

PLANNING & ZONING COMMISSION



Dennis Wilson
Commission Chair
P&Z@ci.moscow.id.us

Regular Meeting
~Agenda~

Michael Ray
Staff Liaison
208.883.7008

<https://www.ci.moscow.id.us/581/Agendas-and-Minutes>

Wednesday
April 22, 2026

7:00 PM

Council Chambers
206 E Third Street

WELCOME AND ATTENDANCE

REGULAR AGENDA

1. **Approval of Minutes from March 11, 2026 (ACTION ITEM)**

PROPOSED ACTIONS: Approve minutes as presented; approve minutes with amendments; or provide Staff with further direction as deemed necessary.

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 (3) minutes.

3. **Review of Bills Signed into Law in the 2026 Legislative Session (ACTION ITEM)**

HB800 – Manufactured Homes, HB583 – Short-Term Rentals, SB1352a – Starter Home Subdivisions, and SB1354a – Accessory Dwelling Units, are bills that were all signed in to law during the 2026 Idaho Legislative Session. There will need to be amendments made to Moscow City Code to bring the code into compliance with the new laws. Staff will present what is contained within each of the bills and then discuss a plan for legislative amendments to Moscow City Code.

PROPOSED ACTIONS: Review the bills passed during the 2026 Legislative Session and provide Staff with further direction as deemed necessary.

REPORTS

1. Transportation Commission meeting report.

ANNOUNCEMENTS

UPCOMING EVENTS/MEETINGS

The next Planning & Zoning Commission regular meeting is scheduled for May 13, 2026.

ADJOURN

NOTICE: It is the policy of the City of Moscow that all City-sponsored public meetings and events are accessible to all people. If you need assistance in participating in this meeting or event due to a disability under the ADA, please contact the City's ADA Coordinator by phone at (208) 883-7600, TDD (208) 883-7019, or by email at adacoordinator@ci.moscow.id.us at least 48 hours prior to the scheduled meeting or event to request an accommodation. The City of Moscow is committed to ensuring that all reasonable accommodation requests are fulfilled.

PLANNING & ZONING COMMISSION



Dennis Wilson
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 11, 2026

7:00 PM

Council Chambers
206 E. Third Street

Wilson called the meeting to order at 7:00 PM

MEMBERS PRESENT: Dennis Wilson, Chair; Rich Beebe, Joel Hamilton, Cole Mize, Sue Scott, Victoria Seever
MEMBERS ABSENT: Scott Gropp, Nels Reese
OTHERS: Sage McCetich
STAFF: Nichol Baird Spencer, Jennifer Fleischman, Mike Ray

REGULAR AGENDA

1. Approval of Minutes from February 11, 2026 (ACTION ITEM)

Seever moved for approval of the minutes as written, seconded by Scott. Roll Call Vote; Ayes: Unanimous (6). 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 (3) minutes.

None offered.

3. Potential Duplex Code Amendments (ACTION ITEM)

Over the past few years, the Community Development Department has received construction plans for duplex dwellings which have continued to evolve into multiple individual dwelling units intended to be rented as separate dwelling units and function as multiple family dwelling units. These two-family dwellings appear to be intentionally designed to avoid life safety, ADA accessibility, and off-street parking that would otherwise be required for multiple family dwelling units to protect the safety and welfare of the occupants of multi-family dwellings and mitigate the impacts of the use on the surrounding neighborhood. Staff recognize that there is a need for additional housing within the City, but the need to protect the safety of the residents of these two-family dwellings and mitigate the impact upon adjacent properties requires greater regulation. Therefore, staff proposes some code amendments for the Commission's consideration that will clarify existing definitions and apply some multi-family requirements to more than one single- or two-family dwelling upon a single lot.

Ray reviewed the final draft of the code amendment ordinance regarding duplexes as described above, including the most recent modifications provided by Commissioners from the last meeting. The State Legislative Session has proposed State code changes that may impact Moscow City Code in regard to parking standards and two-family dwellings standards. There was a short discussion about other proposed state level amendments with short-term rentals. The code amendment Public Hearing could be scheduled for as soon as the second meeting in April.

REPORTS

1. Transportation Commission meeting report.

The next meeting of the Transportation Commission is scheduled for Thursday March 12th. Hamilton informed the Commissioners of some of the items included in the agenda. There was a brief conversation about the state of residential sidewalks in Moscow.

ANNOUNCEMENTS

The new Director of Community Development, Nichoel Baird Spencer, introduced herself to the Commission.

UPCOMING EVENTS/MEETINGS

The next Planning & Zoning Commission regular meeting is scheduled for March 25, 2026.

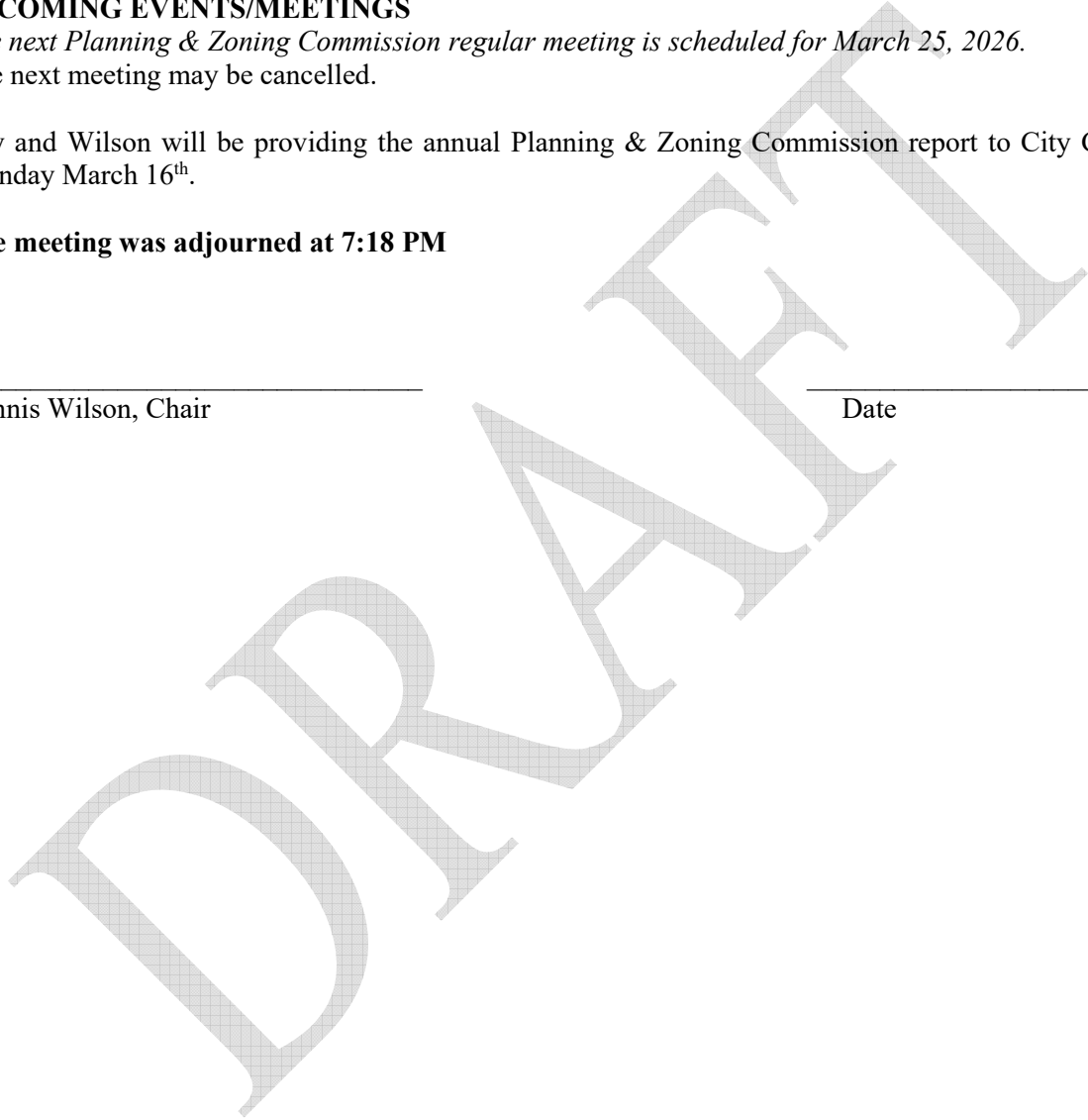
The next meeting may be cancelled.

Ray and Wilson will be providing the annual Planning & Zoning Commission report to City Council on Monday March 16th.

The meeting was adjourned at 7:18 PM

Dennis Wilson, Chair

Date



IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 800

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO MANUFACTURED HOMES; AMENDING SECTION 39-4105, IDAHO CODE, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6509A, IDAHO CODE, TO REVISE PROVISIONS REGARDING SITING OF MANUFACTURED HOMES IN RESIDENTIAL AREAS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 39-4105, Idaho Code, be, and the same is hereby amended to read as follows:

39-4105. DEFINITIONS. As used in this chapter, the terms defined in this section shall have the following meanings, unless the context clearly indicates another meaning. Where terms are not defined in this chapter and are defined in the currently adopted ~~International Building Code~~ international building code published by the ~~International Code Council~~ international code council, such terms shall have the meanings ascribed to them in that code:

(1) "Administrator" means the administrator of the division of occupational and professional licenses for the state of Idaho.

(2) "Board" means the Idaho building code board, herein created.

(3) "Building inspector" means a person who inspects buildings or structures for compliance with the provisions of this chapter.

(4) "Construction" means the erection, fabrication, reconstruction, demolition, alteration, conversion, or repair of a building or the installation of equipment therein normally a part of the structure.

(5) "Division" means the state of Idaho division of occupational and professional licenses.

(6) "~~International Fire Code~~ international fire code" means the ~~International Fire Code~~ international fire code as published by the ~~International Code Council~~ international code council.

(7) "Local government" means any city or county of this state.

(8) "Manufactured home" means a structure, constructed after June 15, 1976, in accordance with the HUD manufactured home construction and safety standards, and is transportable in one (1) or more sections, ~~which that~~, in the traveling mode, is eight (8) body feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and ~~which that~~ is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term shall include any structure ~~which that~~ meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the

1 secretary of housing and urban development and complies with the standards
 2 established under 42 U.S.C. 5401 et seq. Manufactured homes include multidwelling unit manufactured homes that are constructed in accordance with the
 3 HUD manufactured home construction and safety standards.
 4

5 (9) "Mobile home" means a factory-assembled structure or structures
 6 generally constructed prior to June 15, 1976, and equipped with the neces-
 7 sary service connections and made so as to be readily movable as a unit or
 8 units on their own running gear and designed to be used as a dwelling unit or
 9 units with or without a permanent foundation.

10 (10) "Telecommunications facilities" means all wires, cables, equip-
 11 ment, apparatus or other installations necessary to furnish service, by
 12 which there is accomplished or may be accomplished the sending or receiving
 13 of information, data, message writing signs, signals, pictures, and sounds
 14 of all kinds, by aid of such wires, cables, equipment, apparatus or other
 15 installations, but shall not include the habitable structure in which such
 16 telecommunications facilities are housed.

17 SECTION 2. That Section 67-6509A, Idaho Code, be, and the same is hereby
 18 amended to read as follows:

19 67-6509A. SITING OF MANUFACTURED HOMES IN RESIDENTIAL AREAS -- PLAN
 20 TO BE AMENDED. (1) By resolution or ordinance adopted, amended, or repealed
 21 in accordance with the notice and hearing procedures provided under section
 22 67-6509, Idaho Code, each governing board shall amend its comprehensive plan
 23 and land use regulations for all land zoned for single-family residential
 24 uses, except for lands falling within an area defined as a historic district
 25 under section 67-4607, Idaho Code, to allow for siting of manufactured homes
 26 as defined in section 39-4105, Idaho Code. For purposes of siting, a manu-
 27 factured home consisting of a single dwelling unit may be sited on lots where
 28 single-family dwellings are allowed. A multidwelling unit manufactured
 29 home may be sited only in areas where multifamily dwellings are allowed.

30 (2) Manufactured homes on individual lots zoned for single-family res-
 31 idential uses as provided in subsection (1) of this section shall be in ad-
 32 dition to manufactured homes on lots within designated mobile home parks or
 33 manufactured home subdivisions.

34 (3) This section shall not be construed as abrogating a recorded re-
 35 strictive covenant.

36 (4) A governing board may adopt any or all of the following placement
 37 standards, or any less restrictive standards, for the approval of manufac-
 38 tured homes located outside mobile home parks:

39 (a) The manufactured home ~~shall be~~ may be either a single section or
 40 multisectional and shall enclose a space of not less than one thousand
 41 (1,000) square feet at least four hundred (400) square feet for a single
 42 section or eight hundred (800) square feet for a multisectional manu-
 43 factured home;

44 (b) The manufactured home shall be placed on an excavated and back-
 45 filled foundation and enclosed at the perimeter such that the home is
 46 located not more than twelve (12) inches above grade, except when placed
 47 on a basement foundation;

1 (c) The manufactured home shall have a pitched roof, except that no
2 standards shall require a slope of greater than a nominal three (3) feet
3 in height for each twelve (12) feet in width;

4 (d) The manufactured home shall have exterior siding and roofing which
5 in color, material, and appearance is similar to the exterior siding and
6 roofing material commonly used on residential dwellings within the com-
7 munity or which is comparable to the predominant materials used on sur-
8 rounding dwellings as determined by the local permit approval author-
9 ity;

10 (e) The manufactured home shall have a garage or carport constructed of
11 like materials if zoning ordinances would require a newly constructed
12 nonmanufactured home to have a garage or carport;

13 (f) In addition to the provisions of paragraphs (a) through (e) of this
14 subsection, a city or county may subject a manufactured home and the lot
15 ~~upon~~ on which it is sited to any development standard, architectural re-
16 quirement, and minimum size requirements to which a conventional sin-
17 gle-family residential dwelling on the same lot would be subjected.

18 (5) Any approval standards, special conditions and the procedures for
19 approval adopted by a local government shall be clear and objective and shall
20 not have the effect, either in themselves or cumulatively, of discouraging
21 needed housing through unreasonable cost or delay.

22 SECTION 3. An emergency existing therefor, which emergency is hereby
23 declared to exist, this act shall be in full force and effect on and after
24 July 1, 2026.

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 583

BY BUSINESS COMMITTEE

AN ACT

RELATING TO SHORT-TERM RENTALS; AMENDING SECTION 67-6539, IDAHO CODE, TO REVISE PROVISIONS REGARDING LIMITATIONS ON REGULATION OF SHORT-TERM RENTALS; AMENDING SECTION 63-1804, IDAHO CODE, TO REVISE PROVISIONS REGARDING LIMITING TAX DUTIES OF SHORT-TERM RENTAL MARKETPLACES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67-6539, Idaho Code, be, and the same is hereby amended to read as follows:

67-6539. LIMITATIONS ON REGULATION OF SHORT-TERM RENTALS AND VACATION RENTALS. (1) Neither a county nor a city ~~may~~ shall enact or enforce any ordinance that has the express or practical effect of prohibiting any type of short-term rentals or vacation rentals in the county or city. A county or city may ~~implement~~ enact or enforce such reasonable regulations as ~~it deems~~ are necessary to safeguard the public health, safety and general welfare in order to protect the integrity of residential neighborhoods in which short-term rentals or vacation rentals operate and safety as long as the reasonable regulations do not impose different restrictions or obligations on short-term rentals than are imposed on single-family dwellings or similar structures not used as short-term rentals, or unless the regulations are permitted by this section. A short-term rental ~~or vacation rental~~ shall be classified as a non-transient residential land use for zoning and building code purposes and be subject to all zoning requirements applicable thereto and only to building codes adopted by the Idaho building code board.

(2) (a) For purposes of this section, "different restrictions or obligations" means any requirement or regulation that would not be imposed but for a property's use as a short-term rental and specifically includes but is not limited to the following:

(i) Requiring owner occupation for any amount of time;

(ii) Requiring professional property management;

(iii) Requiring additional insurance;

(iv) Requiring reporting of use or other statistics;

(v) Requiring additional fire protection or fire sprinklers;

(vi) Requiring additional or improved means of ingress and egress;

(vii) Requiring additional parking;

(viii) Requiring modification to the physical structure of the property;

(ix) Requiring inspections;

(x) Requiring internal or external signage, notices, or diagrams;

(xi) Imposing a limit on the days a property can be rented;

- 1 (xii) Requiring notices to neighboring properties;
 2 (xiii) Requiring increased sewer or other utility capacity;
 3 (xiv) Requiring a conditional use permit in a residential zone;
 4 (xv) Limiting proximity to other short-term rentals;
 5 (xvi) Restricting the number of short-term rentals in a county or
 6 city; or
 7 (xvii) Requiring the property to be improved to meet current
 8 building codes unless the same would be required without regard to
 9 the short-term rental use.

10 (b) The terms defined in section 63-1803, Idaho Code, shall apply to
 11 this section.

12 (3) A county or city may, by ordinance, require an owner of a short-term
 13 rental to implement the following requirements only:

14 (a) That all sleeping areas in a short-term rental, including when ap-
 15 licable, basements, living rooms, and family rooms, be equipped with
 16 functioning smoke alarms;

17 (b) That the short-term rental be equipped with a functioning fire ex-
 18 tinguisher and a functioning carbon monoxide detector on each floor;

19 (c) That removable escape ladders be available in all sleeping areas
 20 with a window that are located above the ground floor;

21 (d) That maximum occupancy limits for short-term rentals do not exceed
 22 those non-transient residential limits as contained in the interna-
 23 tional building codes as adopted by the Idaho building code board; and

24 (e) That an easily accessible informational handout be available to
 25 tenants describing the location of exits, the location of fire ex-
 26 tinguishers, the location of any supplied first aid kits, and a phone
 27 number to contact the owner or manager of the short-term rental in the
 28 case of an emergency.

29 (4) No county or city shall enact or enforce any covenant, condition,
 30 restriction, or contract that regulates a short-term rental except as al-
 31 lowed in this section.

32 (5) No county or city shall require a license, fee, permit, certifica-
 33 tion, or registration to operate a short-term rental.

34 (6) All short-term rental properties along with their owners and ten-
 35 ants shall be subject to all other county and city ordinances and penalties
 36 that apply to other non-short-term rental residential uses, including but
 37 not limited to noise, parking, nuisance, curfew, and traffic regulations.

38 ~~(2)~~ (7) Neither a county nor a city ~~can~~ shall regulate the operation of
 39 a short-term rental marketplace in accordance with the provisions of chapter
 40 18, title 63, Idaho Code.

41 SECTION 2. That Section 63-1804, Idaho Code, be, and the same is hereby
 42 amended to read as follows:

43 63-1804. LIMITING TAX DUTIES OF SHORT-TERM RENTAL MARKETPLACES AND
 44 OWNERS -- COLLECTION OF TAX. (1) A local government may not levy a sales,
 45 use, franchise, receipts, or other similar tax or fee on the business of
 46 operating a short-term rental marketplace.

47 (2) A short-term rental marketplace shall register with the state
 48 tax commission for collection, reporting, and payment of sales and use and
 49 travel and convention taxes levied by this state and any applicable local

1 government taxes administered by the state tax commission on short-term
2 rentals and vacation rentals due from a lodging operator on any lodging
3 transaction facilitated by the short-term rental marketplace.

4 (3) A short-term rental marketplace shall collect, report, and pay
5 taxes imposed on the lodging operator or occupant of a short-term rental or
6 vacation rental by any local government.

7 (4) Any local government that has levied a tax pursuant to statutory au-
8 thorization, may contract with the state tax commission for the collection
9 and administration of such taxes in like manner and under definitions and
10 rules of the state tax commission for the collection and administration of
11 the state sales or use tax under chapter 36, title 63, Idaho Code. Alterna-
12 tively, such local government shall have authority to administer and collect
13 such tax. All revenues collected on behalf of the local governments by the
14 state tax commission pursuant to this chapter shall be distributed as fol-
15 lows: An amount of money shall be distributed to the state refund fund suffi-
16 cient to pay current refund claims. All refunds authorized by the commission
17 to be paid shall be paid through the state refund fund and those moneys are
18 continuously appropriated. The state tax commission may retain an amount
19 of money equal to such fee as may be agreed upon between the state tax com-
20 mission and such local government for the actual cost of the collection and
21 administration of the tax. The amount retained by the commission shall not
22 exceed the amount authorized to be expended by appropriation by the legis-
23 lature. Any unencumbered balance in excess of the actual cost at the end of
24 each fiscal year shall be distributed as provided in this section. All re-
25 maining moneys received pursuant to this chapter shall be placed in a fund
26 designated by the state controller and remitted monthly to the local govern-
27 ment levying such tax.

28 (5) If an owner of a short-term rental offers a short-term rental or va-
29 cation rental directly to an occupant without the use of a short-term rental
30 marketplace, such owner shall comply with all the requirements provided in
31 this section applicable to a short-term rental marketplace.

32 ~~(5)~~ (6) A short-term rental marketplace that has not facilitated a
33 lodging transaction in Idaho shall have forty-five (45) days to comply with
34 this section upon completion of their first lodging transaction in Idaho.

35 SECTION 3. An emergency existing therefor, which emergency is hereby
36 declared to exist, this act shall be in full force and effect on and after
37 July 1, 2026.

IN THE SENATE

SENATE BILL NO. 1352, As Amended

BY STATE AFFAIRS COMMITTEE

AN ACT

1
2 RELATING TO HOUSING; AMENDING CHAPTER 65, TITLE 67, IDAHO CODE, BY THE ADDI-
3 TION OF A NEW SECTION 67-6541, IDAHO CODE, TO ESTABLISH PROVISIONS RE-
4 GARDING STARTER HOME SUBDIVISIONS AND TO PROVIDE A DEFINITION; PROVID-
5 ING SEVERABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE
6 DATE.

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Chapter 65, Title 67, Idaho Code, be, and the same is
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
10 ignated as Section 67-6541, Idaho Code, and to read as follows:

11 67-6541. STARTER HOME SUBDIVISIONS. (1) No city shall enact or enforce
12 any ordinance within its jurisdiction that bans starter home subdivisions
13 in any residential zoning area. "Starter home subdivision" means a resi-
14 dential subdivision on at least four (4) acres of land that is designed to
15 provide attainable homeownership opportunities with single-family detached
16 dwellings on smaller lots that are no greater than one thousand five hundred
17 (1,500) square feet per lot, have compact home sizes, and have efficient site
18 design that reduces development costs while maintaining compatibility with
19 surrounding neighborhoods.

20 (2) By February 1, 2027, by resolution or ordinance adopted, amended,
21 or repealed in accordance with the notice and hearing procedures provided
22 in section 67-6509, Idaho Code, each city governing board shall amend its
23 comprehensive plan and land use regulations to allow starter home subdivi-
24 sions in residential zoning districts, except for lands falling within an
25 area defined as a historic district in section 67-4607, Idaho Code, or des-
26 ignated as a historic property pursuant to section 67-4614, Idaho Code. For
27 starter home subdivisions, a city's comprehensive plan and land use regula-
28 tions shall be amended to:

29 (a) Prohibit requiring minimum lot sizes exceeding one thousand five
30 hundred (1,500) square feet for lots located in starter home subdivi-
31 sions unless infrastructure limitations, lot configuration, or envi-
32 ronmental constraints make it unfeasible;

33 (b) Prohibit requiring front or rear setbacks exceeding fifteen (15)
34 feet or side setbacks exceeding five (5) feet for a primary residential
35 structure on a lot, provided, however, that setbacks along the perime-
36 ter of a project may be required to match setbacks of abutting zoning
37 districts;

38 (c) Prohibit requiring lot front widths exceeding thirty (30) feet for
39 narrow lots;

40 (d) Prohibit requiring lot depths exceeding seventy (70) feet, unless
41 overall lot shape, topography, or environmental or infrastructure con-
42 straints require it; and

1 (e) Prohibit imposing permit fees, development impact fees, or util-
2 ity connection fees for starter home subdivisions exceeding those that
3 would be imposed on other single-family home subdivisions. A local
4 government may provide incentives to builders through fee reductions or
5 waivers for compliance with smaller lot and setback options.

6 (3) The provisions of this section shall not supersede state or local
7 laws that protect public health, safety, and welfare, including:

8 (a) Building codes, fire safety standards, and flood plain regula-
9 tions;

10 (b) Laws regarding water, sewer, storm drainage, road access, roadway
11 classifications or conditions, infrastructure capacity constraints,
12 and utility services necessary to support the required density;

13 (c) Laws regarding environmental hazards, aquifer recharge zones,
14 steep slopes, or critical habitat protections; and

15 (d) Laws and regulations regarding setback requirements for rights-of-
16 way and easements.

17 (4) The provisions of this section shall apply only to cities with a
18 population greater than ten thousand (10,000).

19 (5) Cities may condition or deny approval of a starter home subdivision
20 where the city determines that existing or planned infrastructure is inade-
21 quate to support the subdivision, to the same extent and under the same stan-
22 dards the city applies to other residential subdivisions.

23 (6) Nothing in this section shall prohibit a city from enacting regula-
24 tions, standards, or conditions that are less restrictive than the require-
25 ments provided in this section.

26 SECTION 2. SEVERABILITY. The provisions of this act are hereby declared
27 to be severable and if any provision of this act or the application of such
28 provision to any person or circumstance is declared invalid for any reason,
29 such declaration shall not affect the validity of the remaining portions of
30 this act.

31 SECTION 3. An emergency existing therefor, which emergency is hereby
32 declared to exist, this act shall be in full force and effect on and after
33 July 1, 2026.

IN THE SENATE

SENATE BILL NO. 1354, As Amended

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO ACCESSORY DWELLING UNITS; AMENDING SECTION 55-3212, IDAHO CODE, TO REVISE PROVISIONS REGARDING ACCESSORY DWELLING UNITS AND TO REMOVE A DEFINITION; AMENDING CHAPTER 65, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6541, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING ACCESSORY DWELLING UNITS AND TO PROVIDE A DEFINITION; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 55-3212, Idaho Code, be, and the same is hereby amended to read as follows:

55-3212. INTERNAL PROHIBITED CONDUCT -- RESTRICTIONS ON ACCESSORY DWELLING UNITS. (1) ~~No covenant, condition, or restriction may be added, amended, or enforced by a homeowner's association or any other parties in such a way that strictly prohibits internal accessory dwelling units, as defined in subsection (3) of this section. The provisions of this section shall not be construed to protect more than one (1) internal accessory dwelling unit per homestead. No homeowner's association shall add, amend, or enforce any covenant, condition, or restriction in such a way that limits or prohibits accessory dwelling units, as defined in section 67-6541, Idaho Code, on any property, land, or structure thereon within the jurisdiction of a homeowner's association, unless the owner of the affected property expressly agrees in writing to such addition or amendment of a covenant, condition, or restriction. Nothing in this section shall be construed to prevent the enforcement of valid covenants, conditions, or restrictions limiting or prohibiting a property owner's right to transfer an interest in land or the structures thereon where such covenant, condition, or restriction existed and applied to the property at the time the property owner acquired an interest in the property.~~

(2) Notwithstanding the prohibitions provided in subsection (1) of this section, a homeowner's association may adopt reasonable rules governing the use of ~~internal~~ accessory dwelling units otherwise allowed by law, including but not limited to architectural design consistent with the primary dwelling, size limits, height limits, setback requirements, open space requirements, parking controls, and bedroom requirements.

~~(3) (a) An "internal accessory dwelling unit" means a self-contained living unit that:~~

~~(i) Includes its own cooking, sleeping, and sanitation facilities;~~

~~(ii) Is located within a detached, owner-occupied homestead, as defined in section 63-701, Idaho Code, or such homestead's attached or detached garage; and~~

1 ~~(iii) Is used for the purpose of housing relatives of the owner of~~
 2 ~~the homestead or for the purpose of renting to a residential tenant~~
 3 ~~for a period exceeding thirty (30) days.~~

4 ~~(b) An internal accessory dwelling unit does not include an alternative~~
 5 ~~detached structure, motor home, camper, recreational vehicle, tiny~~
 6 ~~home on wheels, or other such similar dwellings on wheels.~~

7 ~~(4)~~ (3) Nothing in this section shall be construed to restrict a home-
 8 owner's association from adopting a less restrictive definition of acces-
 9 sory dwelling units.

10 ~~(5)~~ (4) The provisions of this section do not apply to any rentals de-
 11 fined in section 63-1803(4), Idaho Code.

12 SECTION 2. That Chapter 65, Title 67, Idaho Code, be, and the same is
 13 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 14 ignated as Section 67-6541, Idaho Code, and to read as follows:

15 67-6541. ACCESSORY DWELLING UNITS. (1) No city shall enact or enforce
 16 any ordinance, rule, regulation, or policy that bans accessory dwelling
 17 units in any residential zoning area within its jurisdiction. An accessory
 18 dwelling unit shall be classified as a residential land use for zoning pur-
 19 poses subject to all applicable zoning requirements. "Accessory dwelling
 20 unit" means a self-contained living unit that includes its own cooking,
 21 sleeping, and sanitation facilities and that is located on the same lot as a
 22 single-family primary dwelling. An accessory dwelling unit may be internal,
 23 attached, or detached but does not include a motorhome, camper, recreational
 24 vehicle, tiny home on wheels, or other such similar dwellings on wheels.

25 (2) By February 1, 2027, by resolution or ordinance adopted, amended,
 26 or repealed in accordance with the notice and hearing procedures provided
 27 under section 67-6509, Idaho Code, each city governing board shall amend its
 28 comprehensive plan and land use regulations for all land zoned for single-
 29 family residential uses, except for lands falling within an area defined as a
 30 historic district under section 67-4607, Idaho Code, or designated as a his-
 31 toric property pursuant to section 67-4614, Idaho Code, to:

32 (a) Allow for either one (1) internal accessory dwelling unit within
 33 the single-family dwelling or one (1) detached accessory dwelling unit
 34 per lot in the rear yard or subject to setbacks required of the primary
 35 dwelling;

36 (b) Prohibit requiring any off-street parking or guest parking for any
 37 accessory dwelling unit unless the principal dwelling unit does not
 38 have off-street parking or the street is not paved and designed or con-
 39 structed for on-street parking or unless the principal dwelling unit is
 40 within one-fourth (1/4) mile of transit, an employment area, or commer-
 41 cial services;

42 (c) Prohibit imposing impact fees or utility connection fees on acces-
 43 sory dwelling units that are greater than those imposed on other sin-
 44 gle-family dwellings;

45 (d) Prohibit limiting the size of an accessory dwelling unit to less
 46 than one thousand (1000) square feet or seventy-five percent (75%) of
 47 the size of the primary dwelling;

48 (e) Prohibit an owner-occupancy requirement for the primary dwelling
 49 or for the accessory dwelling unit;

1 (f) Prohibit imposing a limit on building height that is less than the
2 height of an existing single-family primary dwelling on a lot; and

3 (g) Prohibit restrictions for accessory dwelling units that are more
4 restrictive than restrictions for single-family dwellings within the
5 same zoning district with regard to setbacks, lot size, or coverage or
6 building frontage.

7 (3) Accessory dwelling unit projects that meet the jurisdiction's es-
8 tablished land use requirements shall be approved administratively and as a
9 matter of right, without the need for discretionary approval.

10 (4) Any approval standards, special conditions, and procedures for ap-
11 proval adopted by a local government shall be clear and objective and shall
12 not have the effect, either singularly or cumulatively, of discouraging the
13 development of accessory dwelling units through unreasonable cost or delay.

14 (5) Nothing in this section shall prohibit a city from enacting a reg-
15 ulation, standard, or condition that is less restrictive than the require-
16 ments of this section.

17 (6) The provisions of this section shall apply only to cities with a
18 population greater than ten thousand (10,000).

19 (7) The provisions of this section shall not supersede state or local
20 laws that protect public health, safety, and welfare, including:

21 (a) Building codes, fire safety standards, and flood plain regula-
22 tions;

23 (b) Laws regarding water, sewer, storm drainage, road access, and util-
24 ity services necessary to support the required density;

25 (c) Laws regarding environmental hazards, aquifer recharge zones,
26 steep slopes, and critical habitat protections; and

27 (d) Laws and regulations regarding setback requirements for rights-of-
28 way and easements.

29 SECTION 3. SEVERABILITY. The provisions of this act are hereby declared
30 to be severable and if any provision of this act or the application of such
31 provision to any person or circumstance is declared invalid for any reason,
32 such declaration shall not affect the validity of the remaining portions of
33 this act.

34 SECTION 4. An emergency existing therefor, which emergency is hereby
35 declared to exist, this act shall be in full force and effect on and after
36 July 1, 2026.