root system on the

large maple in my back yard, removing a significant source of shade. It would also threaten a line of mature lilac and plum trees backing my eastern neighbor's property. This would change my view of being in the trees to staring at a large, slab sided structure, significantly decreasing the enjoyment of the area.

Given the current variance only addresses less than a third of the required on-site parking, I only wonder that the variance should be adjusted to allow the two handicapped spaces, and leave the use of the laneway as status quo. Five spaces are relatively insignificant, and this would cause the minimal impact to the surrounding residential properties.

My final concern is the lack of responsibility for enforcing any of the above. Even in the current situation, I have had congregants of UUCP park in the laneways in such a manner that all means in ingress and egress for me are eliminated. What is the requirement for snow removal? Are the same rules that sidewalks are to be cleared within 24 hours to be enforced here? If this is to function at all, it cannot be cleared only on convenience to a UUCP event.

In conclusion, I find the proposal and variance requirements do not sufficiently deal with both practical details, as well as impact of quality of life or adverse effects to property values of the surrounding residents. The current scale of the project, traffic flow, paving, and parking have deleterious effects on all the surrounding properties. A more consultative process could ameliorate these deficiencies.

--Also, please consider the concerns of Willy Tate:

As one of the five private property owners most affected by the proposed demolition and new construction at 420 E. Second St that is being categorized as a "church building addition" in the Conditional Use Permit and Variance Application documentation(LUP2020-0020 and LUP2020-0022), I would like to respectfully demonstrate how this project does not meet several, if not all, of the approval criteria.

In the Conditional Use Permit Application there are several criteria that must be met.

I would like to address #2, #3, #4, and #6:

#2- THE CHARACTER OF THE PROPOSED USE WILL BE IN HARMONY WITH THE NEIGHBORHOOD AND SURROUNDING LAND USES:

-If harmony would be described esthetically as a symmetrical balance of occupied and open space, the addition of this monolithic new construction when coupled with the existing structure creates a building of oppressive volume and height that is decidedly unharmonious for this block of early century, single-family homes.

#3- THE PROPOSED USE WILL NOT GENERATE NUISANCES THAT WOULD BE UNJURIOUS OR DETRIMENTAL TO ADJOINING PROPERTIES OR THE NEIGHBORHOOD.

-The proposed new construction will block the sunlight to our property during winter and spring months and block any breeze from the south or southwest. The excavation and construction is predicted to damage root systems of existing ancient trees along property lines and will significantly reduce property value of all adjacent property owners.

#4-THE LOCATION, DESIGN, AND SIZE OF THE PROPOSED USE WILL BE ADEQUATELY SERVED BY EXISTING STREETS, PUBLIC FACILITIES, AND SERVICES.

-The parking agreement between Latah County (McConnel Mansion) and the UUC that designates and establishes a one-way alley access did not include or consult homeowners regarding their personal needs for vehicle parking and egress.

#6- THE PROPOSED USE MEETS ALL APPLICABLE DEVELOPMENT STANDARDS OF THE ZONING CODE

-As I read the proposal, the intent is to add $28 \text{ plus } 43 = 71$ seats to the sanctuary. At a 4:1 ratio stipulation, this would require ~18 off-street parking spots. This does not address the increased need of at least 6 on-site employees and the unknown number of folks utilizing the classrooms, nursery, and multipurpose rooms contained in the new +5500 ft² building- which by MCC code should be at least 55 additional off-street parking spaces (1 per 100 ft²).

Additionally, the proposed agreement with the 1912 center regarding shared parking should be invalidated because the 1912 center does not have this many spaces of off-street parking to yield.

Does it make any sense that the 1912 Center, which itself was given a Variance because it does not have the space to accommodate its own off-street parking needs for the square footage, ~~and~~ is somehow yielding their parking spaces to the UUC is the key proposed solution for the overflow needs of the UUC project?

In conclusion, I would like to say that many of these codes and regulations exist to deter this kind of building in a neighborhood that isn't meant for this type of new construction. Why did the months and years of developing a comprehensive plan for Moscow take place if these regulations can be so easily bypassed through variances and conditions without the inclusion of neighboring property owners as some of the stakeholders.

Many congregants, employees, and church members will enjoy the proposed space for a couple of hours a week. My family lives here everyday and we chose this neighborhood for the nostalgic charm that will be ruined by this massive new construction.

In Conclusion,

We feel that this proposed building is too large for the space and the neighborhood and the attempt to shoehorn the off-street parking and a one-way alley to meet even a Conditional Use Permit, still creates a major nuisance and restricts access for neighbors and the disturbance to roots and existing trees is believed to cause irreparable damage.

Please reconsider the approval of this Permit and Variance.

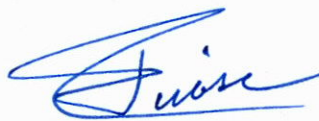
Respectfully,



Willy and Lisa Tate
103 S. Van Buren



Anne L. Marshall
419 E. First St



Jim Riosa
413 E. First St



Carrie Barker
415 E. First St

1 HENNRICH: Good evening everyone. Alright...move this out of the way...Okay. Tonight, we have
2 a public hearing for a Conditional Use Permit, uh, and Variance request for 420 E.
3 Second St...maybe...every time...there we go...

4 RAY: (from the side) You have to click on the screen or else it won't go... (unintelligible)

5 HENNRICH: Oh! Now we got it. I...every time, this thing...uh...it gets me. Okay. So, uh, the
6 proposal, uh, the applicant, the Unitarian Uni-Universalist Church of the Palouse, is
7 proposing to construct a 5,917 square foot addition onto the existing church located
8 at 420 E. Second St. Um, with this proposal they would like to remove the existing
9 Administrative Building, also owned by the church, located at 414 E. Second St. The
10 applicant proposes 7 new parking spaces to satisfy a portion of the parking requi-
11 required by the expansion and has applied for a Variance to waive the additional 11
12 parking spaces. This is the, uh, subject property (showing images): this here is the
13 existing Unitarian Church. Um, and this here is the, uh, Administration Building that
14 we, um, have -that I had- mentioned. Um, it is surrounded by J. Russell Elementary,
15 um, the McConnell Mansion here to the left, er, to the west, um and, the 1912 Center
16 directly adjacent. So, a little bit of background, uh, the existing church building, uh,
17 was dates back to the 1900's. Um, it was acquired by the Unitarian Universalist
18 Church of the Palouse in 1985. The small house to the west, um, was purchased by
19 the Church in 1988 and is currently used for administrati- administrative purposes.
20 Um, in Sep- in September of 2008 the Church applied for, uh, -and it was approved
21 for-, a Variance to allow a reduction in front and street-side setbacks in order to
22 expand an existing accessibility ramp, to meet ADA standards. This is the church
23 (showing images) as it exists today. This is the Administrative building, just to the
24 west. Um, this is a, uh, rendering of the proposed renovation and addition, um, with
25 the existing being here, um, and the addition adjoining. Um, the new, uh, addition
26 would, uh, relocate all the administrative offices over to the, uh, addition to the

building, uh, remodel the fellowship hall. Um, second floor, again create more space on the second level, um, in the sanctuary it would add 28 additional seats, um, with the renovation. And then on the third level, the proposal includes a mezzanine, um, which, uh, increases the seating capacity by 43. Um, the Church is currently zoned, uh, R-4 and that's the multiple-family residential zoning district. Adjacent properties to the north and west are also within the R-4 zone. Um, adjacent properties to the south, uhm, those are medium density, which are R-3. The adjacent property to the south is general business and is also the 1912 Center. Here is an image of the Zoning, just for...reference (shows images). Um, Streets and Access: the subject property has 146 feet of frontage alongside Second Street, that's both, uh, 414 and 420, um, Second Street. It is a neighborhood street and has 80 feet -is 80 feet wide- with, or 80 feet of right-a-way, with tree, lawn, curb, and gutter, and sidewalks. Van Buren is also, um, 80 feet, has the 80- 80 foot right-a-way, with tree, lawn, curb, and gutter as well. Um, on that side it has 90 feet of frontage. The subject property can be accessed via one existing vehicular approach on Second Street. This driveway has been used jointly between the McConnell Mansion, um, the property to the west, and the property at 414 E. Second St, for many years. This is a view, um, looking down Van Buren, uh, towards the north, from the street view (shows images). And this is looking down Second Street to the west. This is the vehicular access point that I had just talked about, um. Parking: so, religious facilities are required to have one parking space per every 4 seats, plus 1 per 100 sf of open assembly area. The existing church does not provide any on-site parking. According to Moscow City Code, uh, in part it states that, uh, in cases- in cases where enlargement or expansion triggers requirements for additional parking, additional parking- additional off-street parking spaces are required only to serve the enlarged or expanding area: not the entire building or use. Uh, the remodel and expansion plans include an additional 28 seats

in the sanctuary and 43 at the balcony level, resulting in the requirement of 7 new, uh-
uh, 7 new parking spaces for the sanctuary and 11 new spaces for the balcony level.
Um, the applicant has proposed a site plan showing 5 new parking spaces located on
the west side of the subject property, adjacent to the north-south access drive that is
shared between the Unitarian Church and the McConnell Mansion. On the west side,
and the north-south access drive, are two parallel parking spaces that are provided
entirely on McConnell Mansion's property. Uh, the applicant has provided, an rec- a
re- a re- a recorded shared parking agreement between the Unitarian Church and Latah
County, which is the owner of, uh, said McConnell Mansion. The agreement details
the shared use of the 7 spaces and also allows for access rights. Um, per Zoning Code,
deviation from the parking standards may be allowed with a Joint-Use Agreement
provided that the applicant demonstrates that there is no substantial con- conflict
between the principle hours, um, of the building structure or the uses, for which joint-
use of the parking spaces or lots are proposed. The parking spaces, and/or lots, uh, for
such proposed joint-use, uh, is not any further than 500 ft from the buildings they are
to serve, and up to 100% of the parking spaces, or the parking lot, required by this
section for the Church, or an auditorium incidental to public or parochial school, may
be supplied by the off-street parking spaces and/or lots, pro- provided by uses
primarily of the daytime nature. This is an image, um, showing this- the parking plan
(shows images). Um, we have an ADA compliant space here; additional sp-, uh, 4
spaces here; so, this is the 5 spaces within, uh, the, um...subject property. These 2
parallel spaces are the ones that, uh, are indicated on, um, McConnell Mansion's
property. Um, the Zoning Administrative is required to review and determine whether
there is a substantial conflict between the principle operation- operating hours of these
two uses and the parking spaces that are proposed to be shared. And based upon their
operating hours that have been submitted for the McConnell Mansion and the

Unitarian Church, it's Staff determination that there is not a substantial conflict between the hours of operating of the two uses. Per the Zoning Code, the City will draft a Joint-Use Agreement that documents the decision, which will be signed and recorded with Lata- with the Latah County Recorder. So, this brings us to the Variance request: um, 11 spaces are still required as part of the proposal. With no area on the property to create additional parking spaces, the applicant has applied for a Variance to waive the additional 11 spaces. Um, in the surrounding area: the 1912 Center, to the south of the subject property, applied for a Variance to waive 113 additional off-street parking spaces for a renovation and future occupancy of the remaining floors of the 1912 Center, which was approved by the Board of Adjustment on October 8th, 2019. Or not October, I'm sorry: August 8th, 2019. So, it is Staff's recommendation that, uh, we approve the proposed, uh, Conditional Use Permit for 420 E. Second St with one condition: that the applicant enters into the Joint-Use Parking Agreement, which satisfies the provisions of the joint-use parking section of the City Code, for the 7 spaces, and, a- that are proposed to be constructed as part of the proposal. And Staff also recommends approval of the Variance for the additional -waiving the additional- 11 off-street parking spaces. And then Board to direct Staff to prepare the Relevant Criteria and Standards. Do you all have any questions?

BAZZOLI: I have one right off the bat-

HENNRICH: Go for it.

BAZZOLI: Why is the City recommending that we- what's the basis for the City's recommendation to waive the 11 parking stalls?

HENNRICH: Um...Going back to this slide here (shows images), talking about the 1912 Center. Um, one of the Criteria, and Standards, is to, uh, not, um...we'll read it if I can get it to it, there we go...um...oh...the proposed use...uh, where is it? Umm...which one is it?...Maybe it's not in this one, maybe it's in this one: there we go...um...Granting

105 the Variance will not be in conflict with, uh..(unintelligible). Um, I'm trying to read
106 through it: there's one that specifically, uh, talks about, um, adjacent properties and-
107 and, um, the ability for everybody, at the same time, to do, um, be able to have those
108 Variances. I think that additionally, um, it is within the Downtown Neighborhood
109 District, where people do tend to walk a lot. Um, the 1912 Center is there and doesn't
110 have a lot of night-time use either, um, so that that parking lot could be used. There
111 isn't a formal agreement, obviously, um, but that, you know, their- and- and they have
112 actually operated the Church- the Church has operated at the capacity that it currently
113 is without park- any parking, up till this point.

114 BAZZOLI: You have a question, Marshall?

115 COMSTOCK: Yeah. Aimee, I guess I got a couple questions for you. And maybe we might- might
116 need some of Mike's historical memory also. Do you know whether the Unitarian
117 Church, aside from the Variance for the setback, are they- do you know if they also
118 operate under a Variance for parking?

119 HENNRICH: Not to my knowledge. Historically, I think that when the par-, when parking standards
120 were, um, put in to place it is was already existing. And so, they weren't required to
121 have any, so there was no variance, but Mike you can correct me if I am wrong.

122 RAY: Yeah, I think when it was constructed it predated the Zoning Codes. So, the first
123 Zoning Code happened to come into play around 1940, 1950's, and so the church
124 building, and I assume the house as well, that's used as Administrative offices, were
125 constructed prior to any Zoning code that was in place with the City. So, yeah, in our
126 research there hasn't been any type of Variance that was approved for parking, it was
127 just for the ADA ramp on the east side of the building was the only Variance that was
128 processed on that property.

129 COMSTOCK: Okay. And- and Aimee, as far as the ADA parking: when the ADA ramp was- was
130 built on the east side of the property, was there ADA parking place adjacent to that?

131 HENNRICH: The ADA parking place that is proposed is on the opposite side, but there is existing
132 sidewalk, um, that can take them up to that. Um, so the ADA space is here: (shows
133 image) proposed, over here on this side is where that ADA ramp was constructed.

134 COMSTOCK: But there is not one on the east side?

135 HENNRICH: No, there is not.

136 COMSTOCK: Where the ramp is?

137 HENNRICH: No, I believe it's just all off-street parking, or off- off- on-street parking.

138 COMSTOCK: Okay. And- and another question, I don't know if the Building Department had a
139 chance to look at it, with the increased occupancy load, did it kick in additional ADA
140 parking requirements?

141 HENNRICH: Um, so we only require, um, ADA parking as to what's provided what's on-site. Um,
142 and so the ADA parking space that is shown here is the number that is required based
143 on what is on-site. Does that answer your question?

144 COMSTOCK: Well, isn't the ADA parking usually based on the occupant load?

145 BAZZOLI: Occupancy load, yes.

146 RAY: Based upon number of parking spaces provided, not necessarily occupancy load. So,
147 there is a chart there and once you get up to 25 parking spaces above that, then you
148 are required to 2 off- ADA off-street parking spaces. So right now, they're only at 7
149 so that would just require 1 ADA spot, as part of that.

150 BAZZOLI: Maybe what Marshall's getting at is the parking stall count that we are looking at is
151 based on the added load, not the full occupancy load. Which they're evidently exempt
152 from?

153 RAY: Yeah, we give you a credit for what you don't have. So, we don't retroactively go
154 back and require you to make the difference up. Which, when this- you know, there
155 would be no opportunity for expansion here, because it would be substantial based
156 upon the number of seats that they have in the sanctuary alre- already. And so that

157 was part of the decision, and- and recommending approval of the Variance was, you
158 know, this is a property close to the 1912 Center that's already received a Variance
159 for substantial parking reduction, its an historic property constructed prior to parking
160 requirements, uh, put into place. They have 80foot right-a-ways, as Aimee mentioned,
161 on Second Street and Van Buren. Really just cuts down the biddable area, uh, on the
162 property. And there is also the Administrative building that currently had no parking
163 right now, and so, um, you know, we thought that, uh, doing the addition on the west
164 and providing more administrative space, not necessarily increasing that much
165 sanctuary space as far as the seating, uh, but just providing the addition to- to remove
166 the Administrative building and then, uh, doing the best to utilize the shared access
167 drive to, uh, put in as much off-street parking as probably feasible on that site. Um,
168 so it's kind of good faith effort to be able to provide some off-street parking but allow
169 a reasonable addition and, and uh, we thought we would, uh, looking at the Criteria
170 that, you know, those are kind of the conditions, uh, that we had contemplated when,
171 uh, recommending approval of the Variance.

172 COMSTOCK: Well, I'm confident that the Building Department and the Planning Department will
173 double check that, before the plans are approved, so.

174 RAY: Sure, yeah, I mean, we have it right here in the Zoning Code. And it's just based upon
175 the number of spaces provided. So, you know, you run into that situation downtown
176 a lot, where the businesses don't have any parking spaces, uh, but they do have higher
177 occupancy loads. And, and so it's really just what's pro- based just on what's
178 provided.

179 COMSTOCK: K. Thanks Aimee. Thanks Mike.

180 BAZZOLI: Tim.

181 THOMSON: Aimee, I have a couple of questions.

182 HENNRICH: Sure.

183 THOMSON: Um, as one who likes to see old homes that are well kept up, I'm just questioning the-
184 the, um, Admin house that's going to be demolished looked kind of attractive. And is
185 there any historic value to that building? Uh, does any- or does it even matter? I know
186 the City has a Historic Commission, I don't- I don't know if their empowered to, uh,
187 get involved in these types of things, but I just, just still wondered if there's historic
188 value to that building, since it looks planned on being demolished.

189 HENNRICH: I-I don't. Mike can probably speak to this, I don't believe it's placed on the registry,
190 but Mike- Mike could definitely speak to that, whether it's a historic building.

191 RAY: Yeah, I'm Staff Liaison of the Historic Preservation Commission. So, the Fort Russell
192 Historic District was actually expanded, uh, I think it was a couple years ago, and they
193 looked at this property, the Admin building, and there was quite a bit of debate on the
194 Commission as to whether or not it was going to be contributing or non-contributing,
195 to the historic character of the district. I'd have to go back and look at the actual
196 nomination, but I believe it was arrived that it was non-contributing to the, uh, historic
197 character of Fort Russell Historic District. Uh, but regardless whether it's contributing
198 or not contributing, there's no local ordinance that prohibits the demolition of such a
199 structure. So, um, you know, that- that being said, the Historic Preservation
200 Commission usually doesn't get involved in any type of recommendation: there's no
201 obligation, uh, to go before the Historic Preservation Commission. In some other
202 communities, oftentimes you'll have a certificate of appropriateness that will be
203 issued by a Commission to, you know, do an addition, or restore, or demolish a
204 building, but, uh, we just don't have that in place. It's more of an honor, not
205 necessarily an obligation, is what we have in place in Moscow.

206 THOMSON: Okay Mike, thank you. Uh, second questions is that Staff recommends a, uh, condition
207 of, uh, a joint-use parking, uh, provision, and-and that's in addition to the, uh, already,
208 uh, accepted, uh, joint-use agreement between the, uh, landowner and the Church?

209 HENNRICH: Yes. Um, the-the agreement between the landowner and the Church is just for-for,
210 between the two of them, the document that we would produce would be between the
211 City and the Unitarian Church, um, agreeing that they would continue with that
212 Agreement. Um, so it's-it's, ya know, on our end, taking, ya know, making sure that
213 that's buttoned up as well.

214 THOMSON: Okay. Very good, thanks Aimee. That's all I have.

215 BAZZOLI: Any other questions for Staff? Thank you.

216 HENNRICH: Alrighty.

217 MARSHALL: (from audience) Is- are there- do we get a chance... (inaudible).

218 BAZZOLI: You do.

219 MARSHALL: (from audience) Is now the time?

220 BAZZOLI: No, I'll-

221 MARSHALL: (from audience) Okay.

222 BAZZOLI: I'll- once she sits down. What-what the process is here, is we will have the Applicant
223 come up, describe their project, and then we'll open it up for testimony in favor of,
224 and then testimony, um, against or, um, in general. And then, if there's enough, the
225 applicant is welcome to come up and speak again, and THEN we will close the public
226 hearing and THEN we'll debate it up here. That's how we'll work it.

227 MARSHALL: (from audience) Thank you.

228 BAZZOLI: Mike.

229 RAY: I just thought, could I add one thing to that?

230 BAZZOLI: Sure.

231 RAY: Um, and it was in regards to the historic character of the property: the-there was a
232 representative that had gone to the Historic Preservation Commission and asked for,
233 kinda, their blessing as far as the proposed addition, and I believe the Historic
234 Preservation Commission, um, gave an affirmative that it was in keeping with the

235 historic character of the addition onto the building. So, I just thought I'd add that-that
236 point on there...

237 THOMSON: Okay, so they- they looked it at it a little bit differently: said, "Lose the building, but-
238 but we're expanding the historical characteristics of the church...building". Is that
239 what I...?

240 RAY: They-they'd just doing more of an appropriate addition that wasn't taking away from
241 the existing church, um, building, ya know, the character of the church building is- is,
242 um, ya know, essentially what they had recommended. There- they had determined.

243 THOMSON: Thank you.

244 BAZZOLI: Can I ask what the basis for that decision was? Architecturally speaking, the addition
245 doesn't match the- the architectural design of the existing structure. So, it's- it looks
246 like an addition with the same roof pitch.

247 RAY: Well, it's like with the Library; I mean, you have a modern addition on a historic
248 Carnegie Library...

249 BAZZOLI: Right.

250 RAY: ...ya know, it's- you- it's recessed quite a bit from, uh, the existing building, I'm
251 speaking of the Library. So, it's kind of those factors that were taken into
252 consideration, you know, not- I can't- I don't want to speak for the Historic
253 Preservation Commission, but it was- it was largely, you know, there were some
254 similar features in the architecture and it just wasn't protruding any further forward
255 then the existing building, uh, to not as- to-to take away from the existing, kind of,
256 massing of the church building.

257 BAZZOLI: So- so, theirs was based more on a spatial use, sounds like?

258 RAY: Partially.

259 BAZZOLI: K. Alright, with that I will open up the Public Hearing. Will the Applicant care to
260 come up and describe the project and the reasoning behind your Conditional Use and
261 Variance request?

262 PETERSON: Good evening. Nils Peterson, 841 Travois Way in Moscow. Um, Staff as usual, has
263 done a nice job in presenting the project. Um, the Church is been sensitive in its
264 attempts to understand the neighborhood and communicate with some of its neighbors
265 about what's going on. And, the process has formalized what has been a little less
266 formal on the property line with the County, the McConnell Mansion, to formalize
267 that into several agreement's about using those parking spaces there, in order to
268 achieve the 7 that would be needed to add the 28 to the Sanctuary. Um, I don't know,
269 following on, um, Marshall's question, whether the current ADA parking stall out on
270 the street...is that Van Buren? The- the north-south street. Um, it- it's currently there,
271 it's painted blue. And it serves to get it on the current ramp. I don't know that that
272 will be lost in this process, I would hope not. Uh, so my hope is that this is adding a
273 spot, not just trading a spot around. Um, but I appreciate your concern about the, um,
274 access for people with mobility impairments; it's certainly as the congregation has
275 aged, there is a few more of them, including me these days with my knees. Um, the
276 other thing that I have observed about the two spots that are on the McConnell side,
277 they're not signed or designated as ADA, but they have the drive lane next to them to
278 facilitate exit- at least out of the driver's side of the vehicle, and space to negotiate if
279 you were using some sort of mobility aid like a wheel chair. Um, relative to Tim's
280 question, on page 3 of the application we say, "The Fort Russell Neighborhood survey
281 dates the building-" this is the 414, the little yellow house, "-between 1904 and 1928,"
282 and notes "...as indicated on Sandborn maps, the single-story bay window on the
283 façade elevation, the enclosed porch beneath an extension of the roof on the façade, a
284 corner gable bay on the southeast corner, and the s- covered stair on the west are all

285 non-historical.” So, I think in that process: ye- yeah, it was there. It’s old enough. But
286 people have fiddled with it a bunch (laughing) and so the value as a...clear piece of
287 architecture is maybe been blurred. Um, so I- I think that that would be part of your
288 consideration while maybe we’re not losing much, because, I mean, its’- in my
289 lifetime it’s been like that. But (laughing), it’s been fiddled with.

290 THOMSON: Yeah.

291 PETERSON: Um so, I don’t really have other things to say to, e- elaborate on what Staff’s said,
292 unless there are questions that you all have for me.

293 BAZZOLI: I- I have a question.

294 PETERSON: Okay.

295 BAZZOLI: Um, just- and it’s kind of in reference to what Mike had mentioned earlier about a
296 ‘reasonable’ addition. This addition is 3 stories and it- it appears to be the same size
297 footprint, so in terms of an addition, it’s...it’s a substantial amount of square footage
298 addition. Can you elaborate on why that is? It’s- it’s clearly more space than the
299 yellow house, so I’m assuming that you’ve grown out of both spaces, so can you
300 clarify what- what the- the need for that much square footage is?

301 PETERSON: So, the sort of Administrative and religious education for children functions have
302 struggled to find spaces in the current architectural configuration. Um, the yellow
303 house was a house: it transmits noise if you try to use the living room for one thing
304 and the dining room for something else, it’s kind of awkward and- the spaces you
305 walk through each other and stuff like that. So, one of the gains in the proposal is to
306 have some actual spaces where those activities- religious education for children -can
307 happen in defined space. Um, some of it happens down in the basement, in some sort
308 of carved out little rooms, it’s- it’s been kind of a struggle. That allows- the other is
309 to allow the fellowship hall, under the sanctuary, to kind of become a better space for
310 doing those post-service activities that people do, as well as some mid-week things;

311 there's the quilting club and stuff that- which to do that, kind of pushed some of those
312 functions out into the addition. Um, the other important thing about the addition is the
313 circulation- and vertical circulation, the elevator etc. -to make the historic building
314 more accessible than it is now. So, the- the congregation debated for several years this
315 process and one was: do nothing. One was: what's the least we can do, to try to make
316 a few things better? Then the other- then the next one was: could we do a big addition,
317 which you're seeing proposed, on this site: solve a number of things quite well? Or
318 do we abandon our location and move to somewhere else? And in that process, I
319 didn't- the do nothing was- was problematic, because there are a number of
320 accessibility issues with the current structure for worship and for the fellowship hall.
321 The do-something looked like you could spend a lot of money and not have much
322 more than band-aids on it: you'd put in an elevator tower somewhere and... whatever.
323 But what really troubled me was the thought of moving out. And this is the
324 conversation I think we should have about protecting our... well-occupied urban core.
325 At one time, in the 90's, I thought "Yeah, great! Go out there- now where Toyota is -
326 because there are a number of Pullman, ya know, pssh!" No one would walk to that
327 church. No one would- or few, would bicycle to that church. Out- if you imagine the
328 Toyota site. Um, even if you found a green field around the edge of Moscow, the
329 walking would go down substantially. So, what I came to th- as I came to think about
330 it, was like, 'No, this is actually the best strategy to keep the maximum amount of...'
331 -in our kind of institutional core that surrounds that part of downtown, right? You've
332 got the courthouse, church, high school, 1912, another church, Methodist Church,
333 library, Russell School. A whole bunch of institutions in there which make for reasons
334 for people to be coming there and activating the street, make a good rationale for the
335 bus that runs on 3rd. And so, staying seems to be the sort of climate-oriented, and
336 community-oriented, thing to be doing. So, I think as they chose this path, as opposed

337 to a green field solution somewhere else, that this one is a better contribution to the
338 City.

339 BAZZOLI: Okay. I have one more question. Um, as I read through this, the Variance is based on,
340 um, reconstructing the balcony. But it is also a bid-alternate. Which- which in my
341 experience, we provide bid-alternates to clients because we're unsure of the bidding
342 climate and whether or not we can afford that part. Were there any discussions with
343 your group regarding the value of a third floor of the addition versus the balcony? Or
344 was that balcony just an 'extra if we can get it; it's of lesser value than that third
345 floor'? Because without that, this Variance- we wouldn't have a Variance without the
346 balcony, and so I'm- I'm wondering what the value of that is to...your constituents.

347 PETERSON: So, I- I think I heard two ideas: how valuable is the balcony and what if you- from a
348 cost standpoint -what if you traded off the third floor in order to afford the balcony?

349 BAZZOLI: Correct.

350 PETERSON: Okay. Uh, you are correct that the balcony is a bid-alternate. Um, the congregation
351 thought well, you know, we- look- we- we- we're worried about the total cost. Let me
352 ask Staff how long that Variance is valid, that this Church could come back and use
353 it, as opposed to building it today? In other words, the bid-alternate could be exercised
354 later.

355 RAY: Uh, yeah. I mean, typically the Variance is good for 2 years, I believe, with a- another
356 extension of a year beyond that.

357 PETERSON: K.

358 RAY: Um, I think we would view it as...as long as you start construc- you know, so the
359 Variance is included as part of, uh, that portion of the project. I think as soon as you
360 started really any portion of the project, you know assuming that you're just going to
361 do the addition, not necessarily the mezzanine initially, I think we would say that
362 that's vesting you for that Variance at that point, even though the mezzanine's not

363 being constructed. I mean the Board could certainly put a limit on that if they wished,
364 to a number of years that the Variance is...is a, you know, active for, or is- or is
365 permitted for. Um, but I think we would say that it's vested at that point of when you
366 start construction of the addition.

367 PETERSON: K. So that would be the start point on the clock. May I go speak with the Head of the
368 Building Committee to see what they would think about, from the budget standpoint-
369 which is not from the Variance standpoint -the idea of shortening the building and
370 putting the money elsewhere.

371 (Peterson and Paplowski confer in audience)

372 UNKNOWN: (from audience) Mr. Chair, thank you.

373 PETERSON: Um, so no the Building Committee really didn't think about trading off the third floor,
374 from a financial standpoint. Um, and- and the reason for the size of- of the structure,
375 as I indicated, they're moving a number of functions out to make the historic building
376 more functional. And those are occupying space in that addition.

377 BAZZOLI: Okay. That- that answers my question. I just wanted to make sure that- that the bid-
378 alternate, which is driving the Variance, the rest of the project is not, is- is literally a
379 secondary 'If we can afford it, we'll do it' not a- not a subject to change with what is
380 being part of base-bid.

381 PETERSON: Right. So, I- I think that there are two pieces to the rationales here: um, one is that the
382 foundation and footing pieces to do the balcony are in the base-bid. Um, just because
383 when your down there in the basement, you may as well do the right thing, right? Um,
384 the Church is committed to the idea of getting there in the long run. Um, this summer
385 they started a process to see 'well, let's just get the CUP. See how the bids go, da-da-
386 da-da-da, come back for the balcony'. Which we then came to understand would
387 require another CUP, modified to deal with the fact of the Variance and so it was like,
388 well let's roll all this into one application rather than...bite it off piece at a time.

389 BAZZOLI: K. Marshall, you had a question?

390 COMSTOCK: Yeah, Nils I guess I got kind of a two-part question for you Nils.

391 PETERSON: K.

392 COMSTOCK: First of all, could you tell us about the timing of events so happened at the church,
393 currently and then what you anticipate with the new building.

394 PETERSON: You- you mean like, uses, not the construction site?

395 COMSTOCK: No, not- not the construction: the- the actual use of the building.

396 PETERSON: Oh, okay. Sure. So, the primary use is Sunday morning. Sunday worship: 9:30ish to
397 a 10 o'clock start to noon to, ya know, whatever- 12:30ish, while people straggle
398 away. So that's the primary use. Then there are, as you probably attended, a wedding
399 or a funeral or a what-not that happened...randomly, uh, during the week at various
400 times. Um, and historically there have been several groups that meet there -small
401 groups: there's a quilting group and...I think Food Without Bombs has been cooking
402 meals there for a while. Um, those sorts of more-focused things, which may be
403 sporadic to some extent, in nature, or maybe somewhat calendared. There's a- a Men's
404 Group and another, you know, a- a small group kind-of discussion stuff that happens.
405 But your primary biggest draw is Sunday morning. And then, when there is a...
406 annually there is a fundraising event for the church itself, some- I think it's a Saturday
407 evening for that, you know, so it's that sort of pattern. I don't think it will change.

408 COMSTOCK: K. K. Joe, can I...continue?

409 BAZZOLI: Yeah, please do.

410 COMSTOCK: Yeah so Nils I applaud you for approaching the- the County and- and, you know,
411 entering in an agreement to use some parking on the McConnell site. Um, was there
412 any discussion about using the actual courthouse parking lot for a specific time? I
413 mean, that parking lot is not used on Sundays. Was there any discussion with the
414 County about any of that?

415 PETERSON: I was not aware of any discussion with the County- I'm not sure it's close enough to
416 count. Is it within the 5....?

417 RAY: Has to be within 500 feet: which it's- it wouldn't be close enough. I mean, they could
418 certainly enter into an agreement, it just wouldn't be able to counted towards the off-
419 street parking requirements.

420 COMSTOCK: Okay. Great.

421 PETERSON: More than once, Marshall....

422 (unintelligible)

423 PETERSON: Hmm?

424 THOMSON: The City parking lot would be within 500ft.

425 PETERSON: The City one down...uh...right over there?

426 RAY: That's already been, uh, dedicated towards the 1912 Center, at certain times.

427 THOMSON: I knew that, I remembered that also, I just didn't know that... (unintelligible)

428 COMSTOCK: So, thanks Nils.

429 PETERSON: Yeah, okay. Um, so what I was going to say Marshall, is a couple of times I've thought
430 well the other way the church solves this problem is they buy one of the small houses
431 on 2nd Street and they flatten it. And they turn it into a parking lot. And when I think
432 of- not- not that some of those are...architectural gems, but when I think about that,
433 is that the way we want this core part of the town to go: where every other building is
434 flattened so that there's a parking lot to serve the adjacent one? It- that seems like an
435 undesirable path to head down.

436 BAZZOLI: Any other questions? Or...no? Thank you.

437 PETERSON: Thank you.

438 BAZZOLI: Would anybody else care to come up and speak in favor of this- for either of the
439 applications? Please state your name and address for the record, into the mic.

440 SEEVER: Victoria Seever, 121 N. Lilly: by the way, there is a street ADA spot on Van Buren
441 and we are putting in an ADA elevator- an elevator. So, that was for the ramp; the
442 street side. Now they're going to have a parking spot and they can access it through a
443 flat entry and get to the elevator. They wouldn't really want to go all the way to the
444 ramp: they'd use the elevator. On that westside. So, okay. So, while we have both a
445 CPA and Variance before us, the only issue of note I see, and is true with many
446 proposals, is that about parking (laughs), and, um, which surfaces here in regards to
447 the balcony, in the sanctuary. So, I'm focusing my comments on that. As I break this
448 out, and I dove-da-tailed everything: Criteria's 1, 5, and 7 were all good. Uh, Criteria
449 6 here focuses on day-to-day operations: the balcony presents no change in the
450 number of people in vehicles on a daily basis. Uh, there used to be a balcony and by
451 building up we are not sprawling outward. Um, Criteria 2 refer- ah, this is where I see
452 we remove the old house, which is really hard to retrofit, it's a challenge. And it allows
453 us to add on to the church, making it more functional and it preserves the historic
454 church: that drawing does not do justice to what it will look like! (laughs) Um, we-
455 ah, Criteria 3: we have called attention to the fact that we do actively promote reducing
456 the carbon footprint, which is also a City goal, and if the church is way out there
457 somebear-somewhere like Nils said, everybody's gotta drive. There'r a lot of people
458 who walk, carpool, and bike now and we want to keep it that way. Uh, we might be
459 able to add more biking racks, that would help too. Um, under Criteria 4, under the
460 daily and normal use, the balcony is likely vacant, except that it does offer alternative
461 space if you want to take your small discussion group of 6-10 people and meet up
462 instead of down, who cares: that's fine. Um, and its more choice in spreading out of
463 church seating. If you tried- we looked at this, uh, I just remember being in
464 congregation- the, uh, the additional part doesn't- you can't see into the sanctuary in
465 the church. If you- if you put people there for church, they can't see anything that's

466 going on. So, that's not a trade-off, as I recall. Um...okay, and the- the use of the
467 balcony would- would of course be used for, uh, the special services, like Christmas
468 service; there's more people. The annual Gospel Sunday service: there's more people.
469 A large funeral: there's more people. Small one would be downstairs in the fellowship
470 hall. Uh, but that's not a day-to-day operation. So finally, for us: the Church is a
471 congregational site for spiritual and social interaction, but even more than that, for
472 many members it is a place and a base to offer community service, like Family
473 Promise, we're involved in that. Uh, where, uh, being with us, they have pedestrian
474 access to town, and that's important. And we have a lot of small groups, like Nils said,
475 that meet there when they don't have a site of their own, and we're easy access for
476 them. Uh, we have little educational workshops: also very small. Different things like
477 that that go on; folk dancing, he mentioned some of those. So, um, this is not just
478 about adding some seats in the balcony for church service, it's also about functionally
479 updating the building capacity. This church has work to do, and it needs a better space
480 to get it done! Thank you.

481 BAZZOLI: Thank you.

482 PAPLOWSKI: Hi. Al Paplowski, 2108 Vandal Drive, in Moscow. I'm, uh, long time church member
483 and also Chair of the Building Committee. Um, I just wanted to mention, uh, some
484 things that were touched on, but, um, one of the really driving forces is this project is
485 the ADA accessibility. The current church has the ramp and, uh, that's how ADA can
486 get to the sanctuary, but if they want to go down to the fellowship hall, down below,
487 they have to go back down the ramp, way over there by Second Street, down the
488 sidewalk and around the building, way over to the westside of the basement-
489 fellowship hall entrance to get in. So that's a real limitation and, uh, secondly the
490 yellow house has actually no ADA accessibilities. So, that was a real driving force
491 betw- behind the project. The second thing was the, uh, religious education. The

492 current facilities are that yellow house; that small old house is our religious education
493 house. Actually, we don't have any, um, administrative offices over there. So, um,
494 that- that facility is really poor for classroom space. So, the addition: one floor- the
495 top floor -will be new classrooms: new RE classrooms, and the bottom floor will be
496 administrative offices. And the current administrative offices are in the basement of
497 the church, historic church building. So, those will be moved to the addition and that's
498 why the addition is so large, it's- we're moving Administration from the church
499 building to the addition and religious education from the yellow house to the addition.
500 So, that's the reason it's large footprint, two stories. Um...I think that's all I wanted
501 to clarify. Thank you.

502 BAZZOLI: Thank you. Would anybody else care to speak in favor of this application? Alright,
503 for those of you that would like to come up and speak against it or...just in general,
504 you are welcome to do so also. (pause) Go ahead.

505 MARSHALL: Good evening people. Uh, my name is Anne Marshall. And I speak to you as an
506 architect, as an architecture professor, as an architectural historian, and as someone
507 who has lived in Fort Russell for 24 years.

508 BAZZOLI: Anne, can you give us your address?

509 MARSHALL: Oh, I'm sorry!

510 BAZZOLI: That's fine.

511 MARSHALL: Um, 419 East First Street.

512 BAZZOLI: Thank you.

513 MARSHALL: And I am in fact one of the neighbors and there was discussion about communication
514 with neighbors, but I was never communicated with, interestingly. So, um, I have a
515 few issues with this. Um, one: contributing the yellow house- it's a contributing
516 property within the Fort Russell Historic District- it erodes the character of the whole
517 district. This is a- a really important neighborhood in our city, and I think probably

518 everyone in the room would agree with that. And so I think we have to be really
519 careful about demolishing the historic buildings within that district. Number 2: uh,
520 not only will the lose of this property be a problem, but the proposed new building is
521 out of scale with the homes on the block. Out of scale. It's too big. And there was
522 discussion, um, in the first presentation of this project about the neighbors- there was
523 not a single mention of all of the residents who are on the block. So, think about it:
524 this is- you know, you're talking about landmark buildings but you didn't mention
525 that there are a lot of people who actually live on the block. And so, you all should be
526 thinking about them. Um, the proposed- so...this, uh, massive new building is going
527 to block sun- sunlight, um, to neighboring property much of the year. So, a loss of
528 sunlight in many...communities, uh, that are really thinking about the quality of life
529 and the quality- of the environment, they consider and they look at daylight studies
530 and the shadowing of a large building on to other properties. That's number three.
531 Number 4: the proposed parking and shed at the very edge of a residential property
532 makes this a particularly bad neighbor. The excavation that's required at the north
533 edge of the property jeopardizes the stability of soil and the fence of the neighbor to
534 the north. For the proposal of the pro- the, uh, the, uh, parking area: that's going to
535 require excavation and I have to say the drawings are not particularly complete or
536 accurate regarding where the ground line is, either on the front of the building that is
537 on the south, or if you look at the building it- if you look at the drawings on the west-
538 the drawings of the west, the ground lines are sort of vague. Very vague. So, in terms
539 of how the building hits the ground, the overall height of the building, and what needs
540 to be excavated to allow this parking to happen, is also not really described very
541 accurately. Now, I have to say the thing that really, um, as a neighbor, that bothers me
542 the very most- I'm really not looking forward to this at all -but the, um, the proposed
543 parking and grade cut, it's going to destroy two significant, mature trees on my

544 neighboring property. Including a Sequoia! These- and a fir! These are large, mature
545 trees and if you're putting parking there, you are going to destroy them. And I thought
546 that respect for living things is central to Unitarians. So, I'm really kind of
547 disappointed about this. It doesn't look like it's been very well thought out. That's,
548 uh, under Criteria 2. Criteria 3: the noise and pollution to the neighborhoods from this
549 por- parking: the parking itself will be a nuisance. And I also will say that whenever
550 there's been construction, you- you construction, uh, our sewer pipe gets crushed
551 because it runs through that alley space. So, it's like "Oh, boy! Can't wait til another
552 construction event." So, I have to say I don't think I can s- say anything else, but
553 except that if we're- if you're talking about what your doing to the neighbors: you say
554 you're communicating with the neighbors- I was never communicated with. Um, the-
555 the- the well-occupied urban core of Moscow: I agree that that needs to be protected.
556 I- I agree that- with that, and I actually- I also, um, understand the idea of needing an
557 elevator, but I just think that that can be achieved with a- a smaller, less massive
558 building with perhaps a higher architectural integrity than what is shown on the
559 drawings...And, uh...I guess that's, um, I guess that's it.

560 BAZZOLI: Thank you. Actually! Any questions for them?

561 MARSHALL: Yeah: any questions?

562 THOMSON: Ma'am, you said that the scale of this project kind of dwarfs the general neighborhood,
563 but the- the house to the west of it is a mansion. (55)

564 MARSHALL: Um, the house is- but the houses on the other side, um, are not. So, e- this actually,
565 um, and if you- I- I was going and looking; the drawings are showing as if the ground
566 line is flat, but it's actually- this street, um, Second, is not flat. And with the building:
567 the church is a certain height, and this new building is just humongous, um, and it's-
568 and the height shown- the 40 feet: that's assuming a flat line. It's actually going to be
569 a lot taller. And, if you're talk- if you're wondering what I'm talking about in terms

570 of excavation: from the- the alley driveway space- and you probably can't see these
571 black and white photos (shows physical prints) -but there's about a 40 foot- a 4- about
572 a 4-foot drop between where you're proposing to put these ADA spaces and- and the
573 drive. They're- they're- they're some grade issues that need to be dealt with. It's not
574 accurate and when I look at this, the south elevation is showing Second Street as if
575 it's flat. It's not. It's at a slope. And that changes a lot... It means that building is going
576 to be much more voluminous than- than what the drawing implies, in terms of its
577 height over the ground.

578 COMSTOCK: Joe?

579 BAZZOLI: Marshall.

580 COMSTOCK: Uh, so, your credentials are architect?

581 MARSHALL: Yes, I'm a registered architect.

582 COMSTOCK: K, and- and what is your expertise?

583 MARSHALL: Um, well I've built, uh, skyscrapers. I have- um, I have built homes. Uh, I've- I built
584 corporate headquarters. I worked for a- an internationally known firm in, uh,
585 Connecticut. I did, um, high-rises in Chicago; New York. I did corporate headquarters
586 in, uh...

587 COMSTOCK: K, so-

588 MARSHALL: So, I've actually done a lot and I've worked in Connecticut, California, um, Louisiana,
589 D.C. I've worked in a lot of places.

590 COMSTOCK: K. And- and as an architect, you understand that these are just draft, preliminary
591 drawings and they're not working drawings for, uh, for getting a permit?

592 MARSHALL: I- I actually do understand that. Um, but if I- my students were doing those, I would
593 send them back because they haven't correctly shown the ground line. Because you
594 need to actually think about the context in which your designing and if you're not
595 showing the ground line accurately, then whatever you're drawing on top of it and all

596 of those relationships are not going to be accurate either. So- so- so, that's my- that's
597 a concern. So, I guess, um, so maybe I should say something positive to the church: I
598 appreciate- I appreciate you're trying to provide ADA; you're trying to stay in the
599 core. And- and I actually- I actually agree with that. It's just that the- the massiveness
600 of the building and what you're doing to- to the neighbors, the people who actually
601 live on that- that block, it's really horrible.

602 COMSTOCK: Joe- Joe, can I ask Staff a quick question?

603 BAZZOLI: Sure. Or, are we-

604 COMSTOCK: -in relation to her comment.

605 BAZZOLI: Sure.

606 COMSTOCK: Um, Aimee or Mike: as- as far as, uh, building height regulations in- in the zone, um,
607 the proposed addition meets those requirements?

608 RAY: It's shown at 40-feet. And so that's the maximum building height-th in R-4, for which
609 the property is located in. So, it's going to be the average grade at the front of the
610 building. So, they're going to have to average the existing, uh, church building as well
611 as the addition. There could be some portions that are over 40-feet, on the addition,
612 as long as the whole thing averages out with the grade of Second Street.

613 COMSTOCK: Okay. Great, thanks Mike.

614 MARSHALL: The problem is the way it's drawn: it- it's actually going to be more than 40-feet. If-
615 if that's the- if that's the design, it's because the grade drops substantially and that's
616 not shown on the drawing.

617 COMSTOCK: Yeah. On the preliminary drawings.

618 MARSHALL: Yes, which should- should be more accurate.

619 COMSTOCK: K.

620 BAZZOLI: Thank you. (pause) Would anybody else care- hold on- bef- to speak against or neu-
621 neutral to this Conditional Use or Variance permit? There's a couple of you that

622 haven't had the opportunity to speak: you are- you're going to get it if you want it!

623 (laughs) Alright, um, seeing no one: um, would the Applicant care to come back up

624 and make any additional comments before we close the Public Hearing?

625 PETERSON: Thank you very much. Um, so I'm in your packet, um...looking at the west elevation,

626 the page is numbered A-12. And...um, I would just comment that what I see in there

627 is in the backyard there is a retaining wall anticipated of some sort. Uh, it's not quite

628 clear how those ground lines connect, but on...um...the next page or- or in my page

629 A-11 you can see again there is a transition, as mentioned, coming from the level of

630 the church and dropping down. This of course a view in the backyard. My

631 understanding is that the reason you don't see that grade in the front elevation, the

632 page A-9, you see some transition over on the far east side of the church zone, is that

633 the church intends to create essentially a- a level patio area in front. And so that- the-

634 the base of the building is- is footed against that level patio and then as you come out

635 towards the street, there will have to be a transition, whether it's a- a slope or a re-

636 little retaining wall to, um, make that- in order for there to be sort of, better social

637 spaces out front of the church. Uh, both a playground area for kids and, uh, a more of

638 a social patio space. So that may be why the drawings, as you're seeing them,

639 um...seem to have these inconsistencies. And regarding the height and massing, um,

640 I- I talk Staff's word that they and the architect's who's done this work have met

641 whatever the City's criteria are. Obviously, they will be met in the process of getting

642 a building permit. So, those things you should rest assured on. Um, and then the- the

643 last comment about...uh, or- or- or one of the comments was about the...impact on

644 neighbors to the north. You can see, um, this is page 3 of 6 in your packet. I'm looking

645 at- it's Staff prepared the, um, site plan and it's- it's a zoning overlay: there's- there's

646 clearly one house to the north that will have a- a very different experience. There are

647 5 houses total along that block. Um, the one north of the Church will see no change

648 in its- what's south of it. The next one will. And then there are 3 that won't. And
649 lastly, I'd comment: I was the guy who got given the job of taking the spray can and
650 the tape measure and going out and figuring out where all the parking spaces would
651 sit...uh, after the surveyor had come through and marked various corners. The
652 Church- the- the yellow house, it appears embarrassingly perhaps, has a fire exit stair
653 out of the basement that has been constructed across the property line. And so, when
654 you understand where that is, and the parking is all to the east, that is the bumper of
655 the cars will be at the property line and the front bumper will be on- will be ahead on
656 church property, u- under the existing yellow house. So, the- the- now there's the
657 yellow house, and a courtyard that the Church has built, and the Church building,
658 essentially that's sliding to the east. And the parking is at the property line on the west
659 edge. And the grade can't be changed very much by- in the shared alley. Because it's
660 the shared alley. And it needs to be relatively level from the parking spaces from the
661 McConnell Mansion across the drive lane across the parking spaces for the vehicles.
662 So, I don't think you're going to see much excavation going on there. Um, if you drive
663 through it, you will see that...the- currently the, what do we call it- the vertical
664 curvature? As you come out, it's too steep. My car bumps its front bumper. So, there
665 will have to be some kind of regrading to make better transition from Second Street
666 up across the sidewalk and up on there. But I don't expect you'll see a lot of
667 excavation.

668 BEIGHLER: And-

669 BAZZOLI: Any questions?

670 BUSH: I have a question for you Nils: the yellow building that's there right now, how many
671 stories is it? How tall is it?

672 PETERSON: Uh, I don't know how tall it is: it has- its main floor is several feet up above the yard
673 level. And then it's a...two stories is maybe a little generous? The upper space is

674 where the bedrooms are and they have the kind of...this ceiling sort of, effect, so it
675 probably is a full 8 feet somewhere in there. So, there's 8 and 8...3 or 4...for up to
676 20, plus some roof pitch...

677 BUSH: K.

678 PETERSON: ...26, 28 feet tall, I don't know.

679 BUSH: Thank you.

680 BAZZOLI: Tim?

681 THOMSON: Nils, as the, um... ah, I- I'm- I'm learning that the, uh, the new addition is going to
682 be taller than the yellow house. Is it the same footprint hor- um, square footage wise
683 on, uh, on the grade level? Or is- is it the size of this box that Staff has driven- has
684 written around, or is that just the property line?

685 PETERSON: The b- ah- ah- I think I see which drawing you're on: you're on 4 of 6? Page 4 of 6?

686 THOMSON: Yes, that's exactly it.

687 PETERSON: Okay. So, Staff has shown you in red the property boundaries.

688 THOMSON: Okay.

689 PETERSON: ...And the new structure will have a slightly larger footprint than that, and moved
690 eastward, towards- so that it adjoins the Church.

691 THOMSON: Sure, because it's going to join the Church, yeah. Okay.

692 PETERSON: And so that it get's inside the zoning setbacks (laughs).

693 BAZZOLI: Any other questions for Nils? Alright, thank you very much.

694 PETERSON: Thank you.

695 BAZZOLI: I- I see that Anne would like to talk some more. I'm- I'm going to allow that, but it
696 means that Nils will be able to come up and rebut, but this is not intended to be a
697 debate. So, please state- state your name and address again at the podium, so that the
698 mic picks you up and- and add what comments you'd like.

699 MARSHALL: My name is Anne Marshall. I'm at 419 East First Street. And- and actually I guess I
700 just have, um, two quick comments: one is about the excavation. So, Nils as you
701 rightly say, the- there isn't going to be excavation in the alley itself. But that means
702 that if you go from the alley to where they're going to be parking spaces: if this is
703 from the alley, and then this- this, um, backyard space is about 4 feet high, and so
704 that's going to be- have to be excavated. In fact, if they're going to be parking spaces
705 there, and by excavating; you are going to undermine the edge of my property; it's
706 going to ruin the fence; it's going to destroy the trees.

707 BAZZOLI: The- the mic may not be picking up your comments, Anne.

708 MARSHALL: Oh, I'm sorry! Okay, so my- my concern is, um, and I don't dispute what Nils said
709 that there won't need to be excavation in the alley per say, but to go from the alley
710 into the area where the parking spaces are shown on the plan: right now, that's about
711 4 feet higher. And so, that will need to be cut out 4 feet, which means there's goin-
712 would be a 4-foot cut right at the edge of my property line. It would jeopardize my
713 property, my fence, and it will destroy two important trees that are right on the edge
714 of the property. So...and I have- people are asking how big is the yellow house. It's
715 substantially smaller than the addition in its height (showing physical prints). So, this
716 was...today...in all it's glory. And if you're talking-

717 BAZZOLI: Anne? Will you hand that to Annette and she can pass it down along-

718 MARSHALL: Absolutely.

719 BAZZOLI: -for those of us that- (unintelligible)

720 MARSHALL: And I can also pass down this-

721 BEIGHLER: Yes, please.

722 MARSHALL: -showing...the 4 foot... (pause) And...so I guess I'm- I'm really concerned about the
723 trees and the edge of my property. I really, um, and you're showing a shed there- right
724 now, there's a playground back there. Which is great and now you're going to put the

725 playground- you're going to put kids playing right near the street, which, as an
726 architect, I probably wouldn't do in terms of design. And, I guess that's it. Thank you
727 very much for listening.

728 BAZZOLI: Thank you. (pause) Um, please come up- maybe come up together. 'Cause, um,
729 applicant always gets last word, I guess, so to speak. Um, so if the two of you would
730 like to both state your name and addresses into the mic so that that gets picked up and
731 then- and then maybe address those last comments regarding site.

732 PETERSON: Nils Peterson, 841 Travois.

733 PAPLOWSKI: Al Paplowski, 2108 Vandal. Um, there- there's been this mention of these two trees-
734 I believe I know which trees she's talking about. Um...there's one that is a fir tree,
735 that is further...to the east, that I don't think will be affected by the construction at
736 all. It's a- gotta be at least...20 yards, 15 yards from where the parking spaces will be.
737 Now there is a Sequoia tree that she mentioned that is very close to her property line
738 and it's close to the alley. And, uh, w- believe me we do- we are concerned about trees
739 and- and we will work not to affect these trees. Um...as Nils mentioned, you can't
740 just take the current spot where the grade changes and it's 4 feet higher, and we have
741 a retaining wall, and say we're going to make parking spaces in that whole area,
742 because our parking spaces will start at the property line which is further to the left-
743 how many feet, maybe? Um, a- a number of feet. So, there- there may be some
744 excavation into that 4-foot higher area, but it won't be for the entire parking spot
745 length, either...whoops...(pause) And, um...I- I wanna assure her that we will be
746 considerate of that Sequoia tree, we value that also. Um, and we'll do our best not to
747 affect it in a negative way. So...

748 BAZZOLI: K. Any comments? Thank you all. With that, I'll close the Public Hearing and-

749 COMSTOCK: Joe, can I ask Staff a quick question, first?

750 BAZZOLI: Sure. Sure.

751 COMSTOCK: Mike, is there any public improvements involved with- with the property, required?

752 RAY: Uh, as far as I know there's all the- the improvements are there, as far as curb, gutter,

753 sidewalk. If there's any type of, uh, public sidewalk that's in- in a state of disrepair

754 then it'd be required to be brought into compliance as part of the project.

755 COMSTOCK: K, great. Thanks Mike.

756 BAZZOLI: Actually, in- in conjunction with that: that along Second Street, but this is showing an

757 entry coming off of- what is it, Harold? On the west side? Is the access into that

758 parking-?

759 HENNRICH: That's on Second.

760 BAZZOLI: That's on Second Street?

761 RAY: There's a through access. So, there's a street to the west of, um, so street to the west

762 of Van Buren.

763 BAZZOLI: Adams.

764 RAY: Adams Street.

765 BAZZOLI: Adams Street. So, are there any street improvements required on that street to have a

766 drive access behind the...?

767 RAY: It's already existing.

768 COMSTOCK: Actually, that's an alley there, I think, or it's a private driveway.

769 RAY: It's already existing, on the north side, so-

770 BAZZOLI: What I'm saying is, is it existing and meets current code to a current construction

771 project?

772 RAY: Well, it- it's gravel currently. So, it's not paved.

773 BAZZOLI: So, would that fall under public improvement?

774 RAY: It's on private property, so it wouldn't be public improvements, no. There's already

775 an existing curb approach onto the public right-a-way and so, that- that would remain.

776 Um, you know, this portion of- of the property is the only portion that would be

777 required to be developed per our Parking Lots standards, not necessarily the access
778 drive all the way from Adams Street.

779 BAZZOLI: Comments? Who wants to start?

780 THOMSON: So, we've closed the Public...?

781 BAZZOLI: Yes-

782 COMSTOCK: Joe-

783 BAZZOLI: We've closed the Public Hearing. Yes?

784 COMSTOCK: -got a suggestion.

785 BAZZOLI: Sure.

786 COMSTOCK: Uh, I don't think we should tackle these both with one motion, I think that we should
787 consider the Conditional Use Permit first and then the Parking Variance second.

788 BAZZOLI: I completely agree. And that- that actually was- was the intent, because that's how
789 our findings of fact and meeting minutes are going to have to support this
790 after...wards anyway. So, um, with regards to the Conditional Use Permit; obviously
791 we have our 7 Criteria, and then when we get to the Variance, that's actually 3
792 different Criteria. So, um, let's- let's focus on- on the first and deal with the
793 Conditional Use Permit.

794 RAY: Mr. Chair.

795 BAZZOLI: Yes?

796 RAY: You certainly can discuss the Conditional Use Permit first and then the Variance
797 second, but as far as any type of motions: the, uh, Variance would have to come before
798 the Conditional Use Permit, because one of the conditions of the, uh, or one of the
799 Criteria of the Conditional Use Permit is that it meets all development standards to
800 the City Code, so...

801 MONSON: Yes, that's it. We- we've run into that before and it seems like we always take the
802 Variance first.

803 RAY: ... You run into the issue with off-street parking not being met for the Conditional Use
804 Permit if you go that route, so... But you can certainly discuss them in whatever order
805 you'd like: you just can't move forward with the-

806 BAZZOLI: Thank you. Uh, that- that's- that's correct. My bad.

807 RAY: K.

808 COMSTOCK: Um. Thanks, Mike. Well, I want to talk about the Variance a little bit then.

809 BAZZOLI: Okay.

810 COMSTOCK: Um, my concern is the, uh, additional impact on the neighborhood as far as the parking
811 goes. Because not only would- could we, uh, grant a Variance for this project: the
812 1912 Center's working under a Variance: the High School is operating under a
813 Variance, and I believe the Library is also, aren't they Mike?

814 RAY: Uh, I know they constructed the parking lot for the addition. So, that- that was the
815 property, uh, directly to the northeast that they ended up constructing a parking lot
816 for. Um, I can't definitely say one way or the other whether they received a Variance.
817 I- I believe that the parking lot satisfied the addition. But certainly, uh, the current
818 building, you know, didn't meet parking requirements as they currently sit.

819 COMSTOCK: I was under the assumption that they use parking of City Hall parking lot for the
820 Library also. But, e- either way 1912 Center is working under a Variance for the
821 parking lot and so is the High School. And so my concern is the im- added impact on
822 the neighborhood, but when Nils- whe- when you think about the uses and the times
823 of the uses and things, most of the time it's on Sundays or on the evenings and
824 probably much more rarely during the middle of the day when the High School'd be
825 in session or, even though the, um, County Courthouse is more than 500 feet away,
826 there's still an option to be used in those periods of times, so. Um, my only concern
827 is the additional impact of the on-street parking with the neighborhood.

828 BAZZOLI: So, to put this in perspective with the three criteria, what you're voicing concern about
829 is Criteria 3, which is "Granting a Variance will not be in conflict with the public
830 interest or injurious to property or persons in the vicinity of the subject property." So-
831 so, that's what you're talking about. Um, with regards to the other two criteria: we
832 have to address Criteria 1 in order for criteria to be addressed with whatever concern
833 we have for Criteria 1. So, let me read Criteria 1 to get input from you on, "Special
834 conditions, and/or circumstances, exist which are peculiar to the property such as;
835 size, shape, topography, or location, which are not applicable to other properties
836 similarly situated in that same zoning district." So...we have to satisfy Criteria 1 in
837 order to answer Criteria 2, which is, "Because of the aforementioned special condition
838 of the property-" which is whatever we- Criteria 1 becomes, "-application of the
839 provisions of this zoning code would impose undue hardship and would deprive the
840 property owner of rights commonly enjoyed by owners of other properties similarly
841 situated in the same zoning district." So, to me, Criteria 2 is easy if you have Criteria
842 1, because Criteria 2 is saying, 'we meet Criteria 1...so we want to be able to build
843 our- build out our space, based on that criteria.' So, in my mind we need to address
844 Criteria 1 and Criteria 3.

845 COMSTOCK: Well, I think we can address Criteria number 1 when you look at the- the slope and
846 the grade changes on the property. Um, you know, it's- it's not a flat piece of property:
847 it's more difficult to work with. They have to do certain retaining walls and things to
848 enable that to accommodate the parking lot. So, if you say, uh- uh, say we could
849 address Criteria number 1 by the slope of the property.

850 BAZZOLI: But, that's not- all the other properties there have the same slope issues. They've
851 already got retaining walls behind them. So, I don't know how that would make it
852 different from the adjoining properties.

853 (pause)

854 BAZZOLI: Steve? Tim? Annette, thoughts? Putting you on the spot. This is an unique one that...
855 (laughs)

856 COMSTOCK: Let me think a minute, now (laughs)

857 PETERSON: (from audience) Mr. Chair?

858 BAZZOLI: Um, theoretically, the Public Hearing is closed. But, Nils if you will come up to the
859 mic and ask your question into the microphone, I will allow it, as long as no one else
860 objects.

861 PETERSON: Nils Peterson, 841 Travois. Perhaps, it would be useful to think about the adjoining
862 properties as the adjoining institutional properties. As opposed to the residential ones.
863 And the adjoining institutional properties are all historic in character and are
864 completely land-locked: I mean they were built into the b- the lot that they have. And
865 are all- we talked about the Library: bought a l- a house and flattened it, put in a
866 parking lot. Methodist Church, McConnell Mansion and Historical Society, the 1912:
867 the- the- they're all struggling in their historic existing little footprints, of lot. And so,
868 it might be worth thinking about those as the neighbors, as opposed to the houses as
869 the neighbors.

870 MARSHALL: (from audience) You're not considering the people who live there? I'm sorry, I'm
871 really offended.

872 COMSTOCK: Joe, I've got something to add.

873 BAZZOLI: Yeah.

874 COMSTOCK: One of the conditions I think that is peculiar to the neighborhood, is when you look at
875 the public right-of-way width on Van Buren Street and on Second Street is greater
876 than most residential streets. Most residential streets are what? 50 to 60 feet public
877 right-a-way Mike?

878 RAY: Usually around 60.

879 COMSTOCK: And we're looking at 80 feet and 90 feet, so I would say that is one thing that is
880 peculiar to this property; it's on a corner lot with public right-a-way greater than most
881 residential streets.

882 (pause)

883 BAZZOLI: Mark, thoughts?

884 MONSON: Well, I'm way out of my area of expertise on this because I'm not an architect. Um, I
885 was just trying to think of- just thinking of 1912 building where- I mean we literally
886 granted a Variance to get rid of what was 113, or 100- 100 plus spots, that I was tryin-
887 I was just...

888 BAZZOLI: Yeah...

889 MONSON: ...trying to think of what we did a year ago that- that- how we considered that to be a
890 special condition or circumstance in that property, that was not applicable to the other
891 property similarly situated. I was- do you remember what we did? What was our
892 justification on that?

893 THOMSON: Uh, I think what it was is it's- it's- it's easy to articulate that the conflict is resolved
894 in the fact that the operating times, the events of the different buildings are used, uh,
895 are not arou- normally not in competition of each other. So, we're multi-purposing
896 the use of all those parking lot. Uh, I- I'm se- quite sensitive to what Marshall's
897 saying: I don't- I don't know if- what- what- the point here is that every one of these
898 projects, we keep adding more use that- that- that's along s- public parking, and as a
899 person who has a house in downtown, I- I can- (laughs) I can be sensitive to that. Uh,
900 uh, I wonder if...m- we talk about it later, if- if we need to just kind of come up with
901 some kind of a, um, understanding amongst us as to how much of this we keep
902 tolerating. You know, because it- it- it's only finite and sooner than later, uh, it's going
903 to be a real problem.

904 MONSON: Well, I think we kicked the door wide open when we granted a Variance for a 100
905 and- to waive a 113 spaces. I mean, I saw that one coming a year ago when we- when
906 we did that. And so, you know...

907 BAZZOLI: Well, the other thing to consider here is we're- we're looking at waiving 11 parking
908 spaces but that's- as I pointed out earlier -is only related to a bid-alternate to- to create
909 up balcony spaces. So, those seats are what we're addressing. We're not addressing
910 parking that the rest of the congregation would require, had this been- because it's
911 being excluded. So, we're- we're- we're trying to find a reason to allow-

912 MONSON: Sure.

913 BAZZOLI: -a shortage of 11, when the reality is...it's a church; it's in a downtown historical area
914 and it's going to use up all the street parking. Just, it does. That's-

915 MONSON: Well, and I- and could I-

916 BAZZOLI: -that's what it does.

917 MONSON: I think, I- I heard testimony that, uh, that...really the- the use wasn't going to be
918 enlarged in terms of- we weren't going to see...a problem in terms of, you know, a- a
919 huge population...you know, coming in, in terms of- I- I think that was my
920 understanding is. It's essentially going to remain the same. We're not going to see a
921 difference in parking and things like that, in terms of the number of people showing
922 up. I hope- I hope their membership increases. That's, I think, the goal of most
923 congregations, but my understanding of the testimony was that it- it wasn't anticipated
924 to create a huge influx in the number of people attending at the time.

925 BAZZOLI: Marshall?

926 COMSTOCK: Yeah, Joe, I- give you a little history, too, with, uh, Second Street when the 1912
927 Center was remodeled. We'd actually looked at vacating Second Street. The City
928 looked- the City Engineering department looked at vacating Second Street and
929 actually turning that into a parking lot. And, uh, it was decided then that- that there

930 wasn't enough space between the curbs to adequately add much parking other than
931 the on-street parking that was already there. But, I'm comfortable with satisfying
932 Criteria num- number 1 when you looked at the- the public right-of-way's, which are
933 larger than- than normal. And if you include topography in that.

934 BUSH: Joe? So, I kind of agree, um, the- when we're talking about the 1912 building: we
935 talked about the fact that, um, when **Jean** was here she was saying that it wouldn't
936 always be used at the same time. Those two buildings are u- u- all the different rooms
937 in there would have, um, would not all be used essentially at the same time. Um, only
938 the Great Room, and it wouldn't hold 113, I think, or need 113 parking spaces for that
939 Great Room that they have there. Um, that was part of it. Um, I know that, um, in this
940 neighborhood, we have McConnell Mansion, which probably doesn't get a
941 tremendous amount of traffic, certainly not on a Sunday, except for the social, uh,
942 social events. And you got McDonald's school- I mean, um, Russell school there
943 which has parking problems during the week day. You got the High School, its had
944 parking problems during the day. Um, but on Sundays I don't think- I don't see it as,
945 uh, problem from the standpoint of- of parking with the school districts. Um, there's
946 talk of maybe partnering with, um, another entity: McConnell Mansion or somebody
947 to get some more parking spots. I don't see why we couldn't partner with the 1912
948 building to get parking spots, uh, on Sunday for, um, parking spots. But again, we
949 already gave a Variance to the 1912 building for not having the parking spots that
950 they actually do require.

951 COMSTOCK: And 1912 building does use it on Sundays, fairly often.

952 BUSH: I'm sure they wou- do, yeah. Yeah...

953 COMSTOCK: But the High School doesn't.

954 BAZZOLI: Well, eve- even if we- if we considered that, um, it- is that- is that the same right-of-
955 way offset on all 4 sides of that block? Because it would be si- too different from any
956 other similarly situated...

957 COMSTOCK: Well, I wouldn't ss-...I'd say on 2 sides. But, it does- the McConnell Mansion goes
958 up to Adams Street, so it- this- the right-a-way on Adams Street doesn't affect this
959 project. But, I think having it being a corner lot with...two sides having extreme right-
960 a-way...is enough.

961 (pause)

962 THOMSON: Joe, could you re- articulate the problem we are trying to deal with here, 'cause I'm-
963 I'm afraid I've kind of lost it, there?

964 BAZZOLI: K. We have to approve three criteria to pass this. The first one, and I'll- I'll read it
965 again-

966 THOMSON: And where are you- what page? You're on...?

967 BAZZOLI: Um, well I'm reading off of page 2 of 4 of- of the, uh, application of the Zoning
968 Variance. I'm not- I'm not reading their justification, I'm just reading the actual
969 criteria itself. And it's, "Special conditions, and/or circumstances, exist which are
970 peculiar to the property, such as: size, shape, topography, or location, which are not
971 applicable to other property similarly situated in the same zoning district." Now, I will
972 say that I think the zoning district changes on different sides of that block, does it not?
973 So, that's- that's one consideration.

974 MONSON: You know what, I was going to ask about that. Because that's my- my recollection
975 was that as well. So...

976 BAZZOLI: And then, Tim, to follow up- the second criteria basically states that, "Because of the
977 aforementioned special condition of the property- "which whatever- if we can identify
978 one for number 1,"-application of the provisions of the zoning code would impose
979 undue hardship and would deprive the property owner of rights commonly enjoyed

980 by owner's of other properties similarly situated in that same zoning district." So,
981 basically whatever we identify as the issue in 1, is preventing them from being able
982 to do what they would normally be able to do without a Variance for item 2. And the
983 third 1, I'll repeat again, is something that Marshall has touched on, "Granting of the
984 Variance will not be in conflict with public interest or injurious to property or persons
985 in the vicinity of the subject property." So, I want to address a couple things from my
986 dealings with site plans. I don't think shade is going to be an issue because this
987 building isn't as tall; it's downhill, and a 45-degree angle off the top of that building
988 for spring and fall, I- I don't think it's going to affect those on the north. However,
989 there will be substantial excavation. I'm concerned about granting the Variance for
990 the 11 stalls because what is being shown for the 7, I- I challenge that that's not doable.
991 For a couple reasons: one, if the goal is really to provide an ADA stall, to meet
992 **ANTSY** it's in Title 2, it's supposed to be nearest to the front door. It's also not just
993 the stall, but the- the approach all the way to the door. So, there's a lot of grade change
994 there, and it can't exceed, um, well the parking lot itself can't exceed 1:20. The- the
995 sidewalk can exceed 1:12, but it would have to have rails. So, it's doable but there's
996 a substantial amount of grade work that's going to have to happen, in order to get
997 those 7 stalls there. Now, what I don't know is what effect that has on- on the plant
998 life. Um, trees aren't- trees grow with sidewalks and- and streets well within the
999 canopies. I'm not an expert on that. But, there is a substantial amount of grade there
1000 to make that stall, that's furthest away- I mean you could paint it whatever it wants,
1001 but it may not meet code, in terms of a stall. So, my- that's my concern.

1002 COMSTOCK: I- I-

1003 BAZZOLI: -And the City has not been given drawings that accurately reflect enough for them to
1004 approve or not approve at this point in time. Which is always to our detriment, because

1005 we get- we get drawings that aren't- aren't building, construction drawings. They're
1006 schematic designs.

1007 COMSTOCK: But- but, Joe, why would you pay the price to get construction drawings if- if you're
1008 Variance or you're Conditional Use Permit wasn't approved?

1009 BAZZOLI: Do you want me to candy-coat the answer?

1010 (all laugh)

1011 COMSTOCK: No! I know what you do for a living!

1012 BAZZOLI: I- that's why I'm not going to candy coat it. The architect should've provided enough
1013 ins- information in this schematic design set to at least address that. Anne is correct:
1014 the site lines around the property don't match the conditions. And so, it's hard for us
1015 to make a decision on something the City couldn't even, um, review at this point.
1016 That's my un-candy-coated version. I- I- I think that this set of schematic drawings
1017 should have- should have needed a little bit more.

1018 COMSTOCK: Well...

1019 RAY: Well, this is from a civil engineer here. He hasn't stamped the plans but this was
1020 submitted by Hodge and Associates, and so that's the reason they ended up locating
1021 the ADA space to the very far to the north, is because of grade on the property. And
1022 you can see that dark line is wher- is intended to be a retaining wall. So, that'll be a
1023 retaining wall on the very far north in order to grade that space out to meet the- the
1024 required 5, you know, no more than 2% cross slope on the ADA space.

1025 BAZZOLI: And so- now I'm going to put you on the spot. So, the City's going to approve that as
1026 an ADA stall, even though it's not the closest one to the front door?

1027 RAY: It all depends on technical and feasibility of the site. So, we'll have to take a look at
1028 that, um, you know, a lot of times it's really up to the applicant whether or not they
1029 want to, uh, jeopardize getting fined because it's not the closest to the door, but we
1030 can certainly take a look at technical and feasibility as far- (unintelligible)

1031 BAZZOLI: You're right and then there are two other big exceptions that allow them to not actually
1032 meet that, so I'm...that's- they're doing the best that they can...

1033 COMSTOCK: And- and-

1034 BAZZOLI: ...is- is- is the other side of that...

1035 COMSTOCK: Yeah...

1036 RAY: Sure.

1037 BAZZOLI: ...argument.

1038 COMSTOCK: Well, Mike...c-correct me if I'm wrong, but the ADA parking space does have st-
1039 existing standards, but the other parking stalls don't, do they?

1040 BAZZOLI: No.

1041 RAY: Not necessarily, no...

1042 COMSTOCK: Yeah. So- so-

1043 BAZZOLI: So- so, as long as you make that one fl- nice and flat, and then deal with...

1044 COMSTOCK: ...and then the other ones can have the slope...

1045 BAZZOLI: ...with the sidewalk, and the curb cut and railings- if you needed for ramps -and all
1046 those things for the front door: you can get there.

1047 COMSTOCK: Yeah.

1048 BAZZOLI: It's just not the closest one, but as that grade comes out, it- it dips down a lot, when
1049 you get to the curb. So, it- it's probably the most technically feasible location.

1050 COMSTOCK: Mmhmm. But, even if the others are 45-degree angle, there's no...standards for them.

1051 BAZZOLI: Right, but...just looking at that drawing, graphically: that- that drive aisle doesn't
1052 look like it's 20 feet to me. How wide- how wide does the-

1053 RAY: It's not required to be- for angled parking spaces it's not required to be 20 feet, it's
1054 only 15 feet.

1055 BAZZOLI: Only 15 feet for one way?

1056 RAY: Correct.

1057 BAZZOLI: And how deep- off the top of your head, do you know what the angled stall is? That
1058 horizontal dimension?

1059 RAY: They're 45-

1060 BAZZOLI: Because still graphically, that doesn't look like 15 feet.

1061 RAY: Those are 20. That dimension.

1062 BAZZOLI: How wide are the 2 parallel stalls? Are they 8 or 9?

1063 RAY: Those are 8.

1064 BAZZOLI: So, that doubled would be 16, so that might be close to 15. The point is, that is super-
1065 duper tight and it's going to require, um, excavation.

1066 COMSTOCK: Yeah.

1067 BAZZOLI: It- it just is.

1068 COMSTOCK: Yup.

1069 BAZZOLI: Marshall.

1070 COMSTOCK: Okay Joe, well let's- let's get this thing off a dead center, then...

1071 (all laugh)

1072 BAZZOLI: Fair enough.

1073 COMSTOCK: Um, I'd move approval of the Variance, uh, with the condition that the Applicant, uh,
1074 ss- sign an agreement- or enter in an agreement with Latah County for the spaces on
1075 the, um, McConnell Mansion site. And the re- the reason- my reasoning behind it is
1076 that because of the use time of the- the main use time of the Church, on Sunday's and-
1077 Saturday's, Sundays, and evenings, there is other facilities that, within a reasonable
1078 distance, that parking could be available.

1079 (pause)

1080 COMSTOCK: So- so- so-

1081 BAZZOLI: Now, to clarify...your approval, you're stating that- I'm- I'm not clear what you're
1082 stating as- as our Criteria 1, Criteria 2 would fall in place, and then you're saying
1083 Criteria 3 would not be in conflict with public interest?

1084 COMSTOCK: Yes. But, I don't-

1085 BAZZOLI: So, what's- what's Criteria 1? You're...

1086 COMSTOCK: I- I- I think we can work with Staff to develop the Criteria, but my motion is to approve
1087 the Variance with that one condition.

1088 THOMSON: And the condition, again, is, uh, an agree- have the city provide an agreement? Was
1089 that-

1090 COMSTOCK: No, the City doesn't provide an agreement: the a- agreement is between the- the
1091 Applicant the- and Latah County.

1092 THOMSON: Oh, Latah... (unintelligible)

1093 COMSTOCK: I don't think the City has anything to do with it other than to make sure that it- it's on
1094 the- is recorded.

1095 BAZZOLI: So- so, before I get a second on that, this is for the Variance, for the 11 stalls, and
1096 what that- what our criteria would be is that, basically the size of the lot doesn't allow
1097 a parking lot that would accommodate 17 cars, it would only accommodate 7. And
1098 so, because of that, we- your Variance i- is to approve Criteria 1 based on size?

1099 COMSTOCK: Size and-

1100 BAZZOLI: And- and-

1101 MONSON?: And there was the overall-

1102 BAZZOLI: -and the overall-

1103 COMSTOCK: -the- the-

1104 MONSON?: -location of the-

1105 COMSTOCK: -enlarged- eh- uh- also it's a corner lot, and there is, uh...enlarged, uh, public right-
1106 of-way on- on- both on Van Buren Street and on Second Street.

1107 BAZZOLI: Okay.

1108 THOMSON: And- I'm sorry. And the County- where did- I mean I know they own the property,
1109 so, uh-uh, the adjacent property. And so, what was it, Marshall? You want an
1110 agreement between the Applicant and the County?

1111 COMSTOCK: Yes, it would- the County owns the McConnell property.

1112 THOMSON: Right, right.

1113 COMSTOCK: So, the agreement would be between Latah County Board of County Commissioners,
1114 and the Applicant.

1115 THOMSON: And what are they agreeing to?

1116 BAZZOLI: Well, that agreement was actually in our packet.

1117 THOMSON: Yes, they've already agreed to a use- uh- uh- a joint-use permit- u- use agreement.

1118 COMSTOCK: But it hasn't been signed yet, has it?

1119 THOMSON: Yeah, it has. Yeah.

1120 COMSTOCK: Is it signed Mike, also?

1121 RAY: Yeah.

1122 ???: Yeah

1123 HENNRICH: The- the condition- I think what- I think what you're referencing is the agreement
1124 between the City and the Unitarian Church to continue with that parking agreement.
1125 That does have to be drafted by Staff.

1126 THOMSON: Yeah, that's what they state-

1127 HENNRICH: And approved by the City Attorney.

1128 THOMSON: That's what the Staff- That's the Staff's condition that they recommended.

1129 BAZZOLI: Right, but- but that's- that's relative to those 7 stalls for the Conditional Use Permit,
1130 because it includes those 2 that are on the other persons prope-

1131 COMSTOCK: It includes those.

1132 HENNRICH: Correct.

1133 RAY: Correct.

1134 ??? Correct.

1135 BAZZOLI: So, I don't know that...it's- it's pertinent to the Variance.

1136 COMSTOCK: Okay, well if- if it's-

1137 RAY: It's already included in the-

1138 COMSTOCK: It's already included?

1139 RAY: It's already been done, yeah.

1140 COMSTOCK: K, it's already done, so- so then, uh, we don't need that condition. K.

1141 BAZZOLI: So, can I get you to summarize your- or re- restate your...

1142 THOMSON: ???

1143 BAZZOLI: Ye- ye- yeah, your...

1144 ??? ???

1145 COMSTOCK: Approval of the Conditional Use Permit- I mean, the Variance, excuse me. Of the

1146 parking Variance.

1147 BAZZOLI: K. Based on size, topography, and off-sets. Right-of-way off-sets. I have a motion: do

1148 I have a second?

1149 THOMSON: I second it.

1150 BAZZOLI: I have a motion: I have a second. All in favor?

1151 COMSTOCK: You want to have further discussion?

1152 BAZZOLI: Well, we've got a motion. We have a second. Um, I suppose we can have further

1153 discussion-

1154 COMSTOCK: I'd like-

1155 BAZZOLI: -but we can't do anything until we-

1156 COMSTOCK: I'd like to hear from-

1157 BAZZOLI: -either deny it or- or...

1158 COMSTOCK: I'd like to hear from some- the thoughts of s-

1159 THOMSON: Again, this is just the for the Variance, not the Conditional Use Permit.

1160 BAZZOLI: Correct.

1161 COMSTOCK: Correct. Yup. I'd like to hear from some of the other board members.

1162 THOMSON: Ok, I mean- okay, I'll shut up.

1163 BUSH: Well, I think as I was saying earlier, that the- the use of the building is going to be

1164 primarily on Sunday, which is, um, not goin- the school district isn't going to be using

1165 that area, which is pr- heavily used, um, during the- during school hours. Um, but that

1166 area of town gets a lot of heavy traffic, um, for parking off street. Obviously, for

1167 various reasons because of the- of the other entities that are located in that- in that

1168 area, but Unitarian Church has been going for many years and, um, and...I can't see

1169 that that's- that's going to change, uh, the use of the buildings.

1170 ??? Right.

1171 BUSH: And, uh, on Sundays. So, and this is for an improv- a, uh, increased seating capacity

1172 in there, that's what we're discussing. And, um, so I can't- I can't see any reason not

1173 to, um, approve the Variance, uh, the way it is.

1174 BEIGHLER: The way I see it is the- the church community and their neighborhood is already

1175 accustomed to providing parking all around the church on the street, people walking,

1176 bicycling, to the church...on Sundays, and they only need that vast amount of parking

1177 for Sunday's, on a regular basis. So, I don't see how 11 stalls will- that they don't

1178 provide 11 stalls- I don't believe it will be that much of a problem. People are already

1179 accustomed to- to that lack of parking.

1180 BAZZOLI: I'll- I'll play my hand now. I've- I've been- I've been the negative Nelly, up here.

1181 Because it's- it's- it's not requiring parking, but in- in- from my perspective and

1182 opinion, adding a parking lot in this area of town would be extremely dre- detrimental.

1183 It- it's not what- what that whole community is about: it's not about parking lots. Um,

1184 and their used to dealing with parking without them, so, um, I- I'm more concerned

1185 about those 7 than- than giving up the 11. And the reason- the second reason for that:
1186 this project is- is being called an addition, but in my opinion, adding the balcony back
1187 is actually a restoration of an existing condition. Which, unfortunately, if it hadn't
1188 changed, and- and was still being used as a balcony and not an office, it would be
1189 excluded with the others. Um, and I...love historical buildings and so to be able to
1190 restore what it really is, um...would be my preference, so, I- I don't have an issue
1191 with the 11 parking stalls. But, with restoration, um, it's unfortunate that the rest of
1192 the building doesn't have the same architectural arched windows on the new addition,
1193 it just- you're restoring one part on the inside but you literally are adding an addition
1194 to the other. So, there. I've- I've played my hand.

1195 THOMSON: That's for the Conditional Use Permit...(unintelligible)...issue.

1196 BAZZOLI: Right. Um, but in- in terms of the Variance, um, I- I would never be in favor of adding
1197 parking stalls anywhere in Fort Russell. I- I just think it's the wrong thing to do. I
1198 think we should find other- or challenge everybody else to find other options than
1199 to...pave paradise. That's a horrible cliché, but, um, it's- paving is not- in that area
1200 it's just not...a good option. In my opinion.

1201 THOMSON: It's a very finite problem, I mean, I- I- it was well written in the fact that this area was
1202 all laid out and developed before people had cars. (laughs) And yet, the uses are the
1203 same: residential and a church that's just as old. I mean, so, e- e- there's no other
1204 option other than either allowing people to use the roads or just dr- demolishing
1205 historic buildings to put in pavement.

1206 BAZZOLI: Right.

1207 THOMSON: And vertical parking garages.

1208 COMSTOCK?: (disgusted noise)

1209 (pause)

1210 THOMSON: But, you know, uh- the conversation I'd like to have later on, maybe, though is- so
1211 the next week we get another one from St. Mary's. I mean- (laughs) or- or- you know-
1212 these just keep adding on but yet there's only so much right-of-way along the r-
1213 streets. So, when is it too much and we don't have to answer that tonight, but,
1214 somehow or other, it seems like it's out there or it's only a matter of years.

1215 BAZZOLI: Right...Mark, comments? Before we...

1216 MONSON: Oh, I- I-

1217 BAZZOLI: ... say our ayes and...

1218 MONSON: I- I was-

1219 BAZZOLI: ...yays and nays...

1220 MONSON: -following along with what Steve was saying: I- about- tha- that was a part of my
1221 point, is I don't think, and I don't agree with that- I don't think, by allowing this we're
1222 going to...increase the use anymore than it's already...at. And I agree with you, I- I-
1223 adding parking lots is...a bad idea in that section. But, that- that being said, I
1224 mean...you know, I saw this coming a year ago when we- like I said, I think we kicked
1225 it wide open and...That being said, I- I support Marshall's motion, as well, so.

1226 BEIGHLER: And Joe, I really like your point about, you know, the- the balcony previously being
1227 used and having all that seating capacity. And it wasn't- and now it is again. So, yeah,
1228 it is too bad it couldn't just be grandfathered into... the now. What's being proposed
1229 now. I think that was your point.

1230 SORENSON: And, um. This is Laurene. I really am here.

1231 BAZZOLI: (laughing) I was wondering if you were still hanging with us. (laughs)

1232 SORENSON: Oh, yeah. I'm still here. And, uh, this- this facility is actually used by the comm- it's-
1233 it's a major gathering point for events. It's not just for Sunday's. But, you know, I
1234 think by increasing the seating cap- increasing the capacity of the sanctuary, they're
1235 also increasing the space for- you know, uh- makes enough space for im- for

1236 community events and for us to come together, you know, when it's possible for
1237 people to gather socially again. But, it's not actually an increase of impact on the
1238 neighborhood. And it's not like the churches- it's not like the school- like a school
1239 saying we're going to add 3 classrooms and now we're going to be suddenly used by
1240 60 more people. It's- it's not really a proposal to accommodate any larger group than
1241 is currently using it and needing it. Um, but I- I do s- understand about p- you know,
1242 pa- putting- putting a paved park- another paved parking lot into the Fort Russell
1243 residential neighborhood where I'm also a resident. Um, it is a little bit painful.

1244 (pause)

1245 SORENSON: And I'm curious how those spaces are going to get used during the week, bec- you
1246 know, whether it's going to provide- who's going- who's going to be using the new
1247 spaces, um, Monday through Saturday?

1248 BAZZOLI: (laughing) Who's going to police it from the high school students?

1249 SORENSON: Yeah.

1250 BAZZOLI: Well, thanks Laurene. Um-

1251 SORENSON: You're welcome.

1252 BAZZOLI: Are, uh- we have a motion, we have a second. All in favor?

1253 ALL: Aye.

1254 BAZZOLI: K. That's unanimous. So, the Variance-

1255 COMSTOCK: Oh- I'd pre- I'd- uh, move that we direct Staff to, uh, prepare draft Relevant Criteria
1256 and Standards for us to look at.

1257 BAZZOLI: Agreed. So, there's a motion. I need a second.

1258 BEIGHLER: I'll second.

1259 MONSON: I'll second.

1260 SORENSON: I'll second.

1261 BEIGHLER: It's mine! I'll second.

1262 (all laughing)

1263 BAZZOLI: I have a motion, I have a second. All in favor?

1264 ALL: Aye.

1265 BAZZOLI: K, that is unanimous. K. Now to the Conditional Use. Here's where I'm going to play

1266 my hand now: I won't vote in favor of the Conditional Use un- unless it's required

1267 that we have a site plan that protects all of the surrounding properties and shows

1268 appropriate grading that the City can approve as- as compliant. Just throwing that out

1269 there. As- as- as a condition of- of approval of the Conditional Use. And- and I would

1270 base that on- on, um...let me get back to our 7 Criteria. I want to say it's the nuisance

1271 one, an effect on surrounding areas-

1272 THOMSON? Yeah.

1273 BAZZOLI: -because to me that- that- that is.

1274 COMSTOCK: And Joe, I understand what your condition- what you want, but that would happen

1275 anyway. I mean, when-

1276 BAZZOLI: Not-

1277 COMSTOCK: When the City reviews the site plan, they re- reviews the set-backs, they re- reviews

1278 the- the grade. Uh, that's all part of the review process, I mean, you can put it in there-

1279 BAZZOLI: No, I-

1280 COMSTOCK: -as a condition if you want-

1281 BAZZOLI: I stated that it needed to show protection of the surrounding properties. The trees.

1282 COMSTOCK: K.

1283 BAZZOLI: And that may actually even fall under Tree Ordinance. I don't know. But those aren't

1284 in the right-of-way, right? So, they're not- those are-

1285 RAY: Doesn't apply to-

1286 BAZZOLI: -those are interior to the block.

1287 RAY: It's on private property, so the protection of the tree- it really- it'd be a civil matter
1288 between the two property owners. I mean, the City doesn't get involved in private
1289 property issues between two property owners. I mean, if there was nn- it caused
1290 damage to the trees in some- the root system in some manner, that caused the trees to
1291 die, that would certainly be a prob- you know, a private dispute between the neighbor
1292 and, uh, the Unitarian Church.

1293 BAZZOLI: But you can make permeable surfaces. I don't know how well a permeable surface
1294 would work for the ADA stall, because it doesn't meet the smoothness. So, um, but
1295 I- I still think...since we're- we're expecting them to put a parking stall in the middle
1296 of a lot, which I've already stated that I don't think parking lots in the middle of this
1297 area are the wisest thing to do, but we can't just kick- keep kicking the can down the
1298 road and not ss-stating hey you're making a space bigger. People- people that can't
1299 walk or ride their bike, they're have to drive there. So, keeping them of the street. But,
1300 it- it's- this is not enough information for me to say, "yes, that will work and it won't
1301 be destructive or a nuisance to adjoining properties."

1302 COMSTOCK: So, would- would your condition be that the- the City accept a site plan to protect
1303 neighboring properties? Would that be the motion? Or that a site plan be provided
1304 before you would even vote on it?

1305 BAZZOLI: No, if it's- if it's a site plan that's- that's- that's provided by a licensed landscape or
1306 civil person that can demonstrate that those things are being protected.

1307 COMSTOCK: And- and who's going to be the judge?

1308 THOMSON: Who's going to evaluate that?

1309 BAZZOLI: Well-

1310 COMSTOCK: The City- the City-

1311 BAZZOLI: Well, it either comes in with a-

1312 COMSTOCK: -the building department, the planning department, or the engineering department.

1313 BAZZOLI: -with a valid stamp or it doesn't, I mean...

1314 THOMSON: But it's your- your condition. So, I mean what if you don't agree with the architect
1315 and the arc- the landscape architect. I mean, I'm sure that that can be produced, that's
1316 not-

1317 BAZZOLI: Right.

1318 THOMSON: -that's required before m- you get a building permit. So, whether or not it's going to
1319 be, Joe, your-

1320 BAZZOLI: Well-

1321 THOMSON: -expectations, though, is I think the issue. And that's...

1322 BAZZOLI: I don't think I could- that- that would be an unfair restriction. Because, and- and we'd
1323 go back to the- to the way this building looks. I- I wouldn't have drawn it that way.
1324 Anne probably wouldn't have drawn it that way. I- I actually know who- who drew
1325 this, um, and drafted it and, um, I- it's like art: (laughs) everybody has a viewpoint.
1326 All I'm asking for is enough information from a licensed professional that we're
1327 protecting properties. Mike?

1328 RAY: So, building plans have already been submitted by an architect and civil engineer, and
1329 they went through the process. Those haven't been issued, of course, because this
1330 hasn't been approved by the Board. But, a civil engineer had submitted all those plans
1331 showing compliance with City and Building Code requirements. So, that's been in
1332 place. I don't know how we offer protection of neighboring properties. I mean, it's
1333 inherent in certain portions of the Building Code and City Code that you can't cause
1334 damage to neighboring properties, but as far as the tree aspect to- of it, I mean, you
1335 would have to, uh, hire a certified arborist to draw up some type of plan in order to
1336 protect those trees. And I don't know if that's going to affect the Applicant's plans as
1337 far as the retaining wall and the parking lot. So, I don't know how we-

1338 BAZZOLI: I think all you did was just, um...strengthen my argument. There's no reason why we-
1339 why shouldn't they? Why shouldn't they have an arborist verify that- that they're not
1340 doing damage to an adjoining property? That's what the- that's what this condition is.
1341 And granted, code is the minimum that someone has to do. It's not the maximum: it's-
1342 it's the minimum. But, the minimum should show that's not destructive, or we don't
1343 meet that criteria.

1344 BEIGHLER: Anne- Anne also had the, um, the concern for- she mentioned that when there's been
1345 construction happening in that neighborhood, that there's been sewage problems, also.
1346 So, I don't know...how much that would affect...the neighboring sewage...

1347 COMSTOCK: Um-

1348 BAZZOLI: Well, that one is a harder one for us as a group to address...

1349 COMSTOCK: But- but, Joe as- as- as ch-

1350 BAZZOLI: ...because construction is always a nuisance. I mean, it just- it just is.

1351 BEIGHLER: Right.

1352 COMSTOCK: Joe, as- as chair you usually don't make a motion, you're just sharing your thoughts
1353 with us...

1354 BAZZOLI: I don't. I'm just sharing my thoughts. I- I am not making a motion. That- my role up
1355 here is mediator. Um, but I still have to vote, and so I'm just throwing out there what
1356 I think we should do...in the best interest of this application. And we still have to
1357 address those 7 Criteria. And I- I would have a hard time voting in favor of any motion
1358 to approve the Conditional Use Permit without addressing that potential...nuisance to
1359 adjoining properties. And- and that is my suggestion of how we would address that
1360 comment. Because, in general, I am in favor of this Conditional Use Permit. It was
1361 the Variance I thought we wouldn't pass, to be honest. But, um, n- n- we still- we still
1362 have to address the 7 Criteria.

1363 COMSTOCK: Right.

1364 BAZZOLI: And so, I just trying to throw out some help as to how we would do that.

1365 THOMSON: I'm a little bit, um- I- I- certainly made a mental note when, um, Professor Anne talked
1366 about the size of this building and consis- either being consistent or inconsistent with
1367 the local community. And, I'm relying on the Applicant here who says, um, proposed
1368 project will retain the historic church in its current form, will be replaced- and will
1369 replace the small house with a new structure that matches the design elements and
1370 materials of the church. The resulting structure will be harmonious and continue to fit
1371 within the varied tapestry of the neighborhood: do we all agree with that? From what
1372 we've heard today? I'm a little bit unsure-

1373 BAZZOLI: Well, that's-

1374 THOMSON: -especially when I hear- (unintelligible)

1375 BAZZOLI: -that's kinda what I was just saying. We- we can put a piece of art- whoop! -art up on
1376 the wall and all 7 of us would have a completely different take as to whether it was
1377 good or bad. Um, but whether it meets code? That's...

1378 THOMSON: Mmhmm. True. But that's- that's where we come in, as with these conditions. Code
1379 is, like you say: black and white. And then when I hear m- members of the Board who
1380 are architects talk about the fact that they didn't- aren't to pr- to impressed with the
1381 compatibility of the new add-on to the existing church, well that gets my attention,
1382 too. I- I'm just trying to process that piece right now. I- I just hate to- when this is all
1383 said and done, when we all walk down the street and say, "Look at the size of that
1384 thing!" (laughs) we're not surprised.

1385 BAZZOLI: But, it doesn't- it doesn't- it doesn't require height variances based on- on its height.
1386 It does step down with the grade. The grade lines just aren't accurately drawn. Um,
1387 and they'll have to meet the average grade point. So, in terms of- of how tall it is, and
1388 again it's downhill from the north side, so, um, how they address the- the finishes,
1389 that's...that's- beauty is in the eye of the beholder. Um, in terms of the house, I mean,

1390 historic district says that it's not. Um, it is a unique looking house, but for what they-
1391 what the owner uses it for...

1392 BEIGHLER: It's not functional.

1393 BAZZOLI: ...it's not functional, and it would be-

1394 SORENSON: No.

1395 THOMSON: (unintelligible)

1396 BAZZOLI: -it would be very difficult to take- to take a home of that vintage and try to restructure
1397 the inside for- for the uses that they want. So, it's-

1398 BEIGHLER: And like what Nils-

1399 BAZZOLI: -it's their house to tear down, I guess, is my take.

1400 BEIGHLER: And what Nils said also about- do we want...a new- a newer, cleaner structure,
1401 hopefully that, um, is similar to the church- how the church looks, or do we want to
1402 keep the little yellow house and keep putting band-aids on it. I think that potentially
1403 could make the neighborhood look more run-down, keeping the yellow house.

1404 BAZZOLI: Well, again, that's actually not really one of our 7 Criteria.

1405 BEIGHLER: No, it's not, but it's just my thought.

1406 BAZZOLI: How- how they use it and how they maintain it are really not our purview. Marshall?

1407 COMSTOCK: And Joe, I notic- noticed something strange on the site plan here, um, when you look
1408 at sheet A-1. It looks like the site plan takes funny jogs in there, Mike. And that's
1409 pretty atypical for a plat, isn't it?

1410 RAY: You're talking about the rear property line?

1411 COMSTOCK: Well, I'm looking at- ye- yes, the rear property line.

1412 BAZZOLI: Yeah, it's like- it's like the yellow house property line is 2 feet- or 3 feet shorter to
1413 the north than the adjoining property's, and usually those- those are in alignment, is
1414 that what your...?

1415 COMSTOCK: Yeah, it just seems oddball-

1416 RAY: It-

1417 COMSTOCK: -that it had a fu- funny jog-

1418 RAY: You can see on the screen: it makes a jog. Eh- it's probably 10, 12-foot jog.

1419 COMSTOCK: Well...I mean, I just noticed that-

1420 BAZZOLI: That jog does, though- on page 1 of 1, is further in. The record of survey actually

1421 shows that jog. Um, the lot to the north is- is 80 feet deep versus the lot to the west of

1422 it is 77 feet deep. And then the corner lot's only 70, so- so-

1423 COMSTOCK: So, it's accurate.

1424 BAZZOLI: That- that part of the site plan is correct. (laughs) The rest of it I- I would question.

1425 But, um...

1426 THOMSON: Another question I want to ask you, Staff, if I could. Mike and/or Aimee: I'm sure I

1427 know the answer to this but I gotta ask, because what I- have been in public settings

1428 before and- and you hear quite often how neighbors say, "Well, I never got the word,

1429 I never heard about- that this was going to happen." Uh, I assu- I assume it's the

1430 City's, um, ordinances and requirements to notify neighbors in writing of projects like

1431 this within certain radius. I mean, I know you can't make sure people see it, but there

1432 is- there obviously- the notices went out? I'm just asking-

1433 HENNRICH: Yes.

1434 THOMSON: -the very basic questions, just...

1435 HENNRICH: Yeah, notices for the Conditional Use Permit go out to anybody- any address within

1436 600 feet of the property. Uh, for Variances: any adjacent property. And all of those

1437 went out the- at the correct time.

1438 THOMSON: K.

1439 MONSON: So, Joe, you're-

1440 BAZZOLI: Yeah, I'm-

1441 MONSON: -concern is...number 3, Criteria 3.

1442 BAZZOLI: Right-

1443 MONSON: -injurious or detrimental to adjoining property.

1444 BAZZOLI: -detrimental to adjoin- yeah. You were reading my mind. I was hoping that someone

1445 would actually go to the last page and look at these 7, and address them, and make a

1446 motion. So we can go home.

1447 MONSON: And your proposal would be to have a condition in there that talks about, is it the tree?

1448 Or the other- you talked specifically about the tree.

1449 BAZZOLI: Well, I guess injurious or detrimental to adjoining properties would...I mean, that in

1450 itself, um, should protect sewer pipes. It should protect trees. It should protect

1451 sidewalks, right-of-way's, curbs, I mean...anything that would, um- it- its looks like

1452 there is a huge grade change between these properties. Between the south side and the

1453 north side of the block, based on that photograph. So, it looks like there's retaining

1454 walls already there in place between these two properties. But, I- I don't see how this

1455 new construction could be allowed if it doesn't take into consideration that protection

1456 of the adjoining lots, which, um, looks like it really is only one lot, because, the lot

1457 the existing church is on abuts the corner lot on the opposite side. And there's really

1458 no new construction happening at that point. It's all happening between the second

1459 lot, that's 80 feet deep, and a shared use with the adjoining property to the west.

1460 (pause)

1461 MONSON: Well- well, I'm sensitive to your concern. And I'm just trying to-

1462 BAZZOLI: Well, look-

1463 MONSON: Yeah, yeah.

1464 BAZZOLI: -items 1, 4, 5, 6, and 7 we've already discussed: they're not issues. Item 2, "Will the

1465 character of the proposed use be in harmony of the neighborhood and surrounding

1466 land-uses?" That's- that's- that just comes into play with the whole, 'what looks good

1467 to me, what looks good to you, what looks good to them,' but, it's still a church: it's

1468 a church function. That's in- in- I would say it's in harmony in terms of it's usage
1469 with the neighborhood. Um, so that- again, it just gets us to 3, which, um, in terms of
1470 public testimony has been the key- key issue, it's just protection of adjoining
1471 properties. So, um, like I said, I'm the mediator up here but I'm kind of monopolizing
1472 this meeting. I would like somebody to address these 7 and- and make a motion. Even
1473 if it doesn't pass. It's- it's a motion...to build on.

1474 SORENSON: You know, I think that the word- the- the- the use of the phrase 'nuisance' has to be-
1475 uh, they- I think they really **did** mean it in its legal terms, and a nuisance as I think of
1476 is incursions, um, you know, something that would alter the, you know, alter the
1477 ability of the surrounding neighbors to use and enjoy their own property. And, I don't
1478 know that anything rises to the level of nuisance here. And the tree issue is- is comp-
1479 is completely separate from the nuisance thing, unless you- and- you're talking about
1480 a tree that's actu- actively encroaching or threatening other structures. So, um, I would
1481 move acceptance subject to the conditions that stated by the City and also by the, um,
1482 the- the filing with the- the City a detailed site plan including input from all
1483 appropriate professional disciplines.

1484 BAZZOLI: Laurene, are you making that as a formal motion?

1485 SORENSON: I am.

1486 BAZZOLI: I have-

1487 BEIGHLER: I second it.

1488 BAZZOLI: I have a motion, I have a second.

1489 COMSTOCK: Except, I didn't quite hear the motion.

1490 BAZZOLI: Laurene, could you restate that as a motion?

1491 SORENSON: Okay-

1492 BAZZOLI: Marshall-

1493 SORENSON: Um, it's moved- so moved that, um, the Conditional Use Permit is approved, subject
1494 to the condition imp- imposed by the City of the shared parking agreement, and
1495 additionally subject to filing, by the A- Applicant with the City, of all- of a- of a- of
1496 site plans certified by all appropriate professional disciplines.

1497 BAZZOLI: So, her motion is to approve, including recommendation one from the City and
1498 recommendation two based on what I was suggesting, that-

1499 SORENSON: Yes.

1500 BAZZOLI: -that a site plan, um, from a licensed professional, that- that shows that the site plan
1501 is not going to be injurious or detrimental to adjoining properties. So, that's the
1502 motion. Do I have a second?

1503 BEIGHLER: I second.

1504 BAZZOLI: I have a motion, I have a second. All in favor?

1505 SORENSON: Aye.

1506 RAY: Can I- c- excuse me, Mr. Chair, can I get clarification? Wi- that part that you added
1507 at the end, 'be injurious or detrimental to adjacent properties,'-

1508 BAZZOLI: Mmhmm?

1509 RAY: Can you add some clarification on what that means?

1510 SORENSON: Um, well I think you want to look at the language of the Criter- of- of the Criteria in
1511 itself, and read it prett- you know, read it fairly narrowly. I was just worried that the
1512 word nuisance was getting- you know, it's- it's meaning was getting expanded beyond
1513 what it would be, um, inter- how it would be interpreted in an administrative law
1514 context, or a judicial context.

1515 MONSON: And I guess I- as I'm sitting here thinking about it, I- I see Mike's concern because
1516 this puts the City in a funny position to- when we say an appropriate professional-
1517 and- and I- Laurene, I think I understand where you're going with the idea of trying

1518 to protect the adjacent property. I think what Mike's trying to do is get some
1519 clarification on what exactly- there's got to be a checkbox that the City can-

1520 SORENSON: Yes, it's a checkbox-

1521 MONSON: -check box and say they've-

1522 SORENSON: -and I think Joe, you called- as an architect, I think you might the more apt than- more
1523 apt than me at, um, wordsmithing that bit. I'm- I just wanted to add on your suggestion
1524 as an additional condition. So-

1525 BAZZOLI: Un- un-

1526 SORENSON: -why don't you-

1527 BAZZOLI: -understood.

1528 SORENSON: Why don't you describe your condition?

1529 BAZZOLI: Um...

1530 SORENSON: You state the motion.

1531 BAZZOLI: K, Mike's concern is the City only has to receive and review and approve a site plan
1532 that meets basic code requirements.

1533 RAY: Well, our- we- we do require, from a licensed professional. So, this is a commercial
1534 project, so we require a civil engineer to submit the site plan; we require an architect
1535 to submit the building plans. So, those are already been completed. I mean, uh, you
1536 can state that those professional requirements need to be met, but it's already inherent-

1537 BAZZOLI: Mmhmm.

1538 SORENSON: It is? Okay.

1539 RAY: -in our Code that you have to do that. My concern is more along the lines of, uh,
1540 having no- causing no injury to adjacent property. I mean, how do we determine if
1541 that's been done or not. I mean, they can certainly meet all the Codes of the City and
1542 the building code, but say, 5 years down the line the tree dies. How are we going to

1543 go back and determine whether or not there was been some type of injury to that
1544 property? I mean, these are private property matters between the two property owners.

1545 BAZZOLI: So, then more specifically maybe, we need to require a landscape or arborist-

1546 BEIGHLER: Mmhmm.

1547 SORENSON: Yes.

1548 BAZZOLI: -approval that the landscaping isn't creating an injurious or detrimental condition to
1549 an adjoining property. Because a civil engineer can structurally define a wall and place
1550 it on any type of substrate that will support that wall, to withstand, um,
1551 seismic/water/you- you name it/whatever type of movement that would happen
1552 between the north properties and the south properties. The real question here is- is,
1553 are the grade changes affecting the landscape, um, and potentially creating erosion
1554 conditions which a arborist or landscape architect would be the professional entity. A
1555 civil engineer: probably not so much. They move dirt. That's- that's what they're good
1556 at. Um, and calling out grades.

1557 RAY: I mean, if you're concerned with the trees, I- I think that you would...require a tree
1558 protection plan be submitted by a certified, licensed arborist. I don't know that you
1559 can say that there's not going to be any type of damage to the root system, because
1560 I'm sure that- that depending on how large the root system is, that there is going to
1561 be. Whether or not that's going to be- cause, uh, mortality to the tree. I'm not, you
1562 know...hard to speculate.

1563 BAZZOLI: Marshall?

1564 COMSTOCK: well, Joe, I- I- I think we don't have enough information. Actually, I mean, we don't
1565 know if the trees on the property line, if it's- maybe Anne can clarify that for us, where
1566 it is?

1567 MARSHALL: (from audience) I- I was actually was going to say, if you guys could actually stand
1568 in that alley and see- you can see it. If you have a chance to go over there: the tree is

1569 right on the property line. And the problem is: in the alley is a certain grade, and then
1570 the back yard- behind the yellow house -is about 4 feet up. And my property is about
1571 at the same grade. So, if you excavate that 4 feet, you're going to excavate 4 feet of-
1572 of the roots of the tree. And if you go in and put a parking space where that handicap
1573 stall is, you've killed the tree. There's no way that handicap space can be where it is
1574 and the tree survive. I mean, the probability is you don't- if- if you-

1575 RAY: Anne, could you-

1576 MARSHALL: (unintelligible)

1577 RAY: -could you get in this microphone please?

1578 BAZZOLI: You know what? I- totally spaced that! They- didn't pick that up.

1579 MONSON: Whose property is the tree on?

1580 MARSHALL: Okay, I- I-

1581 THOMSON: He doesn't know where the tree is on this property-

1582 MARSHALL: So-

1583 MONSON: Yeah-

1584 MARSHALL: This is Anne Marshall speaking: 419 East First Street. Um, I'm- I'm trying to clarify
1585 regarding the Sequoia tree. It's right on the property line. And the problem is that the
1586 yard of that property and the back yard, behind the yellow house, are at a certain grade
1587 that is about 4 feet above where the alley is. So, if the intention is to put a parking
1588 space that's accessed from the alley, you're going to have to excavate about 4 feet. If
1589 you excavate 4 feet of soil, where those roots are, you're going to kill the tree. So, I
1590 mean-

1591 BAZZOLI: So-

1592 MARSHALL: -one potential pro-

1593 BAZZOLI: So-

1594 MARSHALL: -solution is don't put a parking space-

1595 BAZZOLI: Actually-

1596 MARSHALL: -don't put a parking space right there.

1597 BAZZOLI: -um, an arborist would be able to- to give us a fair assessment versus-

1598 MARSHALL: Correct.

1599 BAZZOLI: So-

1600 MARSHALL: Correct

1601 BAZZOLI: Anybody else's- so, maybe- alright, so maybe to answer Mike's question, to clarify

1602 how the City would know whether they've met this criteria is: that we have an arborist

1603 address the civil drawings to verify that as drawn, they would not create an injurious

1604 condition to the t- adjoining property. Which is what this criteria states. Is that...that

1605 what you're looking for?

1606 RAY: Well, I-

1607 MARSHALL: That,s-

1608 RAY: Wha- what happens if they...say that there- yeah, that there is going to be damage to

1609 the- the tree: does that just mean that they don't- they don't receive approval for the

1610 Conditional Use Permit? And the tree, essentially, you know, stops the whole project?

1611 Is that, I mean-

1612 BAZZOLI: No. Well, I would suspect-

1613 RAY: -you know, I'm just looking for clarification...

1614 BAZZOLI: -that an arborist could give us alternate- I'm not an arborist! Um...

1615 MONSON: Where- is the tree- we've said the tree's on the property line. Is it- is it truly-

1616 ???:

1617 MONSON: -real and truly on the property line or is it on-

1618 MARSHALL: Sorry. The, uh-

1619 THOMSON: Can some- can, uh, she show me where this thing is? It's- I hear it's on the property

1620 line-

1621 MARSHALL: Um...sorry-

1622 THOMSON: -is it?

1623 BEIGHLER: Yeah, who owns the tree?

1624 MARSHALL: ...so, where's the laser thing on...

1625 MONSON: Who owns the tree, that's the...

1626 BEIGHLER: ...um, I'm not...sure. I don't think it's...

1627 MONSON: Well, I mean- I mean yeah.

1628 HENNRICH: Is that- is this- the image-

1629 MONSON: Who owns the tree? Because if it's-

1630 BEIGHLER?AIMEE?:

1631 MONSON: -if it's their tree, they can take it out if they want.

1632 SORENSON: Yes.

1633 BEIGHLER: I mean, Anne-

1634 HENNRICH: ...this is the opposite alleyway...

1635 MARSHALL: Okay. Sorry.

1636 HENNRICH: You're good.

1637 THOMSON: Who pays for the arborist?

1638 BAZZOLI: The applicant.

1639 MARSHALL: Okay, so-

1640 BAZZOLI: It's part of- it's part of the cost of that project.

1641 MARSHALL: Okay, so the tree is right about here. So-

1642 BAZZOLI: Because the City won't.

1643 MARSHALL: So-

1644 THOMSON: You agree with that Nils? Is that what you think it is?

1645 MARSHALL: It-

1646 THOMSON: I mean both parties need to agree with this-

1647 PETERSON: (from audience) This tree-

1648 MONSON: That isn't as significant to me because, depending on who owns the tree, you know,

1649 the- the question I would have is let's say the applicant owns the tree: is there anything

1650 stopping the applicant from just taking the tree out as part of this project?

1651 BEIGHLER: No.

1652 RAY: No, there's local ordinance that requires- (unintelligible) -for trees,

1653 BAZZOLI: No, if it's not in a right-of-way.

1654 MONSON: Alright, and that- and that's to me why I think it's significant in terms of- I- I- we've

1655 been talking about the tree as on- on the property line, but...is it really on the property

1656 line? Do we know?

1657 MARSHALL: It's- well, it- it's right within my property. And, uh, maybe-

1658 MONSON: Alright, so it's on your property?

1659 MARSHALL: It's- it's right- it's in- on my property.

1660 BAZZOLI: Okay.

1661 MARSHALL: Now, a solution would be to get-

1662 BAZZOLI: Hey! Hold- hold on. Hold on. (To audience) No more. No more discussions from the

1663 floor! It's not on the mic: it's not part of the public hearing. I've closed the public

1664 hearing. I've been tolerant. But I'm done. K? I asked Anne to come up, clarify where

1665 the tree is. I think- I think we could actually look at the site...photograph?

1666 MARSHALL: I-

1667 BAZZOLI: And- and assess roughly where it is.

1668 MARSHALL: I- I'm just going to suggest something rather than killing the project. Which is: if this

1669 part weren't excavated, that- then the tree would be okay. If- if there were one less

1670 parking space. And that's a terrible space for a handicap spot. Quite frankly.

1671 BAZZOLI: Thank you, Anne. So, let's get back to where we're- where we're at here. We have a

1672 motion. We have a second. But before we vote on that, does the City want a

1673 clarification as to how we would address a drawing from a licensed professional that
1674 met the 3rd Criteria of- of...that it would not be injurious or detrimental to adjoining
1675 properties. And, based on the discussion, it sounds like something from an arborist
1676 would qualify. Mike?

1677 RAY: Well, I mean, it's generate nuisances that would be injurious or detrimental. I mean,
1678 uh, that- the construction is- is not a nuisance. You're looking at noise, dust, glare,
1679 vibrations- that's something that the use is creating, that's causing a nuisance. Not
1680 what's happening during construction.

1681 MONSON: Well, you- you know, and Mike brings up a good point. I mean the- from a legal
1682 perspective, I guess, if this thing go approved and the adjoining property owner
1683 thought that was a problem, the adjoining property owner could go to court to petition
1684 for some sort of injunction to stop some sort of building from- from going on. Um...I
1685 mean that's- if you look at it from that perspective, that's, you know, the- the adjoining
1686 property owner's not without some sort of legal remedy, in particular if, you know as
1687 we're thinking about the tree and does it kill the tree? And, m- my concern was, you
1688 know if the tree is on the applicant's property then...you know, they can do what they
1689 want with it. The- the tree that's going to damaged is on the other property, the
1690 adjoining property, that's different...different creature. And I think that's what Joe,
1691 you were initially trying to get at.

1692 BAZZOLI: If the tree is damaged-

1693 MONSON: Yeah.

1694 BAZZOLI: -it's a nuisance. Physical, sight, shade nuisance, Mike, because it's on the south side
1695 of that property. And just given the sun path, they would have no more shade. If that
1696 tree died, that's a nuisance. That's how I would define the nuisance, and it is
1697 detrimental to the adjoining property. And I don't care whether the applicant likes that
1698 they need to have an arborist do it. I think as a good neighbor, they would want to.

1699 We're trying to approve this. We're trying to follow these criteria. I have a motion. I
1700 have a second. Have we clarified the criteria for you? Mike?

1701 RAY: Uh, well, could you restate number 2? The- the second condition there, about that?

1702 BAZZOLI: Laurene, technically it's your motion. Can I get you to restate the motion and the two
1703 criteria?

1704 LAURENE: Okay. Um....k, so moved that the Conditional Use Permit is app- is approved with
1705 subject to the condition imposed by the City of a joint-parking agreement between the
1706 applicant and the Latah Coun- and Latah County. And further, that the City obtains
1707 certification by a licensed arborist or landscape architect, that the- the- the project, as-
1708 as drawn, will not violate the, um, number 2 by causing a use- by causing a nuisance
1709 or detrimental- or use detrimental to adjoining landowners.

1710 BEIGHLER: That's number 3...

1711 LAURENE: I don't the ordinance- I don't have the criteria lined out in front of me-

1712 BAZZOLI: Okay, it's- it's number 3.

1713 THOMSON: Which means, an arborist could kill the project. Just need to know that.

1714 MONSON: That's alright- so the question I have and an interesting point was- was brought up.
1715 And- and I'm looking here at the- there's 5 sp- parking spots. Uh, and an interesting
1716 potential-

1717 BAZZOLI: Seven.

1718 MONSON: Er, yeah. Five and then two: seven. Right. Um, help me understand again the genesis
1719 of those 7? Because we've- we granted a Variance for parking. And my understand is
1720 this was the proposal to-

1721 BAZZOLI: The 7-

1722 MONSON: -to kind of mitigate-

1723 BAZZOLI: -the 7 stalls are the 1:4 ratio, based on the increased occupancy-

1724 MONSON: Oh- okay-

1725 BAZZOLI: -load-

1726 MONSON: -but didn't we-

1727 BAZZOLI: -excluding the balcony.

1728 MONSON: Right, okay-

1729 BAZZOLI: Based on seating.

1730 MONSON: By the Variance- and just follow me for a second -by the Variance-

1731 BAZZOLI: Those stalls have nothing to do with the Variance.

1732 MONSON: Oh- okay.

1733 BAZZOLI: Because the Variance is for 11 additional stalls-

1734 MONSON: Sure.

1735 BAZZOLI: -above and beyond that, if they build out the balcony.

1736 THOMSON: So, Mark are you pro-

1737 MONSON: Well- I- I-

1738 THOMSON: -are you thinking of maybe proposing another Variance-

1739 MONSON: Well-

1740 THOMSON: -for the 7-

1741 MONSON: I, uh, see- it seems to me that the fly in the ointment here is that ADA parking stall

1742 over there that has the potential of causing damage to the neighbor. Um, and my

1743 question is: do we need- do we need 5 spots right there? Um, because we've already-

1744 I mean, we've been talking about this all night...parking isn't going to increase or

1745 decrease, depending on- on this project. It's gonna- going to roughly the same. Those-

1746 those spaces don't exist right now. Right? My understanding of the testimony is the

1747 Church is going to be used as a Church, as it's always been used as Church. That- the

1748 new addition and the renovations going to make a much nicer building, but it's not

1749 going to increase this, and so I- I guess- ah- I- as I'm sitting her looking at it, it seems

1750 to me that one of the solutions here is-

1751 BAZZOLI: Is to provide as many-

1752 MONSON: -is-

1753 BAZZOLI: -stalls as that lot- that section would provide without being detrimental to adjoining
1754 properties?

1755 MONSON: Right. And right now they've got 7 in there- they've got 5 in there right now. And I
1756 think the reason is- so, I understand the reason is their trying to do it, is they're trying
1757 to mitigate whatever potential parking problems there is, but in mitigating the
1758 potential parking, what we've essentially done is created, I think, uh, a huge problem
1759 for the neighbors. And there's, uh, there's a valid concern there. And, as I understood,
1760 uh, Anne, I seem to- she seemed to suggest that you don't ex- excavate or, you know,
1761 that could be- that could be a potential solution. Alright, what I don't know- again, this
1762 is not my- my- this is your expertise-

1763 COMSTOCK: I've- I've got a suggestion-

1764 MONSON: -is that something we've dealt with already or can we...

1765 COMSTOCK: Eh, I've got a suggestion, but I- I gotta ask Mike a question. Mike, eh, I- we've already
1766 approved the Variance. Can we approve the Conditional Use Permit knowing that
1767 there's going to 7 additional spots, but let them have the latitude to redesign the site
1768 plan to locate the ADA spot in a different location? Say that, I mean, looking at this
1769 side plan I could see there's a- a play area that may accommodate it. There's the shed
1770 area that may accommodate it. Which we- can we approve- approve the Conditional
1771 Use Permit, giving them the latitude to cha- to alter the site plan?

1772 RAY: I mean, I think you can articulate that in- in the motion.

1773 COMSTOCK: K, well we've got a motion on the floor now, so...

1774 BAZZOLI: We've got a motion on the floor, so we- we can't really do anything at this point, other
1775 than clarify your concern as to how we would justify number t- de- dealing with
1776 number 2.

1777 COMSTOCK: So-

1778 RAY: Well, I- I-

1779 COMSTOCK: So, if this motion fails, I-

1780 BAZZOLI: But-

1781 RAY: -you certainly-

1782 BAZZOLI: -if this motion fails, then we would start-

1783 COMSTOCK: -with a different motion.

1784 BAZZOLI: - with a- with a different motion.

1785 THOMSON: -start over.

1786 RAY: -well, you could with-

1787 THOMSON: -start over.

1788 RAY: -withdraw the motion.

1789 SORENSEN: I- I could simply withdraw the motion and we could recraft. Cause I- I agree that if

1790 the, um, if there would be flexibility in how the parking spaces were located, um, so-

1791 that- that will be a solution. A much easier one.

1792 BAZZOLI: Okay, so-

1793 SORENSEN: So-

1794 BAZZOLI: So, the motion on the floor has been withdrawn. K.

1795 THOMSON: So, Mark, where I think I was going- where I thought you might've been taking it is,

1796 another Variance for a Conditional User Permit that drops it from 7-

1797 MONSON: -to 6?

1798 BAZZOLI: No.

1799 THOMON: -to 6.

1800 MONSON: Or can we- can we redesign that?

1801 THOMSON: As long as it's possible to re- redesign, I don't know where another ADA parking

1802 place can fit.

1803 ???: Go ahead, Marshall.

1804 COMSTOCK: Joe, I- I have latitude to make a motion now?

1805 BAZZOLI: Can I- can you give me just a few minutes, I'm going to draft as fast as I can on a

1806 piece of paper that I don't know is accurate. Um, Mike, must in terms of parking, we

1807 think that those stalls that are parallel are 8 feet? And that the aisle is 15? And what-

1808 what's the diagonal between the aisle and the curb? Do you know what that distance

1809 is? What I- what I'm wondering is if those- if there's enough depth there between the

1810 curb and- and what the adjacent property owner's going to let them borrow to have

1811 perpendicular parking rather than angled parking.

1812 RAY: To answer your first question, it's 19 feet...from where the travel aisle is to the curb.

1813 THOMSON: Remember, this is one-way.

1814 RAY: I think the traffic aisle width is actually 12 feet.

1815 THOMSON: The correct way into this is from the west, across the back parking lot, take a right

1816 and it's a one-way down to Second Street. Does that have to do- eh- eh- is that make-

1817 is that why it's diagonal: because it's easier to back out and go forward? Or if they

1818 were perpendicular, would that be a turning radius problem?

1819 RAY: It'd be a turning radius problem. They need 24 feet if they're perpendicular. That's

1820 why the ADA spot works up there at the current location.

1821 THOMSON: Yeah. Yeah. Yeah.

1822 MONSON: I guess my question is, I mean we're- we're talking about...you know, 5 spots on the

1823 subject property and then the 2 on the other. Um...

1824 THOMSON: Well, we already know the ADA's on the wrong side of the building: why doesn't it-

1825 why can't it be one of the diagonal ones and we just leave that other one up- and we

1826 reduce the parking from 7 to 6?

1827 COMSTOCK: This retaining wall would still be there. Well, you'd eliminate that one...

1828 THOMSON: But you don't have to excavate though.

1829 BAZZOLI: Marshall?

1830 COMSTOCK: Take a hand at trying a new motion.

1831 (everyone laughs)

1832 BAZZOLI: Fair enough.

1833 COMSTOCK: I move approval of the Conditional Use Permit, uh, under the condition that there be

1834 7 parking spaces provided and that we give the applicant the, um, flexibility to alter

1835 the site plan to protect the neighbors, uh, fence and tree.

1836 BAZZOLI: Sooo, basically we're...

1837 COMSTOCK: They can relocate that ADA parking spot into a different area.

1838 (pause)

1839 THOMSON: It- did I hear you say, Marshall, that it allows the neighbor, then, to have to be

1840 appeased by the new plan? Is that what I-?

1841 COMSTOCK: No.

1842 THOMSON: Okay.

1843 COMSTOCK: No, I- I just gave the applicant the flexibility to-

1844 BAZZOLI: But, it's actually-

1845 COMSTOCK: -to protect the tree.

1846 BAZZOLI: -it's actually not the stall that's the issue: it's the retaining wall.

1847 COMSTOCK: Well, they could-

1848 BAZZOLI: But, whether that's a-

1849 COMSTOCK: -they could take the retaining wall-

1850 BAZZOLI: -handicap stall or a normal stall-

1851 COMSTOCK: -they could take the retaining wall, and when it got to the tree, angle it back to the

1852 south. And it'd still might give access: maybe they could utilize that place where the-

1853 the shed is located to accommodate the parking lot. Accommodate the parking...

1854 THOMSON: Isn't the retaining wall because there's going to be excavation?

1855 COMSTOCK: Correct.

1856 THOMSON: But, if we don't use it for a parking space, do they still have to excavate?

1857 COMSTOCK: But, where it comes close to the tree, if they angled the retaining wall to the south to
1858 get further away from the tree, it gives applicant some flexibility to- to redesign it.

1859 THOMSON: You still think they would need the 7 parking spots, then? Your- your- your motion
1860 still has 7 parking spots-

1861 COMSTOCK: Well, we passed that Variance for 7.

1862 THOMSON: Yeah.

1863 BUSH: No, that was for a-

1864 BAZZOLI: Well- well, the most simple design solution, at this point, without knowing exactly
1865 where the tree is, is you just take that whole thing and you mirror it. And you go in,
1866 from the South and out, instead of in and out, and then all of a sudden, that little
1867 diagonal section, to the southwest of the last stall, ends up becoming negative space
1868 up there where the little ADA logo is. So, you- you just kind of reconfigure that.

1869 COMSTOCK: Right.

1870 BAZZOLI: But, without knowing grades and without knowing true site dimension, I think we're
1871 allowing them to reconfigure that in a different way to still accommodate that, but still
1872 meet number 3. And- and not be detrimental to- to adjoining properties.

1873 COMSTOCK: Correct.

1874 BAZZOLI: And- and-

1875 BUSH: The Variance was for 11 parking lots- spots. Not 7-

1876 BAZZOLI: No-no-no-no-

1877 MONSON: So, the 7-

1878 BAZZOLI: 11- 11 was for-

1879 MONSON: -the 7 is unrelated to what we're doing-

1880 BAZZOLI: -for the balcony. Which-

1881 MONSON: -do we even have the ability to adjust the 7?

1882 THOMSON: With a Variance. That we approved.

1883 BAZZOLI: Yes.

1884 THOMSON: For 11, not 7.

1885 BAZZOLI: Yeah, no, this is a different-

1886 THOMSON: Right.

1887 BAZZOLI: They needed a total of 17.

1888 THOMSON: Yeah, but we've already waived 11.

1889 BAZZOLI: Correct.

1890 THOMSON: So-

1891 MONSON: We're trying-

1892 THOMSON: -why don't we waive one more and it be this one?

1893 BAZZOLI: We could, but the thought is-

1894 MONSON: We don't have any ability to do that. Under- under the...ah- to be candid, I'm not

1895 worried about the number of parking spots right there. Whether it's 4, whether it's 5,

1896 whether it's 6: I don't think that's the issue. That's not the elephant in the room. It's

1897 the- it's- what is this going to do to the neighbor's property?

1898 BAZZOLI: Adjoining properties.

1899 MONSON: So, and I guess my question: legally do we have the ability to- to reduce that down

1900 from 7 to 6 to 5? Mike, is that even something that's before us, tonight? Or is that...is

1901 that within our realm of possibility?

1902 RAY: I gue- thir- eh- ah...you know I- I think you could certainly reconsider, uh, the

1903 Variance and increase it to waive 12 instead of 11.

1904 SORENSEN: Mmhmm.

1905 THOMSON: So, we can't do another Variance? Is that what I'm hearing?

1906 MONSON: Or, it sounds to me like-

1907 THOMSON: -adjusted us-

1908 MONSON: -we can- we- we- we can go back to the Variance that we- we already approved. We

1909 can reconsider it, and, cause we waived-

1910 THOMSON: 11.

1911 MONSON: -11, and what we would do is waive an additional 1 or 2 and- and, um...

1912 COMSTOCK: So, we can reconsider as long as it's unanimous, correct?

1913 RAY: Yeah.

1914 COMSTOCK: K.

1915 (pause)

1916 ???: So, you could...

1917 COMSTOCK: I move that we reconsider the approved Variance of an hour ago (laughs).

1918 SORENSEN: Second.

1919 THOMSON: From 11 to 12?

1920 COMSTOCK: Correct.

1921 THOMSON: I second that.

1922 COMSTOCK: Further discussion?

1923 BAZZOLI: So, okay. So, we're backing up? To-

1924 MONSON: Go ahead. So, I think the theory is- the theory is, it would, yo- you know, if we're

1925 talking about we approve that, it gives the applicant even more flexibility to do...

1926 COMSTOCK: To protect the neighbors.

1927 MONSON: To protect the neighbors and- and, uh- cause it sounds to me like the applicants got

1928 this on there because their trying to do the best they can to mitigate a prob- a parking

1929 problem that...you know-

1930 BAZZOLI: And- and 7 is just too tough to do?

1931 MONSON: Well...

1932 SORENSON: Yes.

1933 BAZZOLI: (unintelligible)

1934 MONSON: Well, 7- if you've got 7 right there, I mean- I think the testimony's pretty clear: 7 of

1935 the way it's designed I- I accept the testimony that that's going to create a problem

1936 for the neighbor. I mean, I- I- and I think you...said that on the outset. So, if we can-

1937 if we can not have to...those- those 4 diagonal spots, or those 5 including the ADA-

1938 that- that's not- right, that's not there right now. And I can justify that by saying based

1939 on the testimony, you know the church use isn't going to increase based on this, uh-

1940 parking's not going to change. Park- just parking's not going to change based on what

1941 we exist- what we have right now, which those don't exist, so...

1942 COMSTOCK: Do we have a motion on the floor-

1943 MONSON: -to be candid, you could almost just eliminate those if you wanted to and...and, uh...

1944 COMSTOCK: Well, they'd also have to eliminate, or reconfigure, the- the retaining-

1945 SORENSEN: Yeah.

1946 BAZZOLI: I just- before we vote on a- on a motion to- to back up, I want to make sure the motion

1947 is- is in the best interest of moving forward (laughs). Not backwards.

1948 COMSTOCK: Um-

1949 THOMSON: I think if we could loo- cut out one parking spot, and the ADA up in the northwest

1950 corner there, um- if we could just us- put the retaining wall maybe at the bottom of

1951 that ADA parking spot, and- and-

1952 COMSTOCK: Well, we got to go through the motion to reconsider first, and then we can talk about

1953 it.

1954 SORENSEN: Yeah.

1955 MONSON: Well, I think...

1956 COMSTOCK: I think a motion to reconsider is non-debatable.

1957 BAZZOLI: I'm sorry what- say that again?

1958 COMSTOCK: Non-debatable motion. We just- we just have to vote on it.

1959 BAZZOLI: Okay. So, I have a motion. I- who- someone seconded it. I-

1960 BUSH: Tim did.

1961 BAZZOLI: Tim did. K, so we have a motion, and a second to rescind our Variance approval. All

1962 in favor?

1963 ALL: Aye.

1964 BAZZOLI: Lorene, I- was-

1965 SORENSEN: I ayed.

1966 BAZZOLI: Okay, you ayed (laughs). I couldn't- I wasn't sure, okay. Alright, so it's unanimous.

1967 K, so, back to that. If- if I understand where you're going with this, you want to change

1968 that Variance?

1969 COMSTOCK: Yeah. I move approval of the Variance, uh, to, um, accept 6 additional parking spaces

1970 and give the Variance for 12 spaces- I think that math is correct-

1971 BAZZOLI: It was- it was 11-

1972 COMSTOCK: It was 11 and we just-

1973 BAZZOLI: -but- but we're not adding-

1974 SORENSEN: Well-

1975 COMSTOCK: -added-

1976 BAZZOLI: but those are the 11 that are associated with the balcony, so are you suggesting that

1977 we continue with the Variance for the 11 associated with the balcony, and have a

1978 Variance for 6 related to the main auditorium?

1979 COMSTOCK: Correct.

1980 MONSON: The net effect of which would be to essentially eliminate one of those spots, to give

1981 more flexibility-

1982 BAZZOLI: -to allow for flexibility on site plan-

1983 MONSON: -for our Conditional Use permit.

1984 BAZZOLI: -to protect adjoining properties.

1985 SORENSEN: (unintelligible)

1986 RAY: So, you're essentially waiving 12 parking spaces?

1987 COMSTOCK: Correct.

1988 SORENSEN: Yeah.

1989 BAZZOLI: But we're- but we're trying to associate them with uses that was- were creating the

1990 counts to begin with.

1991 COMSTOCK: And-

1992 BAZZOLI: The 11 were associated with the balcony, which, quick frankly again, is a bid-

1993 alternate. They may not do. Um-

1994 COMSTOCK: And with- with that motion, I would direct Staff to, um, prepare a draft of Relevant

1995 Criteria and Standards for us to look at.

1996 BEIGHLER: Does anybody see- foresee any reason to give them more flexibility and lessen a

1997 number- even one more space?

1998 BAZZOLI: I don't think so. I- I think, depending on direction and widths and grades, they might

1999 be able to squeeze 7 in there and still protect the north properties. But, by giving them

2000 6, I think 1: it's less pavement. It- it will be- it- cost them less to actually build. But,

2001 I- I think 5 is-

2002 BEIGHLER: I just don't know what the roots are going to look like to that tree, that's all.

2003 BAZZOLI: Yeah. I- I think- I think we're on the right track. I think 1 gives them flexibility. 2

2004 would, I mean, do we just eliminate 2 and be done. Um, I'm comfortable with 6.

2005 BEIGHLER: Okay.

2006 THOMSON: So, if they don't exercise- e- exercise their bid, their alternate, and not build out the

2007 balconies up there. What do they end up with then? We've given them a Variance

2008 for...12 pe- pe- uh-

2009 BAZZOLI: Well, that's why- that's why I think we should word it the way I described. The
2010 Variance is for the 11, with an additional Variance to eliminate the 7 parking stalls
2011 down to 6-
2012 SORENSEN: Which are associated with the auditorium.
2013 BAZZOLI: -which are associated with the main auditorium seating.
2014 COMSTOCK: Actually- actually gives my Variance for 12 then.
2015 BAZZOLI: It does, but there associated differently.
2016 THOMSON: Yeah, because they may not build out the alternate. Not even need the 11.
2017 BAZZOLI: Right. And so, if that was the case and they didn't accept the bid-alternate, then
2018 theoretically they get to exclude 12, they wouldn't even have to even build those. The
2019 way it's worded.
2020 COMSTOCK: Uh-huh.
2021 BAZZOLI: They are still on the hook to build 6-
2022 COMSTOCK: Correct.
2023 BAZZOLI: -instead of 7, for their base-bid.
2024 COMSTOCK: Correct.
2025 BAZZOLI: The 11 is...irrelevant.
2026 SORENSEN: They- yes. The 11 or slash 12 is, shou (10:19)
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BOARD of ADJUSTMENT



Joe Bazzoli
Commission Chair

~Meeting Minutes~
September 29, 2020

Aimee Hennrich
Staff Liaison

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<http://www.ci.moscow.id.us/354/Board-of-Adjustment>

Bazzoli called the meeting to order at 7:00 PM

MEMBERS PRESENT: Joe Bazzoli, Chair; Annette Beighler, Steve Bush, Marshall Comstock, Mark Monson, Laurene Sorenson (virtual), Tim Thomson

STAFF IN ATTENDANCE: Jennifer Fleischman, Aimee Hennrich, Mike Ray

1. Approval of Minutes from September 17, 2020

Monson moved to approve the minutes as corrected, seconded by Comstock. Vote by Acclamation: Ayes: Six (6). Nays: None. Abstentions: One (Thomson). Motion carried.

2. Public Hearing: Proposal for a Conditional Use Permit and Variance Request at 420 E. Second Street – LUP2020-0020 and LUP2020-0022

Conditional Use Permit application to expand an existing Church (Unitarian Universalist Church of the Palouse) located at 420 E. Second Street in the Multiple Family Residential (R4) Zoning District per MCC 4-3-4. Variance Application to waive a portion of the additional off-street parking requirements for the proposed expansion of the Unitarian Universalist Church of the Palouse, located at 420 E Second Street.

Hennrich presented the Conditional Use Permit proposal and Variance request applications to expand an existing church by 5,917 square feet and waive a portion of the additional parking requirements for the proposal. Background on the property was covered, including the timeline of the purchase of the small house behind the church in 1988, which is set to be demolished if the CUP is approved. The church addition is proposed to be built to the west and adjacent to the current building, and house administration offices and classrooms while including more seating in the mezzanine and the sanctuary. The church building does not currently have any on-site parking and has requested a Variance for 11 of the 18 parking spaces that are required with the proposed addition application. UUCP (Unitarian Universalist Church of the Palouse) has a recorded shared parking agreement with the McConnell Mansion, owned by Latah County, to utilize the travel aisle and the two parallel parking spaces on the adjacent property. City Staff will draft a joint use agreement for the shared parking in accordance with City Code. Staff recommends approval of the Conditional Use Permit proposal, with the condition that they enter into a joint use parking agreement, as well as the parking Variance to waive the 11 parking spaces.

Bazzoli asked what is the basis for the City's stance for waiving the 11 parking spaces. Hennrich referred to the Board's approval of the 1912 Center's proposal to waive 113 parking spaces in 2019 as an example of an already approved exception. She also pointed out that the property's proximity to the City core where citizens frequently walk, and also next to the 1912 Center which doesn't have as much activity on Sundays. Comstock asked Staff for information regarding past Variance requests by the Unitarian church and Ray responded that the church was constructed prior to zoning codes that required off-street parking. There was some discussion between Comstock and Staff about ADA parking spaces, both on the street and in the proposed new parking lot. Hennrich reminded the Board that the ADA requirement is based on the number

of parking spaces provided, not on building occupancy. Bazzoli and Ray clarified that the ADA requirement and parking space requirement is only for the added expansion occupancy and not for the full building occupancy.

Thomson asked about the historic value of the yellow house that would be demolished if this CUP was approved. The building is within the Fort Russell Historic District, but Ray couldn't recall whether it was listed as non-contributing or contributing to the historical character of the Fort Russell Historical District. However, there is no local ordinance in place that would prohibit the demolition of such a structure, even though it is on the National Register. Clarification that the parking agreement between McConnell Mansion (Latah County) and UUCP is currently just between the private parties and not a legal document. If this was to be approved, then the City would facilitate a formal joint use agreement between the two parties, recorded by Latah County.

Ray added that members of the Historic Preservation Commission gave approval to the current proposed plan to demolish the smaller building to expand the church. Bazzoli mentioned that the addition doesn't appear to honor the older architectural style of the current structure. Ray went over some of the considerations that the Historic Preservation Commission discussed when they reviewed the proposal.

Bazzoli opened the public hearing at 7:24 PM

Nils Peterson (Applicant), Moscow

UUCP is attempting to be sensitive to the opinions and desires of the surrounding community. He expressed gratitude for the formal agreement with McConnell Mansion for the shared parking spaces, and addressed the Commissioners concerns about the one off-site ADA parking space on the east side of the church that is staged by the ADA ramp. The ADA parking space that would be added to the proposed parking lot if the CUP was approved would be in addition to this already designated spot. Peterson mentioned that the small house on the property, set to be demolished, is no longer considered historical because of the various modifications that have been done over the years.

Bazzoli brought up the reasonableness of the proposed addition in regards to the sq. feet, and requested more information about the need for such a substantial expansion. Peterson said that the needs of the church have outgrown the current building space, especially in relation to educational classrooms for children. There is also the plan to add an elevator so that the historic building could become more accessible to those who have ADA limitations. Peterson spoke of the decision to expand the church instead of moving to a different, bigger building so that foot traffic could continue to utilize it as a hub for the community. Bazzoli brought up the bid-alternate of the mezzanine, which necessitates the Variance request, and wanted to know the value of the balcony in place of the third-floor addition. The church congregation wanted the extra space and asked Staff how long the Variance would be valid if approved. Ray said that the Variance would be applicable for up to two years from approval with a one-year extension if requested, or indefinitely once construction starts. Some discussion followed about the strategies behind just repairing the balcony versus expanding the church with an addition.

Comstock requested information on the proposed activities and uses of the newly expanded space, if approved, and Peterson outlined a normal week in the larger space. The Board also asked about the possibility of creating a shared parking agreement with Latah County for the Courthouse parking lot during the weekend hours. Staff corrected that the Courthouse parking lot is not within 500 feet of the property and therefore not close enough to be a valid option. There was more discussion about other parking options in the Fort Russell District.

Victoria Seever (Church member), Moscow

Brought attention to the the new ADA parking space that would be directly accessible to the new elevator if the CUP proposal was accepted. Seever spoke to the Relevant Criteria and Standards (attached), stating that is her opinion that Criteria 1, 5 and 7 were satisfied, and Criteria 6 in regards to the mezzanine repair would offer no change to the day to day operations of the building. Criteria 2, addressing demolishing the small house and creating the addition, would be in standing with the general uses of the neighborhood. Seever spoke to the 3rd Criteria about UUCP actively reducing their carbon footprint. She also mentioned that the balcony will be most likely vacant but can offer additional options for meeting spaces as well as seating for special services. She clarified that the Variance request is about increasing the community service space and updating the capacity for Church work.

Al Poplawski (Chair of the Building Committee for UUCP), Moscow

Addressed the difficulty for ADA access to the Fellowship Hall and the small house set to be demolished. The proposed new addition would house classrooms and the administration offices on the first and second floors.

Anne Marshall (Neighbor), Moscow

Spoke about the small house as a contributing property of the Fort Russell Historical District and that the proposed new addition is out of scale in regards to the size of the neighboring houses. Some concerns with the proposed addition were the possibility of it blocking sunlight to other community residents, as well as adding a parking lot directly adjacent to the neighbor's property line. The construction and parking excavation would be disruptive, to possibly damaging, to the soil of the neighbor's yard, as well as damaging two mature trees including a Sequoia. Marshall acknowledges the need to have an elevator and ADA access, but does not agree with this solution. Discussion about the size of the buildings surrounding UUCP as well as the accuracy of the site plans followed between Marshall, the Board members, and Staff.

Nils Peterson, Moscow

Applicants rebuttal brings attention to the retaining wall and lack of grade in the site plans, which is because the church intends to create a level patio next to the building. He assured the Board that the height of the building will meet City standards before construction starts. There was continued clarification of the location of parking spaces in regards to property line as well as the effect of the building addition in relation to the neighbors. Bush asked how tall the small house was and applicant indicated it is less than 2 stories now, which would be approximately 26-28 feet tall.

Anne Marshall, Moscow

Speaks again about the excavation next to the alley to make the parking space and how that would affect the fences and trees in the neighboring yards. Anne distributed her drawings and pictures of the property, and mentioned the current playground that would need to be moved close to the street if the CUP was approved.

Nils Peterson, Moscow, and Al Poplawski, Moscow

Brought up the trees and the possibility of inadvertently negatively affecting the growth and health. Poplawski assured the board that UUCP would be considerate of the Sequoia tree while under construction.

Comstock asked if there are any public improvements that will also be done in conjunction with the proposed addition. Ray said that all public infrastructure would be put into compliance during construction and the Board discussed other improvements that would possibly need to be made on the adjacent streets.

Bazzoli closed the public hearing at 8:14 PM

Board decided to discuss the Variance request first and then the Conditional Use Permit proposal after, being sure to address the criteria for each separately. Comstock brought up the concern of adding additional parking in this particular area with a Variance when several other large buildings are currently under a variance in that same areas, such as the 1912 Center, Moscow Library, and the Moscow High School. Staff mentioned that the Moscow Library did construct a parking lot for the addition that satisfied the parking requirements.

Some discussion followed about when street parking was in use for each different establishment that has requested parking Variances, which falls under Criteria 3 (see attachment). Bazzoli read out the other two criteria that will also need to be addressed in order to approve or deny the Variance request. The Board discussed how the key criteria to address is 1 and 3, and the Commissioners began discussing how this property would differ from the other properties around it.

Nils Peterson, Moscow

Applicant spoke again about how this property should be considered compared only with the adjoining institutional properties, such as the McConnell Mansion and Moscow Library, as opposed to the residential properties.

Comstock brought up the greater width of the public right-a-way streets, as well as it is located on a corner lot, as the special conditions for this particular property. Monson mentioned the recent Variance approval for the 1912 Center in concern for parking limitations and Thomson agreed that this is becoming a problem for the whole neighborhood. Discussion about the possible growth of the church for future parking needs and more conversation about the shared parking in the whole Fort Russell District. Bazzoli mentioned that the Zoning District also changes from one side of the block to the next, which would be a special condition.

Bazzoli is not concerned about the sunlight blocking the neighbor's properties, but is concerned about the amount of grade work that needs to be done for the parking lot in the alley to make an ADA compliant parking space in relation to surrounding vegetation. Staff addressed the ADA parking space as far as City Code, and there was more discussion about the size of the parking spaces and the alleyway.

Comstock moved for approval of the Variance request with the condition that the applicant enters into a joint use agreement which satisfies the provisions of the Joint Use Parking Section of City Code, on the basis that the application meets all three Relevant Criteria and Standards. The motion died for the lack of a second.

There was discussion about why and how this property meets the criteria and the particulars of the motion. Staff responded to address the need for the joint use agreement and how that is part of the CUP application and not the variance application.

Comstock moved for approval of the Variance request with no conditions, as recommended by Staff, on the basis of size, topography, and right-a-way width. Thomson seconded the motion and discussion continued.

Discussion followed on how much parking the church community currently utilizes and would need in the near future. Bazzoli is not partial to adding a parking lot to the area and likes the idea of restoring the balcony in the sanctuary. He made the point that if the balcony was not converted to an office in the first place, it would be exempt from parking requirements anyways. General consensus is that by allowing a variance for 11 spaces, the Church is unlikely to grow above and beyond what parking is already provided on the streets. Some deliberation of who would use the seven new parking spaces during the week when UUCP does not use them.

Vote by Acclamation: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Comstock moved approval to direct Staff to prepare the Reasoned Statement of Relevant Criteria and Standards. Beighler seconded the motion. Vote by Acclamation: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Bazzoli suggested approval of the CUP with the condition that a site plan be provided that demonstrates protection to trees and neighboring properties. Discourse followed about what sort of plan would be sufficient to show protection of neighboring trees and Staff brought up that would be more of a civil issue between the two property owners and not under the City's purview. Dialogue persisted about a protection plan, possibly utilizing a certified Arborist to review any site plans that are proposed to City Planning. Bazzoli argued that City Code is the minimum standard to be met, but going above and beyond to preserve the neighboring property should be the standard a builder strives for.

Beighler mentioned the sewage problems that one of the citizens complained about whenever construction is done in the neighborhood. Thomson also brought up the concern of the compatibility of the new additions' architecture to the structure and integrity of the existing church building. The Board agreed that the architectural design of the new addition is not within their scope of control and not applicable to any of the Criteria to be addressed. There continued to be examination of the site plans and property lines, and clarification that Public Hearing Notices were sent out notifying all property owners within 600ft of the proposed construction site.

The Board consulted the RCS, agreeing that Criteria 3 is the one that is the most cause for concern and should be addressed in the motion for approval. Bazzoli sustained that Criteria 1, 4, 5, 6 and 7 have all been addressed and have been found as satisfactory and that Criteria 2 is subjective to the users and community around the proposed facility. There was some debate about the usage of the term 'nuisance' in regards to Criteria 3.

Sorenson moved for approval of the Conditional Use Permit with the conditions as proposed by the City about the joint use parking agreement, as well as a detailed site plan filed by the Applicant that includes certifications by all appropriate disciplines that the site plan would not be injurious or detrimental to all adjoining properties. Beighler seconded the motion and discussion continued.

Staff inquired about the specifics of how that the Boards' proposed condition would be met. Then followed a verbal analysis of the terms of the condition and clarification as to how the City and Applicant would meet the requirements. It was proposed that maybe it should be required to have a licensed arborist or landscape architect review the site plans in order to recommend a way to prevent injurious or detrimental damage to adjoining properties. Staff suggested that a Tree Protection Plan by a licensed arborist be submitted with the site plans.

Anne Marshall, 419 E First Street

Clarified the location of the trees that could possibly be damaged while excavating for the parking lot area, specifically the mature Sequoia tree.

The Commissioners agreed that a licensed arborist would be able to establish whether any proposed site plans would pose a risk to surrounding trees and properties. Staff and the Board continued discussing the details of where, and who owns, the Sequoia tree in question is located to verify the feasibility of utilizing an arborist.

Anne Marshall, 419 E First Street

Suggested that removing the parking space that is located furthest north on the lot would allow for the tree roots to be undisturbed and unharmed.

There continued to be a debate between Staff and the Board about how the proposed condition would be met and whether it would fall under Criteria 3. The motion and conditions were stated again by Sorenson for clarification to the Staff. Monson brought up the just approved Variance request for the waiver of the 11 parking stalls and initiated an inquiry as to whether another Variance could be provided to expand it to waive 12 parking spots, in total, in order to limit the number of spaces near the alley and adjoining property.

Comstock asked Staff if a Conditional Use Permit proposal condition could be considered to accommodate a waiver for a parking space so that the Applicant could have the latitude to reevaluate the site plan for possibly reimagining the parking lot on the alley so as to prevent as much damage to the neighboring tree as possible. Staff indicated that is possible.

Sorenson withdrew the motion on the floor.

Bazzoli analyzed the proposed parking site plan. There was some discussion between Staff and the Board about the specifics of the private drive and proposed parking lot dimensions. They considered the idea to submit a new Variance to reduce the required parking spaces from 7 to 6 stalls.

Comstock moved for approval of the Conditional Use Permit, with the conditions that there be 7 parking spaces provided and that the Applicant considers some flexibility in altering the site plans in order to protect the neighbors fence and tree. The motion died for the lack of a second.

The Commissioners discussed whether it was the parking stall or the retaining wall that would cause the damage to the neighbor's tree. Continued consideration of how the parking lot could be reconfigured to accommodate 7 parking stalls but not detrimental to the adjoining properties. The Board decided that they were ultimately not concerned about the number of parking stalls that are waived and asked Staff if they had the leeway to reduce the number of parking spots from 7 to 6 required stalls in preparation for reconsidering the Variance approval to adjust the waiver from 11 to 12 parking spaces.

Comstock moved to rescind the previously approved Variance request and adjust it from 11 waived parking spots to 12 parking spots. Thomson seconded the motion and discussion continued.

Board conferred on the decision to reverse a previously made decision and whether that was the best choice. They reiterated the reasoning behind decreasing the number of parking spaces required by waiving more than the 11 originally required.

Vote by Acclamation: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Comstock moved for approval the Variance request for the 11 parking spaces associated with the mezzanine restoration, as well as an additional waiver for 1 of the 7 parking spots necessary for the expanded sanctuary occupancy, and directed Staff to prepare the Reasoned Statement of Relevant Criteria and Standards. The motion died for lack of a second.

The Board continued deliberating on the basis of waiving one additional space as opposed to two additional spaces. They pointed out that the mezzanine/balcony restoration is a bid-alternate and may not even be built, so that would make the 11-parking-space waiver irrelevant. Staff pointed out that regardless of the timeframe for the balcony restoration, the Variance request would still apply and not expire so long as

construction of some sort begins within the next two years. Discussion continued around the allocation of parking spaces and for which use they are designated for.

Comstock moved for approval the Variance request for 12 parking spaces, and directed Staff to prepare the Reasoned Statement of Relevant Criteria and Standards. Thomson seconded the motion. Vote by Acclamation: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Comstock moved for approval of the Conditional Use Permit with the conditions that the site plan be redesigned to protect the neighbor's property, including the tree; in that redesign of the site plan, accommodate the ADA space where it works best, with the requirements of 6 parking stalls, as well as direct Staff to prepare the Reasoned Statement of Relevant Criteria and Standards. Discussion continued.

Staff debated Comstock's decision of saying 'protection' of the tree and property versus using other language. Board debated using other verbiage specifically found in the criteria and talked about re-submitting the motion with updated vocabulary. Ultimately it was decided to continue the motion as it was presented.

Sorenson seconded the motion. Vote by Acclamation: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

3. Board Communications

The next meeting was originally scheduled for Monday, October 5th for the RCS Approval, but will be postponed until a future determined date.

4. Other Business

None.

The meeting adjourned at 9:51 PM


Joe Bazzoli, Chair

10/14/2020
Date

CITY COUNCIL STAFF REPORT

DATE: Monday, December 7, 2020



RESPONSIBLE STAFF

Gary Riedner, City Supervisor

REVIEWED BY

City Council at a special meeting on November 9, 2020.

ADDITIONAL PRESENTER(S)

OTHER RESOURCES

AGENDA ITEM TITLE

Consideration of Metrics to Evaluate Continuation, Extension or Termination of Amended Public Health Emergency Order 20-03, and Resolution Integrating Metrics and Extending APHEO 20-03 to June 9, 2021 - Gary J. Riedner

DESCRIPTION

On November 9, 2020, the City Council considered a metrics model to be used by the Council in evaluating the decision to continue, extend or terminate the application of Amended Public Health Emergency Order 20-03 (APHEO 20-03), which requires social distancing and facial coverings when social distancing cannot be maintained in public places. The Council approved the concept of the metrics as proposed, the time requirements, the status of the Governor's Idaho Rebounds Plan, consideration of the status of COVID-19 in Whitman County, and consideration of recommendations from Public Health-Idaho North Central District, Latah County, Gritman Medical Center, University of Idaho, and Moscow School District. The memo from the City Supervisor, attached to the meeting packet, provides a final metrics model for City Council consideration, and applies the model to current COVID-19 conditions as they exist in the community. The attached proposed Resolution incorporates the metrics model and extends APHEO 20-03 to June 9, 2021, unless terminated earlier by City Council after applying the metrics model to then-current COVID-19 conditions in the community. The June 9, 2021 termination date takes into consideration the close of the University of Idaho's spring semester, and the end of Moscow School District's academic year.

The memo from the City Supervisor, attached to the meeting packet, provides a final metrics model for City Council consideration, and applies the model to current COVID-19 conditions as they exist in the community.

STAFF RECOMMENDATION

After consideration of the information contained in the memo from the City Supervisor, approve the metrics model for evaluation of the continuation, extension and/or termination of APHEO 20-03, and approve the Resolution incorporating the metrics model and extending the termination date of APHEO 20-03 to June 9, 2021 unless terminated earlier by City Council after applying the metrics model to then-current COVID-19 conditions.

PROPOSED ACTIONS

PROPOSED ACTIONS: After consideration of the information contained in the memo from the City Supervisor, approve the metrics model for evaluation of the continuation, extension and/or termination of APHEO 20-03, and approve the Resolution incorporating the metrics model and extending the termination date of APHEO 20-03 to June 9, 2021 unless terminated earlier by City Council after applying the metrics model to then-current COVID-19 conditions, or take such other action deemed appropriate.

FISCAL IMPACT

PERSONNEL IMPACT

ATTACHMENTS

1. Resolution 2020-22 Continuation of Amended Public Health Emerg Order 20-03 to January 5, 2021
2. 2020-8-20 FINAL DATA TOOL (1)
3. memo-MayorCC; COVID-19 Metrics for PHEO 12.2.2020
4. Resolution 2020_Authorizing Continuation of Amended Public Health Emergency Order 20-03 to June 9 2021_FINAL
5. COVID-19 Institutional Partner Letters

RESOLUTION NO. 2020 – 22

A RESOLUTION OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AUTHORIZING THE CONTINUED ACCEPTANCE AND EXTENSION OF THE MAYOR'S AMENDED PUBLIC HEALTH EMERGENCY ORDER 20-03 MADE EFFECTIVE JULY 2, 2020 AND EXTENDED BY COUNCIL ON JULY 6, 2020 AND AGAIN ON AUGUST 3, 2020, WITH AN EXPIRATION AT 11:59 P.M. OF OCTOBER 6, 2020; AND PROVIDING THIS RESOLUTION SHALL BE IN EFFECT UPON ITS PASSAGE AND APPROVAL.

- WHEREAS,** the health and safety of all citizens of the city of Moscow is the greatest priority and is of the upmost importance to the Mayor and City Council; and
- WHEREAS,** Idaho cities are authorized by Idaho Constitution Article XII, Section 2, to enforce, within the city limits all such local police, sanitary and other regulations as are not in conflict with the city's charter or with the general laws of the state; and
- WHEREAS,** Idaho Code § 50-302, enables cities to promote the general welfare of its citizens; and
- WHEREAS,** Idaho Code § 50-304, grants cities the authority to prevent the introduction of contagious diseases into the city and make quarantine laws for that purpose; and
- WHEREAS,** pursuant to Moscow City Code, Title 1, Chapter 11 and the authority pursuant to Idaho Code, in order to effectively preserve the health and safety of the public, the Mayor is granted the emergency powers to issue public health emergency orders; and
- WHEREAS,** the Centers for Disease Control and Prevention (hereinafter "CDC") identifies the potential public health threat posed by COVID-19 both globally and in the United States as "high", and has advised that person-to-person spread of COVID-19 will continue to occur globally, including within the United States; and
- WHEREAS,** Governor Little has stated on numerous occasions, due to Idaho's diverse and expansive state, that he is not mandating statewide face coverings or physical distancing for non-household members and is trusting and encouraging local officials to take any measures they deem necessary and appropriate to protect their community. The coronavirus.idaho.gov website supports the Governor's position by stating, "Idaho's response to COVID-19 is now primarily local or regional in nature..."; and
- WHEREAS,** both the CDC, the federal government, and the Idaho Department of Health and Welfare and the Idaho North Central Health District have recommended practices to prevent the rapid spread of COVID-19, including maintaining six (6) feet of physical distancing from non-household members and the wearing of face coverings when in public settings and when the six feet of physical distancing from others cannot reliably be maintained. The policies, along with other information, are available on the CDC's official COVID-19 website. (<https://www.cdc.gov/coronavirus/2019-ncov/index.html>); and
- WHEREAS,** the City, as a municipal corporation of the State of Idaho, has the authority to exercise all powers and perform all functions of local self-government in city affairs that are not in conflict with the general laws or the constitution of the state of Idaho (I.C. § 50-301); and
- WHEREAS,** the risk of community spread throughout the city of Moscow is a continued threat, especially due to our unique location in Idaho and our close proximity to states and locations where there is a large number of confirmed COVID-19 cases and evidence of community spread; and

- WHEREAS,** on June 30, 2020, Bill Lambert, Mayor of the City of Moscow, Idaho proclaimed and declared Public Health Emergency Order No. 20-03 and Amended said order on July 1, 2020; and
- WHEREAS,** on July 1, 2020, Idaho North Central District of Public Health issued a press release reporting widespread community transmission throughout the District, and highlighted the importance of practicing COVID-19 risk reduction strategies, which include practicing self-distancing (maintaining at least 6 feet between individuals) and wearing a face covering when in public settings where social distancing measures are difficult to maintain; and
- WHEREAS,** on July 6, 2020, City Council accepted and extended the Mayor's Amended Public Health Emergency Order 20-03 through Resolution 2020-12 to 11:59 p.m. of August 4, 2020; and
- WHEREAS,** on August 3, 2020, City Council continued the acceptance and extension of the Mayor's Amended Public Health Emergency Order 20-03 through Resolution 2020-17 to 11:59 p.m. of October 6, 2020; and
- WHEREAS,** as of September 15, 2020, The Idaho North Central District of Public Health reported a total of 785 confirmed and probable cases of COVID-19; and
- WHEREAS,** as of September 15, 2020, the Idaho North Central District of Public Health reported that Latah County has 278 positive confirmed cases of COVID-19, and 14 probable cases; and
- WHEREAS,** as of September 15, 2020, coronavirus.idaho.gov reports a total of 35,810 confirmed and probable cases of COVID-19 for Idaho and 423 deaths; and
- WHEREAS,** as of September 14, 2020, the Washington State Department of Health has reported 1,052 cases of COVID-19 for Whitman County; and
- WHEREAS,** as of September 14, 2020, the Washington State Department of Health has reported 5,910 cases of COVID-19 for Spokane County; and
- WHEREAS,** as of September 15, 2020, the CDC reported a total of 6,537,627 total cases of COVID-19 with 194,092 total deaths for the United States; and
- WHEREAS,** the number of confirmed cases of COVID-19 continue to climb in our city and the surrounding communities; and
- WHEREAS,** it is deemed necessary by the Council of the City of Moscow to extend such Amended Public Health Emergency Order No. 20-03 to provide for the ongoing threat to public life and property and the Council wishes to continue to be proactive and help reduce the spread of COVID-19 and to encourage our community members and community businesses to do their part to prevent and limit the spreading of COVID-19;

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

The Amended Public Health Emergency Order 20-03, ordering every person in the city of Moscow to wear a face covering when in public when the 6-foot physical distancing cannot be maintained, with specific exceptions, and maintain 6-foot physical distancing from non-household members when in locations open to the public, whenever possible, within the City of Moscow, Latah County, Idaho, signed into effect on July 1, 2020, by Mayor Bill Lambert, attached as Exhibit A, shall be continued and remain in effect until 11:59 p.m. on January 5, 2021.

Furthermore, face covering is defined as any material that securely covers the nose and mouth, creating a barrier to help prevent respiratory droplets from traveling into the air. The face coverings may be

made of a variety of materials, including but not limited to, cotton, silk, linen, flax, wool, ramie, denim, polyester, or a combination of materials or paper.

That this Resolution shall become effective as of the 21st day of September, 2020.

PASSED BY THE CITY COUNCIL AND APPROVED by the Mayor of the City of Moscow, Idaho, this 21st day of September, 2020.

ATTEST:


Laurie M. Hopkins, City Clerk

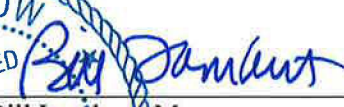


Bill Lambert, Mayor

Exhibit A

NO. 506727
AT THE REQUEST OF
CITY OF MOSCOW
DATE & HOUR
7-1-2020 2:45 PM
JEREMY L. WILSON
LATAH COUNTY RECORDER
FEE \$ 0 BY S. Chapman

THE CITY OF MOSCOW

AMENDED PUBLIC HEALTH EMERGENCY ORDER No. 20-03

FACE COVERINGS AND 6 FOOT SOCIAL/PHYSICAL DISTANCING

July 1, 2020

- WHEREAS,** the health and safety of all citizens of the city of Moscow is the greatest priority and is of the utmost importance of the Mayor and City Council; and
- WHEREAS,** the coronavirus (hereinafter, COVID-19), is a respiratory disease caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person, which can result in serious illness or death thereby threatening widespread and/or severe damage to life or property thereby creating an "emergency" as defined by Idaho Code § 46-1002; and
- WHEREAS,** the Centers for Disease Control and Prevention (hereinafter "CDC") identifies the potential public health threat posed by COVID-19 both globally and in the United States as "high", and has advised that person-to-person spread of COVID-19 will continue to occur globally, including within the United States; and
- WHEREAS,** on January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared the outbreak a "public health emergency of international concern"; and
- WHEREAS,** on January 31, 2020, Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19; and
- WHEREAS,** on March 11, 2020, The World Health Organization (WHO) made the assessment that COVID-19 can be characterized as a pandemic; and
- WHEREAS,** on March 13, 2020, the Idaho Governor Brad Little, pursuant to Idaho Code § 46-1008, declared a state of emergency due to COVID-19, which is still in effect; and
- WHEREAS,** on March 13, 2020, the President of the United States issued an emergency declaration for the country in response to the increasing number of COVID-19 cases within the U.S., which is still in effect; and
- WHEREAS,** on March 13, 2020, Moscow Mayor Bill Lambert issued a Local Emergency Proclamation, declaring a local disaster emergency due to the occurrence and imminent threat to public health and safety arising from the effects of the 2019 novel coronavirus (COVID-19), pursuant to Idaho Code § 46-1011 and other relevant sections of Idaho Code; and

AMENDED PUBLIC HEALTH EMERGENCY ORDER No. 20-03 - Page 1 of 7

- WHEREAS,** on March 16, 2020, the Moscow City Council adopted Resolution 2020-05, authorizing continuation of Mayor Lambert's Local Emergency Proclamation until May 5, 2020; and
- WHEREAS,** on March 20, 2020, the Council for the city of Moscow adopted an ordinance enacting a new Chapter 11 to Title 1 of the Moscow City Code, setting forth the authority, purpose, and intent of emergency powers to address the threat of COVID-19; and
- WHEREAS,** on March 20, 2020, Mayor Lambert issued the first Public Health Emergency Order No. 20-01, instituting regulations regarding mass gatherings, restaurants and bars to help prevent the spread of COVID-19; and
- WHEREAS,** on March 20, 2020, the City Council extended such Public Health Emergency Order No. 20-01 to May 5, 2020, to provide for the ongoing threat to public life and property; and
- WHEREAS,** on March 24, 2020, Moscow Mayor Bill Lambert proclaimed and declared Public Health Emergency Order No. 20-02 prohibiting gatherings in groups of more than ten (10) persons within a facility, which also applied to educational institutions, expressive and associative activities, including assembly, and church and religious organization activities; and
- WHEREAS,** on March 25, 2020, Governor Brad Little issued a proclamation declaring that there existed an extreme emergency within the State of Idaho and through a press conference declared he was issuing a statewide stay-home order; and
- WHEREAS,** on March 25, 2020, pursuant to Idaho Code § 56-1003(7), Idaho Department of Health and Welfare Director, Dave Jeppesen, issued an Order to Self-Isolate for all individuals living in Idaho, at the direction of Governor Brad Little, to fight the community spread of COVID-19 that had been confirmed in Idaho. The Order was effective until April 15, 2020, subject to be extended, rescinded, superseded, or amended. The isolation order was issued based on advice and direction of state, federal and local public health experts; and
- WHEREAS,** on March 26, 2020, it was deemed necessary by the City Council to extend such Public Health Emergency Order No. 20-02 to May 5, 2020, to provide for the ongoing threat to public life and property, and the Council wished to continue to be proactive and help reduce the spread of COVID-19 and to encourage our community members and community businesses to do their part to prevent and limit the spreading of COVID-19; and
- WHEREAS,** on April 15, 2020, Idaho Department of Health and Welfare Director, Dave Jeppesen, amended the Order to Self-Isolate issued on March 25, 2020, providing

AMENDED PUBLIC HEALTH EMERGENCY ORDER No. 20-03 - Page 2 of 7

additional guidance regarding travel into Idaho, regarding certain businesses, and extending the Self-Isolation Order until April 30, 2020; and

WHEREAS, on April 22, 2020, Governor Little issued a proclamation declaring an extreme emergency within the State of Idaho and declaring the state of emergency proclamation issued on March 13, 2020 and extended on March 25, 2020, continues to be in effect and is extended for a period of thirty (30) days unless terminated, modified or extended; and

WHEREAS, on April 30, 2020, Governor Little and Director Jeppesen of the Idaho Department of Health and Welfare, issued the "Stay Healthy Order" effective as of 12:00 a.m. May 1, 2020, implementing Stage 1 of the Governor's Idaho Rebound plan, and which can be found on the website: rebound.idaho.gov. Governor Little's plan is one of utilizing a four-staged approach to reopening Idaho and its economy, whereby specific criteria must be met before Idaho advances to the next stage of reopening. The Idaho Division of Public Health and the Governor's Coronavirus Working Group will review the criteria every two weeks to assess if criteria are met, or continue to be met, so Idaho can move to the next stage; and

WHEREAS, the Council and Mayor have supported the Governor's guidelines and plans for systematically assessing existing conditions and slowly lifting the current regulations in place through the Stay Healthy Order and the now Stay Healthy Guidelines, and to utilize the proposed staged approach for reopening Idaho; and

WHEREAS, the Council and Mayor permitted the Mayor's Proclamation of Local Disaster Emergency as modified by Resolution 2020-05, and the Public Health Emergency Orders 20-01 and 20-02 to terminate on May 1, 2020, to avoid any confusion in light of the Stay Health Order in effect for all of Idaho at that time; and

WHEREAS, on June 24, 2020, Washington Secretary of Health, John Wiesman, issued Order 20-03, an order for all of Washington state which requires all individuals to wear a face covering that covers their nose and mouth when in any indoor and outdoor public space when the 6-foot physical distancing is not possible, with limited exceptions; and

WHEREAS, on June 26, 2020, the District Board of Central District Health, State of Idaho, issued an emergency quarantine order pursuant to Idaho Code § 56-1003(7), IDAPA 16.02.10.065.09, Idaho Code § 39-415 and § 67-5247, for Ada County bars and nightclubs open to the public for on-site consumption of beverages, be placed under quarantine and must remain closed to on-site consumption; prohibits large venue gatherings; requires six foot physical distancing from non-household members, and makes any violation of said order a misdemeanor pursuant to Idaho Code § 56-1003(7)(c); and

AMENDED PUBLIC HEALTH EMERGENCY ORDER No. 20-03 - Page 3 of 7

- WHEREAS,** on June 29, 2020, Whitman County, which is located at the western Moscow City limits, reported it has 38 confirmed cases of COVID-19; and
- WHEREAS,** on June 29, 2020, Spokane County, which is located less than 79 miles from Moscow, reported it has 1,344 confirmed cases of COVID-19; and
- WHEREAS,** on June 30, 2020, the state of Idaho reported 6,117 confirmed and probable cases of COVID-19, 261 of which are located in Kootenai County and where Kootenai County has been identified as a "hotspot" by the Idaho Department of Health and Welfare, which is located less than 80 miles to the north of Moscow; and
- WHEREAS,** on June 30, 2020, Latah County has 16 confirmed cases and 5 probable cases of COVID-19; and
- WHEREAS,** on June 30, 2020, The Idaho North Central District, which includes Clearwater County, Idaho County, Latah County, Lewis County and Nez Perce County is reporting a total of 121 confirmed and probable cases of COVID-19 and
- WHEREAS,** the Department of Health and Human Services Centers for Disease Control ("CDC") is reporting that as of June 30, 2020, the United States has 2,581,229 confirmed cases of COVID-19, and 126,739 total deaths; and
- WHEREAS,** Idaho is currently in Stage 4 of Governor Little's Idaho Rebound Plan, which no longer has any mandatory requirements as the previous Stay Healthy Orders; and
- WHEREAS,** Governor Little has stated on numerous occasions due to Idaho's diverse and expansive state, and that not all counties have confirmed cases of COVID-19, he is not mandating statewide face coverings or physical distancing for non-household members and is trusting and encouraging local officials to take any measures they deem necessary and appropriate to protect their community; and
- WHEREAS,** both the CDC, the federal government, and the Idaho Department of Health and Welfare and the Idaho North Central Health District have recommended practices to prevent the rapid spread of COVID-19, including maintaining six (6) feet of physical distancing from non-household members and the wearing of face coverings when in public settings and the six feet of physical distancing from others cannot reliably be maintained. The policies, along with other information, are available on the CDC's official COVID-19 website. (<https://www.cdc.gov/coronavirus/2019-ncov/index.html>); and
- WHEREAS,** the spread of COVID-19 continues to threaten the life and health of the public and public health is imperiled by the person-to-person spread of COVID-19, and the reduction of opportunities for the person-to-person transmission of COVID-19 is necessary to combat the spread of the disease; and
- WHEREAS,** the City, as a municipal corporation of the State of Idaho, has the authority to exercise all powers and perform all functions of local self-government in city affairs

AMENDED PUBLIC HEALTH EMERGENCY ORDER No. 20-03 - Page 4 of 7

that are not in conflict with the general laws or the constitution of the state of Idaho (I.C. § 50-301); and

WHEREAS, the City is empowered to make all such ordinances, bylaws, rules, regulations and resolutions not inconsistent with the laws of the state of Idaho as may be expedient, in addition to the special powers in this act granted, to maintain the peace, good government and welfare of the corporation and its trade, commerce and industry (I.C. § 50-302); and

WHEREAS, under Moscow City Code section 2-1-7 and Idaho Code § 50-304, the City may pass all ordinances and make all regulations necessary to preserve the public health; prevent the introduction of contagious diseases into the city; make quarantine laws for that purpose and enforce the same within five (5) miles of the city; and

WHEREAS, under Idaho Code § 50-606, the Mayor shall have such jurisdiction as may be vested in him/her by ordinance over all places within five (5) miles of the corporate limits of the city, for the enforcement of any health or quarantine ordinance and regulation thereof, and shall have jurisdiction in all matters vested in him/her by ordinance, except taxation, within one (1) mile of the corporate limits of said city and over such properties as may be owned by the city without corporate limits; and

WHEREAS, the city of Moscow has had 3 restaurants voluntarily close for self-quarantine due to a staff member having tested positive for COVID-19 and/or having been exposed to someone who tested positive for COVID-19; and

WHEREAS, the risk of community spread throughout the city of Moscow is a continued threat, especially due to our unique location in Idaho and our close proximity to states and locations where there is a large number of confirmed COVID-19 cases and evidence of community spread; and

WHEREAS, the rapid spread of COVID-19 to date requires a more aggressive proactive response in order to protect the public and resources to address the supply issues we as a city, state and nation currently face.

NOW, THEREFORE, I, Bill Lambert, Mayor of the City of Moscow, Idaho, by virtue of the authority vested in me by Moscow City Code Title 1-11-05(B), and the common law authority to protect the public in the event of an emergency, in order to encourage and enforce Social/Physical Distancing of non-household members and reduce the potential for spread of the COVID-19 virus, hereby order as follows:

1. Every person in the city of Moscow must wear a face covering that covers their nose and mouth when in any indoor or outdoor public setting where the 6-foot physical distancing is not able to be maintained with non-household members, except as follows:
 - a. This Order does not apply to children under 5 years old, however, with the assistance and close supervision of an adult the City strongly recommends

AMENDED PUBLIC HEALTH EMERGENCY ORDER No. 20-03 - Page 5 of 7

children wear face coverings when in public spaces where the 6-foot physical distancing cannot be maintained;

- b. This Order does not apply to persons with a medical condition, mental health condition, or disability that prevents wearing a face covering;
 - c. This Order does not apply to those who are incarcerated;
 - d. Individuals may remove their face covering when in a public setting under the following circumstances:
 - i. While at a restaurant, at an establishment or location that allows or offers food or beverage service, while they are eating or drinking, provided that they are able to maintain a distance of at least 6-feet from other guests or other non-household members;
 - ii. When any party to a communication is deaf or hard-of-hearing and not wearing a face covering is essential to communication;
 - iii. While obtaining a health or personal service that requires temporary removal of the face covering;
 - iv. When necessary to confirm a person's identity; and
 - v. When local, state or federal law prohibits wearing a face covering or requires the removal of a face covering.
2. Every person in the city of Moscow, when in places that are open to the public, shall maintain 6-foot physical distancing from a non-household member, whenever possible.
3. Definitions.
- a. "Household Members" are defined as people who reside in the same residence regardless of familial relation and people who enter a residence to provide a caretaking function.
 - b. "Public Setting" is defined as any place that is open to the public.
4. If this Order and any action of any other agency or official are in conflict, the more protective and most restrictive requirement must be followed, unless prohibited by a state or federal statute or rule.
5. **Exemptions.** Nothing in this order shall constrain the duties and powers of the City, the Mayor, or other governmental agencies.
6. **Penalty.** In accordance with Moscow City Code Section 1-11-10, any person who knowingly violates the provisions of this order may be charged with a misdemeanor. The maximum penalties for this offense are up to 6 months in the county jail and a \$1,000 fine.

This Emergency Order shall take effect at 12:00 a.m. on July 2, 2020, and shall remain in full force and effect for seven (7) days, subject to be extended by City Council through Resolution unless it is terminated or modified at an earlier date.

AMENDED PUBLIC HEALTH EMERGENCY ORDER No. 20-03 - Page 6 of 7

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IN WITNESS WHEREOF, I have hereunto set my hand on this 1ST day of July, 2020.



Bill Lambert

Bill Lambert, Mayor



Curie M. Hopkins, City Clerk

AMENDED PUBLIC HEALTH EMERGENCY ORDER No. 20-03 - Page 7 of 7



REGIONAL DATA TOOL FOR DETERMINING HEALTH ALERT LEVELS

EFFECTIVE DATE: 8/20/2020

AS IDAHO'S RESPONSE to the COVID-19 pandemic transitions from a statewide response to a regional response, the following plan has been developed by the Board of Public Health – Idaho North Central District (PH-INCD). The plan is applicable to all counties within PH-INCD region: Clearwater, Idaho, Latah, Lewis, and Nez Perce Counties.

This document establishes the criteria PH-INCD will use to monitor COVID-19 disease trends and resources. The established criteria and related outputs will inform the PH-INCD Board of Health and guide decisions to assess risk levels and for moving between stages, placing or removing restrictions, or providing recommendations to local jurisdictions to place or remove restrictions.

Public Health – Idaho North Central District aims to mitigate the rapid spread of COVID-19 in order to protect the health and wellbeing of residents in the district, and to prevent overwhelming first responders, the healthcare system, and personal protective equipment (PPE) supplies in our region. Idaho Code 39-414(2) outlines that Idaho's public health districts shall "do all things required for the preservation and protection of the public health and preventative health...." Furthermore, it is the desire of the PH-INCD Board of Health to minimize the impact to local economies as much as possible while still protecting public health.

The PH-INCD Board of Health and Director will be responsible for the implementation of this plan and will collaborate with local elected officials within the region. It is important to note that local elected officials have the authority to implement their own measures, which may be more OR less restrictive than those included in this plan, to do what they deem necessary to protect the health of the residents they serve.

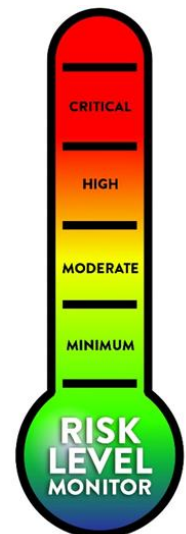
THIS PLAN IS SUBJECT TO CHANGE AS MORE INFORMATION BECOMES AVAILABLE.

This plan will not be in effect indefinitely; however, it is not possible to determine an end date at this time. The risk assessment and mitigation strategies included in this plan will be in effect until a COVID-19 vaccine becomes available, treatment options for COVID-19 are readily available, other mitigating factors currently not known are identified, OR until the plan is modified or rescinded by the Board of Health.

WHAT TO KNOW ABOUT PH-INCD'S COVID-19 RISK LEVELS:

The risk levels may be applied at the town, city, county, geographic, or regional level.

- Different areas of PH-INCD's region may be at different risk levels. Risk levels can increase or decrease. Metrics will be evaluated and reviewed every 14 days to determine the ability to move to a lower risk level or advance to the next.
- In ALL risk levels, the preventive measures outlined in the Minimal Risk Level should be followed. Precautions associated with each lower risk level continue to apply to higher risk levels. Always prepare for the next risk level.
- In addition to metrics determining exposure risk, public health officials will closely monitor and may take into consideration for movement to a different risk level the following:
 - Input from hospital partners
 - Trends in COVID-19 testing, including positivity rate and turn-around time of test results
 - Supplies of Personal Protective Equipment (PPE) for healthcare providers/first responders
 - Epidemiological investigation capacity
 - COVID-related hospitalizations and deaths
 - Syndromic surveillance of emergency department visits with COVID-like symptoms



COVID-19 Hotline

208-799-3100 or Toll Free 866-736-6632

REGIONAL DATA TOOL FOR DETERMINING HEALTH ALERT LEVELS

EFFECTIVE DATE: 8/20/2020

RISK LEVEL	METRICS MONITORED	MITIGATION STRATEGIES
MINIMAL RISK	NEW DAILY CASES < 1 PER 10,000 POPULATION (7 DAY AVERAGE) Lewis1 Clearwater1 Idaho2 Latah.....4 Nez Perce.....4 AND NUMBER OF CONFIRMED COVID-19 HOSPITAL ADMISSIONS, DAILY FOR 7 DAYS Daily hospitalizations District-Wide 0 to 5 AND TEST RESULTS REPORTING IN 1-4 DAYS	At the GREEN level, communities are on track for containment as long as they maintain routine levels of viral testing (i.e., this is not a reference to antibody testing) and contact tracing sufficient to control spikes and outbreaks. PH-INCD will educate, inform, and share messages with stakeholders and the public throughout all levels. REGARDLESS OF THE RISK LEVEL THROUGHOUT THE REMAINDER OF THE PANDEMIC, EVERYONE IS ENCOURAGED TO DO THE FOLLOWING: • Stay home if you are sick • Maintain physical distance of at least 6 feet from others (outside of immediate family) whenever possible • Wear face coverings in public that fully cover the nose and mouth when physical distancing is not possible or is difficult to maintain, including when outdoors at social events or gatherings • Wash hands frequently for at least 20 seconds or use hand sanitizer • Vulnerable populations (older adults, individuals with underlying health conditions) take extra precautions • Carefully monitor your health

REGIONAL DATA TOOL FOR DETERMINING HEALTH ALERT LEVELS

EFFECTIVE DATE: 8/20/2020

RISK LEVEL	METRICS MONITORED	MITIGATION STRATEGIES
MODERATE RISK	NEW DAILY CONFIRMED CASES BETWEEN 1.0 TO 2.5/10,000 POPULATION (7 DAY AVERAGE) <i>New cases by county to reach above rates:</i> Lewis County.....1 - 2 Clearwater County.....1 - 2 Idaho County.....2 - 4 Latah County.....4 - 10 Nez Perce County.....4 - 10 AND NUMBER OF CONFIRMED COVID-19 HOSPITAL ADMISSIONS, DAILY FOR 7 DAYS Daily hospitalizations District-Wide 5 to 10 AND TEST RESULTS REPORTING IN 5-9 DAYS	IN ADDITION TO CONTINUATION OF ALL EVERYDAY PREVENTATIVE MEASURES, THE FOLLOWING RECOMMENDATIONS WILL BE MADE: • Support municipality efforts to require the wearing of face coverings while in public • Encourage event coordinators to limit events and social gatherings to no more than 50 people • Encourage vulnerable populations (older adults, individuals with underlying health conditions) to take extra precautions • Congregate living facilities (long term care, nursing homes, correctional facilities, etc.) to implement strict health policies for staff and visitors to avoid potential outbreaks • Schools should implement YELLOW phase of Return to School Plan



EFFECTIVE DATE: 8/20/2020

RISK LEVEL	METRICS MONITORED	MITIGATION STRATEGIES
HIGH	NEW DAILY CONFIRMED CASES BETWEEN 2.5 TO 5 /10,000 POPULATION (7 DAY AVERAGE) <i>New cases by county to reach above rate:</i> Lewis County.....2 - 4 Clearwater County.....2 - 4 Idaho County.....4 - 8 Latah County.....10 - 20 Nez Perce County.....10 - 20 AND NUMBER OF CONFIRMED COVID-19 HOSPITAL ADMISSIONS, DAILY FOR 7 DAYS Daily hospitalizations District-Wide 10 or more AND MAJORITY OF COVID-19 TEST RESULTS TAKE LONGER THAN 10 DAYS AND OUTBREAK(S) OCCURRING AT: - Hospitals/Healthcare Providers/ Emergency Medical Services - Critical Infrastructure Services (Fire, Law Enforcement, Utilities, etc.) - Congregate Living Facilities (assisted living facilities, nursing homes, correctional facilities) - Schools/Institutions of Higher Learning - Mass Gatherings/Events that limit public health’s ability to conduct contact tracing	IN ADDITION TO CONTINUATION OF ALL EVERYDAY PREVENTATIVE MEASURES, THE FOLLOWING RECOMMENDATIONS WILL BE MADE: - Board of Health may consider requiring wearing of face coverings when in public - Limit gatherings to no more than 10 people - Encourage vulnerable populations (older adults, individuals with underlying health conditions) to self-isolate - Recommend congregate living facilities close to visitors and extra precautions implemented for employees - Recommend businesses implement delivery/curb-side services as much as possible - Schools should implement YELLOW/RED Phase of Return to School plan

HIGH RISK

REGIONAL DATA TOOL FOR DETERMINING HEALTH ALERT LEVELS

EFFECTIVE DATE: 8/20/2020

RISK LEVEL	METRICS MONITORED	MITIGATION STRATEGIES
CRITICAL CRITICAL RISK	NEW DAILY CONFIRMED CASES >5/10,000 POPULATION (7 DAY AVERAGE) AND HOSPITAL CAPACITY, INCLUDING ICU, CONSISTENTLY AT SURGE CAPACITY CANNOT BE MAINTAINED OR CRISIS STANDARDS OF CARE IMPLEMENTED	Stay-At-Home Order may be issued Schools should remain in RED phase of Return to School plan Required wearing of face coverings No mass gatherings

Idaho Back to School Framework

	Category 1: No Community Transmission	Category 2: Minimal to Moderate Community Transmission	Category 3: Substantial Community Transmission
Definitions	Evidence of isolated cases, case investigations underway, no evidence of exposure in large communal setting, e.g., healthcare facility, school, mass gathering.	Widespread and/or sustained transmission with high likelihood or confirmed exposure within communal settings, with potential for rapid increase in suspected cases.	Large-scale community transmission, healthcare staffing significantly impacted, multiple cases within communal settings like healthcare facilities, schools, mass gatherings, etc.
Level of Operations	School buildings open with physical distancing and sanitation.	School buildings open but option of limited/staggered use of school buildings with physical distancing and sanitation.	Targeted, short-term, or extended building closure.



REGIONAL DATA TOOL FOR DETERMINING HEALTH ALERT LEVELS

EFFECTIVE DATE: 8/20/2020

DEFINITIONS

CRISIS STANDARDS OF CARE:

Guidance to help guide ethical decision-making for how to triage medical care when it has to be rationed. Plan can be found on the [Idaho Department of Health and Welfare's website](#).

MEDICAL SURGE CAPACITY:

Medical surge capacity refers to the ability to evaluate and care for a markedly increased volume of patients— one that challenges or exceeds normal operating capacity. The surge requirements may extend beyond direct patient care to include such tasks as extensive laboratory studies or epidemiological investigations.

TIMELINE FOR MEASUREMENTS

Data to support the corresponding Health Risk Level and any related mitigation strategies will be updated on our website daily.

Health Risk Levels will be made based on the prior two weeks starting on a Sunday and ending on a Saturday. Movement from one risk level to a lesser risk level will occur at 14-day intervals (one incubation period for COVID-19), while advancement to a level of higher risk can occur at any time.

MOVEMENT BETWEEN RISK LEVELS

Determinations to move to a more restrictive risk level may be made mid-stage if any of the criteria below are met:

- Crisis standards of care are implemented.
- Senior leadership at a local hospital indicates that further increases in cases in the community will overwhelm local hospital capacity.
- Reported cases exceed > 5 daily new cases per 10,000 people in a defined population (e.g., town, city, or county) or if new case rate adversely impacts PH-INCD's ability to respond.

REFERENCES

[Key Metrics for COVID Suppression: A framework for policy makers and the public. July 1, 2020.](#)
[Essential information for states and counties to publicly report](#)

SOURCES OF DATA

- Daily Cases Data provided by PH-INCD
- Lab Test Data provided by PH-INCD
- Hospitalizations Data provided by Idaho Department of Health & Welfare

Risk Level colors are determined based upon a stratified weighted average of the data.



Memo

To: Mayor & City Council

From: Gary J. Riedner, City Supervisor

c: Mia Bautista, City Attorney; Debby Carscallen, EMS Division Chief; Jen Pfiffner, Deputy City Supervisor CRES; Tyler Palmer, Deputy City Supervisor PWS; Bill Belknap, Deputy City Supervisor, CPD;

Date: December 4, 2020

Re: Proposed Metrics to Evaluate Continuation, Extension or Termination of Amended Public Health Emergency Order 20-03

On November 9, 2020, the City Council considered a proposal to establish metrics to be utilized in order to evaluate the continuation, extension, or termination of Amended Public Health Emergency Order (APHEO 20-03), which requires social distancing and facial coverings when social distancing cannot be maintained in public places.

Background:

At this time, Public Health-Idaho North Central District (PH-INCD), has adopted a “Regional Tool for Determining Health Alert Levels”, an assessment tool to be utilized in evaluating the risk posed by the COVID-19 pandemic. The preamble to the assessment explains its use:

“AS IDAHO’S RESPONSE to the COVID-19 pandemic transitions from a statewide response to a regional response, the following plan has been developed by the Board of Public Health – Idaho North Central District (PH-INCD). The plan is applicable to all counties within PH-INCD region: Clearwater, Idaho, Latah, Lewis, and Nez Perce Counties.

This document establishes the criteria PH-INCD will use to monitor COVID-19 disease trends and resources. The established criteria and related outputs will inform the PH-INCD Board of Health and guide decisions to assess risk levels and for moving between stages, placing or removing restrictions, or providing recommendations to local jurisdictions to place or remove restrictions.

Public Health – Idaho North Central District aims to mitigate the rapid spread of COVID-19 in order to protect the health and wellbeing of residents in the district, and to prevent overwhelming first responders, the healthcare system, and personal protective equipment (PPE) supplies in our region. Idaho Code 39-414(2) outlines that Idaho’s public health districts shall “do all things required for the preservation and protection of the public health and preventative health...” Furthermore, it is the desire of the PH-INCD Board of Health to minimize the impact to local economies as much as possible while still protecting public health.

The PH-INCD Board of Health and Director will be responsible for the implementation of this plan and will collaborate with local elected officials within the region. It is important to note that local elected officials have the authority to implement their own measures, which may be more OR less restrictive than those included in this plan, to do what they deem necessary to protect the health of the residents they serve.”

A copy of the assessment tool is attached as an exhibit to this memo.

The PH-INCD assessment tool states that in order for the District to be placed in the “minimal risk” category it must meet the following criteria:

- Based on a 7-day moving average, new daily cases must be less than 1 case per 10,000 population (for Latah County that would be 4 or fewer new daily cases);
- Based on a 7-day moving average, the number of confirmed COVID-19 hospital admissions district-wide must be within the range of 0-5;
- Test results must be reported in 1-4 days.

Utilizing the assessment tool, on October 29, 2020, the PH-INCD Board of Public Health placed Latah County in a “moderate risk” category. Latah County remains in the moderate risk category.

Proposed Metric Model

As presented at the meeting on November 9, 2020, it was recommended that the City Council adopt the current Regional Data Tool for Determining Health Alert Levels adopted by PH-INCD (PH-INCD assessment tool) for use in its initial evaluation for the continuation, extension, or termination of APHEO 20-03. Council agreed that if all three of the factors listed above are determined to be in the “minimal risk” category for a period of three consecutive weeks, this would trigger a reconsideration of APHEO 20-03. The three consecutive weeks period is used because of the accepted two-week incubation period of the COVID-19 virus.

Council also accepted the recommendation that prior to making its decision on the question of continuing, extending or terminating APHEO 20-03, the following factors would also be considered:

1. The Governor’s determination that Idaho is in Stage 4 (the least restrictive stage) of the Idaho Rebounds Plan at the time that the evaluation is made;

2. Recommendations of PH-INCD;
3. Review of recommendations of the City's institutional partners, including Latah County, Gritman Medical Center, the University of Idaho, and Moscow School District;
4. COVID-19 conditions in Whitman County. Although a different assessment tool is utilized by the State of Washington, PH-INCD Director Carol Moehrle has indicated that it is possible to apply the PH-INCD assessment tool to the data from the Whitman County Public Health Department's website.
(<https://www.whitmancountypublichealth.org/covid-19.html>)

Application:

Applying the proposed metric model above to the current conditions in Latah County and Public Health-Idaho North Central District results in the following assessment:

1. All three of the following factors are determined to be in the "minimal risk" category for a period of three consecutive weeks:
 - a. Based on a 7-day moving average, new daily cases must be less than 1 case per 10,000 population (for Latah County, that would be 4 or fewer new daily cases);
 - b. Based on a 7-day moving average, the number of confirmed COVID-19 hospital admissions district-wide must be within the range of 0-5;
 - c. Test results must be reported in 1-4 days.

Finding: Latah County is currently assessed at the "moderate risk" category by the PH-INCD Board, as it exceeds an average of 4 new cases per day, and District 2 exceeds an average of 5 hospitalizations;

2. The Governor's determination that Idaho is in Stage 4 (the least restrictive stage) of the Idaho Rebounds Plan at the time that the evaluation is made:

Finding: Governor Little has placed Idaho into the "Modified Stage 2" of the Idaho Rebounds Plan;

3. Recommendations of PH-INCD:

Finding: Carol Moehrle, Director of PH-INCD, sent a letter dated September 21, 2020, wherein she recommended that APHEO 20-03 be extended through the end of this calendar year. She also participated in the City Council meeting of November 9, 2020, where she provided further comments. PH-INCD will be solicited for further comment prior to January 5, 2021, the current termination date of APHEO 20-03

4. Review of recommendations of the City's institutional partners, including Latah County, Gritman Medical Center, the University of Idaho, and Moscow School District:

Finding:

- The Latah County Commissioners sent a letter dated September 21, 2020, wherein they supported extending APHEO 20-03 through the end of this calendar year.

Commissioner LaFortune also provided comments at the City Council meeting of November 9, 2020. Latah County will be solicited for further comment prior to January 5, 2021, the current termination date of APHEO 20-03.

- Gritman Medical Center CEO Kara Besst and Dr. John Brown, Gritman's Chief Medical Officer sent a letter received on September 18, 2020, wherein they supported the social distancing and the requirement of facial coverings when social distancing cannot be maintained as required by APHEO 20-03. Dr. Brown sent an additional letter, dated November 9, 2020, supporting APHEO 20-03 and stating that "Gritman Medical Center strongly supports the continuation of the pandemic emergency measures as put in place by the City of Moscow," noting that "Our community is safer for having taken these actions." Dr. Nick Garrett, on behalf of Moscow Emergency Physicians, PLLC, (MEP) presented a letter dated November 6, 2020, stating support for APHEO 20-03, and that "social distancing and universal masking is the easiest, cheapest and most effective way of preventing the spread of COVID-19," and that MEP urges the Council to maintain the mandates. Dr. Brown, Dr. Garrett, Kara Besst and Gritman Chief Quality Officer Connie Osborne also provided comments at the City Council meeting of November 9, 2020. Gritman Medical Center, Dr. Brown and Moscow Emergency Physicians will be solicited for further comment prior to January 5, 2021, the current termination date of APHEO 20-03
- University of Idaho President Scott Green sent a letter dated September 21, 2020, supporting APHEO 20-03 and recommending extension through the end of the year. UI Special Assistant to the President Toni Broyles also provided comments at the City Council meeting of November 9, 2020. The University of Idaho will be solicited for further comment prior to January 5, 2021, the current termination date of APHEO 20-03.
- Moscow School District Superintendent Dr. Greg Bailey sent a letter dated September 18, 2020, wherein he stated MSD #281's support for extending APHEO 20-03. Dr. Bailey also provided comments at the City Council meeting of November 9, 2020. MSD #281 will be solicited for further comment prior to January 5, 2021, the current termination date of APHEO 20-03.

5. COVID-19 Conditions in Whitman County:

Finding: Utilizing information gleaned from the Whitman County Public Health Department's website for December 1, 2020, the 14-day moving average (the same time frame used for the PH-INCD assessment tool) is 20 for newly confirmed cases of COVID-19, and the 14-day moving average for hospitalizations is 3 for the same period. Our information indicates that the reporting time for most testing in Whitman County meets the 1–4 day time frame for minimal risk as defined by the PH-INCD assessment tool.

Conclusion

Utilizing the proposed metric model as directed by City Council at the November 9 Council meeting, at the current time, Latah County does not meet the first criteria of being in the

“minimal risk” category, utilizing the PH-INCD assessment tool, for three consecutive weeks. Further, the state of Idaho remains in a Modified Stage 2 of Governor Little’s Idaho Rebounds Plan. It is, therefore, unnecessary to proceed to assess recommendations from PH-INCD, Latah County, Gritman Medical Center, University of Idaho and Moscow School District, or to assess COVID-19 conditions in Whitman County.

Direction

Staff is seeking Council approval of the foregoing metrics model and the process of application of the model as illustrated in the foregoing analysis.

In addition, staff has prepared a proposed Resolution which incorporates the metrics model and extends APHEO 20-03 to June 9, 2021, unless terminated earlier by City Council after applying the metrics model to then-current COVID-19 conditions in the community. The June 9, 2021 termination date takes into consideration the close of the University of Idaho’s spring semester, and the end of Moscow School District’s academic year.

Thank you.

RESOLUTION NO. 2020 –

A RESOLUTION OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AUTHORIZING THE CONTINUED ACCEPTANCE AND EXTENSION OF THE MAYOR’S AMENDED PUBLIC HEALTH EMERGENCY ORDER 20-03 TO 11:59 PM ON JUNE 9, 2021, UNLESS CITY COUNCIL TERMINATES EARLIER; AND PROVIDING THIS RESOLUTION SHALL BE IN EFFECT UPON ITS PASSAGE AND APPROVAL.

- WHEREAS,** the health and safety of all citizens of the City of Moscow is the greatest priority and is of the upmost importance to the Mayor and City Council; and
- WHEREAS,** Idaho cities are authorized by Idaho Constitution Article XII, Section 2, to enforce, within the city limits all such local police, sanitary and other regulations as are not in conflict with the city’s charter or with the general laws of the state; and
- WHEREAS,** Idaho Code § 50-302, enables cities to promote the general welfare of its citizens; and
- WHEREAS,** Idaho Code § 50-304, grants cities the authority to prevent the introduction of contagious diseases into the city and make quarantine laws for that purpose; and
- WHEREAS,** pursuant to Moscow City Code, Title 1, Chapter 11 and the authority pursuant to Idaho Code, in order to effectively preserve the health and safety of the public, the Mayor is granted the emergency powers to issue public health emergency orders; and
- WHEREAS,** the Centers for Disease Control and Prevention (hereinafter “CDC”) identifies the potential public health threat posed by COVID-19 both globally and in the United States as “high”, and has advised that person-to-person spread of COVID-19 will continue to occur globally, including within the United States; and
- WHEREAS,** Governor Little has stated on numerous occasions, due to Idaho’s diverse and expansive state, that he is not mandating statewide face coverings or physical distancing for non-household members and is trusting and encouraging local officials to take any measures they deem necessary and appropriate to protect their community. The coronavirus.idaho.gov website supports the Governor’s position by stating, “Idaho’s response to COVID-19 is now primarily local or regional in nature...”; and
- WHEREAS,** both the CDC, the federal government, and the Idaho Department of Health and Welfare and the Idaho North Central Health District have recommended practices to prevent the rapid spread of COVID-19, including maintaining six (6) feet of physical distancing from non-household members and the wearing of face coverings when in public settings and when the six feet of physical distancing from others cannot reliably be maintained. The policies, along with other information, are available on the CDC’s official COVID-19 website. (<https://www.cdc.gov/coronavirus/2019-ncov/index.html>); and
- WHEREAS,** the City of Moscow, as a municipal corporation of the State of Idaho, has the authority to exercise all powers and perform all functions of local self-government in city affairs that are not in conflict with the general laws or the constitution of the state of Idaho (I.C. § 50-301); and
- WHEREAS,** the risk of community spread throughout the City of Moscow is a continued threat, especially due to our unique location in Idaho and our close proximity to states and locations where there is a large number of confirmed COVID-19 cases and evidence of community spread; and

- WHEREAS,** on June 30, 2020, Bill Lambert, Mayor of the City of Moscow, Idaho proclaimed and declared Public Health Emergency Order No. 20-03 and Amended said order on July 1, 2020; and
- WHEREAS,** on July 1, 2020, Idaho North Central District of Public Health issued a press release reporting widespread community transmission throughout the District, and highlighted the importance of practicing COVID-19 risk reduction strategies, which include practicing self-distancing (maintaining at least 6 feet between individuals) and wearing a face covering when in public settings where social distancing measures are difficult to maintain; and
- WHEREAS,** on July 6, 2020, City Council accepted and extended the Mayor’s Amended Public Health Emergency Order 20-03 through Resolution 2020-12 to 11:59 p.m. of August 4, 2020; and
- WHEREAS,** on August 3, 2020, City Council continued the acceptance and extension of the Mayor’s Amended Public Health Emergency Order 20-03 through Resolution 2020-17 to 11:59 p.m. of October 6, 2020; and
- WHEREAS,** on September 21, 2020, City Council continued the acceptance and extension of the Mayor’s Amended Public Health Emergency Order 20-03 through Resolution 2020-22 to 11:59 p.m. of January 5, 2021; and
- WHEREAS,** on October 29, 2020, the Idaho North Central District Board of Health designated Latah and Nez Perce counties from a “minimal risk” category to a “moderate risk” category;
- WHEREAS,** as a result of the Council wishing to establish metrics to be utilized to evaluate the continuation, extension or termination of Amended Public Health Emergency Order 20-03, a special Council Meeting was held on November 9, 2020, where Council received input from medical experts and institutional partners and ultimately accepted a proposal that identified factors to be considered for the metrics; and
- WHEREAS,** on November 14, 2020, Governor Brad Little and Director Dave Jeppesen of the Idaho Department of Health and Welfare, issued an order of isolation by way of a modified Idaho Rebounds Stage 2, Stay Healthy Order; and
- WHEREAS,** as of December 2, 2020, The Idaho North Central District of Public Health reported a total of 5,679 confirmed and probable cases of COVID-19; and
- WHEREAS,** as of December 2, 2020, the Idaho North Central District of Public Health reported that Latah County has 1,745 confirmed and probable cases of COVID-19 and continues to designate Latah County in the “moderate risk” category; and
- WHEREAS,** as of December 2, 2020, coronavirus.idaho.gov reports a total of 104,734 confirmed and probable cases of COVID-19 for Idaho and 991 deaths; and
- WHEREAS,** as of December 2, 2020, the Washington State Department of Health has reported 2,383 cases of COVID-19 for Whitman County, 42 hospitalizations and 24 deaths; and
- WHEREAS,** as of December 2, the Washington State Department of Health has reported 17,460 cases of COVID-19 for Spokane County, 986 hospitalizations and 261 deaths; and
- WHEREAS,** as of December 2, 2020, the CDC reported a total of 13,626,022 total cases of COVID-19 with 269,763 total deaths for the United States; and
- WHEREAS,** the number of confirmed cases of COVID-19 continue to climb in our city and the surrounding communities; and
- WHEREAS,** the University of Idaho’s spring semester ends on May 14, 2021 and Moscow School District’s last day of school is June 9, 2021; and

WHEREAS, it is deemed necessary by the Council of the City of Moscow to extend such Amended Public Health Emergency Order No. 20-03 to provide for the ongoing threat to public life and property and the Council wishes to continue to be proactive and help reduce the spread of COVID-19 and to encourage our community members and community businesses to do their part to prevent and limit the spreading of COVID-19; and

WHEREAS, it is deemed necessary by the Council of the City of Moscow and the Mayor, to develop a metrics model that will provide data to assist the Council in determining the appropriate time to terminate the Amended Public Health Emergency Order 20-03;

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

- 1) The Amended Public Health Emergency Order 20-03, ordering every person in the City of Moscow to wear a face covering when in public when the 6-foot physical distancing cannot be maintained, with specific exceptions, and maintain 6-foot physical distancing from non-household members when in locations open to the public, whenever possible, within the City of Moscow, Latah County, Idaho, signed into effect on July 1, 2020, by Mayor Bill Lambert, attached as Exhibit A, shall be continued and remain in effect until 11:59 p.m. on June 9, 2021.
- 2) Furthermore, face covering is defined as any material that securely covers the nose and mouth, creating a barrier to help prevent respiratory droplets from traveling into the air. The face coverings may be made of a variety of materials, including but not limited to, cotton, silk, linen, flax, wool, ramie, denim, polyester, or a combination of materials or paper.
- 3) The following metrics model will be utilized by City Council in considering early termination of Amended Public Health Emergency Order 20-03, in the order presented:
 - a. Latah County will be in the “minimal risk” category for all three factors listed below for a period of three consecutive weeks according to the Regional Data Tool for Determining Health Alert Levels adopted by PH-INCD (PH-INCD assessment tool); those three factors are as follows:
 - i. Based on a 7-day moving average, new daily cases must be less than 1 case per 10,000 population (for Latah County that would be 4 or fewer new daily cases);
 - ii. Based on a 7-day moving average, the number of confirmed COVID-19 hospital admissions district-wide must be within the range of 0-5;
 - iii. Test results must be reported in 1-4 days.
 - b. Governor Brad Little’s determination that Idaho is in Stage 4 (the least restrictive stage) of the Idaho Rebounds Plan at the time the evaluation is made;
 - c. Recommendations of Public Health-Idaho North Central District;
 - d. Review of recommendations of the City’s institutional partners, including Latah County, Gritman Medical Center, the University of Idaho, and Moscow School District; and
 - e. COVID-19 conditions in Whitman County.

That this Resolution shall become effective as of the ____ day of December, 2020.

PASSED BY THE CITY COUNCIL AND APPROVED by the Mayor of the City of Moscow, Idaho, this ____ day of December, 2020.

Bill Lambert, Mayor

ATTEST:

Laurie M. Hopkins, City Clerk

Exhibit A

NO. 606727
AT THE REQUEST OF
CITY OF MOSCOW
DATE & HOUR 7.1.2020 2:45 PM
HENRIETTE N. WESTCOTT
LATAH COUNTY RECORDER
FEE \$ 0 BY: S. Chapman

THE CITY OF MOSCOW

AMENDED PUBLIC HEALTH EMERGENCY ORDER No. 20-03

FACE COVERINGS AND 6 FOOT SOCIAL/PHYSICAL DISTANCING

July 1, 2020

- WHEREAS,** the health and safety of all citizens of the city of Moscow is the greatest priority and is of the utmost importance of the Mayor and City Council; and
- WHEREAS,** the coronavirus (hereinafter, COVID-19), is a respiratory disease caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person, which can result in serious illness or death thereby threatening widespread and/or severe damage to life or property thereby creating an “emergency” as defined by Idaho Code § 46-1002; and
- WHEREAS,** the Centers for Disease Control and Prevention (hereinafter “CDC”) identifies the potential public health threat posed by COVID-19 both globally and in the United States as “high”, and has advised that person-to-person spread of COVID-19 will continue to occur globally, including within the United States; and
- WHEREAS,** on January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared the outbreak a “public health emergency of international concern”; and
- WHEREAS,** on January 31, 2020, Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States to aid the nation’s healthcare community in responding to COVID-19; and
- WHEREAS,** on March 11, 2020, The World Health Organization (WHO) made the assessment that COVID-19 can be characterized as a pandemic; and
- WHEREAS,** on March 13, 2020, the Idaho Governor Brad Little, pursuant to Idaho Code § 46-1008, declared a state of emergency due to COVID-19, which is still in effect; and
- WHEREAS,** on March 13, 2020, the President of the United States issued an emergency declaration for the country in response to the increasing number of COVID-19 cases within the U.S., which is still in effect; and
- WHEREAS,** on March 13, 2020, Moscow Mayor Bill Lambert issued a Local Emergency Proclamation, declaring a local disaster emergency due to the occurrence and imminent threat to public health and safety arising from the effects of the 2019 novel coronavirus (COVID-19), pursuant to Idaho Code § 46-1011 and other relevant sections of Idaho Code; and

AMENDED PUBLIC HEALTH EMERGENCY ORDER No. 20-03 - Page 1 of 7

- WHEREAS,** on March 16, 2020, the Moscow City Council adopted Resolution 2020-05, authorizing continuation of Mayor Lambert's Local Emergency Proclamation until May 5, 2020; and
- WHEREAS,** on March 20, 2020, the Council for the city of Moscow adopted an ordinance enacting a new Chapter 11 to Title 1 of the Moscow City Code, setting forth the authority, purpose, and intent of emergency powers to address the threat of COVID-19; and
- WHEREAS,** on March 20, 2020, Mayor Lambert issued the first Public Health Emergency Order No. 20-01, instituting regulations regarding mass gatherings, restaurants and bars to help prevent the spread of COVID-19; and
- WHEREAS,** on March 20, 2020, the City Council extended such Public Health Emergency Order No. 20-01 to May 5, 2020, to provide for the ongoing threat to public life and property; and
- WHEREAS,** on March 24, 2020, Moscow Mayor Bill Lambert proclaimed and declared Public Health Emergency Order No. 20-02 prohibiting gatherings in groups of more than ten (10) persons within a facility, which also applied to educational institutions, expressive and associative activities, including assembly, and church and religious organization activities; and
- WHEREAS,** on March 25, 2020, Governor Brad Little issued a proclamation declaring that there existed an extreme emergency within the State of Idaho and through a press conference declared he was issuing a statewide stay-home order; and
- WHEREAS,** on March 25, 2020, pursuant to Idaho Code § 56-1003(7), Idaho Department of Health and Welfare Director, Dave Jeppesen, issued an Order to Self-Isolate for all individuals living in Idaho, at the direction of Governor Brad Little, to fight the community spread of COVID-19 that had been confirmed in Idaho. The Order was effective until April 15, 2020, subject to be extended, rescinded, superseded, or amended. The isolation order was issued based on advice and direction of state, federal and local public health experts; and
- WHEREAS,** on March 26, 2020, it was deemed necessary by the City Council to extend such Public Health Emergency Order No. 20-02 to May 5, 2020, to provide for the ongoing threat to public life and property, and the Council wished to continue to be proactive and help reduce the spread of COVID-19 and to encourage our community members and community businesses to do their part to prevent and limit the spreading of COVID-19; and
- WHEREAS,** on April 15, 2020, Idaho Department of Health and Welfare Director, Dave Jeppesen, amended the Order to Self-Isolate issued on March 25, 2020, providing

AMENDED PUBLIC HEALTH EMERGENCY ORDER No. 20-03 - Page 2 of 7

additional guidance regarding travel into Idaho, regarding certain businesses, and extending the Self-Isolation Order until April 30, 2020; and

WHEREAS, on April 22, 2020, Governor Little issued a proclamation declaring an extreme emergency within the State of Idaho and declaring the state of emergency proclamation issued on March 13, 2020 and extended on March 25, 2020, continues to be in effect and is extended for a period of thirty (30) days unless terminated, modified or extended; and

WHEREAS, on April 30, 2020, Governor Little and Director Jeppesen of the Idaho Department of Health and Welfare, issued the "Stay Healthy Order" effective as of 12:00 a.m. May 1, 2020, implementing Stage 1 of the Governor's Idaho Rebound plan, and which can be found on the website: rebound.idaho.gov. Governor Little's plan is one of utilizing a four-staged approach to reopening Idaho and its economy, whereby specific criteria must be met before Idaho advances to the next stage of reopening. The Idaho Division of Public Health and the Governor's Coronavirus Working Group will review the criteria every two weeks to assess if criteria are met, or continue to be met, so Idaho can move to the next stage; and

WHEREAS, the Council and Mayor have supported the Governor's guidelines and plans for systematically assessing existing conditions and slowly lifting the current regulations in place through the Stay Healthy Order and the now Stay Healthy Guidelines, and to utilize the proposed staged approach for reopening Idaho; and

WHEREAS, the Council and Mayor permitted the Mayor's Proclamation of Local Disaster Emergency as modified by Resolution 2020-05, and the Public Health Emergency Orders 20-01 and 20-02 to terminate on May 1, 2020, to avoid any confusion in light of the Stay Health Order in effect for all of Idaho at that time; and

WHEREAS, on June 24, 2020, Washington Secretary of Health, John Wiesman, issued Order 20-03, an order for all of Washington state which requires all individuals to wear a face covering that covers their nose and mouth when in any indoor and outdoor public space when the 6-foot physical distancing is not possible, with limited exceptions; and

WHEREAS, on June 26, 2020, the District Board of Central District Health, State of Idaho, issued an emergency quarantine order pursuant to Idaho Code § 56-1003(7), IDAPA 16.02.10.065.09, Idaho Code § 39-415 and § 67-5247, for Ada County bars and nightclubs open to the public for on-site consumption of beverages, be placed under quarantine and must remain closed to on-site consumption; prohibits large venue gatherings; requires six foot physical distancing from non-household members, and makes any violation of said order a misdemeanor pursuant to Idaho Code § 56-1003(7)(c); and

AMENDED PUBLIC HEALTH EMERGENCY ORDER No. 20-03 - Page 3 of 7

- WHEREAS,** on June 29, 2020, Whitman County, which is located at the western Moscow City limits, reported it has 38 confirmed cases of COVID-19; and
- WHEREAS,** on June 29, 2020, Spokane County, which is located less than 79 miles from Moscow, reported it has 1,344 confirmed cases of COVID-19; and
- WHEREAS,** on June 30, 2020, the state of Idaho reported 6,117 confirmed and probable cases of COVID-19, 261 of which are located in Kootenai County and where Kootenai County has been identified as a “hotspot” by the Idaho Department of Health and Welfare, which is located less than 80 miles to the north of Moscow; and
- WHEREAS,** on June 30, 2020, Latah County has 16 confirmed cases and 5 probable cases of COVID-19; and
- WHEREAS,** on June 30, 2020, The Idaho North Central District, which includes Clearwater County, Idaho County, Latah County, Lewis County and Nez Perce County is reporting a total of 121 confirmed and probable cases of COVID-19; and
- WHEREAS,** the Department of Health and Human Services Centers for Disease Control (“CDC”) is reporting that as of June 30, 2020, the United States has 2,581,229 confirmed cases of COVID-19, and 126,739 total deaths; and
- WHEREAS,** Idaho is currently in Stage 4 of Governor Little’s Idaho Rebound Plan, which no longer has any mandatory requirements as the previous Stay Healthy Orders; and
- WHEREAS,** Governor Little has stated on numerous occasions due to Idaho’s diverse and expansive state, and that not all counties have confirmed cases of COVID-19, he is not mandating statewide face coverings or physical distancing for non-household members and is trusting and encouraging local officials to take any measures they deem necessary and appropriate to protect their community; and
- WHEREAS,** both the CDC, the federal government, and the Idaho Department of Health and Welfare and the Idaho North Central Health District have recommended practices to prevent the rapid spread of COVID-19, including maintaining six (6) feet of physical distancing from non-household members and the wearing of face coverings when in public settings and the six feet of physical distancing from others cannot reliably be maintained. The policies, along with other information, are available on the CDC’s official COVID-19 website. (<https://www.cdc.gov/coronavirus/2019-ncov/index.html>); and
- WHEREAS,** the spread of COVID-19 continues to threaten the life and health of the public and public health is imperiled by the person-to-person spread of COVID-19, and the reduction of opportunities for the person-to-person transmission of COVID-19 is necessary to combat the spread of the disease; and
- WHEREAS,** the City, as a municipal corporation of the State of Idaho, has the authority to exercise all powers and perform all functions of local self-government in city affairs

AMENDED PUBLIC HEALTH EMERGENCY ORDER No. 20-03 - Page 4 of 7

that are not in conflict with the general laws or the constitution of the state of Idaho (I.C. § 50-301); and

WHEREAS, the City is empowered to make all such ordinances, bylaws, rules, regulations and resolutions not inconsistent with the laws of the state of Idaho as may be expedient, in addition to the special powers in this act granted, to maintain the peace, good government and welfare of the corporation and its trade, commerce and industry (I.C. § 50-302); and

WHEREAS, under Moscow City Code section 2-1-7 and Idaho Code § 50-304, the City may pass all ordinances and make all regulations necessary to preserve the public health; prevent the introduction of contagious diseases into the city; make quarantine laws for that purpose and enforce the same within five (5) miles of the city; and

WHEREAS, under Idaho Code § 50-606, the Mayor shall have such jurisdiction as may be vested in him/her by ordinance over all places within five (5) miles of the corporate limits of the city, for the enforcement of any health or quarantine ordinance and regulation thereof, and shall have jurisdiction in all matters vested in him/her by ordinance, except taxation, within one (1) mile of the corporate limits of said city and over such properties as may be owned by the city without corporate limits; and

WHEREAS, the city of Moscow has had 3 restaurants voluntarily close for self-quarantine due to a staff member having tested positive for COVID-19 and/or having been exposed to someone who tested positive for COVID-19; and

WHEREAS, the risk of community spread throughout the city of Moscow is a continued threat, especially due to our unique location in Idaho and our close proximity to states and locations where there is a large number of confirmed COVID-19 cases and evidence of community spread; and

WHEREAS, the rapid spread of COVID-19 to date requires a more aggressive proactive response in order to protect the public and resources to address the supply issues we as a city, state and nation currently face.

NOW, THEREFORE, I, Bill Lambert, Mayor of the City of Moscow, Idaho, by virtue of the authority vested in me by Moscow City Code Title 1-11-05(B), and the common law authority to protect the public in the event of an emergency, in order to encourage and enforce Social/Physical Distancing of non-household members and reduce the potential for spread of the COVID-19 virus, hereby order as follows:

1. Every person in the city of Moscow must wear a face covering that covers their nose and mouth when in any indoor or outdoor public setting where the 6-foot physical distancing is not able to be maintained with non-household members, except as follows:
 - a. This Order does not apply to children under 5 years old, however, with the assistance and close supervision of an adult the City strongly recommends

AMENDED PUBLIC HEALTH EMERGENCY ORDER No. 20-03 - Page 5 of 7

- children wear face coverings when in public spaces where the 6-foot physical distancing cannot be maintained;
- b. This Order does not apply to persons with a medical condition, mental health condition, or disability that prevents wearing a face covering;
 - c. This Order does not apply to those who are incarcerated;
 - d. Individuals may remove their face covering when in a public setting under the following circumstances:
 - i. While at a restaurant, at an establishment or location that allows or offers food or beverage service, while they are eating or drinking, provided that they are able to maintain a distance of at least 6-feet from other guests or other non-household members;
 - ii. When any party to a communication is deaf or hard-of-hearing and not wearing a face covering is essential to communication;
 - iii. While obtaining a health or personal service that requires temporary removal of the face covering;
 - iv. When necessary to confirm a person's identity; and
 - v. When local, state or federal law prohibits wearing a face covering or requires the removal of a face covering.
2. Every person in the city of Moscow, when in places that are open to the public, shall maintain 6-foot physical distancing from a non-household member, whenever possible.
 3. Definitions.
 - a. "Household Members" are defined as people who reside in the same residence regardless of familial relation and people who enter a residence to provide a caretaking function.
 - b. "Public Setting" is defined as any place that is open to the public.
 4. If this Order and any action of any other agency or official are in conflict, the more protective and most restrictive requirement must be followed, unless prohibited by a state or federal statute or rule.
 5. **Exemptions.** Nothing in this order shall constrain the duties and powers of the City, the Mayor, or other governmental agencies.
 6. **Penalty.** In accordance with Moscow City Code Section 1-11-10, any person who knowingly violates the provisions of this order may be charged with a misdemeanor. The maximum penalties for this offense are up to 6 months in the county jail and a \$1,000 fine.

This Emergency Order shall take effect at 12:00 a.m. on July 2, 2020, and shall remain in full force and effect for seven (7) days, subject to be extended by City Council through Resolution unless it is terminated or modified at an earlier date.

606727

IN WITNESS WHEREOF, I have hereunto set my hand on this 1ST day of July, 2020.



Bill Lambert

Bill Lambert, Mayor



Laurie M. Hopkins
Laurie M. Hopkins, City Clerk

AMENDED PUBLIC HEALTH EMERGENCY ORDER No. 20-03 - Page 7 of 7

Mayor Bill Lambert
Moscow City Council
206 E Third St.
Moscow, ID 83843

November 9, 2020

Dear Mayor Lambert and Members of the Moscow City Council:

I am writing this letter as the Chief Medical Officer for Gritman Medical Center on behalf of the hospital's leadership team. We strongly support the continuation of the city's emergency pandemic response measures including enforcement of the mask mandate. These measures should be continued indefinitely until such time that our local and state public health officials, in close coordination with local health care leaders, have determined these measures as no longer necessary to protect public health.

As a community of health professionals, we always look to the best-available science from our professional associations—such as the American Medical Association—and the most reputable, peer-reviewed sources—such as the New England Journal of Medicine—to guide our decisions. Trusted sources such as these have consistently agreed on the effectiveness of face masks, among other measures, in slowing the transmission of the disease.

In fact, there is universal consensus among all major medical associations on the effectiveness of—and the urgent continued need for—these simple but effective measures:

- Wearing cloth face coverings in public;
- Keeping at least 6 feet of social distance;
- Frequent washing and sanitizing of hands and shared surfaces;
- Limiting gatherings with individuals from outside your immediate household when appropriate safety precautions cannot be maintained;
- Self-isolating and contacting a doctor's office if you become ill;
- Getting a COVID-19 test if ordered by a physician; and
- Assisting public health authorities with contact tracing if you receive a positive COVID-19 test result.

These simple and low-cost measures are absolutely proven to slow and prevent the spread of the disease. This is critically important now that we have entered the cold and flu season of colder weather which naturally brings people together indoors, increasing the rate of

Moscow Emergency Physicians, PLLC

700 S. Main Street
Moscow, ID 83843
(208) 882-4511

November 6, 2020

Dear Moscow City Council,

We are writing this letter to you as front line medical providers as well as deeply invested community members. As we enter the ninth month of the COVID-19 pandemic and the hospitalization rate on the Palouse continues to climb, we must not let down our guard. As a community, we have to remain diligent, listen to science, and continue to take the public health measures necessary to maintain our healthcare system.

We are seeing in our surrounding communities the effects of relaxed precautions, and we are seeing the effects of “pandemic fatigue” in our own community. Our ability to transfer non-COVID patients for specialized treatment (heart attacks, stroke, trauma etc.) is dwindling, and at times impossible. As COVID-19 cases rise in our town, Gritman and EMS staff are put at higher risk and actually are becoming infected which not only threatens the health of them and their families, but prevents them from caring for patients, further straining our system.

There is consensus among the international medical community that social distancing and universal masking is the easiest, cheapest, and most effective way of preventing the spread of COVID-19. The lag in our number of cases in Moscow is a direct result of Moscow’s protocols that were implemented

early and aggressively. There is a growing body of research both at the local and state levels across the United States to show a significant reduction (sometimes as high as 75%) in COVID-19 cases after mask mandates and social gathering restrictions were implemented. Moscow, in many ways, was ahead of these other communities and we are in a much better position now because of it.

We urge the Moscow City Council to listen to science and maintain the mask ordinance for as long as it takes to maintain the operability, safety, and health of our community. At this time we cannot let personal beliefs or agenda shape public policy. The stakes are too high.

Sincerely,

Moscow Emergency Physicians, PLLC



**Latah County
BOARD OF COUNTY COMMISSIONERS**

P.O. Box 8068 ♦ 522 South Adams ♦ Moscow, Idaho 83843
(208) 883-7208 ♦ fax (208) 883-2280 ♦ e-mail bocc@latah.id.us
Thomas C. Lamar ♦ David McGraw ♦ Kathie LaFortune

September 21, 2020

Mayor Lambert and Moscow City Council

Sent via email to: blambert@ci.moscow.id.us & council@ci.moscow.id.us

Dear Mayor Lambert and Esteemed Members of Council:

The Latah County Board of County Commissioners would like to express our support of extending the face covering and social distancing ordinance through at least the remainder of this calendar year to safely get through this upcoming election and its aftermath. With the university back in session, public schools meeting in person, and the change in the weather forcing people indoors, doing all we can to limit the spread of COVID-19 is one of our highest priorities. On this day that we reach 200,000 deaths from COVID-19 nationally, we can point to local swift action for slowing the spread in our county, and likely saving lives. Latah was among the first 200 counties in the United States to declare a state of emergency, and our local intergovernmental cooperation based on that declaration has provided enviable results to date.

We would also like to request the City of Moscow's consideration in changing the penalty from a misdemeanor to an infraction. As you may know, misdemeanors carry additional costs in the form of jury trials and public defenders, both of which are funded by Latah County. By contrast, infractions only require a court trial and do not involve appointing public defenders.

Given the restrictions imposed by the Idaho Supreme Court, jury trials have become significantly complicated. In fact, we have an upcoming misdemeanor jury trial that will require all three of our courtrooms in order to meet social distancing requirements. This essentially shuts down any other court proceedings for the duration of the trial.

In light of this, we would ask that when you extend the mask and social distancing requirements, you amend the penalty to an infraction instead of a misdemeanor. If misdemeanor options are important, we suggest that the penalty be enhanceable from infractions to misdemeanors for subsequent violations.

While a mild inconvenience, face coverings and social distancing have allowed businesses to remain open and our university and schools to function in person. Thank you for ongoing cooperation and leadership that is assisting our county to maintain safe access to commerce and education during this pandemic.

Sincerely,

Handwritten signature of Thomas C. Lamar.
Thomas C. Lamar
Chair

Handwritten signature of David McGraw.
David McGraw
Commissioner

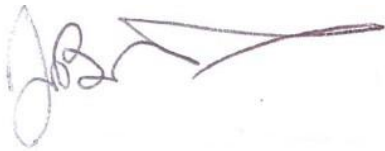
Handwritten signature of Kathie LaFortune.
Kathie LaFortune
Commissioner

transmission. These measures protect the vulnerable and help to keep our society as open as possible.

Unfortunately, there is a large amount of disinformation and harmful politicization circulating regarding the pandemic. We strongly encourage the public to look to the best-available science and to trust information from the most reputable sources such as their local hospital, medical community and public health officials. Visit gritman.org/coronavirus for more information.

Gritman Medical Center strongly supports the continuation of the pandemic emergency measures as put in place by the City of Moscow. Our community is safer for having taken these actions.

Respectfully,

A handwritten signature in purple ink, appearing to be 'JB' followed by a stylized, elongated flourish.

Dr. John Brown
Chief Medical Officer



As hospital leadership at Gritman Medical Center, we strongly support the City of Moscow's public health emergency order implemented to help protect the public, including vulnerable populations, preserve capacity in the health care system, and keep our hospital, business, schools and other organizations as open and safe as possible.

As medical leaders in our region, we use the best available science to help guide our decisions and protocols in our hospital and clinics and these actions are in alignment with state, national and global epidemiologists and public health experts.

Specifically, we strongly support the evidence-based science behind:

- Wearing cloth face coverings;
- Regular and frequent hand washing and sanitizing;
- Keeping social distance of at least 6 feet from others when masking is not possible;
- Limiting the size of gatherings with persons who are not from your immediate household or family;
- Avoiding indoor gatherings when appropriate safety precautions cannot be maintained;
- Self-isolating when ill and contacting a provider by phone for assessment and further instructions;
- Getting tested for COVID-19 if recommended by a provider; and
- Following all public health instructions on contact tracing and quarantine if positive for COVID-19.

These simple measures and acts of kindness have been proven to be effective at:

- Slowing the transmission of the disease;
- Protecting vulnerable populations;
- Keeping business, schools and other organizations open with less disruption;
- Protecting the health and safety of hospital, clinics, health care workers and patients; and
- Preserving the capacity in our health care system to provide care for those in need—including regular health concerns not related to COVID-19 such as heart attacks, strokes, births, elective surgeries and emergency trauma.

As a community of health professionals, we believe we are stronger when we work and act together for the greater good of all in our community. Please continue to implement policies that are in alignment with these goals.

Sincerely,

Kara Besst,
President and CEO
Gritman Medical Center

Dr. John Brown,
Chief Medical Officer
Gritman Medical Center



Moscow School District #281

650 N. Cleveland St. Moscow, ID 83843 (208) 882-1120 fax (208) 883-4440 www.msd281.org

Dr. Gregory J. Bailey, Superintendent

Carrie Brooks, Curriculum Director
Jennifer Johnson, Business Manager

Charlie Gerke, Operations Director
Shannon Richards, Special Services Director

September 18, 2020

To Mayor Bill Lambert and the Moscow City Council Members,

I am writing to express Moscow School District 281's support for The City of Moscow's extension of the Public Health Emergency Order requiring social distancing and masks in cases where social distancing cannot be maintained. The evidence is overwhelming of how social distancing and wearing masks are the strongest deterrents in spreading the COVID-19 virus.

Moscow School District #281 will be continuing their requirement for all students, staff members, and guests who enter any Moscow School District facilities, or are attending a Moscow School District event to follow the same guidelines regarding social distancing and masks. Your decision to extend the Public Health Emergency Order within the city of Moscow will help support our requirement.

Our District sees tremendous value in these requirements and believe this will be a major factor in getting all our students fully back in our schools. We strongly support a decision by the Moscow City Council to move forward with an extension of the Public Health Emergency Order requiring social distancing and masks in cases where social distancing cannot be maintained. Together we can keep Moscow healthy and thriving.

Sincerely,

Gregory J. Bailey, PhD
Superintendent

Administration

650 N. Cleveland
Moscow, ID 83843
208.882.1120
FAX: 208.883.4440

**Moscow
High School**

402 E. Fifth Street
Moscow, ID 83843
208.882.2591
FAX: 208.892.1136

**Moscow
Middle School**

1410 East D Street
Moscow, ID 83843
208.882.3577
FAX: 208.892.1182

**Lena
Whitmore
Elementary**

110 S. Blaine
Moscow, ID 83843
208.882.2621
FAX: 208.892.1202

**A.B. McDonald
Elementary**

2323 East D Street
Moscow, ID 83843
208.882.0228
FAX: 208.892.1216

**J. Russell
Elementary**

119 N. Adams
Moscow, ID 83843
208.882.2715
FAX: 208.892.1241

**West Park
Elementary**

510 Home Street
Moscow, ID 83843
208.882.2714
FAX: 208.892.1259

**Paradise
Creek
Regional
High School**

1314 S. Main
Moscow, ID 83843
208.882.3687
FAX: 208.882.6815

**Support
Services
Facility**

FAX: 208.892.1265
Location:
2245 White Avenue

Facilities

208.892.1129

Food Service

208.892.1123

Transportation

208.882.3933



Public Health

Idaho North Central District

**Nez Perce County**

215 10th Street
Lewiston, ID 83501
(208) 799-3100
Fax (208) 799-0349

Latah County

333 E Palouse River Drive
Moscow, ID 83843
(208) 882-7506
Fax (208) 882-3494

Clearwater County

105 115th Street
Orfino, ID 83544
(208) 476-7850
Fax (208) 476-7494

Idaho County

903 West Main
Grangeville, ID 83530
(208) 963-2842
Fax (208) 963-2845

Lewis County

132 N Hill Street
P O Box 277
Kamiah, ID 83536
(208) 935-2124
Fax (208) 935-0223

September 17, 2020

Mayor Bill Lambert
206 E. Third Street
Moscow, ID 83843

Re: Extending the Public Health Emergency Order

Dear Mayor Lambert and Council Members,

Thank you for your ongoing support and leadership in protecting the health of the citizens of Moscow. With the deadline for termination of your Public Health Emergency Order approaching, I would like to encourage you to extend your order through the end of this calendar year.

With the ongoing COVID-19 research there is now convincing evidence that wearing masks reduces the transmission of COVID-19 for healthcare workers and the public, and that cloth masks can stop the dispersal of droplets carrying the virus. We also know that masking is most effective when combined with physical distancing, frequent handwashing, rapid testing and contact tracing.

The science tells us that this virus will be with us at least through the winter months, and without a vaccine, masks and physical distancing remain our most successful mitigation strategies in preventing the spread of this virus.

Thank you again for your ongoing leadership and for considering an extension to your Public Health Emergency Order.

Sincerely,

Carol M Moehrle
District Director

September 21, 2020



OFFICE OF THE PRESIDENT
875 Perimeter Drive MS 3151
Moscow ID 83844-3151
208-885-6365

Moscow City Council
City of Moscow
206 E. Third St.
Moscow, ID 83843

Dear Mayor Lambert and members of the Moscow City Council,

The University of Idaho is in strong support of extending the city of Moscow's face covering ordinance.

Latah County's COVID-19 infection rate has remained relatively low compared to nearby communities thanks to preventative measures like the city's mask resolution. Combined with actions at the University of Idaho, including ongoing testing of the Moscow campus community, frequent cleaning of high-traffic areas, thermal scanners, limited room capacity and social distancing, the face covering policy will ensure we keep the virus in check to the extent possible.

Extending the city of Moscow's ordinance to Dec. 31 would also be in line with decisions at the University of Idaho and other regional employers such as the Moscow School District and Gritman Medical Center. The university requires face coverings on campus and will continue to do so until the threat of COVID-19 subsides.

Moscow is consistently recognized as one of the best college towns in America because of the welcoming and energetic feeling the city and its residents provide. We collaborate on events, policies and services wherever we can. We're in this together.

As a community partner, the University of Idaho stands ready to support an extension of the city's face covering resolution for the remainder of 2020. Please let us know what the university can do to support this measure.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Scott Green', written over a horizontal line.

C. Scott Green
President

CITY COUNCIL STAFF REPORT

DATE: Monday, December 7, 2020



RESPONSIBLE STAFF

Gary Riedner, City Supervisor

REVIEWED BY

Public Works / Finance Committee

ADDITIONAL PRESENTER(S)

OTHER RESOURCES

AGENDA ITEM TITLE

University of Idaho Emergency Services Agreement Renewal (ACTION ITEM) – Gary J. Riedner

DESCRIPTION

The City of Moscow has been providing the University of Idaho emergency response services by contract since 1966. The current Master Agreement for Services was renewed in October 2017 for a term of three (3) years. Staff has been working with the University of Idaho to negotiate the renewal of the Agreement. Changes from the current Master Agreement include:

1. That the initial contract amount for FY2021 will be the same as the contract amount for FY2020 (\$1,460,775), with subsequent increases of 1% in FY2022; 2% in FY2023 and 3% in FY2024 and in subsequent fiscal years.
2. Five (5) year term and renewal.

The City Supervisor met with UI President Scott Green and Vice President for Finance and Administration Brian Foisy and discussed the UI's participation in the scheduled purchase of the ladder truck replacement in FY2025 and the UI is comfortable with the terms of the Agreement.

The University will be presenting the Master Agreement for Services to the State Board of Education/UI Board of Regents at its December Board meeting. This was reviewed by the Public Works/Finance Committee on November 23, 2020 and recommended for approval.

STAFF RECOMMENDATION

Approve the draft Master Services Agreement with the University of Idaho.

PROPOSED ACTIONS

PROPOSED ACTIONS: Approve the Master Services Agreement with the University of Idaho, or take such other action deemed appropriate.

FISCAL IMPACT

PERSONNEL IMPACT

ATTACHMENTS

1. MasterAgreementForServices;UIRegents(2020)_clean (003)

MASTER AGREEMENT FOR SERVICES

This Master Agreement for Services (“Master Agreement”) is made and entered into by and between the Regents of the University of Idaho, a public corporation and state educational institution, and body politic and corporate organized and existing under the Constitution and laws of the State of Idaho (“University”) and the City of Moscow, Idaho, a municipal corporation of the State of Idaho (“City”), collectively the Parties.

RECITALS

University desires to obtain the services described herein of City; and

City has expertise and experience in providing the services described herein for the benefit of the University.

TERMS

The Parties, in recognition of the good and valuable consideration as further described herein, agree as follows:

1.0 Scope of Services

1.1 City agrees to perform such services as are set forth in this Master Agreement with the standard of care and skill customarily provided in the performance of such services, and University agrees to pay City such amounts as are specified in this Master Agreement, all upon the following terms and conditions:

1.2 Police Services. City agrees to provide community policing and patrol, tactical team support, and special events support.

1.2.1 Community Policing and Patrol. City will provide seven (7) dedicated sworn police personnel to conduct community policing and patrol, of which three (3)* are exclusive assignments to the Campus Division of the Moscow Police Department (MPD), generally based on the schedule below:

Campus Commander*	Monday-Friday 7:30 a.m. to 4:30 p.m.
Campus Community Policing Officer 1*	Monday-Friday 8:00 a.m. to 4:00 p.m.
Campus Community Policing Officer 2*	Tuesday-Saturday 1:00 p.m. to 9:00 p.m.
Detective/Narcotics	Tuesday-Friday 7:00 a.m. to 5:00 p.m.
Patrol 1	Wednesday-Saturday 5:00 p.m. to 3:00 a.m.
Patrol 2	Saturday-Tuesday 5:00 p.m. to 3:00 a.m.
Patrol 3	Tuesday-Saturday 9:00 p.m. to 7:00 a.m.

All efforts will be made to maintain the above schedule; however, changes may be made to provide flexibility and to address particular needs of the Parties. Whenever reasonably possible, changes should be communicated as soon as known to the University's Executive Director of Safety and Security as identified in Section 11.0.

Community policing and patrol services shall include, but are not limited to the following:

- a) providing community outreach by the police staff to campus constituents including students, staff and faculty;
- b) weekly review and planning meetings with other security and University staff;
- c) dignitary safeguarding;
- d) establishing a presence in the MPD Campus Division University substation;
- e) operating the campus gun locker as per the procedures agreed upon by the Parties;
- f) regular patrols, which may include vehicle, bicycle, or foot patrols as determined by the Parties to be most effective, and which will focus on the campus environment;
- g) at least three [3] special emphasis patrols;
- h) additional records reporting time to assist the University with Clery Act reporting requirements;
- i) regular duty-related overtime; and
- j) enforcement of limited access streets, University-owned streets, and open to the public streets.

The community policing and patrol services described in this Section are in addition to general law enforcement activities of MPD, which often occur on University campus. MPD can and does utilize other personnel within MPD to enforce the laws necessary to meet the University's needs and to fulfill the requirements of this Master Agreement.

1.2.2 Tactical Team Support. City will maintain a tactical team that is appropriately trained in crisis and emergency response that is related to the needs of University. Crisis and emergency response planning will be coordinated between University and City.

1.2.3 Special Events Police Support. City will provide sworn police personnel to provide special events police support for the following events:

- a) Dignitary visits requiring more special events support than can be provided by the Campus Commander and the two (2) Community Policing Officers;
- b) All home football games up to fourteen (14) officers, including command;
- c) All away football games: City may authorize the Campus Commander or designee to travel as member of traveling unit, with University paying for travel-related expenses;
- d) All men's and women's home basketball games up to four (4) officers;
- e) Three (3) special emphasis patrols;
- f) Special bookstore detail;
- g) Jazz Festival;
- h) Borah Symposium;
- i) Bellwood Lectures;
- j) Spring and Winter Commencements held in Moscow;
- k) Board of Regents meetings when held in Moscow.

1.2.4 Campus Division Police Special Services. City will provide Moscow Police Department (MPD) services for the following:

- a) Resident Life Advisors' training on marijuana recognition;
- b) Fraternity, Sorority and resident life students training on alcohol abuse, sexual assault, bystander intervention, etc.;
- c) Fraternities and Sororities will be assigned a specific MPD representative to assist with issues during the academic year;
- d) MPD will attend meetings with Chapter Greek advisors to mediate problems;
- e) MPD will attend and will provide information to the Dean of Students office at conduct meetings;
- f) MPD will provide immediate notification to a designated University representative of major incidents that occur on campus or major incidents involving University students;
- g) MPD will provide security during employee terminations;
- h) MPD may provide unpaid internships for University students to provide opportunity for University students to learn about law

enforcement and for relationship building and community policing purposes;

- i) MPD will provide to the Clery Act Compliance Assistant for University, a weekly summary of incidents that occurred on campus property;
- j) MPD will provide and assist with Clery Act documentation;
- k) When it will not interfere with its law enforcement and criminal investigatory duties, or the prosecution of cases, MPD will assist with University Title IX investigations by providing the University with access to investigatory reports and audio/video recordings of interviews, allowing University staff to observe interviews conducted by MPD, and coordinating investigations with University investigators;
- l) MPD will provide police presence during University football tailgate functions;
- m) MPD will perform threat assessment on subjects attending the University as requested in accordance with law;
- n) MPD will participate in the planning process of high-profile events on campus;
- o) MPD will provide campus substation onsite staffing;
- p) MPD will provide information on off-campus criminal conduct involving University students for University disciplinary purposes;
- q) MPD will participate in the Campus Community Coalition;
- r) MPD will present information about law and regulations, two to three (2 to 3) times a semester to international students;
- s) MPD will participate in presentations sponsored by the counseling and testing center on alcohol and drug use including programs such as the 'house party' or similar programs;
- t) MPD will provide weekly Clery Act reports to the office of public safety and security; and
- u) MPD will meet with student leaders (ASUI) and discuss campus-related issues:
 - Amnesty policies
 - Drug use
 - Sexual assaults
 - Tailgating

- Concerts

1.2.5 Additional Special Events Police Support. Any additional special events police support required by the University and furnished by City is to be charged on an actual as-needed basis, at the per hour, per officer rate, per City Fee Resolution as set by City Council each year. Any such additional special events support must be agreed upon and approved by both the University and City in writing prior to any use.

1.3 Fire Response and Prevention Services. City will provide fire response services through the Moscow Volunteer Fire Department (MVFD) with personnel who are appropriately trained in fire response and appropriately equipped relative to the needs of University, as well as University community fire education and fire prevention services. The MVFD is comprised of full-time City employees, dedicated volunteers from throughout the community, and resident firefighters.

1.3.1 University Community Fire Prevention Education Services. City will provide University community fire prevention education services when requested with reasonable notice by University;

1.3.2 Inspection services to include assistance to the Idaho State Fire Marshal's office as requested or required, including plan review assistance;

1.3.3 Semi-Annual fire safety and compliance inspections for fraternities and sororities;

1.3.4 Maintain a student resident volunteer fire program, which includes providing training and lodging for such student residents while participating in the resident program, which supports career education of University students and results in reduced response times;

1.3.5 Facilitate Emergency Medical Services (EMS) to the University;

1.3.6 Coordinate with the University Executive Director of Public Safety and Security in the preparation and presentation of emergency response and disaster training for University personnel;

1.3.7 Special Events Fire Prevention Services. City will provide necessary equipment for special events fire prevention services. University to pay reasonable costs to City as agreed to between City and University for the requested services;

1.3.8 University agrees to participate in one half (1/2) the cost of a future City purchase of a Fire Department Ladder Truck Engine, which is scheduled to be purchased during the initial five (5) year term of this Master Agreement. The City will provide the University with twelve (12) months' notice prior to the purchase of the Ladder Truck Engine.

1.3.9 The City will provide immediate notification to a designated University representative of major fire response incidents that occur on campus or major incidents involving University students.

1.4 City shall be responsible for any additional functions as are necessary to provide the services set forth in Sections 1.2 and 1.3, including but not limited to emergency services dispatch.

1.4.1 City operates and/or contracts for an Active911 system which generates emergency services information from Whitcom Dispatch. City, pursuant to the Active911 Confidentiality Agreement between MPD and University for Clery Act purposes, allows University access to Active911 to allow notification to University's Executive Director of Safety and Security when it dispatches City personnel to the University campus, as long as it does not interrupt essential emergency communications.

1.4.2 Active911 allows access to University's Executive Director, Safety and Security, for any report of a crime of violence or a felony occurring within the City of Moscow as long as it does not interrupt essential emergency communications.

1.4.3 The notifications from dispatch described in Sections 1.4.1 and 1.4.2 shall be done through the use of Active911 or other similar response notification systems, which access by the University shall be approved and sponsored by City, but for which University shall pay any Active911 license fees.

1.5 City agrees to perform the services set forth in Sections 1.2 and 1.3, to the reasonable satisfaction of the University.

1.6 The University's liaison overseeing the services provided under this Master Agreement is Executive Director, Public Safety & Security or designee.

1.7 The Parties may from time-to-time extend the scope of services or omit services previously ordered, and the provisions of this Master Agreement shall apply to all such additions and omissions. All such additions and omissions must be in a writing executed by both Parties in order to be effective.

2.0 Fees and Expenses

2.1 University agrees to pay one million four hundred sixty thousand seven hundred seventy-five dollars (\$1,460,775) for all services set forth in Section 1.0, with the exception of services as requested by the University, pursuant to Sections 1.2.5 and 1.3.7.

2.2 The amount described in Section 2.1 shall automatically change on October 1, 2021, to include a one percent (1%) annual rate increase.

2.3 The amount described in Section 2.2 shall automatically change on October 1, 2022, to include a two percent (2%) annual rate increase.

2.4 The amount described in Section 2.3 shall automatically change on October 1, 2023, and on October 1 of each subsequent year, including renewals, if any, to include a three percent (3%) annual rate increase from the previous year.

2.5 City agrees that City is solely providing a service to University and no employment relationship is being created under this Master Agreement.

3.0 Term

This Master Agreement shall commence on October 1, 2020, and shall remain in force and effect for a five (5) year term that may, by agreement by the Parties, be extended for one (1) additional five (5) year term or until terminated pursuant to Section 9.0. At the end of the second five (5) year term, this Master Agreement will continue on a year-to-year basis or until terminated by either Party, pursuant to Section 9.0.

4.0 City's Capacity and Responsibilities.

4.1 It is expressly understood that City is an independent contractor and not the agent, partner, or employee of University. City and City's workers are not employees of University and are not entitled to tax withholding, Workers' Compensation, unemployment compensation, or any University employee benefits, statutory or otherwise.

4.2 City shall not have the authority to enter into any contract or agreement to bind University and shall not represent to anyone that City has such authority.

4.3 City represents and warrants to University that in performing the services called for hereunder, City will not be in breach of any agreement with a third party.

4.4 In the event that City subcontracts for the services to be provided herein, City shall remain liable for all obligations and commitments under this Master Agreement and shall ensure that any necessary obligations and commitments flow through to the subcontractor(s) of any tier.

5.0 Confidentiality of Information.

5.1 City and University agree to keep confidential and to not disclose to third parties any information provided by the other Party pursuant to or learned by the other Party during the course of this Master Agreement unless the Party has received the prior written consent of the other Party to make such disclosure. This obligation of confidentiality does not extend to any information that:

5.1.1 Was in the possession of Party at the time of disclosure by the other Party, directly or indirectly; or

5.1.2 Is or shall become, through no fault of either Party, available to the general public; or

5.1.3 Is independently developed and hereafter supplied to either Party by a third party without restriction or disclosure; or

5.1.4 Is required to be disclosed pursuant to the Idaho Public Records Law (Idaho Code §§ 74-101, et seq.) or a lawfully issued subpoena or court order.

5.2 This provision shall survive expiration and termination of this Master Agreement.

6.0 Invoices and Payment Schedule

For services provided under this Master Agreement, other than those under Section 1.2.5 and 1.3.7, City shall provide the University with a single invoice at the beginning of each annual billing period. Invoices shall reference the applicable services under this Master Agreement. University shall pay City with monthly installments pro-rated equally over the ensuing billing period. Such monthly installments shall be paid on the last day of each calendar month. The first payment for each billing period shall be due one (1) month after the invoice is due from City. By way of example, the invoice for the first billing period shall be due to University by October 1, 2020, and shall be paid by University in equal monthly installments by the last day of each calendar month beginning October 31, 2020 and ending September 30, 2021.

Invoices for any services provided under Section 1.2.5 and 1.3.7 must include a copy of the written authorization by University for such additional special events support. Additional services for additional fees outside the Scope of this Master Agreement, need to be in writing and signed by both Parties. These invoices shall be delivered to University no later than the fifteenth (15th) calendar day of the month immediately following the month in which the additional special events support was used. University shall pay the invoice amount within thirty (30) days of receipt of the invoice.

7.0 RESERVED

8.0 Family Education Rights and Privacy Act (FERPA)

When any MPD officer performs duties under this Master Agreement that University employees would otherwise perform, including, but not limited to, those functions in section 1.2.4, that MPD officer will be considered to be acting as a school official and may be provided personally identifiable information from a student's education record protected by FERPA. As to any FERPA-protected information that is shared pursuant to this Section 8.0, City agrees that it is (1) performing an institution service or function for which University would otherwise use employees; (2) under the direct control of University with respect to the use and maintenance of education records; and (3) subject to the requirements of 34 C.F.R. § 99.33(a) governing the use and re-disclosure of personally identifiable information from education records. City agrees that any information provided pursuant to this section may not be re-disclosed to any person without complying with 34 CFR §§ 99.31, 99.32 and 99.33, and that the information may not be used for any reason other than the reason for which it is provided. City agrees to either destroy the education records in a manner that completely protects the confidentiality of the student information, or return the information to University upon the termination of this Master Agreement. Any MPD officer not performing duties under this Master Agreement that would ordinarily be performed by a University employee, including, but not limited to, conducting criminal investigations, is not considered a school official and will not be entitled to obtain personally identifiable information

from a student's education records unless (1) the MPD officer has the written consent of the student; or (2) an exception from 34 CFR § 99.31 to the written consent requirement applies.

University will provide FERPA training to all MPD officers in order for MPD to comply with FERPA requirements.

9.0 Termination of Master Agreement. In the event of termination, each Party will account for the property in its possession belonging to the other Party, and will dispose of it in the manner the other Party directs.

9.1 Termination for Convenience. Either Party may terminate this Master Agreement after the initial five (5) year term or for any reason upon one (1) year's prior written notice after the initial five (5) year term.

In the event of termination for convenience, City shall be paid the pro-rata share of the payment amount in Section 2.1 for work performed up to the time of termination for convenience.

9.2 Termination for Cause.

Either Party may terminate this Master Agreement for cause, after providing the breaching Party with notice of breach and the opportunity to cure within three (3) weeks, which cure time may be longer if mutually agreed to by the Parties in writing.

Cause or breach in this Master Agreement means:

- a) Intentional disclosure of the other Party's confidential information contrary to Section 5 of this Master Agreement;
- b) Failure to perform the services described in this Master Agreement in the manner called for in this Master Agreement;
- c) Failure to comply with any provision of this Master Agreement.

In the event of termination for cause, City shall be paid the pro-rata share of the payment amount in Section 2 for services performed before notice of breach is given. For work performed after notice is given, City shall be paid a reasonable price for services that are performed in accordance with the manner of performance set forth in this Master Agreement.

10.0 Attorneys' Fees

In the event of any controversy, claim or action being filed or instituted between the Parties to this Master Agreement to enforce the terms and conditions of this Master Agreement or arising from the breach of any provision hereof, the prevailing Party will be entitled to receive from the other Party all costs, damages, and expenses, including reasonable attorneys' fees, incurred by the prevailing Party, whether or not such controversy or claim is litigated or prosecuted to judgment. The prevailing Party will be that Party who was awarded judgment as a result of trial or arbitration, or who receives a payment of money from the other Party in settlement of claims asserted by that Party.

11.0 Notice

Any notice under this Master Agreement shall be in writing and shall be delivered either (1) in-person; (2) by delivery service; (3) by certified mail with return receipt requested; or (4) by facsimile. All notices shall be addressed to the Parties at the following addresses or at such other addresses as the Parties may from time to time direct in writing:

University: University of Idaho
Contracts and Purchasing Services
875 Perimeter Drive MS 2006
Moscow, Idaho 83844-2006
Attn.: Director of Contracts and Purchasing Services
Phone: (208) 885-6116
Fax: (208) 885-6060

with Copy to: University of Idaho
Public Safety and Security
875 Perimeter Drive MS 2285
Moscow, Idaho 83844-2285
Attn: Executive Director, Public Safety & Security
Phone: (208) 885-7179
Fax: (208) 885-7001

City: City of Moscow
206 East Third Street
P O Box 9203
Moscow, Idaho 83843
Attn: City Supervisor
Phone: (208) 883-7006
Fax: (208) 883-7018

Any notice shall be deemed to have been given on the earlier of (1) actual delivery or refusal to accept delivery; (2) the date of mailing by certified mail; or (3) the day facsimile delivery is verified. Actual notice, however and from whomever received, shall always be effective at time of receipt.

12.0 Entire Agreement; Modification

This Master Agreement constitutes the entire understanding between the Parties with respect to the subject matter hereof and may not be amended except by an agreement signed by the City and an authorized representative of the University.

13.0 Severability

The terms of this Master Agreement are severable such that if any term or provision is declared by a court of competent jurisdiction to be illegal, void, or unenforceable, the remainder of the provisions shall continue to be valid and enforceable.

14.0 Governing Law; Forum

Any legal proceeding instituted between the Parties shall be in the courts of the County of Latah, State of Idaho, and each of the Parties agrees to submit to the jurisdiction of such courts. It is further agreed that this Master Agreement shall be governed by the laws of the State of Idaho as an agreement to be performed within the State of Idaho.

15.0 Paragraph Headings

The paragraph headings in this Master Agreement are inserted for convenience only and shall not be construed to limit or modify the scope of any provision of this Master Agreement except as expressly stated in such paragraph.

16.0 Non-Waiver

The delay or failure of either Party to exercise any of its rights under this Master Agreement for a breach thereof shall not be deemed to be a waiver of such rights, nor shall the same be deemed to be a waiver of any subsequent breach, either of the same provision or otherwise.

17.0 Assignment

City may not assign the rights or delegate the obligations under this Master Agreement without the University's prior written consent.

18.0 Accounting; Audit

For a period of three (3) years following completion of the services called for hereunder, the University or its authorized representatives shall be afforded access at reasonable times to City's accounting records relating to the services set forth herein in order to audit all charges for the services.

19.0 Nondiscrimination

City shall not discriminate against any employee or applicant for employment in the performance of this Master Agreement, with respect to tenure, terms, conditions or privileges of employment, or any matter directly or indirectly related to employment, because of race, color, national origin, religion, sex, sexual orientation and gender identity/expression, age, disability, or status as a Vietnam-era veteran. Breach of this covenant may be regarded as a material breach of this Master Agreement.

20.0 Compliance with Rules, Regulations, and Instructions.

The duties and responsibilities required under this Master Agreement shall be performed in accordance with all local, state and federal law. Failure to perform these obligations in conformity with controlling law may be construed as a material breach of this Master Agreement.

IN WITNESS WHEREOF, the authorized representatives of the Parties have executed this Master Agreement:

The Regents of the University of Idaho

City of Moscow

Name

Bill Lambert, Mayor

Title

ATTEST:

Laurie M. Hopkins, City Clerk

Date

Date