

Administrative Committee



Regular Meeting ~Agenda~

www.ci.moscow.id.us

Laurie M. Hopkins
City Clerk

208-883-7015

**Monday
April 12, 2021**

4:30 PM

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

The Moscow Mayor, City Council and Staff welcome you to today's meeting. Due to the rise in COVID-19 cases in the area, the meeting is open to the public, but is subject to social distancing protocols and masks will be required of attendees. If you do not have a mask, a disposable mask will be provided. The number of attendees at any one time is limited to no more than 14 due to social distancing requirements in Stage 3 of the Idaho Rebounds Plan and the City of Moscow Public Health Emergency Order. We appreciate and encourage public participation. 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 Council Committee meetings are televised, videotaped and/or recorded. Links to view the City Council meeting live can be found on the City website, YouTube, Facebook and Spectrum Cable 1301. Thank you for your interest in City government.

REGULAR AGENDA

1. Approval of Administrative Committee March 22, 2021 Minutes (ACTION ITEM) - Taylor Riedner

2. One World Café Request for Expanded Sidewalk Café Configuration (ACTION ITEM) – Gary J. Riedner / Laurie Hopkins

In 2007, the City Council formalized a process for the licensing of sidewalk cafes in the Central Business Zoning District. Minimum standards for all sidewalk cafes are included in the Moscow City Code, including the requirement of maintaining an unobstructed pedestrian access on the sidewalk of not less than four contiguous feet. The owners of One World Cafe, located at 6th and Main Streets, have been working with the University of Idaho, Art and Architecture Design/Build studio to create an updated outdoor dining space around the exterior of the building. Because the nature of the proposal is a more robust, yet still a non-permanent improvement, staff is bringing the proposal to City Council for approval. Tyler Palmer, Deputy City Supervisor of Public Works and Services and Steve Schulte Public Utility Manager- Streets/Stormwater have reviewed the drawings and met with the owners and architect on how this proposal can work within the guidelines of the code, as well as maintaining the safety of the public and ADA requirements. The packet includes drawings that meet the requirements of the City Code and the ability to remove all right-of-way encumbrances with reasonable ease and the prohibition on anchoring into the sidewalk.

PROPOSED ACTIONS: Recommend approval of the sidewalk cafe proposal, or provide staff further direction.

3. Lee Newbill Safety Fair Donation Request (ACTION ITEM) - Gary J. Riedner

The Lee Newbill Safety Fair was not held in 2020, due to the COVID-19 pandemic response. This year, the Safety Fair is proposed to be held in some form. Staff discussed several pandemic related issues that could impact a decision by the City to allow the event or allow City employees to participate in the event. Part of that discussion included the possibility that the City could participate in the purchase of bicycle helmets if the event was held. The bicycle helmet program,

whereby the Moscow Police Department gives away helmets to young riders, is the center piece of the Safety Fair. The Safety Fair Committee met to discuss several options and MPD Captain Roger Lanier presented the potential for both a revised Safety Fair format, and City participation in the purchase of bicycle helmets for the give away. The Safety Fair Committee decided it was too risky to plan for a full scale Safety Fair at this time, even if it was held later in the summer. The Committee also agreed that going two years in a row without distributing helmets to Moscow children doesn't serve the needs of kids in our community. After deliberations the Committee agreed that several smaller events will be held at the schools to address helmet giveaways. The Safe Routes to Schools program will use a format they have used successfully in the past, and will coordinate with Moscow School District to set up the events. MPD will participate as available with bike and patrol officers and various services clubs will also provide volunteers.

The Safe Routes to School program has \$1000 to contribute toward purchasing helmets and the Safety Fair committee will contribute \$2000. The Committee is requesting the City of Moscow to contribute an additional \$2000 toward the purchase of helmets. The Moscow Police Department will coordinate the purchase of the helmets as the MPD has an established relationship with the vendor. Since the goal has always been to provide helmets to kids before the summer riding season, the funds are requested as soon as possible so helmets can be ordered and distributed. It is anticipated that events will be held in late April and in May before school is out for summer break.

It is proposed that funding be provided from Legislative Non-Prioritized Projects (101-010-10-670-16).

PROPOSED ACTIONS: Recommend approval of \$2,000 from Legislative Non-Prioritized Projects (101-010-10-670-16) for purchase of bicycle helmets for the 2021 Lee Newbill Safety Fair, or provide staff further direction.

4. Stormwater User Fee Credits and Waivers Summary (ACTION ITEM) - Kyle Steele

The City Council established a Stormwater Utility with the adoption of Title 5, Chapter 19 earlier this year. The utility provides the City with the authorization to equitably allocate the operation, maintenance, improvement, and regulatory compliance expenses of the City's Stormwater Control System to users of the System in proportion to the level and type of services received from the System. It also allows the City to provide for the establishment of a system of stormwater user fees, and requires that the City provide a written system of user fee credits and exemptions to better individualize fees to reflect a customer's stormwater burdens and services. Staff is proposing a system of user fee credits and waivers for management practices and activities that reduce the costs to provide stormwater management related services, reduces a customer's burden on the City Stormwater Control System and therefore receives a lower level of City stormwater services.

PROPOSED ACTIONS: Recommend adoption of the stormwater user fee credits and waivers, or provide staff further direction.

5. Ordinance Amending Title 4, Chapter 6 of Moscow City Code Regarding Amendments to the Outdoor Lighting Code for Public Art (ACTION ITEM) - Mike Ray

With the installation of the recent Homecoming public art project at the north couplet, there has been some discussion among staff regarding the lighting of public art in the City. Currently the majority of lighting is required to be full cut-off with up-lighting only permitted in certain circumstances. The Arts Department requested that the Planning and Zoning Commission review the current lighting ordinance to see if there's a possibility of providing an exemption from the full cut-off requirement for freestanding public art. The Commission conducted a special meeting

on January 11, 2021 and reviewed different lighting options at the Helioterra public art installation. The Commission then directed Staff to prepare an ordinance amending the lighting code to allow up-lighting for public art. The Commission conducted a public hearing on the proposed ordinance on March 10, 2021 and recommended approval to City Council. The public hearing before the City Council has been scheduled for April 19, 2021.

PROPOSED ACTIONS: Recommend forwarding the proposed ordinance for public hearing at the Council's upcoming April 19, 2021 meeting; or provide staff further direction.

REPORTS

Staff Report (if needed)

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.

Administrative Committee



Regular Meeting ~Minutes~

Laurie M. Hopkins
City Clerk

www.ci.moscow.id.us

208.883.7015

Monday, March 22, 2021

4:00 PM

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

The meeting was called to order at 4:00 p.m.

PRESENT: Sandra Kelly, Brandy Sullivan, Gina Taruscio

OTHERS: Mayor Bill Lambert, Council Member Anne Zabala (Virtual), Council Member Art Bettge, Council Member Maureen Laflin

STAFF: Amanda Argona, Gary Riedner, Chief James Fry, Mia Bautista (Virtual), Tyler Palmer (Virtual), Bill Belknap (Virtual), Taylor Riedner (Virtual)

REGULAR AGENDA

1. Approval of March 8, 2021 Administrative Committee Minutes (ACTION ITEM) - Taylor Riedner

The minutes were approved as presented.

2. Community Events Applications & Permits Update (ACTION ITEM) - Amanda Argona

The Community Events Division is responsible for processing Community Event applications that take place in the public right-of-way (ROW). Such events include marches, demonstrations, block parties, fun runs, etc., and hosted by individuals, organizations, and other City departments and programs. On August 3, 2020, City Council suspended events in the City ROW due to COVID-19. The Community Events Division has begun to receive inquiries about hosting events, in addition to planning for the 2021 Moscow Farmers Market season. Per the State's guidelines, all events expecting more than 50 participants are required to develop a large-gathering plan and submit a required attestation to the Idaho North Central District Public Health office. In addition, last July, the City updated the current City of Moscow Community Event Application to include a specific Hold Harmless Agreement section as approved by the City's Legal Department to include language regarding State COVID-19 regulations. With these updates to State requirements and City process, City staff is looking for further guidance regarding the permitting of community events.

PROPOSED ACTIONS: Provide staff direction on the Community Events application process.

Argona introduced the item as written above. The Committee received the presentation and asked staff to develop additional information to be presented to Council. Committee also suggested to improve the notification process to alert the public of upcoming events as well as event application requirements.

3. 2021 Moscow Farmers Market Operations Proposal (ACTION ITEM) - Amanda Argona

The 2021 Moscow Farmers Market is scheduled to begin on Saturday, May 1. During the 2020 Market season, staff implemented a gradual re-opening of the Moscow Farmers Market, but also limited the types of amenities offered. These included the cancellation of the following programs: Market Entertainment, POP Club!, youth and performance (aka buskers) vendors, City Commission tabling, and more.

Due to the modifications made last year, which affected the atmosphere of the Market and the impact to Vendors and their sales, staff recommended and Council approved a reduction in Vendor fees.

For the 2021 Market season, staff is proposing the return of several amenities, including the

curbside, pick-up service of Motor-In Moscow Farmers Market. The potential return of a more lively Market atmosphere is beneficial to Vendors and their ability to make sales. Pending which amenities are approved to return, a temporary reduction in fees is recommended by staff. Specifically, if providing entertainment in a modified manner is deemed as not feasible, staff requests waiving registration fees for the 2021 season.

In preparation for the start of Market, staff has submitted an attestation to the Idaho North Central Public Health District which was approved on Friday, March 12, 2021 but has not submitted a Community Events application for review.

PROPOSED ACTIONS: Review and provide direction regarding operation plan for the 2021 Farmers Market Season; recommend approval of associated fee adjustment based on that direction; or provide staff further direction.

Argona introduced the item as written above. The continued suspension of performance vendors will help avoid crowd gathering. Should there be a return of entertainment to the Market, there would be no reduction in vendor fees. If entertainment does not return to the market, it is suggested to waive the vendor registration fees only. Some vendors have acknowledged this possibility and understand the situation. Paid time slot entertainment from 10:30 to 12:30 and canned music options were discussed as a possibility for the Market. Additional seating near the entertainment would not be available to reduce crowd gathering. The Committee and asked staff to develop additional information to be presented to Council.

ADJOURN

The meeting adjourned at 4:33 p.m.

COMMITTEE STAFF REPORT

DATE: Monday, April 12, 2021



RESPONSIBLE STAFF

Gary Riedner, City Supervisor

ADDITIONAL PRESENTER(S)

Laurie Hopkins, City Clerk, Tyler Palmer, Deputy Director - Operations

OTHER RESOURCES

AGENDA ITEM TITLE

One World Café Request for Expanded Sidewalk Café Configuration (ACTION ITEM) – Gary J. Riedner / Laurie Hopkins

DESCRIPTION

In 2007, the City Council formalized a process for the licensing of sidewalk cafes in the Central Business Zoning District. Minimum standards for all sidewalk cafes are included in the Moscow City Code, including the requirement of maintaining an unobstructed pedestrian access on the sidewalk of not less than four contiguous feet. The owners of One World Cafe, located at 6th and Main Streets, have been working with the University of Idaho, Art and Architecture Design/Build studio to create an updated outdoor dining space around the exterior of the building. Because the nature of the proposal is a more robust, yet still a non-permanent improvement, staff is bringing the proposal to City Council for approval. Tyler Palmer, Deputy City Supervisor of Public Works and Services and Steve Schulte Public Utility Manager-Streets/Stormwater have reviewed the drawings and met with the owners and architect on how this proposal can work within the guidelines of the code, as well as maintaining the safety of the public and ADA requirements. The packet includes drawings that meet the requirements of the City Code and the ability to remove all right-of-way encumbrances with reasonable ease and the prohibition on anchoring into the sidewalk.

STAFF RECOMMENDATION

Recommend approval, or provide staff further direction.

PROPOSED ACTIONS

PROPOSED ACTIONS: Recommend approval of the sidewalk cafe proposal, or provide staff further direction.

FISCAL IMPACT

PERSONNEL IMPACT

ATTACHMENTS

1. Chapter 12 - Sidewalk Cafe Regulations (PDF)
2. updated OWCPlanning_032221

Chapter 12

SIDEWALK CAFÉ REGULATIONS

- Sec. 12-1:** Definitions
- Sec. 12-2:** Permit Required
- Sec. 12-3:** Application for Sidewalk Café License
- Sec. 12-4:** Standards for Issuance of License
- Sec. 12-5:** Liability and Hold Harmless Agreement
- Sec. 12-6:** Conditions of License
- Sec. 12-7:** Denial, Revocation, or Suspension of License
- Sec. 12-8:** Appeals
- Sec. 12-9:** Penalties

Sec. 12-1. Definitions.

- A. *Full Service Restaurant.* An establishment maintained, advertised and held out to the public as primarily a food eating establishment, where individually priced meals are prepared and regularly served to the public primarily for on-premises consumption, or an establishment where not less than forty percent (40%) of its consumable purchases are derived from the sale of food and/or non-alcoholic beverages. The full service restaurant shall also have a dining room or rooms, kitchen, and cooking facilities for preparation of food (including stoves, ovens, and/or refrigeration equipment).
- B. *Licensed Area.* The area or location upon public property and/or public right-of-way and abutting an eating and/or drinking establishment within which a licensed Sidewalk Café may operate.
- B. *Sidewalk.* Sidewalk means that portion of a street between the curb or lateral lines of a roadway or other public right-of-way and the abutting property lines intended for use by pedestrians.
- C. *Sidewalk Café.* An eating and/or drinking establishment which serves food and/or beverages on public property or within a public right-of-way

as part of its business as an eating and/or drinking establishment, pursuant to City license.

(Ords. 2007-09, 08/20/2007; 2010-12, 06/07/2010)

Sec. 12-2. Permit Required.

It shall be unlawful for any person to operate a Sidewalk Café without a Sidewalk Café license as provided by this Chapter. A Sidewalk Café license shall not grant any person a property right or property interest in the Licensed Area, any public property, or right-of-way.

(Ord. 2007-09, 08/20/2007)

Sec. 12-3. Application for Sidewalk Café License.

- A. A person desiring to operate a Sidewalk Café shall make written application to the Clerk upon forms supplied by the City.
- B. A Sidewalk Café license shall be issued for one (1) year, commencing on the date of license issuance and ending at midnight on December 31st of the year of issuance.
- C. An annual fee to be paid upon issuance of a Sidewalk Café license shall be set from time to time by Resolution duly passed and adopted by the Council.

(Ord. 2007-09, 08/20/2007)

Sec. 12-4. Standards for Issuance of License.

The Clerk shall issue a permit upon a finding that:

- A. The proposed Sidewalk Café will not unreasonably interfere with pedestrian traffic and/or other uses of the Licensed Area and/or public rights-of-way.
- B. The proposed Sidewalk Café shall maintain an unobstructed pedestrian access on the sidewalk of not less than four contiguous feet (4').
- C. The applicant has met all other applicable provisions of this Code as well as the laws of the United States of America, the State of Idaho, and Latah County, Idaho, including, where applicable, licenses to serve alcohol.

- D. A risk assessment has been performed by the North Central District Health Department on the applicant's business and the applicant has a current State license authorizing the applicant to serve food and beverages, where such license is required.
- E. The licensee shall demonstrate that current, paid up, general liability insurance has been obtained for each Licensed Area in an amount not less than Five Hundred Thousand Dollars (\$500,000) combined single limits. Such general liability insurance policy shall be primary to any other insurance related to the operation of the Sidewalk Café and to that of any potential party subject to a claim related to these events. The City shall be named as an additional insured on any insurance policy of the licensee relating to the operation of the Sidewalk Café. All policies of insurance shall require ten (10) days notice to City by certified mail of any cancellation or change affecting any interest of coverage. A current certificate of insurance shall be kept on file with the Clerk at all times.
- F. A licensee who intends to serve alcoholic beverages or allow such to be consumed in the Sidewalk Café shall meet the following additional requirements:
 - 1. The licensee shall have a valid State, County, and City alcohol license for lawful service of beer and/or wine and/or liquor.
 - 2. Service and/or consumption of alcohol shall only occur in the Licensed Area.
 - 3. No taps, kegs, coolers, or other alcoholic beverage storage devices related to the Sidewalk Café are allowed to be stored in the public right-of-way; and
 - 4. The licensee shall amend its existing State, County, and City alcohol license information to include the Licensed Area.
 - 5. Delineation of the Licensed Area shall consist of a non-permanent

physical barrier such as a railing, potted plants, decorative chain, fence, rope or other physical barrier, as required and approved by the City.

6. The licensee shall demonstrate that the licensee has current, paid up, Liquor Liability Insurance for each Sidewalk Café in an amount not less than One Million Dollars (\$1,000,000) combined single limits. Such insurance shall be primary to any other insurance related to the alcohol service by the Sidewalk Café and to that of any potential party subject to a claim related to these events. City shall be named as an additional insured on any such insurance policy of the licensed vendor or for the events described herein. All policies of insurance shall require ten (10) days notice to City by certified mail of any cancellation or change affecting any interest of coverage. A current certificate of insurance shall be kept on file with the Clerk at all times.

(Ord. 2007-09, 08/20/2007; 2010-12, 06/07/2010)

Sec. 12-5. Liability and Hold Harmless Agreement.

Every licensee shall hold City, its agents, servants, employees, officers, and/or contractors harmless, and shall indemnify and defend any claim filed against City, its agents, servants, employees, officers and/or contractors for any activities associated with the Sidewalk Café, including the actions and/or inactions of every person, licensee, owner, director, employee, or agent.

(Ord. 2007-09, 08/20/2007)

Sec. 12-6. Conditions of License.

- A. A Sidewalk Café license shall not be issued in any zoning district other than the Central Business (CB) Zoning District.
- B. A Sidewalk Café license shall not be assigned to any other person or place.
- C. If liquor is served or allowed to be consumed in a Licensed Area, the

establishment shall be a “full service restaurant”, as that term is defined in this Chapter.

- D. The Sidewalk Café shall be specifically limited to the Licensed Area shown in the Sidewalk Café license and accompanying diagram and shall take up no more than fifty percent (50%) of the unobstructed portion of the abutting Sidewalk, except in accordance with specific regulations adopted by the Council by Resolution or as otherwise authorized or permitted by City.
- E. The proposed Sidewalk Café shall maintain an unobstructed pedestrian access on the sidewalk of not less than four contiguous feet (4’).
- F. The Sidewalk Café may operate only between the hours of 6:00 a.m. and midnight local time, and only during hours the abutting eating and/or drinking establishment is in operation.
- G. No Sidewalk Café located within Friendship Square shall operate during Farmer’s Market hours of operation.
- H. The Licensed Area, and all items placed within it, shall at all times be maintained in a clean and orderly condition.
- I. Only those items authorized by the Sidewalk Café license and shown on the diagram may be stored in the Licensed Area when the Sidewalk Café is not in operation.
- J. The Licensed Area shall be returned to the condition it was prior to the Sidewalk Café license agreement permitting operation of the Sidewalk Café.
- K. The Sidewalk Café shall conform to any additional requirement established from time to time by Resolution duly passed and adopted by the Council.
(Ord. 2007-09, 08/20/2007; 2010-12, 06/07/2010; 2014-15, 09/15/2014)

Sec. 12-7. Denial, Revocation or Suspension of License.

- A. In the event that a licensee or applicant has violated or cannot meet a condition of approval or a provision of this

Chapter, the Clerk may seek the denial, revocation, or suspension of the license.

- B. Prior to the denial, revocation, or suspension of a license as required herein, the Clerk shall provide written notice of such denial, revocation, or suspension to the licensee or applicant, as the case may be. Such written notice shall state the reason(s) for such denial, revocation, or suspension, and shall state that such licensee or applicant may request an appeal hearing as provided herein. Notice of denial, revocation, or suspension is effective on the date such notice is placed in a mailbox controlled by the United States Postal Service. Failure by the City to give notice as provided herein shall not establish a right to a license under this Chapter.

(Ord. 2007-09, 08/20/2007)

Sec. 12-8. Appeals.

- A. Any person aggrieved by the action of denial, suspension or revocation of the license by the Clerk shall have the right of appeal to the Council.
- B. Such appeal shall be taken by filing with the Clerk written notice thereof within ten (10) business days after the denial or the entry of the order of suspension or revocation. The notice of appeal shall specify an address at which the person appealing may be given notice of hearing on the appeal.
- C. At the appeal hearing before the Council, the applicant or person appealing shall be entitled to appear in person and offer evidence pertinent to the denial, suspension or revocation or may appear through legal counsel. The Clerk, Chief of Police, and/or legal counsel for the City shall likewise be entitled to appear at the hearing and offer evidence in support of the denial, order of suspension or revocation. Failure by applicant, person appealing, or their representative to appear before Council at the time scheduled to hear such an appeal shall result in the automatic denial of such appeal.

- D. The Council shall determine whether the denial, suspension or revocation shall be sustained and shall make a final reasoned statement in writing within fifteen (15) business days following the close of the hearing.

(Ord. 2007-09, 08/20/2007)

Sec. 12-9. Penalties.

Any person violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished pursuant to this Code and the Idaho Code.

(Ord. 2007-09, 08/20/2007)



STUDENTS	JOSHUA BIANCO BELANNA BLACKBURN GRAYSON BOLDT GEORGE BOWLER WEST CHALFANT BRENNIA CHURCH	MONICA HIGBEE RILEY LEIGHTON BENJAMIN MENDENHALL LUCIA OSBORNE KURTIS ZLYSTRA
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INSTRUCTOR | SCOTT LAWRENCE

TEACHING ASST	BRETT CARTER
	LARAE TOMERA

MONICA HIGBEE
RILEY LEIGHTON
BENJAMIN MENDENHALL
LUCIA OSBORNE
KURTIS ZLYSTRA

PROJECT DIRECTORY:

CLIENT

ONE WORLD CAFE
533 S Main Street
Moscow, Idaho 83843
208.883.3537

DESIGN AND CONSTRUCTION

IDAHO DESIGN BUILD STUDIO
ARCHITECTURE PROGRAM
UNIVERSITY OF IDAHO

875 Perimeter Drive
Moscow, ID 83844
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slawrence@uidaho.edu

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No.	Description	Date

ONE WORLD
SIDEWALK CAFE
533 S Main Street
Moscow, Idaho 83843

Planning Approval
03/09/21

Drawn by | JRB
checked by | SSL

Cover Sheet

G000

Scale



PROJECT DIRECTORY:

CLIENT

ONE WORLD CAFE
533 S Main Street
Moscow, Idaho 83843
208.883.3537

DESIGN AND CONSTRUCTION

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No.	Description	Date

ONE WORLD
SIDEWALK CAFE
533 S Main Street
Moscow, Idaho 83843

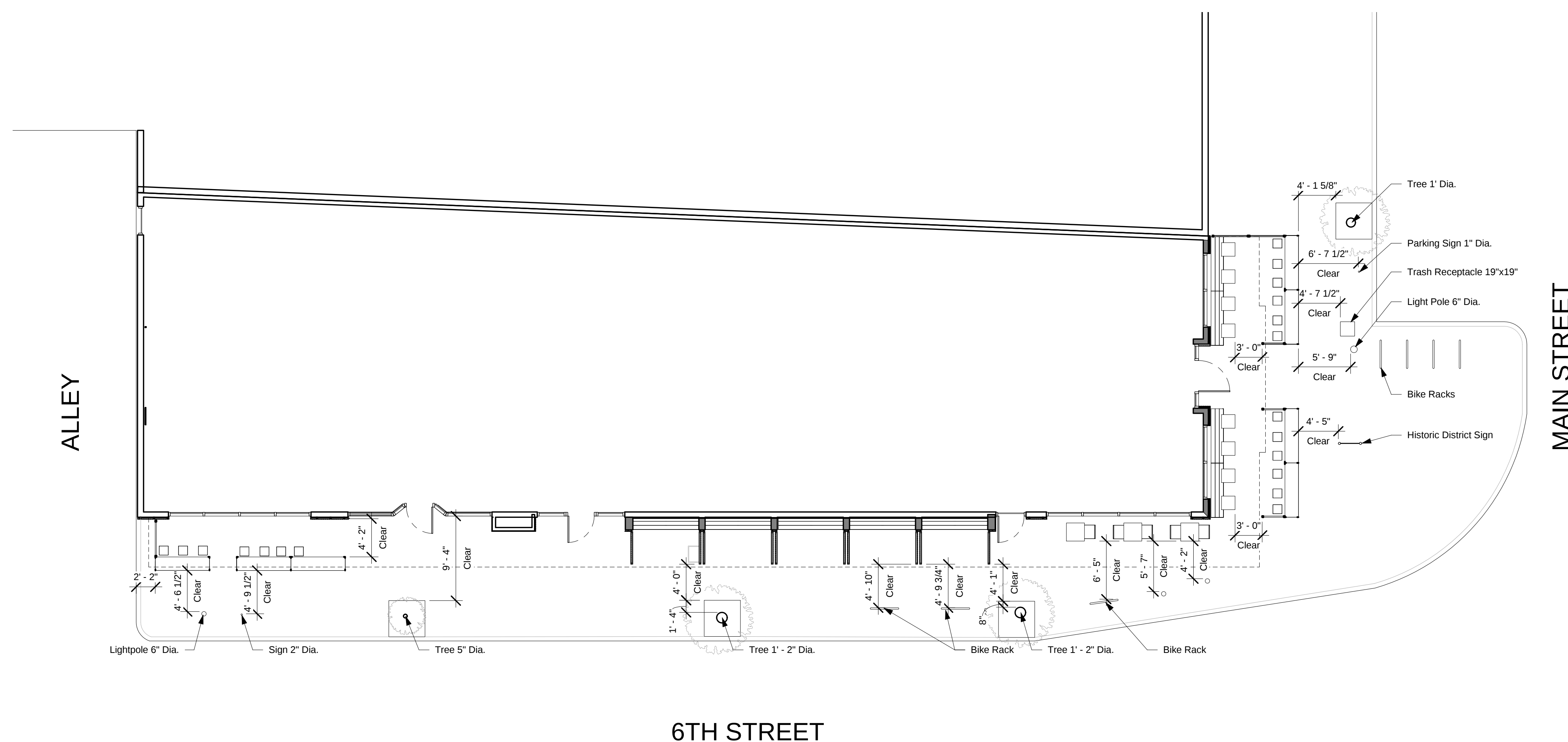
NOT FOR CONSTRUCTION

Planning Approval
03/09/21

Drawn by | RRL
Checked by | SSL

Site Plan A101

Scale	As indicated
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① Site Plan
1/8" = 1'-0"



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533 S Main Street
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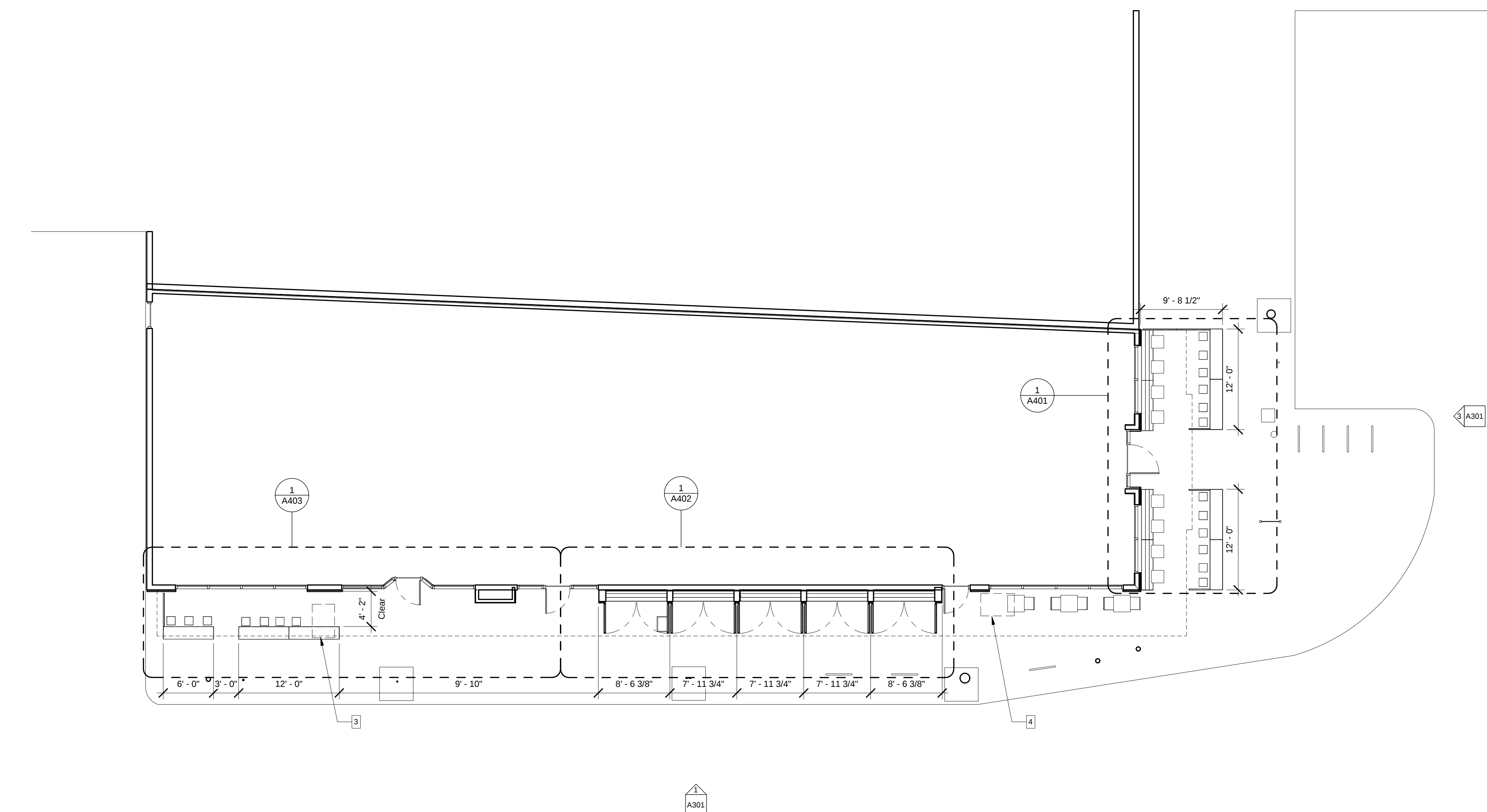
Level 1 Floor Plan

A102

Scale	As indicated
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NOTES

1. ALL SIDEWALKS CLEARANCES EXCEED REQD DIST OF 4' - 0"
2. ALL FURNITURE UNATTACHED
3. WHEELCHAIR ACCESSIBLE SEATING AT ADA (34" HEIGHT) BAR
4. WHEELCHAIR ACCESSIBLE SEATING AT REMOVABLE TABLE
5. ALL DIVIDERS/STG CABINETS REMOVABLE, RE 2/A601, 7/A601, 10/A601, 11/A601



① Level 1
1/8" = 1'-0"



CLIENT

Moscow Hotel Apartments
313 South Main Street
Moscow, Idaho 83843
info@themoscowhotel.com

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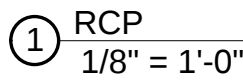
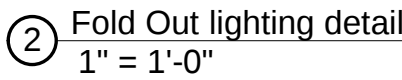
ONE WORLD
SIDEWALK CAFE
533 S Main Street
Moscow, Idaho 83843

Planning Approval
03/09/21

Drawn by | GBB
checked by | SSL

A103

Scale As indicated





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ONE WORLD CAFE
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DESIGN AND CONSTRUCTION

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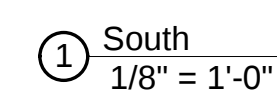
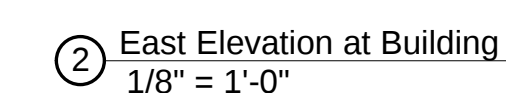
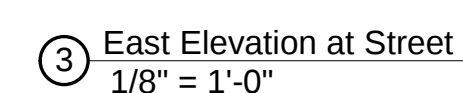
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03/09/21

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Elevations
A301

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No.	Description	Date

ONE WORLD
SIDEWALK CAFE
533 S Main Street
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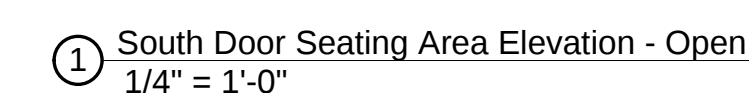
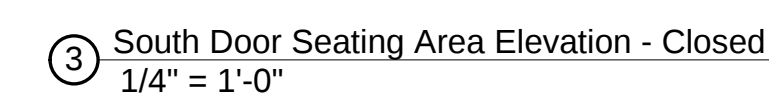
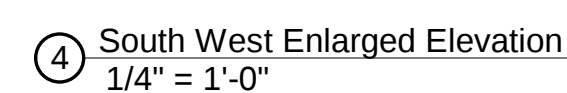
Planning Approval
03/09/21

Drawn by | BJB/WLC
Checked by | SSL

Enlarged Elevations

A302

Scale $1/4" = 1'-0"$





PROJECT DIRECTORY:

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533 S Main Street
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DESIGN AND CONSTRUCTION

IDAHO DESIGN BUILD STUDIO
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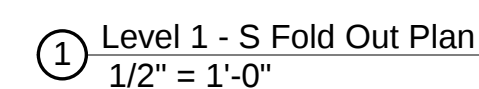
Planning Approval
03/09/21

Drawn by | WLC
Checked by | SSL

Enlarged Plans South

A402

Scale $1/2" = 1'-0"$





PROJECT DIRECTORY:

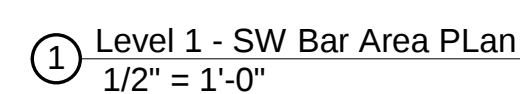
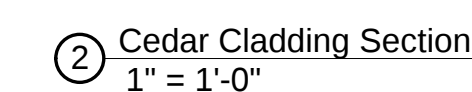
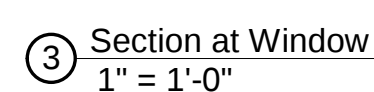
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03/09/21

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Enlarged Plans SW

A403

Scale	As indicated
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PROJECT DIRECTORY:

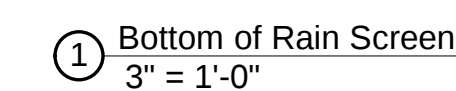
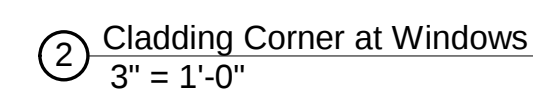
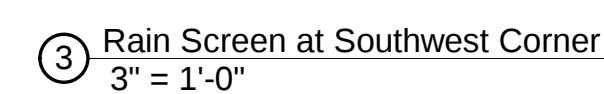
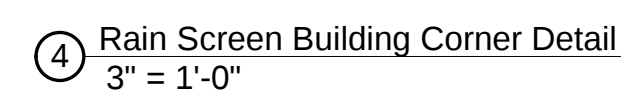
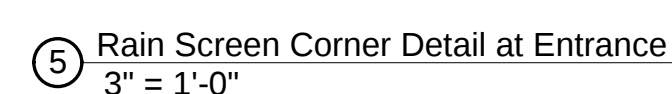
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03/09/21

Drawn by | LMO
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Wall Cladding Details

A501

Scale $3'' = 1'-0''$



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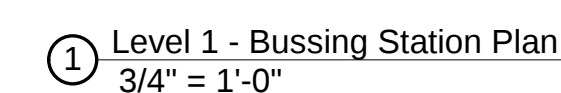
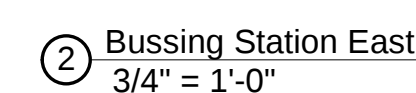
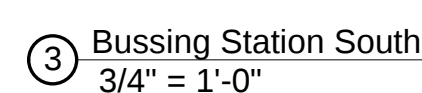
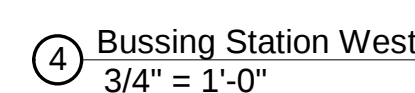
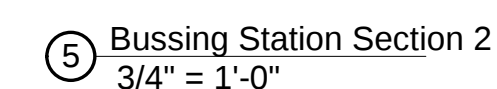
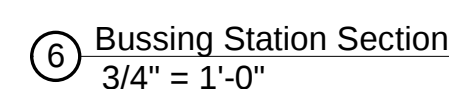
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03/09/21

Drawn by | BKM
Checked by | Checke

Bussing Station Details

A502

Scale	As indicated
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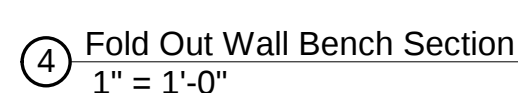
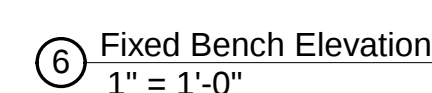
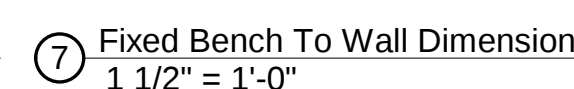
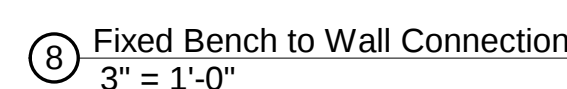
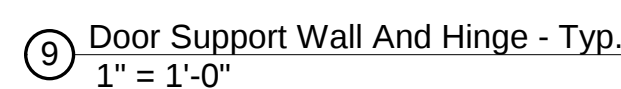
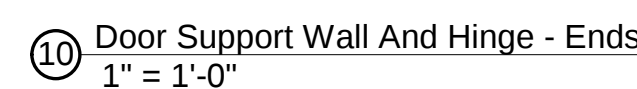
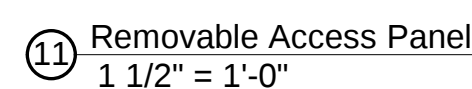
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Moscow, Idaho 83843

NOT FOR CONSTRUCTION

Planning Approval
03/09/21

Drawn by | JRB
Checked by | Checker

Fold Out Seating A601

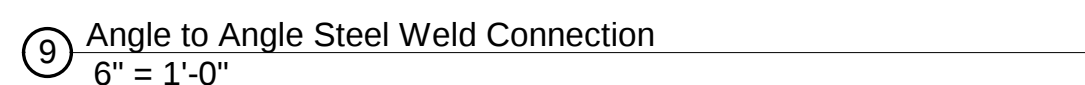
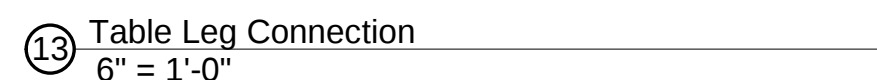
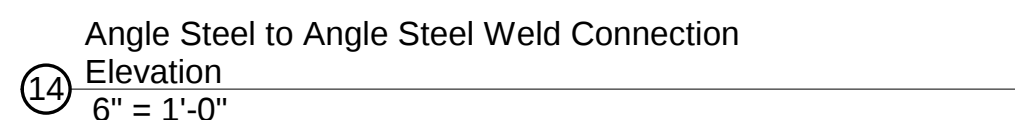
Scale	As indicated
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Checked by Checker

A602

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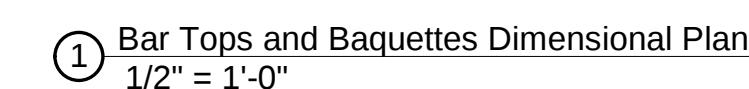
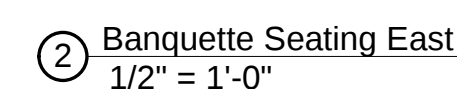
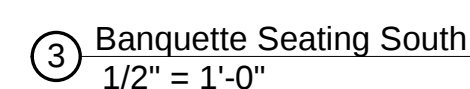
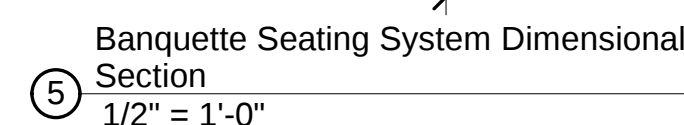
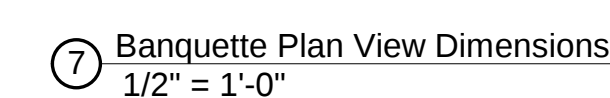
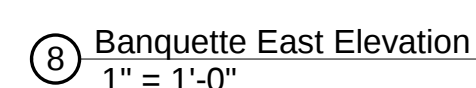
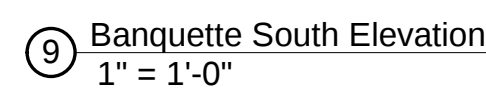
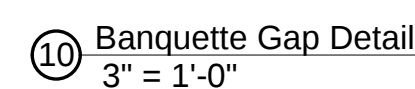
PROJECT DIRECTORY:

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533 S Main Street
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Planning Approval
03/09/21

Drawn by | WLC
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General Dimension
Plans East
A603

Scale	As indicated
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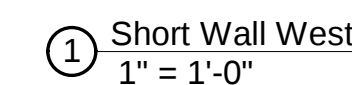
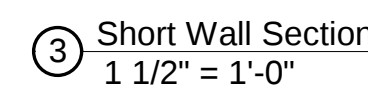
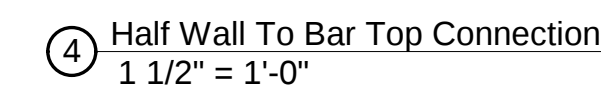
No.	Description	Date

533 S Main Street
Moscow, Idaho 83843

Planning Approval

A604

Scale	As indicated
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COMMITTEE STAFF REPORT

DATE: Monday, April 12, 2021



RESPONSIBLE STAFF

Gary Riedner, City Supervisor

ADDITIONAL PRESENTER(S)

Roger Lanier, James Fry

OTHER RESOURCES

AGENDA ITEM TITLE

Lee Newbill Safety Fair Donation Request (ACTION ITEM) - Gary J. Riedner

DESCRIPTION

The Lee Newbill Safety Fair was not held in 2020, due to the COVID-19 pandemic response. This year, the Safety Fair is proposed to be held in some form. Staff discussed several pandemic related issues that could impact a decision by the City to allow the event or allow City employees to participate in the event. Part of that discussion included the possibility that the City could participate in the purchase of bicycle helmets if the event was held. The bicycle helmet program, whereby the Moscow Police Department gives away helmets to young riders, is the center piece of the Safety Fair. The Safety Fair Committee met to discuss several options and MPD Captain Roger Lanier presented the potential for both a revised Safety Fair format, and City participation in the purchase of bicycle helmets for the give away. The Safety Fair Committee decided it was too risky to plan for a full scale Safety Fair at this time, even if it was held later in the summer. The Committee also agreed that going two years in a row without distributing helmets to Moscow children doesn't serve the needs of kids in our community. After deliberations the Committee agreed that several smaller events will be held at the schools to address helmet giveaways. The Safe Routes to Schools program will use a format they have used successfully in the past, and will coordinate with Moscow School District to set up the events. MPD will participate as available with bike and patrol officers and various services clubs will also provide volunteers.

The Safe Routes to School program has \$1000 to contribute toward purchasing helmets and the Safety Fair committee will contribute \$2000. The Committee is requesting the City of Moscow to contribute an additional \$2000 toward the purchase of helmets. The Moscow Police Department will coordinate the purchase of the helmets as the MPD has an established relationship with the vendor. Since the goal has always been to provide helmets to kids before the summer riding season, the funds are requested as soon as possible so helmets can be ordered and distributed. It is anticipated that events will be held in late April and in May before school is out for summer break.

It is proposed that funding be provided from Legislative Non-Prioritized Projects (101-010-10-670-16).

STAFF RECOMMENDATION

Recommend approval of \$2,000 from Legislative Non-Prioritized Projects (101-010-10-670-16) for purchase of bicycle helmets for the 2021 Lee Newbill Safety Fair.

PROPOSED ACTIONS

PROPOSED ACTIONS: Recommend approval of \$2,000 from Legislative Non-Prioritized Projects (101-010-10-670-16) for purchase of bicycle helmets for the 2021 Lee Newbill Safety Fair, or provide staff further direction.

FISCAL IMPACT

PERSONNEL IMPACT

ATTACHMENTS

None

COMMITTEE STAFF REPORT

DATE: Monday, April 12, 2021



RESPONSIBLE STAFF

Kyle Steele, Environmental Services Supervisor

ADDITIONAL PRESENTER(S)

OTHER RESOURCES

AGENDA ITEM TITLE

Stormwater User Fee Credits and Waivers Summary (ACTION ITEM) - Kyle Steele

DESCRIPTION

The City Council established a Stormwater Utility with the adoption of Title 5, Chapter 19 earlier this year. The utility provides the City with the authorization to equitably allocate the operation, maintenance, improvement, and regulatory compliance expenses of the City's Stormwater Control System to users of the System in proportion to the level and type of services received from the System. It also allows the City to provide for the establishment of a system of stormwater user fees, and requires that the City provide a written system of user fee credits and exemptions to better individualize fees to reflect a customer's stormwater burdens and services.

Staff is proposing a system of user fee credits and waivers for management practices and activities that reduce the costs to provide stormwater management related services, reduces a customer's burden on the City Stormwater Control System and therefore receives a lower level of City stormwater services.

STAFF RECOMMENDATION

Recommend adoption of the stormwater user fee credits and waivers.

PROPOSED ACTIONS

PROPOSED ACTIONS: Recommend adoption of the stormwater user fee credits and waivers, or provide staff further direction.

FISCAL IMPACT

PERSONNEL IMPACT

ATTACHMENTS

1. Summary of Moscow SW User Fee Credits_Draft 4.6.21

SUMMARY OF CITY OF MOSCOW STORMWATER USER FEE CREDITS (Credits are not Additive)

Type of Credit or Waiver	Reason	Amount	¹ Eligibility Criteria
Non-Use	Developed real property that naturally does not discharge to the City ² <i>Stormwater Control System</i> is assumed to receive no City stormwater services and is therefore not subject to stormwater user fees.	100% waiver applied to that portion of Impervious Service Area (ISA) that does not discharge off-site.	Commercial Residential and Non-Residential customers who submit site specific topographic and drainage information and a hydrologic analysis to the City that shows runoff will not leave the property, or portions thereof, for up to and including a 100-year, 24-hour storm event are eligible for a waiver for the applicable portion of the property. The hydrologic analysis shall be completed by a ³ <i>qualified professional</i> with information provided in a ⁴ City Non-Use Application . The conditions preventing off-site discharges must remain in place to remain eligible for the waiver. This credit is primarily for natural conditions. If constructed retention facilities are involved, then the On-Site Retention application process must be used.
Vacant Undeveloped Property	Undeveloped real property that contains no impervious groundcover and remains in a natural state is assumed to receive no City stormwater services beyond that used by such property under natural conditions and is therefore not subject to stormwater user fees.	100% waiver applied to entire property.	Properties that remain in an undeveloped state are eligible for a waiver. The conditions preventing off-site discharges beyond that expected for such property in a natural state must remain in place to remain eligible for the waiver. Property owners must notify the City if site condition changes occur that affect eligibility for the waiver, including land disturbing activities (clearing, grading, and/or excavation), and/or construction of impervious surfaces.
On-Site Gravel Areas	The City considers all compacted gravel areas (drives, storage areas, etc.) as impervious areas. However, on-site gravel that is not compacted (e.g., large storage areas with no vehicular traffic.) is considered less impervious. Customers in the City with uncompacted gravel areas reduce the amount of runoff leaving their property and their burden on the City ² <i>Stormwater Control System</i> and therefore receive a lower level of City stormwater services.	Up to 50% credit applied to qualifying graveled area. 100% waiver will be applied to qualifying gravel landscaped area.	Commercial Residential and Non-Residential customers who submit site specific information that demonstrates that on-site gravel is not compacted, not subjected to vehicular traffic, are eligible for up to a 50% credit for the applicable portion of the property upon inspection by the City. The conditions leading to a reduction in off-site discharges must remain in place to remain eligible for the credit. The customer must notify the City if site condition changes occur that affect credit eligibility or amount, including an increase/decrease in qualifying graveled areas, change to compacted use, exposure to vehicular traffic, etc.
K-12 Educational Activities	Elementary, middle, and high schools that provide educational activities centered on watershed pollution and protection increase awareness about	20% credit applied to ISA.	While an approved curriculum is available, schools may develop their own curriculum for review and approval by the City's Environmental Services Department.

	surface and groundwater resources, the effects of urbanization on these resources, and encourage students to be lifelong stewards of our area's precious natural resources. Collectively, these efforts help offset the City's cost of providing similar targeted education and outreach to this sector of the general public.		Participation in the program, and eligibility for the credit, is subject to the following conditions: • The school is an accredited K-12 educational institution on property that discharges stormwater to the City's ²<i>Stormwater Control System</i> and is subject to stormwater user fees; • The education outreach is designed to reach every student in the school at least once during their time at that school location; • The educational activities consist of a minimum of one approved lesson of instructional content specific to stormwater education; • The institution provides documentation of curriculum taught and verification of the number of students that received instruction on an annual basis. The school must notify the City if changes in the conditions of participation occur that affect credit eligibility.
Direct Discharger	Customers in the City that discharge directly to natural intermittent or perennial waterways that don't enter a City storm pipe or ditch receive fewer stormwater services than those who's runoff flows through City pipelines and ditches that then discharge to waterways.	20% credit applied to that portion of ISA that direct discharges.	Commercial Residential and Non-Residential customers who submit site specific topographic and drainage information that shows that runoff from the property or a portion thereof discharges directly to Paradise Creek, South Fork Palouse River, or other streams or ponds designated by the City, are eligible for the credit. Information shall be provided in a ⁴ City Direct Discharger Application . The customer must notify the City if site drainage changes occur that affect credit eligibility or amount.
On-Site Retention/Treatment Equivalent	A customer who retains and infiltrates or otherwise prevents a significant amount of runoff from leaving their property, or implements treatment requirements which attain an equal or greater level of water quality benefits as onsite retention of stormwater discharges, reduces their burden on the City ² <i>Stormwater Control System</i> and therefore receives a lower level of City stormwater services.	For portion of ISA draining to the following retention system: 100% waiver for 100-year, 24-hour storm. 50% credit for 50-year, 24-hour storm. 30% for 25-year, 24-hour storm. 25% for 10-year, 24-hour.	Commercial Residential and Non-Residential customers who submit site specific topographic and drainage information, a hydrologic analysis, an engineered design, an O&M Plan, as-built information showing the retention system was properly constructed, and, when applicable, Underground Injection Control compliance documentation, shall be eligible for the credit upon inspection and approval of the facility by the City. All work must be permitted by the City and meet City standards. Hydrologic analyses and designs shall be completed by a ³ <i>qualified professional</i> with information provided in a ⁴ City On-Site Retention/Treatment Application . The customer must annually provide proof of proper ongoing O&M and functionality to the City in order to remain eligible. The customer must notify the City if site drainage changes occur that affect credit eligibility or amount.

		20% credit for 95 th percentile, 24-hour storm.	
Municipal Separate Storm Sewer (MS4) Permit	A customer who properly implements an NPDES MS4 permit program reduces the stormwater pollution burden their runoff imposes on the City's ² <i>Stormwater Control System</i> and therefore requires a lower level of City stormwater services.	20% credit applied to ISA subject to an NPDES/IPDES MS4 permittee's stormwater management program.	Customers who are covered and in compliance with an NPDES/IPDES MS4 permit are eligible for the credit. MS4 permit and compliance documentation, including the Permittee's written Stormwater Management Program must be submitted to the City to obtain the credit. The permittee must annually provide a compliance certification letter and copy of its annual MS4 permit report to the City to remain eligible for the credit. The City may terminate the credit if discharges from the MS4 Permittee into the City ² <i>Stormwater Control System</i> are found to cause, contribute to, or potentially contribute to, violations of the City's MS4 permit conditions and/or water quality standards.
Public Roads	The public road system serves as an integral component of the storm control system. Road drainage systems accommodate a significant portion of off-road runoff, as well as runoff from the road which is ultimately there to serve property owners who use the road system.	100% waiver applied to ISA within public road ROWs.	Where the City is responsible for the O&M of streets, roads, highways, and/or parking lots, the Permittee must ensure those procedures are conducted in a manner to protect water quality and reduce the discharge of pollutants through the MS4.
Publicly Owned Buildings and Facilities	The City, as a utility service provider, does not charge public facilities and buildings for water and sewer services. Therefore, stormwater user fees will not be charged to ensure consistency with established City policy. As a practice, the City does not make payment to itself for utility services rendered. The City is the service provider, and must comply with all requirements of the program.	100% waiver applied to ISA.	The City must conduct its municipal O&M activities in a manner that reduces the discharge of pollutants through the MS4 to protect water quality. The Permittee must review, and update as necessary, existing procedures for inspection and maintenance schedules to ensure pollution prevention and good housekeeping practices are conducted.
Public Parks, Open Space, Trails, & Paths	These facilities offer a valuable environmental education service and normally have limited overall amounts or percentage of impervious surface.	100% waiver applied to ISA.	The City must conduct its municipal O&M activities in a manner that reduces the discharge of pollutants through the MS4 to protect water quality.

¹The City may at its discretion use readily available information to make a good faith effort to identify customer parcels, or portions of parcels, believed eligible for credits or waivers. Any City assignment of credits or waivers should not be construed to be comprehensive, complete, or entirely accurate. Customers are ultimately responsible for providing the necessary information to the City to prove and maintain eligibility.

²The City maintained system of ditches, channels, creeks, rivers, ponds, swales, basins, treatment systems, wetlands, curbs, gutters, inlets, storm pipes, outfalls, and any other appurtenances necessary, useful or convenient for the orderly collection, conveyance, treatment, and disposal of municipal stormwater runoff.

³A professional Civil Engineer, Environmental Engineer, or Agricultural Engineer who is competent in the field of hydrology, hydraulics, and stormwater system design.

⁴Simple corrections to user fees are normally done free of charge; however incomplete applications or unusually complex situations may result in City application processing charges. Due to the complexity and effort involved, the City may charge a reasonable processing and inspection fee for On-Site Retention Applications.

DRAFT

COMMITTEE STAFF REPORT

DATE: Monday, April 12, 2021



RESPONSIBLE STAFF

Michael Ray, Assistant CD Director/Planning Manager

ADDITIONAL PRESENTER(S)

OTHER RESOURCES

AGENDA ITEM TITLE

Ordinance Amending Title 4, Chapter 6 of Moscow City Code Regarding Amendments to the Outdoor Lighting Code for Public Art (ACTION ITEM) - Mike Ray

DESCRIPTION

With the installation of the recent Homecoming public art project at the north couplet, there has been some discussion among staff regarding the lighting of public art in the City. Currently the majority of lighting is required to be full cut-off with up-lighting only permitted in certain circumstances. The Arts Department requested that the Planning and Zoning Commission review the current lighting ordinance to see if there's a possibility of providing an exemption from the full cut-off requirement for freestanding public art. The Commission conducted a special meeting on January 11, 2021 and reviewed different lighting options at the Helioterra public art installation. The Commission then directed Staff to prepare an ordinance amending the lighting code to allow up-lighting for public art. The Commission conducted a public hearing on the proposed ordinance on March 10, 2021 and recommended approval to City Council. The public hearing before the City Council has been scheduled for April 19, 2021.

STAFF RECOMMENDATION

Recommend forwarding the proposed ordinance for public hearing at the Council's upcoming April 19, 2021 meeting.

PROPOSED ACTIONS

PROPOSED ACTIONS: Recommend forwarding the proposed ordinance for public hearing at the Council's upcoming April 19, 2021 meeting; or provide staff further direction.

FISCAL IMPACT

PERSONNEL IMPACT

ATTACHMENTS

1. Public Hearing Notice
2. Ordinance 2021- PublicArtLighting_final
3. Staff Memo
4. 2020_C Main_The Homecoming_Lighting Memo to P Z
5. MINPZC20210310
6. Public hearing comments from Nancy Chaney PandZ 3-10-21

NOTICE OF PUBLIC HEARING

Legislative Hearing Providing for the Amendment of Title 4, Chapter 6 of Moscow City Code Regarding Amendments to the Outdoor Lighting Code

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

Legislative Hearing Providing for the Amendment of Moscow City Code Title 4, Chapter 6; Providing for the Amendment of the Outdoor Lighting Code to Allow the Lighting of Public Art Displays.

The City of Moscow Planning and Zoning Commission conducted a public hearing for the proposed ordinance on March 10, 2021 and recommended approval to City Council.

HEARING DATE: Monday, April 19, 2021

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

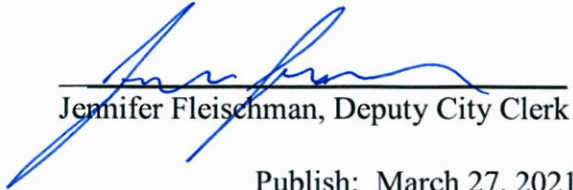
MEETING TIME: 7:00 p.m.

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 later in the meeting.

The file containing information on this matter is available for public review at the Community Planning & Design Department located in the Paul Mann Building at 221 East Second Street, Moscow, Idaho. Call 208-883-7035 to get 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 M. Hopkins, Moscow City Clerk



Jennifer Fleischman, Deputy City Clerk

Publish: March 27, 2021

ORDINANCE NO. 2021 -

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 6, PROVIDING FOR THE AMENDMENT OF THE OUTDOOR LIGHTING CODE TO ALLOW LIGHTING FOR PUBLIC ART; 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, public art is an important feature within the City and is part of our public history, part of our evolving culture and our collective memory; and

WHEREAS, public art reflects and reveals our society and adds meaning to our cities; and

WHEREAS, public art is intended to attract attention and in doing so it provides aesthetic beauty, cultural interpretation, education, inspiration, and general improvement to the urban environment; and

WHEREAS, the Outdoor Lighting Ordinance currently prohibits the up lighting of freestanding public art within the City; and

WHEREAS, the illumination of public art within the City will allow the public to enjoy the benefits of public art in both the nighttime and daytime hours; and

WHEREAS, the Planning and Zoning Commission conducted a public meeting at the Helioterra public art installation on January 11, 2021 and viewed different lighting options of varying lumen levels; and

WHEREAS, the Commission developed the amendment contained herein based upon observations of different lighting options and similar requirements within the current code; and

WHEREAS, on March 10, 2021, the Planning and Zoning Commission conducted a public hearing upon the amendments contained herein and recommended approval to the City Council; and

WHEREAS, on April 19, 2021, the Mayor and City Council conducted a public hearing and considered and adopted the amendment 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 4, Chapter 6, Section 9 be amended as follows:

...

Sec. 6-9. Outdoor Lighting.

A. Purpose.

...

E. Exemptions. The following outdoor lighting may be exempted from the provisions of this Chapter by the Zoning Administrator:

1. Temporary Use Exemptions

a. Outdoor lighting needed during construction projects, provided that reasonable mitigation measures are taken, such as partial shielding or placement of luminaires at an angle to minimize light trespass.

b. Search lights for the purpose of special event advertising, provided that such outdoor lighting shall not exceed three (3) consecutive days and for not more than five (5) such events per business per year.

c. Seasonal outdoor lighting decorations utilizing low-wattage or low-voltage incandescent lamps shall be permitted for public festivals, celebrations, and the observance of holidays except where such creates a nuisance.

d. All temporary emergency lighting needed by a governmental body, franchise, or agency to respond to an emergency.

e. Special event lighting on the University of Idaho campus.

2. Other Exemptions

a. Federal facilities and State and Federal highways.

b. Swimming Pool and Fountain Lighting. Underwater lighting used for the illumination of swimming pools and fountains is exempt from the lamp type and shielding standards provided herein, though it must conform to all other provisions of this Ordinance.

c. Flagpole uplighting for flags of government entities, provided that the lit flagpole is set back a minimum of twenty feet (20 ') from any property line, does not cause light trespass, and the maximum lumen output does not exceed thirteen thousand (13,000) lumens in non-residential Zoning Districts and eight thousand (8,000) lumens in Residential Zoning Districts.

d. Public Art Lighting. Lighting used for the illumination of government owned freestanding public art displays, so long as the source of illumination is not visible from any adjoining street or property and the maximum lumen output does not exceed thirteen thousand (13,000) lumens in non-residential Zoning Districts and eight thousand (8,000) lumens in Residential Zoning Districts.

~~d~~e. Lighting on or for tele-communications or antenna towers or antenna support structures or any related elements thereof which is required by the Federal Aviation Administration or any other State or Federal agency having such authority.

3. Variance. The Zoning Administrator may accept application to the Board of Adjustment for a Variance from the requirements of this Section, subject to the provisions of Section 8 -3 of this Code.

...

SECTION 2: SEVERABILITY. Provisions of this Ordinance shall be deemed severable and the invalidity of any provision of this Ordinance shall not affect the validity of remaining provisions. The remaining sections of Title 4 shall be in full force and effect.

SECTION 3: 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 4: 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 _____, 2021.

Bill Lambert, Mayor

ATTEST:

Laurie M. Hopkins, City Clerk

Memo

To: Mayor and City Council

From: Mike Ray, AICP - Planning Manager

Date: April 7, 2021

Re: Amendment of Title 4, Chapters 6 of Moscow City Code Regarding the Amendment of the Outdoor Lighting Code to Allow the Lighting of Public Art Displays

With the installation of the recent Homecoming public art project at the north couplet, there has been some discussion amongst Staff regarding the lighting of public art in the City. The artists' scope of work for the Homecoming project included the creation of a lighting proposal for the site which included three fixtures installed at ground level. Each of these the lighting fixtures were intended to illuminate one of the three curved panels mounted above. As with many public art installations (e.g. The Volunteer at Fire Station #3 or Helio-Terra at the Wren Welcome Garden), the up-lighting proposed in this design has the potential to show the artwork to its best advantage at nighttime.

Upon review of the City's lighting code it was determined that the lighting of public art in the City would be required to be full cut-off downlighting. Since the downlighting of public art is not achievable or desirable for many of the City's freestanding public art installations, the Arts Department requested that the Planning and Zoning Commission review the current lighting ordinance to see if there's a possibility of providing an exemption from the full cut-off requirement for public art.

Generally, all outdoor lighting within the City is required to be full cut-off and designed, installed, and maintained in order to prevent light trespass upon adjacent properties or a public street. All outdoor lighting on property within residential Zoning Districts of the City shall be full cut-off with the following exceptions:

- i. All luminaires with a maximum output of four hundred (400) lumens, regardless of number of lamps may be left unshielded or partially shielded, provided that such luminaire has an opaque top or is under an opaque structure.
- ii. Freestanding luminaires with a maximum output of one thousand (1,000) lumens, regardless of number of lamps provided the lamp is partially shielded, the luminaire has an opaque top, or it is located under an opaque structure.
- iii. Partially shielded, wall mounted Luminaires located below an eave with a maximum output of two thousand (2,000) lumens. Examples of lamp types of two thousand (2000) lumens and less are:
 - a. 100 Watt Standard Incandescent
 - b. 15 Watt Cool White Fluorescent

- c. 15 Watt Compact Fluorescent
- d. 18 Watt Low Pressure Sodium
- iv. An angled spot or floodlight, provided that the luminaire is not directed more than twenty-five degrees (25°) in any direction from a vertical line—drawn from the center of the lamp to the surface directly below it.
- v. A partially shielded floodlight equipped with a timer that allows illumination only between dusk and 11:00 p.m. local time.
- vi. A luminaire activated by a motion sensor where such luminaire:
 - a. Emits light only for a maximum of five (5) minutes per activation when activated;
 - b. Is not triggered by activity off the property upon which such luminaire is located.
- vii. Lighting of communication and/or navigation towers required by law or regulation other than by their Code.

Outdoor lighting within non-residential zoning districts is required to be full cut-off with the following exceptions:

- All lighting of signage is permitted to be internally or externally illuminate so long as the source of illumination is not visible from any adjoining street or property.
- Flagpole up-lighting for flags of government entities is permitted, provided that the lit flagpole is set back a minimum of twenty feet (20') from any property line, does not cause light trespass, and the maximum lumen output does not exceed thirteen thousand (13,000) lumens in non-residential Zoning Districts and eight thousand (8,000) lumens in Residential Zoning Districts.
- The lighting of communication and/or navigation towers required by law or regulation other than by their Code.
- The lighting of public spaces and public rights of way within the Central Business Zoning District on the University of Idaho campus in its historic district provided the outdoor lighting is partially shielded and does not trespass on residential properties.

The Commission discussed inserting an exemption for freestanding public art and modeling the regulations after the current flagpole up-lighting requirements for lumen levels and also including the requirement that the source of illumination not be visible, as is included in the lighting requirements for signage. To better understand the brightness of different fixtures of varying lumen levels, the Commission conducted a special meeting on January 11, 2021 and reviewed different lighting options at the Helio-Terra public art installation at the Wren Welcome Garden. The Commission viewed three fixtures containing 6,500 lumens, 3,500 lumens, and 200 lumens. After a lengthy discussion, the Commission then directed Staff to prepare an ordinance amending the lighting code to allow up-lighting for government owned freestanding public art displays, so long as the source of illumination is not visible from any adjoining street or property and the maximum lumen output does not exceed thirteen thousand (13,000) lumens in non-residential Zoning Districts and eight thousand (8,000) lumens in Residential Zoning Districts. The Commission felt that every public art installation is going to have different lighting needs based upon size, shape, height, materials, etc. and they wanted to give as much flexibility with the maximum lumen

levels as possible. Additionally, the Commission felt that the City would install appropriate lighting that would highlight the art while being considerate of the surrounding environment.

On March 10, 2021, the Planning and Zoning Commission conducted a public hearing upon the proposed ordinance and recommended approval to City Council. The proposed ordinance has been scheduled for a public hearing before City Council at the Council's upcoming April 19, 2021 meeting.

MEMORANDUM

To: Michael Ray, Planning Manager
From: Megan Cherry, Arts Program Manager
c: Jen Pfiffner, Deputy City Supervisor
Date: September 8, 2020
Re: Lighting Design for Public Art Installation at C & Main



The Homecoming, located in the couplet at C & Main Streets, is the newest addition to the City of Moscow's public art collection. This piece was designed, fabricated, and installed by artists Jennifer Corio and Dave Frei of Vancouver, WA. The artists' scope of work included the creation of a lighting proposal for the site (see following pages).

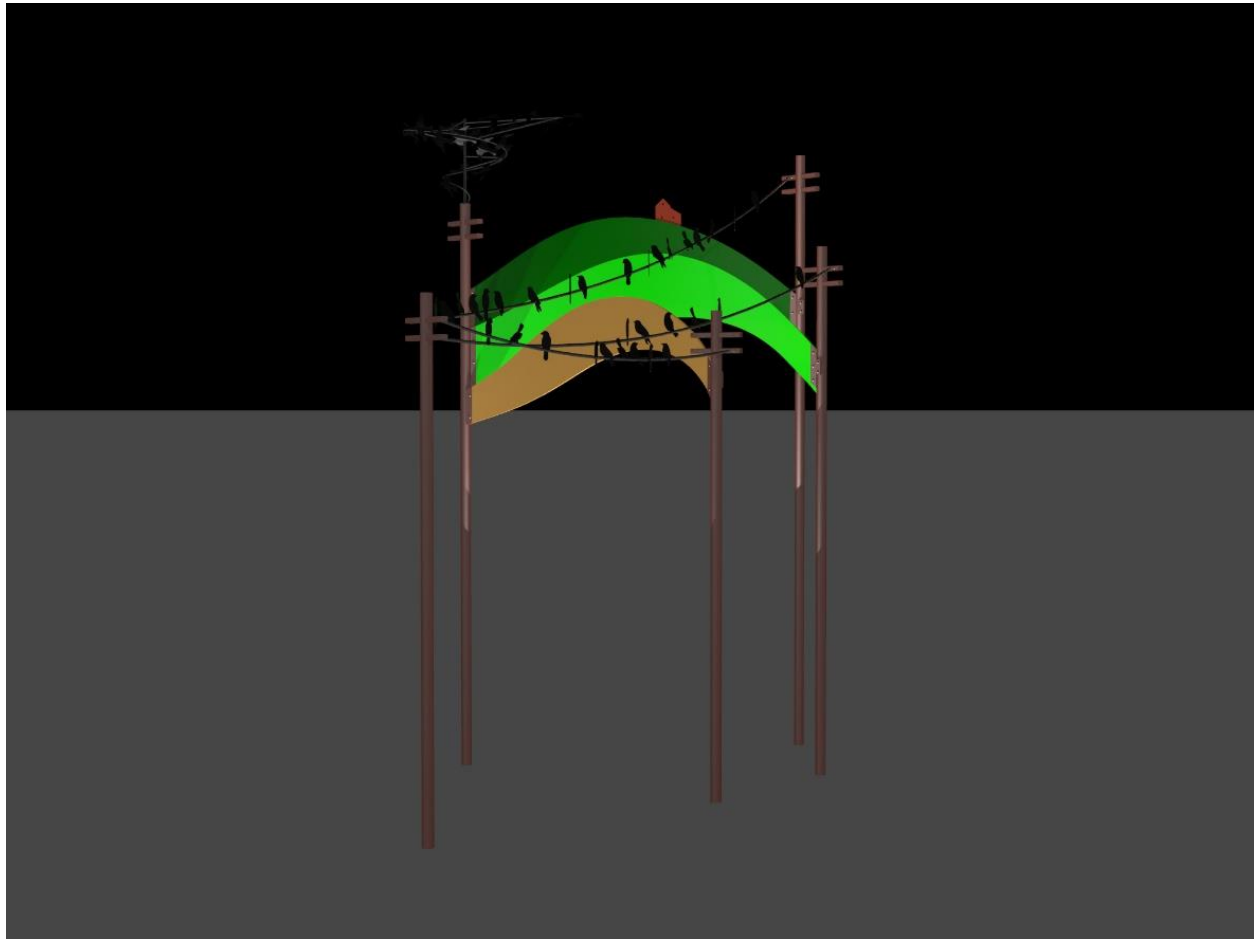
The artists' recommendation includes three fixtures installed at ground level. Each of these is focused on curved panels mounted above. As with many public art installations (e.g. *The Volunteer* at Fire Station #3 or *Helio-Terra* at the Wren Welcome Garden), the uplighting proposed in this design has the potential to show the artwork to its best advantage at nighttime. It's my understanding that the current lighting ordinance prohibits uplighting, except for certain circumstances, and that the lighting plan as proposed would be prohibited under the ordinance. In order to get the full benefit of these public art installations within the City, the Arts Department would like to have the Planning and Zoning Commission consider a code amendment to allow an exemption to the full cut-off lighting requirement for public art.



The Homecoming at C & Main

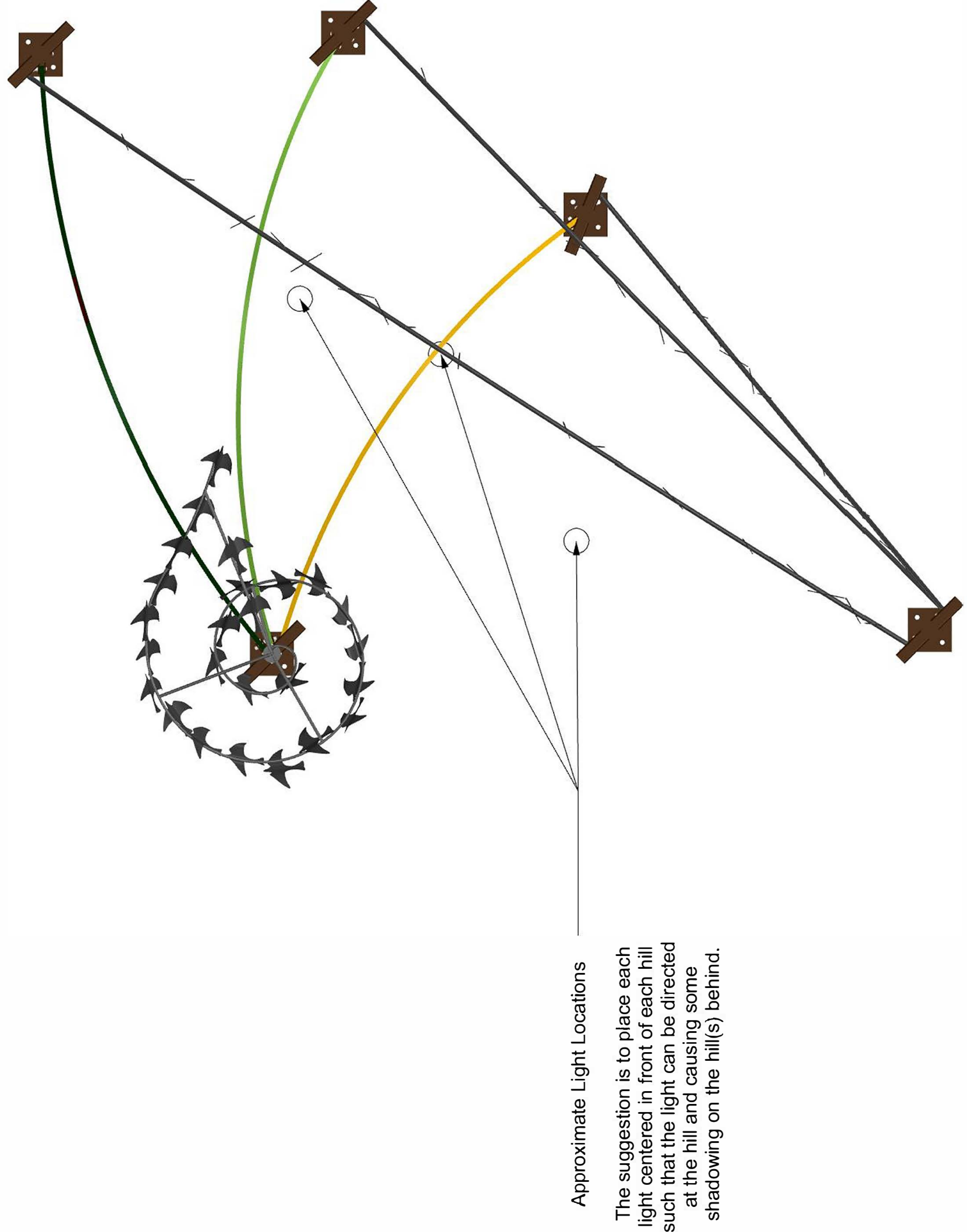
installed in July 2020 by artists
Jennifer Corio and Dave Frei

Lighting design concept proposed by artists





Three ground level lights that can be directed upward at each hill.
Options could be an adjustable well lights or accent lights with enough beam spread to spotlight the hill it is aimed at.



Approximate Light Locations
The suggestion is to place each light centered in front of each hill such that the light can be directed at the hill and causing some shadowing on the hill(s) behind.

PLANNING & ZONING COMMISSION



Robb Parish
Commission Chair
p&z@ci.moscow.id.us

Regular Meeting ~Minutes~

Mike Ray
Staff Liaison
208.883.7008

<https://www.ci.moscow.id.us/457/Planning-Zoning-Commission>

**Wednesday
March 10, 2021**

7:00 PM

**Council Chambers
206 E Third Street**

The meeting was called to order at 7:00 PM

MEMBERS PRESENT: Robb Parish (virtual), Chair; Rich Beebe (virtual), Scott Gropp, Joel Hamilton (virtual), Wendy McClure (virtual), Michael Nelsen, Nels Reese, Victoria Seever (virtual)
MEMBERS ABSENT: Dennis Wilson
OTHERS: Maureen Laflin (virtual)
STAFF: Jennifer Fleischman, Mike Ray

REGULAR AGENDA

1. Approval of February 24, 2021 Minutes (ACTION ITEM)

McClure moved for approval of the minutes as corrected, seconded by Beebe. Vote by Acclamation; Ayes: Unanimous (8). Nays: None. Abstentions: None. Motion carried.

2. Public Comment

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

None.

3. Public Hearing: Legislative Hearing Providing for the Amendment of Moscow City Code Title 4, Chapter 6; Providing for the Amendment of the Outdoor Lighting Code to Allow the Lighting of Public Art Displays (ACTION ITEM)

With the installation of the recent public art project, there has been some discussion amongst Staff regarding the lighting of public art in the City. Currently the majority of lighting is required to be full cut-off with up-lighting only permitted in certain circumstances. The Art Department has requested that the Commission review the current lighting ordinance to see if there's a possibility of providing an exemption from the full cut-off requirement for public art. The Commission conducted a special meeting on January 11, 2021 and reviewed different lighting options at the Helioterra public art installation. The Commission then directed Staff to prepare an ordinance amending the lighting code to allow up-lighting for public art.

Ray presented the proposed amendment as described above, giving a background and overview of the process that led to the legislative public hearing.

Public Hearing opened at 7:08 PM

Parish submitted for the record two emailed letters from Nancy Chaney, Moscow resident, who was concerned about the proposed amendment for reasons outlined in the attachment. —

Public Hearing closed at 7:10 PM

Hamilton agreed with the concerns expressed by Chaney in regards to the Ordinance excluding the private sector from the same ability to up-light artwork. There was also hesitation surrounding how allowing partial cut-off could pose antithesis with the City's dark sky efforts. The proposed amendment was reviewed by the City Attorney, who didn't have any concern with the proposed language.

Seever moved to approve the proposed amendment to City Council with no conditions, seconded by Beebe. Vote by Acclamation; Ayes: Unanimous (8). Nays: None. Abstentions: None. Motion carried.

4. Final Review of Draft Sign Code (ACTION ITEM)

The Supreme Court Case, Reed vs. Town of Gilbert, in 2015 clarified when municipalities may impose content-based restrictions on signage. There are various places within the Sign Code which apply content-based restrictions and need to be amended to comply with the Supreme Court's ruling. Staff has completed a draft ordinance to convert portion of the sign code into table format and presented the proposed changes to the Latah County Board of Realtors on February 18, 2021.

Ray reviewed the history of the draft sign code with the Commissioners as described above. The proposed ordinance amendment is in the final stages of the Legal Department review. There followed some discussion about the strategic move to provide a chart in the code for users to easily find sign information. The decision to cap residential signs to three (3) per property was rehashed.

The Commission directed Staff to publish the final draft for a public hearing.

REPORTS

1. Transportation Commission Meeting

The next Transportation Commission meeting is scheduled to occur Thursday, March 11th.

ANNOUNCEMENTS

Ray informed the Commission that there are several subdivision developments that will possibly be at the application stage soon. Next Planning & Zoning Commission meeting will be covering a review of the Rusty Olps MURA proposed development plan.

UPCOMING EVENTS/MEETINGS

1. Next Planning & Zoning Commission regular meeting is scheduled for March 24, 2021.

The meeting adjourned at 7:24 PM



Robb Parish, Chair

March 7, 2021

Moscow Planning and Zoning Commission
Robb Parish, Chair
P&Z@ci.moscow.id.us

RE: Public comment for 3-10-21 hearing, P&Z agenda item 3

Dear Chairman Parish and Members of Moscow Planning and Zoning Commission:

For purposes of your upcoming public hearing, this is to reiterate concerns expressed to you in advance of your meeting to “discuss the final draft ordinance and provide staff further direction if necessary” (Feb 24 P&Z Agenda Item 4: Final Review of Public Art Lighting Draft Ordinance). As you may recall, my concerns included that:

- Your background materials did not include the environmental rationale for prohibiting up-lighting and requiring full cutoff shielding
- Recommendations were not sought from Moscow Sustainable Environment Commission
- Allowing up-lighting for public art installations, while denying similar requests from the private sector would be difficult to justify

Minutes from your special meeting on Jan. 11 indicate that proposed amendments to the outdoor lighting ordinance to accommodate up-lighting public art installations “would be modeled after the current flagpole up-lighting regulations... (which allow) up to 9,000 lumens (*It's actually 8,000 lumens*) for residential use and 13,000 lumens for commercial use.” That language alone seems to open the door to private and commercial appeals to the City’s justification for restricting the privilege to local government. On what basis would you deny homeowners, businesses, the School District, etc. the ability to make their publicly-visible freestanding installations more artful by that treatment too?

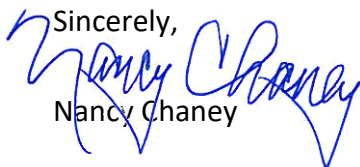
The proposed amendment is not sufficiently clear about who will have the discretion to determine whether illumination is too bright to be suitable in a particular setting, even if light doesn’t scatter into an adjacent neighborhood or shine directly into the eyes of drivers. (The concept is reminiscent of the City’s noise ordinance that grants law enforcement the authority to declare that incessant or annoyingly-pitched noise or noise outside of particular hours may

be deemed a nuisance, even if it doesn't exceed the decibel threshold of one.) For example, P&Z minutes from Jan. 11 indicate that "Commissioners viewed three different light fixtures at the HelioTerra...installation," and that the "style and brightness...would likely depend on the specific...installation." In addition, of the three intensities evaluated—64W/6,500 lumens, 35W/3,500 lumens, that the differences were "noticeable," and 5W/200 lumens—the least bright of those was preferred for that site, although Commissioners speculated that two or three additional fixtures of the same style might be required. Who gets to decide the number, intensity, and hue of lighting fixtures for this and other locations in the future? Because this isn't a matter of safety (as for antenna towers) or patriotic freedom (as for flagpoles), shouldn't party/ies with discretionary authority to recommend levels of illumination less than the maximum allowed be named (at least by category) in the ordinance?

The proposed amendment acknowledges potential nuisance issues at a single location, but not their cumulative effect if multiple up-lit installations, each with 8,000-13,000 lumen fixtures, could be clustered together, if one installation could be spot-lit by several singularly-compliant 8,000-13,000 lumen LEDs, or if the total number of up-lit installations within a given part of town is limitless, which the proposed amendment seems to allow. If you choose to allow up-lighting public art, I respectfully suggest that you address the following in the amendment:

- Why up-lighting is a bad idea in most cases, but a good idea in this case
- Why it's okay for the City to do this, but not others in the private sector
- Who shall have the authority to decide the level of illumination...The artist? MAC? City staff?
- Might you want particular criteria for sculpture gardens, with numerous up-lit installations in close proximity?
- If P&Z thought the lowest level of illumination works best for HelioTerra (seemingly because brighter ones seemed unnecessary, or even jarring), what qualifying language might you include to incentivize anything below the maximum?
- Given the wattage, it seem that these lights will be LEDs. Given that the City is pursuing a strategic climate action plan for sustainability (and will be searching for examples of energy efficiency in the Code), it seems worth mentioning that wherever you can.

Finally, I'll reiterate my enthusiastic appreciation for public art, notwithstanding the abovementioned concerns. Thank you for considering my comments.

Sincerely,

Nancy Chaney