



Agenda: August 26, 2015, 7:00 a.m.

City of Moscow Council Chambers • 206 E 3rd Street • Moscow, ID 83843

1. **Consent Agenda** - Any item will be removed from the consent agenda at the request of any member of the Board and that item will be considered separately later.

- A. Minutes from August 12th, 2015
- B. July 2015 Financials

ACTION: Approve the consent agenda or take such other action deemed appropriate.

2. **Public Comment for items *not on agenda*:** Three minute limit

3. **Announcements**

4. **Discussion Regarding Alturas Technology Park Zoning and Private Covenants – Bill Belknap**

Recently there has been renewed interest in what land uses are permitted within the Alturas Technology Park which was developed by the MURA. Land uses within the Park are regulated by both the Research, Technology and Office (RTO) Zoning District and the private restrictive covenants that were placed upon the property by the Agency at the time of development of each phase of the subdivision. There are perceptions that the RTO district is potentially too restrictive which has inhibited investment and development within the Park. Staff will provide an overview of the RTO District, detail the private restrictive covenants that are in place for both Phase I and Phase II of the development, and share research that was conducted to examine common allowed uses in research and technology districts in other communities.

ACTION: Receive report and provide Staff direction; or take such other action deemed appropriate.

5. **6th and Jackson Environmental Remediation Project and Grant Report – Bill Belknap**

Staff will provide an update on the 6th and Jackson property environmental remediation and the additional EPA cleanup grant fund application process.

ACTION: Receive report and provide Staff direction; or take such other action deemed appropriate.

6. **Redevelopment Association of Idaho (RAI) Report – Gary Riedner**

7. General District Updates – Bill Belknap

- Legacy Crossing District
- Alturas District

8. Adjourn - Executive Session per Idaho Code 74-206(1)(C) and (F) – The meeting will not reconvene.

NOTICE: 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.



Minutes: August 12, 2015, 7:00 a.m.

City of Moscow Council Chambers • 206 E 3rd Street • Moscow, ID 83843

McGeehan called the meeting to order at 7:00 a.m.

Attendance:

Commission Members

Steve McGeehan
Steve Drown
Brandy Sullivan
Art Bettge
Dave McGraw
John Weber

Absent: John McCabe

Staff Present

Bill Belknap, Executive Director
Gary J. Riedner, City Supervisor
Don Palmer, Finance Director
Stephanie Kalasz, City Clerk

Others

Mayor Bill Lambert
Dan Carscallen, Council
Patrick Vaughan, Assessor
Victoria Seever

1. **Consent Agenda** - Any item will be removed from the consent agenda at the request of any member of the Board and that item will be considered separately later.

- A. Minutes from July 22nd, 2015
- B. July Payables

ACTION: Approve the consent agenda or take such other action deemed appropriate.

Bettge moved and Weber seconded approval of the consent agenda. Motion carried unanimously.

2. **Public Comment for items *not on agenda*:** Three minute limit – No public comment was offered.
3. **Announcements** – No announcements were offered.

4. **Public Hearing – Proposed FY2016 Budget – Bill Belknap**

The proposed FY2016 Moscow Urban Renewal Agency annual budget has been prepared for consideration by the Agency Board. The proposed budget anticipates the early closure of Alturas Research and Technology Park Revenue Allocation Area (RAA) as directed by the Board on July 22, 2015 with the passage of the Resolution 2015-02 which recommended termination of the RAA to the Moscow City Council. The proposed budget was reviewed and recommended for approval by the Finance Committee on May 21, 2015, and reviewed and approved to proceed to public hearing by the MURA Board on June 12, 2015. The proposed budget has been noticed for public hearing in accordance with Idaho Code and is before the Board for review and approval.

ACTION: After considering public testimony, adopt FY2016 Budget and the corresponding Budget Resolution 2015-03; or take such other action deemed appropriate.

Belknap provided background information about the budget process. He said the Alturas tax allocation area will be closing one year early. He discussed URA projects and their history as well as the legislative climate for the upcoming year. He explained how Alturas has been successful and listed the businesses located there. He said it was started because there was a need to have a place for tech business startups to be housed. He discussed the Legacy Crossing Urban Renewal Area and said it is more of a traditional renewal area.

Belknap went through budget highlights. He discussed anticipated revenues and expenditures. He said income will be significantly reduced due to the closing of Alturas but money will be saved due to the executive director position being incorporated within the city administrative services agreement. He said the Board needs to hold a public hearing and staff recommends approval of the budget. There was discussion and Belknap answered questions from the Board.

McGeehan opened the public hearing at 7:21 a.m.

Victoria Seever, 121 N. Lilly, said she supports the realignment of the Executive Director position to save money. She said she supports incorporating art in the projects. She said the URA is doing good work. Sullivan asked about the percentage for art being increased to 2%. Belknap said it has been discussed but is not in place. No change would be needed to the budget if the change is made.

The public hearing closed at 7:23 a.m.

Weber moved and Bettge seconded to approve the budget and related resolution. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

5. Requested Amendment of Sangria Downtown LLC Exclusive Negotiation Agreement Schedule of Performance – Bill Belknap

On February 26, 2015, the Board selected Sangria Downtown LLC as the successful respondent to a request for proposals for development of the MURA's 6th and Jackson property. On April 8, 2015, the Board Approved an Exclusive Negotiation Agreement (ENA) to enter into negotiations regarding the property development which was executed on April 24, 2015. The ENA included a schedule of performance which specified specific dates for certain actions by both parties including the submission of development plans from Sangria Downtown LLC by July 1, 2015. Staff has received a request for amendment of the schedule of performance to allow additional time for Sangria Downtown LLC to submit their development plans, shifting that date to October 1, 2015. Staff has no objection to the request in consideration of the continued environmental remediation assessment and work currently ongoing on the property. Staff has prepared a revised schedule of performance for the Board's consideration and approval.

ACTION: Approve the proposed revised schedule of performance; or take such other action deemed appropriate.

Belknap said Sangria has been working on their revised plan for the 6th and Jackson property. He said they have submitted their deposit but have not been able to get the appraisal completed yet so they have made a

request for an extension. Staff is fine with the request because environmental remediation will be in process anyway. Bettge moved and Sullivan seconded approval of the revised schedule of performance. Motion carried unanimously.

6. Discussion Regarding Potential Adjustment to Regular Meeting Dates – Bill Belknap

The City of Moscow Administration Department has been evaluating the distribution of duties and responsibilities of the City Clerk's office including the delivery of administrative support the MURA. Administration has requested the Community Development Department to assume the delivery of administrative support to the Board through the Department's Administrative Assistant/Deputy City Clerk position. In order to accommodate this request, it may be necessary to shift the URA meeting dates from the 2nd and 4th Wednesdays of the month to the 1st and 3rd Wednesdays of the month to better distribute work demands. Staff would like to discuss the proposal and receive direction from the Board.

ACTION: Discuss the proposed revised meeting schedule and provide direction as deemed appropriate.

Belknap said Community Development will take over support services for the coming year. The only concern is that the Planning and Zoning Commission meets on the same day as the URA so staff would like to switch URA meetings to the 1st and 3rd Wednesday of the month. Bettge said he planned his schedule around the 2nd and 4th Wednesdays of the month but he thinks it is the right thing to do although he may miss a few meetings. McGraw said he agrees. There was general consensus to change the meetings. Belknap said staff will let the Board know when the transition will begin.

7. General District Updates – Bill Belknap

- Legacy Crossing District
 - Sixth and Jackson Environmental Remediation Update
- Alturas District
 - Upcoming Association Meeting September 23rd

Belknap gave an update on the Sixth and Jackson Environmental Remediation. He said the plan is out for public comment and has not changed much. The comment period ends September 11th and staff will be putting bids out for two phases of the work. He said there will be a total of \$200,000 in grant funding toward the cleanup. He indicated that there are two projects opening in Legacy Crossing and additionally the Gritman project should be started soon. A new car dealership will be moving into the old Ambassador Auto site but it is not expected to have many improvements. The old Time Warner Building has been purchased and the business should be moving in soon and the old Jack in the Box building has an accepted offer for purchase of the property. There was discussion about the remediation process.

Belknap said he will be attend a meeting of the Alturas property and business owners. He said irrigation water will be discussed as well as other business. He said he will also discuss potential zoning changes and get some input. The Board will talk about it at the next meeting.

There was discussion about how the next member would be selected when John McCabe steps down. Belknap said MURA board members are appointed by the Mayor and confirmed by the City Council.

8. Adjourn – The meeting concluded at 7:43 a.m.

General Ledger Revenue Analysis

User: jDinubilo
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Period 10 - 10
Fiscal Year 2015

July 2015



Account Number	Description	Budgeted Revenue	Period Revenue	YTD Revenue	Uncollected Bal	% Received
890	Moscow Urban Renewal Agency					
890-000-00-410-00	Property Taxes - Alturas	\$ 394,000.00	\$ 147,708.36	\$ 404,670.94	\$ (10,670.94)	102.71%
890-000-00-410-01	Property Taxes - Legacy	\$ 100,000.00	\$ 58,160.89	\$ 178,835.72	\$ (78,835.72)	178.84%
890-000-00-431-11	EPA Clean-up Grant - Legacy	\$ 111,757.00	\$ -	\$ -	\$ 111,757.00	0.00%
890-000-00-471-00	Investment Earnings	\$ 1,000.00	\$ 206.28	\$ 2,158.63	\$ (1,158.63)	215.86%
890-000-00-478-10	Sale of Land - Alturas	\$ 157,380.00	\$ -	\$ -	\$ 157,380.00	0.00%
890-000-00-478-11	Sale of Land - Legacy	\$ 467,965.00	\$ -	\$ -	\$ 467,965.00	0.00%
890-000-00-910-00	Beg Fund Bal Unassigned	\$ 46,349.00	\$ -	\$ -	\$ 46,349.00	0.00%
890-000-00-911-00	Beg Fund Bal Assigned-Alturas	\$ 617,250.00	\$ -	\$ -	\$ 617,250.00	0.00%
890-000-00-911-01	Beg Fund Bal Res-Alturas	\$ 115,175.00	\$ -	\$ -	\$ 115,175.00	0.00%
890-000-00-912-00	Beg Fund Bal Assigned-Legacy	\$ 183,194.00	\$ -	\$ -	\$ 183,194.00	0.00%
890-000-00-912-01	Beg Fund Bal Res-Legacy	\$ 68,312.00	\$ -	\$ -	\$ 68,312.00	0.00%
890	Moscow Urban Renewal Agency	\$ 2,262,382.00	\$ 206,075.53	\$ 585,665.29	\$ 1,676,716.71	25.89%
Revenue Total		\$ 2,262,382.00	\$ 206,075.53	\$ 585,665.29	\$ 1,676,716.71	26.00%

General Ledger Expense vs Budget

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Period 10 - 10

Fiscal Year 2015

July 2015



Account Number	Description	Budget	Period Amount	End Bal	Variance	Avail/Uncollect	% Collected
890	Moscow Urban Renewal Agency						
880	URA - General Agency						
890-880-10-642-00	Administrative Services	\$ 30,000.00	\$ -	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	50.00%
890-880-10-642-10	Professional Services-Exec Dir	\$ 51,420.00	\$ 4,285.00	\$ 42,850.00	\$ 8,570.00	\$ 8,570.00	83.33%
890-880-10-642-15	Professional Services-Other	\$ 5,000.00	\$ -	\$ 2,808.00	\$ 2,192.00	\$ 2,192.00	56.16%
890-880-10-642-20	Professional Services-Auditing	\$ 4,700.00	\$ -	\$ 4,500.00	\$ 200.00	\$ 200.00	95.74%
890-880-10-642-30	Professional Services-Computer	\$ 2,000.00	\$ -	\$ 19.95	\$ 1,980.05	\$ 1,980.05	1.00%
890-880-10-644-10	Marketing Expense-General	\$ 1,000.00	\$ -	\$ 350.16	\$ 649.84	\$ 649.84	35.02%
890-880-10-668-10	Liability Insurance-General	\$ 1,540.00	\$ -	\$ 1,492.00	\$ 48.00	\$ 48.00	96.88%
E02	Contractual	\$ 95,660.00	\$ 4,285.00	\$ 67,020.11	\$ 28,639.89	\$ 28,639.89	70.06%
890-880-10-631-10	Postage Expense	\$ 100.00	\$ -	\$ -	\$ 100.00	\$ 100.00	0.00%
890-880-10-631-20	Printing and Binding	\$ 400.00	\$ -	\$ 60.00	\$ 340.00	\$ 340.00	15.00%
890-880-10-647-10	Travel & Meetings-General	\$ 1,000.00	\$ 14.32	\$ 245.21	\$ 754.79	\$ 754.79	24.52%
890-880-10-649-10	Professional Development	\$ 1,000.00	\$ -	\$ -	\$ 1,000.00	\$ 1,000.00	0.00%
890-880-10-669-10	Misc. Expense-General	\$ 500.00	\$ -	\$ 34.97	\$ 465.03	\$ 465.03	6.99%
E03	Commodities	\$ 3,000.00	\$ 14.32	\$ 340.18	\$ 2,659.82	\$ 2,659.82	11.34%
880	URA - General Agency	\$ 98,660.00	\$ 4,299.32	\$ 67,360.29	\$ 31,299.71	\$ 31,299.71	68.28%
890	Urban Renewal Agency						
890-890-10-642-10	Professional Services-Alturas	\$ 40,000.00	\$ 537.50	\$ 3,112.00	\$ 36,888.00	\$ 36,888.00	7.78%
890-890-10-642-12	Land Sale Expense-Alturas	\$ 23,000.00	\$ -	\$ -	\$ 23,000.00	\$ 23,000.00	0.00%
890-890-10-644-10	Marketing Expense-Alturas	\$ 10,000.00	\$ 129.96	\$ 582.16	\$ 9,417.84	\$ 9,417.84	5.82%
E02	Contractual	\$ 73,000.00	\$ 667.46	\$ 3,694.16	\$ 69,305.84	\$ 69,305.84	5.06%
890-890-10-647-10	Travel & Meetings-Alturas	\$ 1,500.00	\$ -	\$ -	\$ 1,500.00	\$ 1,500.00	0.00%
890-890-10-658-10	Repairs & Maintenance	\$ 10,750.00	\$ -	\$ 98.58	\$ 10,651.42	\$ 10,651.42	0.92%
890-890-10-669-10	Misc. Expense-Alturas	\$ 500.00	\$ -	\$ -	\$ 500.00	\$ 500.00	0.00%
E03	Commodities	\$ 12,750.00	\$ -	\$ 98.58	\$ 12,651.42	\$ 12,651.42	0.77%

General Ledger Expense vs Budget

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Period 10 - 10

Fiscal Year 2015

July 2015



Account Number	Description	Budget	Period Amount	End Bal	Variance	Avail/Uncollect	% Collected
890-890-10-770-73	Improvements-Alturas	\$ 40,000.00	\$ -	\$ 14,870.40	\$ 25,129.60	\$ 25,129.60	37.18%
E04	Capital Outlay	\$ 40,000.00	\$ -	\$ 14,870.40	\$ 25,129.60	\$ 25,129.60	37.18%
890-890-10-699-74	Depreciation Expense	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
890-890-10-699-99	Amortization Expense	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
E81	Depreciation & Amortization	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
890-890-10-900-01	Contingency - Alturas	\$ 157,380.00	\$ -	\$ -	\$ 157,380.00	\$ 157,380.00	0.00%
E90	Contingency	\$ 157,380.00	\$ -	\$ -	\$ 157,380.00	\$ 157,380.00	0.00%
890	Urban Renewal Agency	\$ 283,130.00	\$ 667.46	\$ 18,663.14	\$ 264,466.86	\$ 264,466.86	6.59%
895	URA - Legacy Crossing						
890-895-10-642-10	Professional Services-Legacy	\$ 12,500.00	\$ -	\$ 7,849.00	\$ 4,651.00	\$ 4,651.00	62.79%
890-895-10-642-12	Land Sale Expense-Legacy	\$ 40,000.00	\$ -	\$ -	\$ 40,000.00	\$ 40,000.00	0.00%
890-895-10-644-10	Marketing Expense-Legacy	\$ 3,000.00	\$ -	\$ 198.27	\$ 2,801.73	\$ 2,801.73	6.61%
E02	Contractual	\$ 55,500.00	\$ -	\$ 8,047.27	\$ 47,452.73	\$ 47,452.73	14.50%
890-895-10-647-10	Travel & Meetings-Legacy	\$ 1,000.00	\$ -	\$ -	\$ 1,000.00	\$ 1,000.00	0.00%
890-895-10-652-10	Heat, Lights & Utilities	\$ 1,925.00	\$ 168.45	\$ 1,516.05	\$ 408.95	\$ 408.95	78.76%
890-895-10-669-10	Misc. Expense-Legacy	\$ 500.00	\$ -	\$ -	\$ 500.00	\$ 500.00	0.00%
890-895-10-675-00	Fiscal Agent Trustee fees	\$ 1,750.00	\$ -	\$ -	\$ 1,750.00	\$ 1,750.00	0.00%
890-895-10-676-15	Latah County Reimb. Agreement	\$ 2,000.00	\$ -	\$ 4,000.00	\$ (2,000.00)	\$ (2,000.00)	200.00%
890-895-10-676-17	Jackson St Owner Part. Agr.	\$ 9,000.00	\$ -	\$ -	\$ 9,000.00	\$ 9,000.00	0.00%
890-895-10-676-20	Agreement Cost	\$ 1,200.00	\$ -	\$ -	\$ 1,200.00	\$ 1,200.00	0.00%
E03	Commodities	\$ 17,375.00	\$ 168.45	\$ 5,516.05	\$ 11,858.95	\$ 11,858.95	31.75%
890-895-10-770-35	1% Public Art	\$ 1,000.00	\$ -	\$ -	\$ 1,000.00	\$ 1,000.00	0.00%
890-895-10-770-71	Land-Legacy	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%

General Ledger Expense vs Budget

User: jDinubilo

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Period 10 - 10

Fiscal Year 2015

July 2015



Account Number	Description	Budget	Period Amount	End Bal	Variance	Avail/Uncollect	% Collected
890-895-10-770-73	Improvements-Legacy	\$ 142,457.00	\$ -	\$ -	\$ 142,457.00	\$ 142,457.00	0.00%
890-895-10-770-97	Infrastructure Improvements	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
E04	Capital Outlay	\$ 143,457.00	\$ -	\$ -	\$ 143,457.00	\$ 143,457.00	0.00%
890-895-10-676-10	Bond Issuance Cost	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
E05	Debt Service	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
890-895-10-900-01	Contingency - Legacy	\$ 16,500.00	\$ -	\$ -	\$ 16,500.00	\$ 16,500.00	0.00%
E90	Contingency	\$ 16,500.00	\$ -	\$ -	\$ 16,500.00	\$ 16,500.00	0.00%
895	URA - Legacy Crossing	\$ 232,832.00	\$ 168.45	\$ 13,563.32	\$ 219,268.68	\$ 219,268.68	5.83%
899	Dept						
890-899-11-790-01	Bond Principal - Alturas	\$ 109,950.00	\$ 109,643.96	\$ 109,643.96	\$ 306.04	\$ 306.04	99.72%
890-899-11-791-01	Bond Interest-Alturas	\$ 5,225.00	\$ 5,208.09	\$ 5,208.09	\$ 16.91	\$ 16.91	99.68%
890-899-12-790-01	Bond Principal - Legacy	\$ 423,000.00	\$ -	\$ -	\$ 423,000.00	\$ 423,000.00	0.00%
890-899-12-791-01	Bond Interest - Legacy	\$ 19,490.00	\$ -	\$ 9,742.75	\$ 9,747.25	\$ 9,747.25	49.99%
E05	Debt Service	\$ 557,665.00	\$ 114,852.05	\$ 124,594.80	\$ 433,070.20	\$ 433,070.20	22.34%
890-899-10-990-00	Ending Fund Bal Unassigned	\$ 47,349.00	\$ -	\$ -	\$ 47,349.00	\$ 47,349.00	0.00%
890-899-11-990-00	End Fund Bal Assigned-Alturas	\$ 786,840.00	\$ -	\$ -	\$ 786,840.00	\$ 786,840.00	0.00%
890-899-11-990-01	End Fund Bal Res-Alturas	\$ -	\$ -	\$ -	\$ -	\$ -	0.00%
890-899-12-990-00	End Fund Bal Assigned-Legacy	\$ 186,594.00	\$ -	\$ -	\$ 186,594.00	\$ 186,594.00	0.00%
890-899-12-990-01	End Fund Bal Res-Legacy	\$ 69,312.00	\$ -	\$ -	\$ 69,312.00	\$ 69,312.00	0.00%
E95	Ending Fund Balance	\$ 1,090,095.00	\$ -	\$ -	\$ 1,090,095.00	\$ 1,090,095.00	0.00%
899	Dept	\$ 1,647,760.00	\$ 114,852.05	\$ 124,594.80	\$ 1,523,165.20	\$ 1,523,165.20	7.56%
890	Moscow Urban Renewal Agency	\$ 2,262,382.00	\$ 119,987.28	\$ 224,181.55	\$ 2,038,200.45	\$ 2,038,200.45	9.91%



Balance Sheet
July 31, 2015

	Total Funds
ASSETS	
Cash	13,885
Investments-LGIP	1,407,276
Investments-Zions Debt Reserve	42,606
Land Held For Resale	531,256
Land	505,803
Infrastructure Assets	1,186,207
Accumulated Depreciation	(694,989)
Total Assets	<u>2,992,043</u>
LIABILITIES	
Deposits Payable	5,000
Series 2007 Bond - due within one year	109,948
Series 2010 Bond - due within one year	24,000
Latah County payback agreement - due within one year	4,000
Series 2010 Bond - due after one year	399,000
Latah County payback agreement - due after one year	110,537
Total Liabilities	<u>652,485</u>
FUND BALANCES	
Net Assets Invest. Cap Assets	508,385
Restricted Fund Balance	159,483
Unrestricted Fund Balance	1,310,192
Total Fund Balance	<u>1,978,060</u>
Retained Earnings:	<u>361,498</u>
Total Fund Balance and Retained Earnings:	<u>2,339,558</u>
Total Liabilities, Fund Balance and Retained Earnings:	<u>\$2,992,043</u>

Memo

To: Bill Belknap
From: Rebecca Couch, Planner I
Date: August 14, 2015
Re: Research, Technology and Office (RTO) Zoning District Amendment

The current intent of the Research, Technology and Office (RTO) Zoning District describes a specific connection between research and technology-based businesses and the University of Idaho campus. The listed uses very specifically state that the use must offer support to the research and technology purposes of the Zoning District. The current intent and added restrictions on the listed uses appears to be limiting the development of the RTO Zoning District, often resulting in new research or technology-based businesses having to locate in a different zoning district because they are not connected to the University of Idaho. Additionally, the named uses are lengthy in description and the current requirement that each permitted use must “offer support to the research and technology purposes of the Zoning District” often prevents offices and service uses from locating in this Zone unless it is explicit that direct support to the research and technology purposes of the Zone is provided. This language creates a substantial gray area, making it especially difficult for staff to administer and to defend or deny a particular use. Additionally, the ambiguity that exists creates uncertainty in the marketplace for business owners/developers and may be limiting development and growth of the desired RTO Zoning District. The purpose of the recommended modifications set forth below for the RTO Zoning District is to eliminate the ambiguity that exists and clarify the uses.

Research

I have reviewed the intent/purpose and listed uses within research and technology park districts at the following four municipalities: Knoxville, TN, Oklahoma City, OK; Evanston, IL, and Pullman, WA. In summary, each of these cities describe the intent of the zone as providing for a wide range of professional office, research, technology, and light industrial uses. The character of this type of zone is intended to be a high quality mixed use campus or business park setting that assists in the development of applied research and advanced technology activities. Permitted uses range from research and technology uses that clearly meet the intent of the zone, to a wide variety of other personal and professional services, some retail, recreation facilities and eating establishments. A short summary of uses is listed below for each city, and the complete

research or technology park district code section listing all permitted uses for each city is attached to this memo.

Knoxville, TN. Permitted uses in Knoxville's Business and Technology Park (BP-1) include professional, business, governmental and medical offices; assembly of electrical appliances, electronic instruments and devices; research, manufacturing, compounding, and assembling or treatment of articles of merchandise from prepared materials. Additional uses in Knoxville range from hospitals to retail uses (with restrictions), order processing centers, hotels, and residential uses upon review.

Oklahoma City, OK. Oklahoma City permits professional offices, research services, day care facilities, parking facilities, business support services, dwelling units above the ground floor, eating establishments, light industrial uses, medical services, financial agencies, wholesaling, storage and distribution (with restrictions) within the Technology Park District (TP).

Evanston, IL. Evanston, Illinois' Research Park District (RP) permits professional offices, commercial indoor recreation, parking facilities, conference facilities, daycare centers, multi-family dwellings, financial and governmental institutions, hotels, industrial service establishments, light manufacturing, research and development industries, restaurants, retail sales, warehouse equipment and wholesale goods establishments.

Pullman, WA. Pullman, Washington's Industrial Research Park (IRP) permits professional offices, veterinary clinics, financial institutions, medical services, education/scientific services, government services, radio and television studios, commercial recreation facilities, wholesale trade, convenience stores, eating establishments, and light manufacturing uses.

In addition to reviewing the research and technology park districts in the above mentioned municipalities, I also completed an analysis of current named uses within Moscow's RTO Zoning District and identified more appropriate and specific named uses from the 2012 North American Industry Classification System (NAICS) Titles for each of the RTO permitted uses. The current list of specifically not permitted uses within the RTO Zone has also been reviewed and modifications are being recommended.

Recommendations

1. Modified Statement of Intent for the RTO Zoning District

Upon review of research and technology park districts within the four municipalities mentioned above and the current allowed uses within Moscow's RTO Zoning District, I am recommending a modified statement of intent for the RTO Zone, as follows:

The RTO District is intended to provide locations for professional offices, services, research, technology and limited industrial and manufacturing uses. It is intended to provide sites for the location of such enterprises in a high quality environment which is conducive to the successful operation and attraction of research and technology-based businesses. Furthermore, it is the intent of the provisions of this Zoning District to establish a district in which research facilities, pilot plants, prototype production facilities, and manufacturing operations requiring a high

degree of scientific input will be permitted. Additionally, a range of office uses are to be permitted that can provide services to the research and technology functions of the Zoning District. The RTO District should be located adjacent to or in close proximity to arterial or collector streets and is appropriate where adequate infrastructure is available and where neighboring land uses will enhance, or not detract from the intent and uses of the Zone.

2. Proposed Use Chart for the RTO Zoning District

The proposed modified table of permitted uses for the RTO Zone shown below will eliminate ambiguity and clarify types of uses allowed within the zone. The existing named uses have been modified utilizing use titles from the 2012 NAICS (with the exception of two uses). Following the proposed use chart for the RTO Zone is a table of existing named uses, showing how they are currently permitted and the NAICS title that replaced them.

Proposed Use Chart for RTO Zoning District	
<i>Permitted Principal Uses</i>	NAICS Code
Aerospace Product and Parts Manufacturing	3364
Agencies, Brokerages and Other Insurance Related Activities	5242
Computer and Electronic Product Manufacturing	334
Data Processing, Hosting, and Related Services	518
Electrical Equipment, Appliance, and Component Manufacturing	335
Medical Equipment and Supplies Manufacturing	3391
Pharmaceutical and Medicine Manufacturing	3254
Professional, Scientific and Technical Services (excluding veterinary services)	541
Securities, Commodity Contracts, and Other Financial Investments	523
Software Publishers	5112
Telecommunications	517
<i>Permitted Accessory Uses</i>	NAICS Code
Accessory Gardens	
Cafeterias	722514
Child Day Care Services (<i>Family, 5 or fewer children</i>)	624410
Parking Lots and Garages	81293
Retail Sales Associated with Permitted Principal Uses in the RTO Zone	
Warehousing and Indoor Storage of Products Associated with Permitted Principal Uses in the RTO Zone	493
<i>Conditional Uses</i>	NAICS Code
Business Schools and Computer and Management Training	6114
Child Day Care Services (<i>Group, 6-12 children; Small, 13-20 children; Large, 20+ children</i>)	
Technical and Trade Schools (excluding Aviation Instruction Schools, Modeling Schools, Nursing Schools, Cosmetology Schools, and Truck Driving Schools)	61151

Current RTO Use Chart with Proposed NAICS Titles		
Current Named Use	Proposed	NAICS
<i>Permitted Principal Uses</i>		
(1) Research and development establishments that offer support to the research and technology purposes of the Zoning District, including the manufacture or creation of prototype products or processes.	Professional, Scientific and Technical Services (Excluding veterinary services)	541
(2) Light manufacturing (as defined in the Zoning Code) that offers support to the research and technology purposes of the Zoning District.	Computer and Electronic Product Manufacturing; Electrical Equipment, Appliance, and Component Manufacturing; Pharmaceutical and Medicine Manufacturing; Aerospace Product and Parts Manufacturing, Medical Equipment and Supplies Manufacturing	334, 335, 3254, 3364, 3391
(3) Professional, executive and clerical offices that offer support to the research and technology purposes of the Zoning District. "Professional" as used in this subsection, includes, but is not limited to: attorneys, accountants, tax consultants, engineers, architects and other professional enterprises and offices which can support the research and technology purposes and uses of the Zoning District. Medical offices engaged primarily in the provision of health care to patients are excluded from this Zoning District.	Professional, Scientific and Technical Services (Excluding veterinary services) Telecommunications Data Processing, Hosting, and Related Services	541, 517, 518
(4) Financial services that offer support to the research and technology purposes of the Zoning District, except full-service banks and savings and loan institutions. Financial services shall include, but not be limited to, brokerage firms, investment firms, and insurance firms.	Agencies, Brokerages and Other Insurance Related Activities	5242
	Securities, Commodity Contracts, and Other Financial Investments	523
(5) Publishing houses that offer support to the research and technology purposes of the Zoning District.	Software Publishers	5112
(6) One (1) commercial eating and drinking establishment shall be permitted in an RTO Zoning District with less than twenty five (25) acres; two such establishments shall be permitted in an RTO Zoning District with twenty five (25) to fifty (50) acres; and three such establishments shall be permitted in an RTO Zoning District with more than (50) acres.	<i>Eliminate</i>	
(7) Family daycare facilities, group daycare facilities, small and large day care facilities as defined by this Code that offer support to the	Child Day Care Services (Family) – Permitted Accessory Use (Group, Large, and Small) – require CUP	624410

research and technology purposes of the Zoning District.		
<i>Permitted Accessory Uses and Structures</i>		
(1) Off-street parking lots and structures providing parking for uses within the RTO Zoning District.	Parking Lots and Garages	81293
(2) Indoor storage of products produced in the RTO Zoning District.	Warehousing and Indoor Storage of Products Associated with Permitted Principal Uses in the RTO Zone	493
(3) Cafeterias	Cafeterias	722514
(4) Retail sales in support of the intent, purposes and permitted uses of the RTO Zoning District	Retail Sales Associated with Permitted Principal Uses in the RTO Zone	
(5) Accessory Gardens	Accessory Gardens	
<i>Conditional Uses</i>		
Commercial schools directly associated with a research and technology business. Specific consideration shall be given to cumulative impacts of and proximity to existing commercial schools in the vicinity.	Business Schools and Computer and Management Training	6114
	Technical and Trade Schools* *Excluding Aviation Instruction Schools, Modeling Schools, Nursing Schools, Cosmetology Schools, and Truck Driving Schools	61151
<i>Special Uses</i>		
Retail sales directly related to a permitted use in the RTO Zoning District conducted at a higher level of intensity than an accessory use.	<i>Eliminate</i>	

3. Within the 'Limitations on Uses' section of the RTO Zone, there are currently twenty listed uses that are specifically not permitted. It is being recommended that all but three of these are eliminated from this list. With the modified and clarified list of permitted uses it is not necessary to provide an extensive list of non-permitted uses.

Current uses specifically not permitted within the RTO Zone – to eliminate:

- Automotive wrecking, repair, sales or storage
- Concrete mixing plants
- Residential uses
- Motels, hotels and recreational vehicle parks
- Self-service storage, warehouses, except as a secondary use for the storage of products produced in the RTO Zoning District only
- Bulk storage or sale of fertilizers, chemicals, or petroleum products
- Rock crushing and extraction
- Sale of building materials, hay, grain and bulk garden supplies
- Sanitary landfill, composting or incineration

- Slaughterhouse, animal rendering plant
- Bulk storage of fireworks or other explosive materials
- Tannery
- Transit or trucking terminal
- Construction businesses
- Laundry businesses
- All other heavy manufacturing uses not previously specified
- Residential rental units

Current uses specifically not permitted within the RTO Zone – to remain within the Limitations on Uses section:

- Drive-up windows
- Uses involving the use of machinery out of doors that generate significant noise, dust or odors
- Medical offices engaged primarily in the delivery of health care

NAICS 2012 Definitions of Proposed Named Uses for RTO Zoning District

3254 Pharmaceutical and Medicine Manufacturing

32541 Pharmaceutical and Medicine Manufacturing

This industry comprises establishments primarily engaged in one or more of the following: (1) manufacturing biological and medicinal products; (2) processing (i.e., grading, grinding, and milling) botanical drugs and herbs; (3) isolating active medicinal principals from botanical drugs and herbs; and (4) manufacturing pharmaceutical products intended for internal and external consumption in such forms as ampoules, tablets, capsules, vials, ointments, powders, solutions, and suspensions.

325411 Medicinal and Botanical Manufacturing

325412 Pharmaceutical Preparation Manufacturing

325413 In-Vitro Diagnostic Substance Manufacturing

325414 Biological Product (except Diagnostic) Manufacturing

334 Computer and Electronic Product Manufacturing

Industries in the Computer and Electronic Product Manufacturing subsector group establishments that manufacture computers, computer peripherals, communications equipment, and similar electronic products, and establishments that manufacture components for such products. The Computer and Electronic Product Manufacturing industries have been combined in the hierarchy of NAICS because of the economic significance they have attained. Their rapid growth suggests that they will become even more important to the economies of all three North American countries in the future, and in addition their manufacturing processes are fundamentally different from the manufacturing processes of other machinery and equipment. The design and use of integrated circuits and the application of highly specialized miniaturization technologies are common elements in the production technologies of the computer and electronic subsector. Convergence of technology motivates this NAICS subsector.

Digitalization of sound recording, for example, causes both the medium (the compact disc) and the equipment to resemble the technologies for recording, storing, transmitting, and manipulating data. Communications technology and equipment have been converging with computer technology. When technologically-related components are in the same sector, it makes it easier to adjust the classification for future changes, without needing to redefine its basic structure. The creation of the Computer and Electronic Product Manufacturing subsector assists in delineating new and emerging industries because the activities that will serve as the probable sources of new industries, such as computer manufacturing and communications equipment manufacturing, or computers and audio equipment, are brought together. As new activities emerge, they are less likely therefore, to cross the subsector boundaries of the classification.

335 Electrical Equipment, Appliance, and Component Manufacturing

Industries in the Electrical Equipment, Appliance, and Component Manufacturing subsector manufacture products that generate, distribute and use electrical power. Electric Lighting Equipment Manufacturing establishments produce electric lamp bulbs, lighting fixtures, and parts. Household Appliance Manufacturing establishments make both small and major electrical appliances and parts. Electrical Equipment Manufacturing establishments make goods, such as electric motors, generators, transformers, and switchgear apparatus. Other Electrical Equipment and Component Manufacturing establishments make devices for storing electrical power (e.g., batteries), for transmitting electricity (e.g., insulated wire), and wiring devices (e.g., electrical outlets, fuse boxes, and light switches).

3364 Aerospace Product and Parts Manufacturing

33641 Aerospace Product and Parts Manufacturing

This industry comprises establishments primarily engaged in one or more of the following: (1) manufacturing complete aircraft, missiles, or space vehicles; (2) manufacturing aerospace engines, propulsion units, auxiliary equipment or parts; (3) developing and making prototypes of aerospace products; (4) aircraft conversion (i.e., major modifications to systems); and (5) complete aircraft or propulsion systems overhaul and rebuilding (i.e., periodic restoration of aircraft to original design specifications).

336411 Aircraft Manufacturing

336412 Aircraft Engine and Engine Parts Manufacturing

336413 Other Aircraft Parts and Auxiliary Equipment Manufacturing

336414 Guided Missile and Space Vehicle Manufacturing

336415 Guided Missile and Space Vehicle Propulsion Unit and Propulsion Unit Parts Manufacturing

336419 Other Guided Missile and Space Vehicle Parts and Auxiliary Equipment Manufacturing

3391 Medical Equipment and Supplies Manufacturing

33911 Medical Equipment and Supplies Manufacturing

This industry comprises establishments primarily engaged in manufacturing medical equipment and supplies.

Examples of products made by these establishments are surgical and medical instruments, surgical appliances and supplies, dental equipment and supplies, orthodontic goods, ophthalmic goods, dentures, and orthodontic appliances.

339112 Surgical and Medical Instrument Manufacturing

339113 Surgical Appliance and Supplies Manufacturing

339114 Dental Equipment and Supplies Manufacturing

339115 Ophthalmic Goods Manufacturing

339116 Dental Laboratories

493 Warehousing and Storage

Industries in the Warehousing and Storage subsector are primarily engaged in operating warehousing and storage facilities for general merchandise, refrigerated goods, and other warehouse products. These establishments provide facilities to store goods. They do not sell the goods they handle. These establishments take responsibility for storing the goods and keeping them secure. They may also provide a range of services, often referred to as logistics services, related to the distribution of goods. Logistics services can include labeling, breaking bulk, inventory control and management, light assembly, order entry and fulfillment, packaging, pick and pack, price marking and ticketing, and transportation arrangement. However, establishments in this industry group always provide warehousing or storage services in addition to any logistic services. Furthermore, the warehousing or storage of goods must be more than incidental to the performance of services, such as price marking. Bonded warehousing and storage services and warehouses located in free trade zones are included in the industries of this subsector.

49311 General Warehousing and Storage

49312 Refrigerated Warehousing and Storage

49313 Farm Product Warehousing and Storage

49319 Other Warehousing and Storage

5112 Software Publishers

51121 Software Publishers

See industry description for 511210 below.

511210 Software Publishers

This industry comprises establishments primarily engaged in computer software publishing or publishing and reproduction. Establishments in this industry carry out operations necessary for producing and distributing computer

software, such as designing, providing documentation, assisting in installation, and providing support services to software purchasers. These establishments may design, develop, and publish, or publish only.

517 Telecommunications

Industries in the Telecommunications subsector group establishments that provide telecommunications and the services related to that activity (e.g., telephony, including Voice over Internet Protocol (VoIP); cable and satellite television distribution services; Internet access; telecommunications reselling services). The Telecommunications subsector is primarily engaged in operating, and/or providing access to facilities for the transmission of voice, data, text, sound, and video. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in the Telecommunications subsector are grouped into four industry groups. The first three are comprised of establishments that operate transmission facilities and infrastructure that they own and/or lease, and provide telecommunications services using those facilities. The distinction among the first three industry groups is the type of infrastructure operated (i.e., wired, wireless, or satellite). The fourth industry group is comprised of establishments that provide support activities, telecommunications reselling services, or many of the same services provided by establishments in the first three industry groups, but do not operate as telecommunications carriers. Establishments primarily engaged as independent contractors in the installation and maintenance of broadcasting and telecommunications systems are classified in Sector 23, Construction. Establishments known as Internet cafes, primarily engaged in offering limited Internet connectivity in combination with other services such as facsimile services, training, rental of on-site personal computers, game rooms, or food services are classified in Subsector 561, Administrative and Support Services, or Subsector 722, Food Services and Drinking Places, depending on the primary activity.

5171 Wired Telecommunications Carriers

5172 Wireless Telecommunications Carriers (except Satellite)

517210 Wireless Telecommunications Carriers (except Satellite)

5174 Satellite Telecommunications

5179 Other Telecommunications

517911 Telecommunications Resellers

517919 All Other Telecommunications

518 Data Processing, Hosting, and Related Services

Industries in the Data Processing, Hosting, and Related Services subsector group establishments that provide the infrastructure for hosting and/or data processing services.

This industry comprises establishments primarily engaged in providing infrastructure for hosting or data processing services. These establishments may provide specialized hosting activities, such as web hosting, streaming services or application hosting; provide application service provisioning; or may provide general timeshare mainframe facilities to clients. Data processing establishments provide complete processing and specialized reports from data supplied by clients or provide automated data processing and data entry services.

Illustrative Examples:

Application hosting

Optical scanning services

Application service providers

Web hosting

Computer data storage services

Video and audio streaming service

Computer input preparation services

Microfilm imaging services

523 Securities, Commodity Contracts, and Other Financial Investments and Related Activities

Industries in the Securities, Commodity Contracts, and Other Financial Investments and Related Activities subsector group establishments that are primarily engaged in one of the following: (1) underwriting securities issues and/or making markets for securities and commodities; (2) acting as agents (i.e., brokers) between buyers and sellers of securities and commodities; (3) providing securities and commodity exchange services; and (4) providing other services, such as managing portfolios of assets; providing investment advice; and trust, fiduciary, and custody services.

5242 Agencies, Brokerages, and Other Insurance Related Activities

This industry group comprises establishments primarily engaged in (1) acting as agents (i.e., brokers) in selling annuities and insurance policies or (2) providing other employee benefits and insurance related services, such as claims adjustment and third party administration.

52421 Insurance Agencies and Brokerages

52429 Other Insurance Related Activities

524291 Claims Advertising

524292 Third Party Administration of Insurance and Pension Funds

524298 All Other Insurance Related Activities

541 Professional, Scientific, and Technical Services

Industries in the Professional, Scientific, and Technical Services subsector group establishments engaged in processes where human capital is the major input. These establishments make available the knowledge and skills of their employees, often on an assignment basis, where an individual or team is responsible for the delivery of services to the client. The individual industries of this subsector are defined on the basis of the particular expertise and training of the services provider.

The distinguishing feature of the Professional, Scientific, and Technical Services subsector is the fact that most of the industries grouped in it have production processes that are almost wholly dependent on worker skills. In most of these industries, equipment and materials are not of major importance, unlike health care, for example, where "high tech" machines and materials are important collaborating inputs to labor skills in the production of health care.

Thus, the establishments classified in this subsector sell expertise. Much of the expertise requires degrees, though not in every case.

5411 Legal Services

5412 Accounting, Tax Preparation, Bookkeeping, and Payroll Services

5413 Architectural, Engineering, and Related Services

5414 Specialized Design Services

5415 Computer Systems Design and Related Services

5416 Management, Scientific, and Technical Consulting Services

5417 Scientific Research and Development Services

5418 Advertising, Public Relations, and Related Services

5419 Other Professional, Scientific, and Technical Services

6114 Business Schools and Computer and Management Training

611410 Business and Secretarial Schools

This industry comprises establishments primarily engaged in offering courses in office procedures and secretarial and stenographic skills and may offer courses in basic office skills, such as word processing. In addition, these establishments may offer such classes as office machine operation, reception, communications, and other skills designed for individuals pursuing a clerical or secretarial career. Instruction may be provided in diverse settings, such as the establishment's or client's training facilities, educational institutions, the workplace, or the home, and through diverse means, such as correspondence, television, the Internet, or other electronic and distance-learning methods. The training provided by these establishments may include the use of simulators and simulation methods.

611420 Computer Training

This industry comprises establishments primarily engaged in conducting computer training (except computer repair), such as computer programming, software packages, computerized business systems, computer electronics technology, computer operations, and local area network management. Instruction may be provided in diverse settings, such as the establishment's or client's training facilities, educational institutions, the workplace, or the home, and through diverse means, such as correspondence, television, the Internet, or other electronic and distance learning methods. The training provided by these establishments may include the use of simulators and simulation methods.

611430 Professional and Management Development Training

This industry comprises establishments primarily engaged in offering an array of short duration courses and seminars for management and professional development. Training for career development may be provided directly to individuals or through employers' training programs; and courses may be customized or modified to meet the special needs of customers. Instruction may be provided in diverse settings, such as the establishment's or client's training facilities, educational institutions, the workplace, or the home, and through diverse means, such as

correspondence, television, the Internet, or other electronic and distance-learning methods. The training provided by these establishments may include the use of simulators and simulation methods.

61151 Technical and Trade Schools

This industry comprises establishments primarily engaged in offering vocational and technical training in a variety of technical subjects and trades. The training often leads to job-specific certification. Instruction may be provided in diverse settings, such as the establishment's or client's training facilities, educational institutions, the workplace, or the home, and through diverse means, such as correspondence, television, the Internet, or other electronic and distance-learning methods. The training provided by these establishments may include the use of simulators and simulation methods.

Illustrative Examples:

Apprenticeship training programs

Graphic arts schools

~~Aviation and flight training instruction schools~~

~~Modeling schools~~

Computer repair training

~~Nursing schools (except academic)~~

~~Cosmetology schools~~

Real estate schools

Electronic equipment repair training

~~Truck driving schools~~

624410 Child Day Care Services

This industry comprises establishments primarily engaged in providing day care of infants or children. These establishments generally care for preschool children, but may care for older children when they are not in school and may also offer pre-kindergarten educational programs.

Illustrative Examples:

Child day care babysitting services

Nursery schools

Child or infant day care centers

Preschool centers

722514 Cafeterias, Grill Buffets, and Buffets

This U.S. industry comprises establishments, known as cafeterias, grill buffets, or buffets, primarily engaged in preparing and serving meals for immediate consumption using cafeteria-style or buffet serving equipment, such as steam tables, refrigerated areas, display grills, and self-service nonalcoholic beverage dispensing equipment. Patrons select from food and drink items on display in a continuous cafeteria line or from buffet stations.

812930 Parking Lots and Garages

This industry comprises establishments primarily engaged in providing parking space for motor vehicles, usually on an hourly, daily, or monthly basis and/or valet parking services.

DISTRICT REQUIREMENTS

6-12-2. - RP RESEARCH PARK DISTRICT.

6-12-2-1. - PURPOSE STATEMENT.

The RP research park district is intended to provide a regulatory framework that will assist the development of applied research oriented and advanced technology activities in a high quality mixed use business park setting. The district also provides for a limited amount of light assembly, processing, and distribution uses along with their related support activities.

(Ord. 43-0-93)

6-12-2-2. - PERMITTED USES.

The following uses are permitted in the RP district:

- Commercial indoor recreation.
- Commercial parking garage.
- Conference facility (college/university).
- Conference facility (noncollege/university).
- Cultural facility.
- Daycare center—Adult (subject to the general requirements of Section 6-4-3, "Adult Daycare Homes," of this Title).
- Daycare center—Child (subject to the general requirements of Section 6-4-2, "Child Daycare Homes," of this Title).
- Dwellings—Multiple-family.
- Financial institution.
- Government institution.
- Hotel.
- Industrial service establishments.
- Light manufacturing.
- Neighborhood garden.
- Office.
- Pharmaceutical manufacturing.
- Public transportation center.
- Public utility.
- Research and development industries.
- Restaurant—Type 1.
- Retail goods establishment.
- Retail services establishment.
- Single-family attached dwelling unit.
- Warehouse establishment.
- Wholesale goods establishment.

(Ord. 43-0-93; amd. Ord. 100-0-95; Ord. No. 81-O-14, § 41, 8-11-2014)

6-12-2-3. - SPECIAL USES.

The following special uses may be permitted in the RP district, subject to the provisions set forth in Section 6-3-5 of this Title:

Banquet hall.

Business or vocational school.

Craft-brewery.

Open sales lot.

Outdoor storage.

Performance entertainment venue.

Planned developments (subject to the requirements of Section 6-3-6 of this Title and Section 6-12-1-7 of this Chapter).

Resale establishment.

Restaurants—Type 2.

Urban farm, rooftop.

(Ord. 43-0-93; amd. Ord. 2-0-00; Ord. 114-0-02; Ord. 122-0-09; Ord. No. 129-O-12, § 14, 1-14-2013; Ord. No. 3-O-14, § 14, 2-10-2014; Ord. No. 57-O-14, § 14, 6-9-2014; Ord. No. 81-O-14, § 15, 8-11-2014)

3.10. - BP-1 business and technology park district.

- A. General description. This zone is intended to provide for a wide range of uses including professional, business, governmental, and medical offices and uses that rely on advanced scientific and engineering capability. It is intended to provide sites for the location of such enterprises in an attractive, park-like setting. To this end, development is limited to a low concentration; external effects are limited; and access road improvements, utility distribution, landscaping, buildings and other improvements shall be complementary and so designed as to enhance the natural environment. It is the intent of the provisions of this section to establish a district in which research facilities, pilot plants, prototype production facilities, and manufacturing operations requiring a high degree of scientific input will be permitted. It is the intent of this section that manufacturing operations permitted should be those requiring the application of research knowledge and activity continually or recurrently and as an integral part of the manufacturing process in contrast to such application only initially or infrequently as in the case of mass production operations. It is the intent of this section that manufacturing operations permitted shall be those in which the input of science, technology, research, and other forms of concepts or ideas constitutes per unit of product a major element of value added by manufacture.
- B. Minimum size of zone. In order to achieve the above intent an area of sufficient size to permit a spacious design and coordinated arrangement of buildings and facilities is necessary. Therefore, no BP-1 business and technology park district may be created which has an area of less than five (5) acres.
- C. Uses permitted. The following uses may be permitted by approval of a development plan that indicates they are within the intent of this zone as described in paragraph A. above and that they comply with the development standards of paragraph M. These performance standards, like all other provisions of this ordinance, are continuing obligations and all uses must continue to operate in compliance with the standards.
 - (1) Professional, business, governmental and medical offices in which no activity is carried on catering to retail trade with [the] general public, and no stock of goods is maintained for sale to customers, except as may be allowed under paragraph C.(10) of this section.
 - (2) Hospitals, clinics, medical and dental offices, and veterinary clinics.
 - (3) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers and crystal holders.
 - (4) Research, experimental or testing laboratories.
 - (5) The manufacturing, compounding, processing, packaging, treatment or fabrication of ceramics, instruments, optical goods and pharmaceuticals.
 - (6) The manufacturing, compounding, assembling or treatment of articles of merchandise from prepared materials.
 - (7) Utility substations, easements, transportation rights-of-way and alleys.
 - (8) Commercial telecommunications towers, when located on the site of a substation owned or leased by an electric utility company or district.
 - (9) Other assembly or limited manufacturing uses, of a similar nature, when located and arranged according to a plan providing for aesthetic or other conditions in harmony with the neighborhood, and approved by the planning commission.
 - (10) Retail commercial uses may be approved as part of the overall development proposal, subject to the following conditions:
 - a. Minimum parcel size for the total development plan shall be twenty (20) acres.
 - b. Retail uses shall not exceed ten (10) percent of the total floor areas of the approved development plan.

- c. Only the following retail uses shall be permitted, provided that there shall be no sales, display or storage of merchandise outside of a fully enclosed building:
 - 1. Banks and credit unions.
 - 2. Barber shops and beauty salons.
 - 3. Book stores.
 - 4. Camera and photography supply stores, including film processing.
 - 5. Clothing stores.
 - 6. Drug stores.
 - 7. Dry cleaners.
 - 8. Employment services.
 - 9. Florists.
 - 10. Food stores, including convenience stores without gasoline pumps.
 - 11. Gift stores.
 - 12. Toy stores.
 - 13. Jewelers.
 - 14. Restaurants, without drive-through facilities.
 - 15. Sales of office supplies, office equipment, and computers.
 - 16. Sporting goods stores.
 - 17. Accessory uses customarily incidental to any of the above uses, including commercial and recreational uses associated with and maintained primarily for the uses permitted above.
- d. Building permits for retail commercial development may not be issued until certificates of occupancy have been granted for nonretail uses equal to ten (10) percent of the total floor area of the approved development.

(11) Order processing centers for goods or services, including television home shopping networks, call centers and internet and catalog order processing centers, corporate and business offices, order fulfillment operations and related receiving, warehousing and distribution of goods for sale to customers and incidental on-premises sales subject to the following conditions:

- a. Floor areas devoted to on-premises, over-the-counter sales to walk-in customers, shall not exceed ten (10) percent of the total floor area of the approved development plan.
- b. On-premises sales may be permitted at special events no more than five times during any calendar year.

(12) Hotels and motels, subject to the standards and requirements of paragraph C.(10.) of this section.

All of the uses permitted under this section shall have their primary operations conducted entirely within enclosed buildings, and shall not emit any obnoxious dust or smoke, or noxious odor or fumes outside of the building housing the operation or produce any noise level occurring on the adjacent street. Operations shall cause no radiation or radioactivity at any exterior wall and no electrical radiation that affects any operation or equipment other than those of the creator of the radiation. All storage shall be confined to the interior of buildings.

D. Uses permitted on review. The following uses may be permitted by the metropolitan planning commission as a use on review in accordance with the provisions of this section and of article V, section 3 and article VII, section 5 of this ordinance:

- 1. Residential uses.
- 2. Commercial telecommunications towers.

• **§ 59-6250. - Industrial Districts.**

6250.1. Purpose Statements.

- A. *TP Technology Park District.* The TP District is intended to provide locations for office, research, and limited technology and industrial uses that do not have adverse impacts on surrounding properties or the environment, and are typically located in a campus or industrial park setting.

TABLE 6250.1: INDUSTRIAL DISTRICTS USES REGULATIONS					
KEY: P = Permitted // C = Conditional // SE = Special Exception // SP = Special Permit // A = ABC Overlay // V = Variance Reference Section 59-9350 for standards for specific uses identified as (C), (SE), or (SP).					
USE		TP	I-1	I-2	I-3
8350.1	Aboveground Flammable Liquid Storage: General			SP	SP
8350.2	Aboveground Flammable Liquid Storage: Restricted	C	C	C	C
8300.1	Administrative and Professional Offices	P	P	P	P
8300.2	Adult Day Care Facilities	P	P	P	P
8150.1	Agricultural Processing: General	C	C	C	C
8150.2	Agricultural Processing: Limited	C	C	C	C
8300.4	Agricultural Supplies and Services		C	P	P
8300.5	Alcoholic Beverage Retail Sales		P	P	P
8300.6	Animal Interment Services		SP	SP	SP
8150.3	Animal Raising: Commercial	C	C	C	C
8150.4	Animal Raising: Commercial Feedlots			SP	SP
8150.5	Animal Raising: Personal	C	C	C	C
8300.7	Animal Sales and Services: Auctioning				P
8300.8	Animal Sales and Services: Grooming		P	P	P

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8300.10	Animal Sales and Services: Kennel and Veterinary, General			P	P
8300.11	Animal Sales and Services: Kennel and Veterinary, Restricted		P	P	P
8150.6	Animal Waste Processing				P
8300.12	Automotive: Parking Garages	P	P	P	P
8300.13	Automotive: Parking Lots, as a Principal Use	P	P	P	P
8300.14	Automotive and Equipment: Cleaning and Repairs, Light Equipment		C	P	P
8300.15	Automotive and Equipment: Heavy Repairs, Heavy Equipment			P	P
8300.16	Automotive Auction			P	P
8300.17	Automotive Vehicle Impound Yards and Damaged Vehicle Auctions			C	C
8300.18	Automotive and Equipment: Automobile Dealerships and Malls		C	P	P
8300.19	Automotive and Equipment: Sales and Rentals, Farm and Heavy Equipment			P	P
8300.20	Automotive and Equipment: Sales and Rentals, Trucks, Manufactured (Mobile) Homes and Recreational Vehicles		C	P	P
8300.21	Automotive and Equipment: Storage			P	P
8300.22	Bingo Parlors		P	P	P
8300.23	Building Maintenance Services		P	P	P
8300.24	Business Support Services	P	P	P	P
8300.25	Child Care Centers	P	P	P	P
8300.26	Commercial Blood Centers		SP	SP	P
8300.27	Communications Services: Antennas	C	C	C	C
8300.28	Communications Services: Broadcast Towers	C	C	C	C
8300.29	Communications Services: Limited	P	P	P	P
8300.30	Communications Services: Telecommunication Towers	C	C	C	C
8150.6.1	Community Garden	C	C	C	C

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8150.6.2	Composting	P	P	P	P
8300.31	Construction Sales and Services		C	P	P
8300.32	Convenience Sales and Personal Services	C	P	P	
8250.5	Cultural Exhibits	P	P	P	
8350.3	Custom Manufacturing	P	P	P	P
8250.6	Domestic Violence Shelters	SP	SP	SP	SP
8300.33	Drinking Establishments: Sitdown, Alcohol Permitted	A	A	A	A
8200.2	Dwelling Units Above the Ground Floor	P	P	P	P
8300.34	Eating Establishments: Drive-In		P	P	P
8300.35	Eating Establishments: Fast Food		P	P	P
8300.36	Eating Establishments: Fast Food, With Drive-Thru Order Window		P	P	P
8300.37	Eating Establishments: Sitdown, Alcohol Not Permitted	P	P	P	P
8300.38	Eating Establishments: Sitdown, Alcohol Permitted	A	A	A	A
8300.39	Eating Establishments: Sitdown, Limited Alcohol Permitted	A	A	A	A
8250.7	Emergency Shelters and Feeding Sites	SP	SP	SP	SP
8300.41	Food and Beverage Retail Sales		P	P	P
8250.8	Forced Detention or Correction Facilities	SP	SP	SP	SP
8300.42	Funeral and Interment Services: Cremating		SP	SP	SP
8300.43	Funeral and Interment Services: Interring		SP	SP	SP
8300.44	Funeral and Interment Services: Undertaking		P	P	P
8300.45	Gasoline Sales, Large		P	P	P
8300.46	Gasoline Sales, Small: Restricted		P	P	P
8300.47	Gasoline Sales: Truck Stop		P	P	P
8150.6.3	Greenhouse	P	P	P	P

Oklahoma City, Oklahoma, Technology Park District

8350.4	Hazardous Industrial				SP
8350.5	Hazardous Waste Disposal	SP	SP	SP	SP
8250.9	Heavy Public Protection and Utility	SP	SP	SP	SP
8250.10	High Impact Institutional	SP	SP	SP	SP
8150.6.5	Hoop House	P	P	P	P
8150.7	Horticulture		C	P	P
8350.6	Industrial, Heavy				P
8350.7	Industrial, Moderate			P	P
8350.8	Industrial, Light	P	P	P	P
8300.48	Laundry Services		P	P	P
8250.12	Light Public Protection and Utility: General	P	P	P	P
8250.13	Light Public Protection and Utility: Restricted	P	P	P	P
8300.50	Lodging Accommodations: Campgrounds		SE		
8300.51	Lodging Accommodations: Commercial Lodging	P	P		
8300.52	Medical Services: General	P	P	P	
8300.53	Medical Services: Restricted	P	P	P	
8450.1	Mining and Processing: Minerals and Raw Material	SP	SP	SP	SP
8450.2	Mining and Processing: Oil and Gas	V	V	V	V
8250.15	Moderate Impact Institutional	SP	SP	SP	SP
8250.16	Murals	C	C	C	C
8300.54	Outdoor Sales and Display, and Outdoor Storage		C	C	C
8300.55	Participant Recreation and Entertainment: Indoor	P	P	P	P
8300.56	Participant Recreation and Entertainment: Outdoor		SP	SP	SP
8300.57	Payday or Title Loan Agencies	P	P	P	P
8300.58	Personal Services: General	P	P	P	P

Oklahoma City, Oklahoma, Technology Park District

8300.59	Personal Services: Restricted	P	P	P	P
8300.60	Personal Storage		P	P	P
8400.1	Railroad Facilities: Refuse, Biomedical Waste and Hazardous Waste			SP	SP
8150.7.1	Rainwater Harvesting	C	C	C	C
8350.11	Recycling Collection and Processing Facilities		P	P	P
8300.61	Repair Services: Consumer		P	P	P
8350.10	Research and Development	P	P	P	P
8300.62	Research Services: Restricted	P	P	P	P
8250.17	Residential Facilities for Dependent and Neglected Children	SP	SP	SP	SP
8250.18	Residential Facilities for Drug or Alcohol Treatment Centers	SP	SP	SP	SP
8300.63	Retail Sales and Services: General		P	P	P
8300.64	Retail Sales and Services: Outdoor Swap Meet			SP	SP
8300.65	Retail Sales and Services: Pawn Shops		P	P	P
8150.7.2	Roof Garden	C	C	C	C
8350.12	Sanitary Landfills	SP	SP	SP	SP
8350.13	Scrap Operations			SP ¹	SP ²
8300.66	Signs: Non-Accessory		C	P	P
8300.67	Spectator Sports and Entertainment: General		P	P	P
8300.68	Spectator Sports and Entertainment: High Impact	SP	SP	SP	SP
8300.69	Spectator Sports and Entertainment: Restricted		P	P	P
8350.14	Stockyards		SP	SP	SP
8250.19	Transitional Mental Health Residential Facilities	SP	SP	SP	SP
8400.2	Transportation Facilities: Aircraft	SP	SP	SP	SP
8400.3	Transportation Facilities: Surface, Passenger	SP	SP	SP	SP

Oklahoma City, Oklahoma, Technology Park District

8400.4	Transportation Facilities: Surface, Restricted			P	P
8400.5	Transportation Facilities: Surface Goods, General				P
8450.4	Underground Injection Wells: Enhanced Recovery Wells	SE	SE	SE	SE
8450.3	Underground Injection Wells: Disposal Wells			SE	SE
8150.9	Urban Farm	C	C	C	C
8350.15	Wholesaling, Storage and Distribution: General				P
8350.16	Wholesaling, Storage and Distribution: Restricted	P	P	P	P

FOOTNOTES: TABLE 6250.1

- ¹ No outside storage and/or activity.
- ² Outside storage and/or activity permitted.

locations by conditional use permit for the manufacturing of products from raw materials and/or products which may have a greater detrimental impact on environmental quality or the community. The I2 district is typically appropriate for areas which are distant from residential areas, and which have rail facilities or direct access to major arterial streets. (Ord. 91-11 §4, 1991; Ord. 87-9 §1, 1987).

17.85.040 Industrial Research Park (IRP) - Purpose. The purpose of the Industrial Research Park District is to provide areas for research and development institutions and light industrial firms such as those which might be typically involved in the manufacture or assembly of electronic components, medical and dental instruments, and computers. This District is characterized by a campus-like setting where noise, vibration, and pollutants normally associated with industry are minimized. Ancillary services such as banks and restaurants that are designed to support the research park institutions and firms are consistent with the purpose of this district. (Ord. 87-9 §1, 1987).

17.85.050 Uses Permitted.

- (1) Principal and Conditional Uses. Principal and Conditional uses permitted in the Industrial Districts are listed in Use Chart 17.70.030.
- (2) Accessory Uses. Accessory uses in Industrial Districts are subject to the same development standards as principal uses. (Ord. 87-9 §1, 1987).

17.85.060 Development Standards.

- (1) Minimum Required Yards.
 - (a) Except as otherwise specified, the following minimum yard requirements shall apply in the IRP District:

(i)	Front Yard	30 feet
(ii)	Side Yard	10 feet
(iii)	Rear Yard	20 feet
(iv)	A yard abutting residentially zoned property	30 feet
 - (b) In the I1 and I2 Districts, there are no front, side, or rear yard requirements except as

SERVICE USES

DISTRICTS

	R1	RT	R2	R3	R4	C1	C2	C3	IRP	I1	I2	WSU	NO. OF REQUIRED PARKING SPACES EXCEPT C2 DISTRICT
Barber and Beauty Shops						P	P	P					One per 400 SF net floor area
Tattoo and Body Piercing Shops						P	P	P					
Laundrying/Dry Cleaning/Dyeing Services						P	P	P					
Laundromats (self-service)						P ⁴	P	P					One per 200 SF net floor area
Car Washes								P					
Banks						P ⁴	P	P	P	P	P		One per 200 SF net floor area
Funeral/Crematory Services								P		P	P		One per 4 chapel seats
Warehousing and Storage Services								P	C	P	P		One per employee plus parking for company vehicles
Recycling Centers								P	C	P	P		
Minor Automobile Repair							P	P		P	P		
Automobile and Truck Rental; Major Automobile Repair/Services including Boats, RVs, etc.								P		P	P		One per 200 SF net floor area
Other Repair Services						P	P	P		P	P		One per 400 SF net floor area
Travel Agencies						P	P	P					
Offices/Professional Services other than Medical/Dental Offices (EXCEPT those which qualify as Home Occupations under 17.55)				C ¹	C ¹	P ⁴	P	P	P	P	P		
Medical and Other Health Services and Laboratories						P	P	P	P	P	P		One per 400 SF for labs and similar uses
Physician/Dental Offices and Clinics				C ¹	C ¹	P	P	P	P	P	P		One per 200 SF net floor area
Hospitals								P					One per bed
Education/Scientific Research Services							P	P	P	P	P		One per employee plus parking for company vehicles
Building Contractors								P	C	P	P		
Governmental Services not listed elsewhere in this Use Chart	C	C	C	C	C	P	P	P	P	P	P		One per employee plus parking for governmental vehicles plus additional spaces as required to serve the public

SERVICE USES, Continued

Pullman, WA Industrial Research Park

	R1	RT	R2	R3	R4	C1	C2	C3	IRP	I1	I2	WSU	NO. OF REQUIRED PARKING SPACES EXCEPT C2 DISTRICT
Educational Services	C	C	C	C	C	P	P	P	P	C	C		See Footnote 2 below
Family Day Care Home	P	P	P	P	P	P	P	P					See Footnote 5 below
Child Day Care Centers, Nursery Schools	C	C	C	C	C	P	P	P	C	C	C		1.25 spaces per employee on the largest shift
Churches	C	C	C	C	C	C	C	P					See Footnote 3 below
Cemeteries	C	C	C	C	C			C		C	C		
University Facilities												P	

FOOTNOTES:

¹ See 17.35.080(5)

²

- a. Kindergarten/Elementary/Middle School: 1 per employee.
- b. High School: 1 per each employee, plus 1 per each 8 students.
- c. Vocational: 1 per 1.5 students at maximum attendance.

³ One (1) per 4 fixed seats or 80 linear inches of pew space or 50 square feet of assembly area that has no fixed seats or pews.

⁴ A drive-in window in conjunction with this use is prohibited.

⁵ In addition to parking required for other uses on the lot, 1 parking space is required for each non-resident employee on the largest shift.

17.70.030 USE CHART

Pullman, WA Industrial Research Park

TRANSPORTATION, COMMUNICATION
AND UTILITIES USES

DISTRICTS

	R1	RT	R2	R3	R4	C1	C2	C3	IRP	I1	I2	WSU	NO. OF REQUIRED PARKING SPACES EXCEPT C2 DISTRICT
Air Transportation								P		P	P		
Railroad Transportation								P		P	P		
Railroad Right of Way	P	P	P	P	P	P	P	P	P	P	P		
Bus Passenger Terminals							P	P		P	P		One per employee on largest shift plus parking for company vehicles
Bus Garaging and Maintenance								P		P	P		
Municipal Bus Stops	P	P	P	P	P	P	P	P	P	P	P		
Motor Freight Transportation							P	P	P	P	P		
Accessory Parking Area/Garages	PERMITTED AS AN ACCESSORY USE AS REQUIRED BY SECTION 17.40.070												
Commercial Parking Areas/Garages	C ³	C ³	C ³	C ³	C ³	C ³	P	P	P	P	P		
Radio and Television Studios						P	P	P	P	P	P		One per 400 SF net floor area
Radio & Television Transmitting Stations and Towers ¹						C	C	P	P	P	P		One per employee on largest shift plus parking for company vehicles
Accessory TV Reception or Amateur Radio/Citizens Radio Antennas or support structures <= 60 ft. ¹	P	P	P	P	P	P	P	P	P	P	P		
Accessory TV Reception or Amateur Radio/Citizens Radio Antennas or support structures > 60 ft. ¹	C	C	C	C	C	C	C	P	P	P	P		
Wireless Attached Facility <= 30 ft. ⁴	P	P	P	P	P	P	P	P	P	P	P		
Wireless Attached Facility > 30 ft. ⁴	C	C	C	C	C	C	P	P	P	P	P		
Wireless Freestanding Facility <= 80 ft. ⁴	C	C	C	C	C	C	C	P	P	P	P		
Wireless Freestanding Facility > 80 ft. ⁴								C	C	C	C		
Utilities and Telephone Communication: facilities necessary and incidental to other uses in the district in which located and not otherwise cited in this Use Chart	P	P	P	P	P	P	P	P	P	P	P		
Public Facilities (wells, water towers, transformer stations)	C	C	C	C	C	C	P	P	P	P	P		
Utility Maintenance Yards								P	P	P	P		One per employee on largest shift plus parking for company vehicles
Utility Business Offices						P	P	P	P	P	P		One per 400 SF net floor area
Solid Waste Disposal/Sanitary Landfill										C	C		One per employee on largest shift plus parking for company vehicles
Off-site Hazardous Waste Treatment and Storage Facility									C ²	C ²	C ²		One per employee on largest shift plus parking for company vehicles
Accessory On-site Hazardous Waste Treatment and Storage Facilities							P ²	P ²	P ²	P ²	P ²		

FOOTNOTE:

¹ See 17.35.080(9)² See 17.35.100³ See 17.35.080(10) and 17.40.070(2)⁴ See 17.35.080(11)

CULTURAL, ENTERTAINMENT, AND
AND RECREATIONAL USES

DISTRICTS

	R1	RT	R2	R3	R4	C1	C2	C3	IRP	I1	I2	WSU	NO. OF REQUIRED PARKING SPACES EXCEPT C2 DISTRICT
Library, Museum, Art Gallery						P	P	P	C	P	P		One (1) per 400 SF net floor area
Entertainment Assembly						C	P	P	P	P	P		One per 6 seats or 120 inches of bench
Conference or Convention Facility						C	P	P					One per 75 SF net floor area of meeting rooms
Commercial Recreation Activities						P	P	P	P	P	P		See footnote 1 below
Shooting Ranges													
Private Lodge, Club, or Recreation Facility	C	C	C	C	C	C	P	P	P	P	P		One per 200 SF net floor area
Bingo Parlor, Card Room, Game Room, Casino						C	P	P	P	P	P		One per 200 SF net floor area
Adult Entertainment Business							P ²	P ²					One per 200 SF net floor area
Golf Course, Golf Driving Range	C	C	C	C	C			P					36 per 9-hole golf course; 1 per tee for driving range
Parks	C	C	C	C	C	P	P	P	P	P	P		Less than 1 acre: none. 1 to 2 acres: 5. Greater than 2 acres: 5 per acre plus spaces for facilities listed in Footnote 1.

FOOTNOTES:

^{1a} Health club, skating rink, and related commercial recreation activities: 1 per 200 square feet of net floor area.^b Indoor movie theater: 1 per 4 seats.^c Swimming pool: 1 per 100 square feet of lot area used for the facility.^d Tennis court/racquetball court: 2 per court.^e Bowling alley: 4 per alley² See Chapter 17.37.

**17.70.030 USE CHART
DISTRICTS**

Pullman, WA Industrial Research Park

TRADE USES

	R1	RT	R2	R3	R4	C1	C2	C3	IRP	I1	I2	NO. OF REQUIRED PARKING SPACES EXCEPT C2 DISTRICT
Wholesale Trade								P	P	P	P	One (1) per employee on largest shift plus parking for company vehicles
Petroleum Bulk Stations											P	
Scrap and Waste Materials; Automobile Salvage and Wrecking Yards										C ¹	C ¹	
Retail Building Materials, Farm Equipment; Farm/Garden Supplies								P		P	P	One per 400 SF net floor area
Paint, Glass, Wallpaper; Hardware							P	P		P	P	
General Merchandise; Retail Apparel and Accessories						P	P	P				
Convenience Store (less than 2500 SF)						P	P	P	P	P	P	One per 200 SF net floor area
Retail Food						P ²	P	P				One per 400 SF net floor area
Retail Automotive, Marine Craft								P				
Gasoline Service Stations							P ³	P ³		P ³	P ³	One per 200 SF net floor area
Retail Furniture/Home Furnishings						P	P	P				One per 400 SF net floor area
Eating Establishments						P ^{4,5}	P	P	P	P	P	One per 200 SF net floor area
Sidewalk Cafe/Accessory to Restaurant						P ⁶	P ⁶					
Sidewalk/Street Vending						P ⁷	P ⁷	P ⁷		P ⁸	P ⁸	
Taverns, Bars, and Cocktail Lounges						C	P	P	C	P	P	One per 200 SF net floor area ⁴
Marijuana Retail Facilities								P ⁹				One per 200 SF net floor area
Retail Drugs						P	P	P				One per 400 SF net floor area
Other Retail Trades						C	P	P				

FOOTNOTES:

¹ See 17.45.065.

² Retail food establishments are permitted in the C1 district if less than 2,500 square feet.

³ See 17.35.080(2).

⁴ Eating places in the C1 district may serve alcoholic beverages if they are maintained principally as places for preparation and consumption of meals, do not contain a separate area for consumption of alcoholic beverages, and do not deny entry to minors.

⁵ A drive-in facility and a drive-in window facility in conjunction with this use are prohibited in C1 district.

⁶ Sidewalk cafés are permitted to encroach on the public right of way to the extent that an eight-foot width of sidewalk for pedestrian circulation remains.

⁷ Sidewalk vending is permitted, provided a minimum of five horizontal feet of sidewalk or five horizontal feet of pedestrian clearance area (if no sidewalk is present) remains unobstructed.

⁸ Only "lunch wagon" type vending is permitted.

⁹ See 17.35.080(13).

**17.70.030 USE CHART
DISTRICTS**

Pullman, WA Industrial Research Park

MANUFACTURING USES

	R1	RT	R2	R3	R4	C1	C2	C3	IRP	I1	I2	NO. OF REQUIRED PARKING SPACES EXCEPT C2 DISTRICT
Meat Products									C		P	
Dairy Products										P	P	
Slaughtering, Rendering, Animal Fats and Oils, Feedlots and Stockyards												
Vegetable Oil Milling									C		P	
Canning/Preserving Fruits/Vegetables									C	C	C	
Bakery and Confectionary Products						P	P	P	C	P	P	
Grain Mill Products									C	C	P	
Bottling/Canning Beverages; Flavor Extracts, Flavoring Syrups									C	P	P	
Distilled Beverages										C	P	
Other Foods and Kindred Products									C	P	P	
Pharmaceuticals									C	P	P	
Marijuana Processing Facility										P ¹	P ¹	
Marijuana Production Facility										P ¹	P ¹	
Apparel and Finished Products Made from Fabric, Leather or Similar Materials						P	P	P	C	P	P	
Leather Tanning and Finishing									C	C	C	
Furniture and Fixtures									P	C	P	
Sawmills and Planing Mills									C		C	
Lumber and Wood Products									P	P	P	
Pulp Manufacturing									C		C	
Paper and Allied Products									C	P	P	
Printing and Publishing						P	P	P	P	P	P	
Petroleum Refining, Chemicals and Allied Products, and Primary Metal Industries									C		C	
Rubber/Primary Plastics from Raw Materials									C		C	
Plastic/Acrylic/Fiberglass/Resin Products									C	P	P	
Stone, Clay, Concrete and Glass Products; Rock Crushing									C	P	P	
Cement and Asphalt Manufacturing												
Concrete, Gypsum, Bituminous Paving and Plaster Products											C	
Fabricated Metal Products; Welding Shop								C	P	P	P	
Equipment and Instruments Used by Professional, Scientific and Engineering Vocations (e.g., Electrical/Electronic Equipment; Medical/Dental Implements; Photographic/Optical Goods)								P	P	P	P	
Miscellaneous Processing of Raw Materials									C	C	C	
Miscellaneous Manufacturing and/or Assembling of Finished Products								C	C	P	P	

One (1) per employee on the
largest shift plus parking
for company vehicles

FOOTNOTE: ¹ See 17.35.080(13)

17.70.030 USE CHART

Pullman, WA Industrial Research Park

RESOURCE PRODUCTION AND
EXTRACTION USES

DISTRICTS

	R1	RT	R2	R3	R4	C1	C2	C3	IRP	I1	I2	WSU	NO. OF REQUIRED PARKING SPACES EXCEPT C2 DISTRICT
Farms	Commercial farming is permitted as a nonconforming use where it existed at the time this Title was adopted as set forth in Section 17.30.020. Keeping of livestock on residential lots is covered in Section 17.35.050.												
Veterinary and Animal Hospital Services; Commercial Kennels; Animal Shelters								P	P	P	P		One per 400 SF net floor area
Nurseries	C							P	P	P	P		One per employee on largest shift
Mining, Rock Quarries										C	C		One per employee on largest shift

(Ord. 08-4 \$1, 2008; Ord. 05-12 \$2, 2005; Ord. 03-33 \$31, 2003; Ord. 01-5 \$9, 2001; Ord. 00-20 \$1, 2000; Ord. 00-8 \$7, 2000; Ord. 00-3 \$3, 2000; Ord. 99-49 \$2, 1999; Ord. No. 98-23 \$1, 1998; Ord. No. 96-19 \$3, 1996; Ord. 92-29 \$2, 1992; Ord. 91-11 \$1, 1991; Ord. 87-9 \$1, 1987)

open space shall be provided for each lot on which a residential use is located.

- I. Maximum Height of Structures: forty feet (40’).
- J. Signs: Pursuant to the Moscow Sign Code.
(Ord. 2005-33, 12/19/2005; 2007-11, 09/17/2007; 2013-15, 08/19/2013; 2014-06, 05/19/2014; 2014-16, 10/06/2014; 2014-19, 11/17/2014; 2015-11, 07/06/2015)

Sec. 3-4. Research, Technology and Office Zoning District (RTO).

- A. Intent: The RTO Zoning District is created to take advantage of technology developed and expertise available at the University of Idaho and the transfer of technology to the private sector. It is intended that a high quality environment which is conducive to the successful operation and attraction of research and technology-based businesses be established in this Zoning District compatible with the University of Idaho campus and the City Central Business Zoning District. This Zoning District is appropriate where adequate infrastructure is available and where neighboring land uses will enhance, or not detract from, the intent and uses of the RTO Zoning District. The RTO Zoning District should be located adjacent to or in close proximity to arterial or collector streets. Permitted uses include but are not limited to those directly involved in research and development; manufacture of prototype goods or goods from prototype machinery or processes; limited light manufacturing beyond prototype compatible with a research and development environment; and a limited range of office uses that could provide services to the research and development functions or could be converted to research and development uses as the market for such space warrants.
- B. Permitted Principal Uses and Structures: In an RTO Zoning District,

only the following are permitted as hereinafter specifically provided and allowed in this Chapter, and are subject to the off-street parking requirements and general provisions and exceptions set forth in this Zoning Code:

1. Research and development establishments that offer support to the research and technology purposes of the Zoning District, including the manufacture or creation of prototype products or processes.

2. Light manufacturing (as defined in the Zoning Code) that offers support to the research and technology purposes of the Zoning District.

3. Professional, executive and clerical offices that offer support to the research and technology purposes of the Zoning District. “Professional” as used in this subsection, includes, but is not limited to: attorneys, accountants, tax consultants, engineers, architects and other professional enterprises and offices which can support the research and technology purposes and uses of the Zoning District. Medical offices engaged primarily in the provision of health care to patients are excluded from this Zoning District.

4. Financial services that offer support to the research and technology purposes of the Zoning District, except full-service banks and savings and loan institutions. Financial services shall include, but not be limited to, brokerage firms, investment firms, and insurance firms.

5. Publishing houses that offer support to the research and technology purposes of the Zoning District.

6. One (1) commercial eating and drinking establishment shall be permitted in an RTO Zoning District with less than twenty five (25) acres; two such establishments shall be permitted in an RTO Zoning District with twenty five (25) to fifty (50) acres; and three such establishments shall be permitted in an RTO Zoning District with more than (50) acres.

7. Family day care facilities, group daycare facilities, small and large day care facilities as defined by this Code that offer support to the research and technology purposes of the Zoning District.
- C. Permitted Accessory Uses and Structures: In an RTO Zoning District, only the following uses are permitted as accessory uses and as hereinafter specially provided and allowed by this Chapter:
1. Off-street parking lots and structures providing parking for uses within the RTO Zoning District.
 2. Indoor storage of products produced in the RTO Zoning District.
 3. Cafeterias.
 4. Retail sales in support of the intent, purposes and permitted uses of the RTO Zoning District.
 5. Accessory Gardens.
- D. Conditional Uses:
Commercial schools directly associated with a research and technology business. Specific consideration shall be given to cumulative impacts of and proximity to existing commercial schools in the vicinity.
- E. Special Uses:
Retail sales directly related to a permitted use in the RTO Zoning District conducted at a higher level of intensity than an accessory use.
- F. Limitations On Uses:
1. The following standards are or will be met:
 - a. Noise. At the property line the sound pressure level of noise radiated from a facility shall conform to the requirements of the Code.
 - b. All uses and related commercial activities shall be conducted wholly and entirely within an enclosed building, except for parking and loading areas, outdoor dining areas for eating and drinking establishments, and outdoor play areas necessary for day care facilities.
 2. Uses specifically not permitted within the RTO Zoning District, include, but are not limited to, the following:
 - a. Automotive wrecking, repair, sales or storage.
 - b. Concrete mixing plants.
 - c. Drive-up windows.
 - d. Residential uses.
 - e. Uses involving the use of machinery out of doors that generate significant noise, dust or odors.
 - f. Motels, hotels and recreational vehicle parks.
 - g. Self-service storage, warehouses, except as a secondary use for the storage of products produced in the RTO Zoning District only.
 - h. Bulk storage or sale of fertilizers, chemicals, or petroleum products.
 - i. Rock crushing and extraction.
 - j. Medical offices engaged primarily in the delivery of health care.
 - k. Sale of building materials, hay, grain and bulk garden supplies.
 - l. Sanitary landfill, composting or incineration.
 - m. Slaughterhouse, animal rendering plant.
 - n. Bulk storage of fireworks or other explosive materials.
 - o. Tannery.
 - p. Transit or trucking terminal.
 - q. Construction businesses.
 - r. Laundry businesses.
 - s. All other heavy manufacturing uses not previously specified.
 - t. Residential Rental Unit.
- G. Lot Requirements: None specified.
- H. Minimum Yard Requirements:
1. Front - Every lot in the RTO Zoning District shall have a front yard of not less than twenty-five feet (25') which shall be landscaped with trees, shrubs and ground cover.
 2. Side and Rear - When adjacent to R-1, R-2, R-3 or R-4 Zoning Districts, twenty feet (20') or equivalent to the height of the building, whichever is greater.

- I. Required Open Space: None specified.
- J. Maximum Height of Structures: Sixty-five feet (65').
- K. Signs: Pursuant to Moscow Sign Code. (Ords. 2003-24; 11/17/2003; 2005-07, 02/07/2005; 2005-33, 12/19/2005; 2007-11, 09/17/2007; 2013-15, 08/19/2013)

Sec. 3-5. Central Business Zoning District (CB).

- A. Intent: The principal purpose of the CB Zoning District is to provide a location for groups of compatible commercial uses having the common characteristic of not involving more than incidental and minimal assembly, fabrication or storage of commodities; for example, establishments dispensing retail commodities, and those providing professional and personal services to the individual. The CB Zoning District is the most intensive commercial Zoning District. To promote pedestrian use, unbroken, street-level, commercial frontage is encouraged in this Zoning District.
- B. Permitted Principal Uses and Structures:
 - 1. Retail establishments excluding firms selling bulky items, such as building materials, mobile homes, trailers, boats and heavy equipment and excluding Large Retail Establishments, Categories 1 and 2.
 - 2. Professional, financial, business and medical offices, and any enterprise rendering professional or personal services.
 - 3. Repair shops for commodities, such as household appliances, bicycles, and shoes.
 - 4. Eating and drinking establishments catering primarily to on-premises consumers; entertainment, dancing and recreation establishments, including restaurants, bars, theaters, video arcades, dance halls and physical fitness centers.
 - 5. Printing and publishing houses, including newspaper publishing.

6. Lodges, private clubs, and fraternal societies.

7. Churches, synagogues, mosques, governmental offices, libraries, museums, art galleries, police and fire stations, and similar public or private institutions.

8. Residential uses, including Residential Rental Unit, provided that dwellings located on the ground floor are located behind commercial uses in a manner that they will not interrupt commercial frontage.

9. Public utility installations relating directly to local distribution of services, including switching and transmission stations, but not including warehouses and service yards.

10. Publicly and privately owned and operated off-street parking facilities if open to the public; however, any such area shall not be used as a sales or storage area for mobile homes, trailers, boats or heavy-duty equipment.

11. Drive-up windows associated with financial institutions.

12. Farmers' Markets.

13. Market Garden, Community Garden, Accessory Garden, including retail sales.

14. Temporary Uses, subject to the Specific Use Standards of Chapter 12 of this Zoning Code.

- C. Permitted Accessory Uses and Structures:

Family day care facility.

- D. Conditional Uses:

1. Hotels and motels.

2. Mortuaries.

3. Drive-up windows other than those permitted under Code Section 4-3-5(B)(11).

4. Automobile sales.

5. Establishments providing prepared food primarily for take-out or delivery.

6. Gasoline service stations and car washes. These uses shall be subject to detailed review of traffic access and circulation plans.

**ALTURAS TECHNOLOGY PARK
DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND
RESTRICTIONS**

THIS DECLARATION is made this 23RD day of DECEMBER 1996, by those described below as "Declarant" and "Association".

WITNESSETH:

WHEREAS, Declarant is the owner of real property in the City of Moscow, Latah County, Idaho, described as Lots 1 through 4, Block 1, Lot 1, Block 2 and Lot 1, Block 3, Alturas Technology Park as shown by the recorded plat thereof; and

WHEREAS, Association has been formed to administer and manage the Project and the Common Area of the Project, as described below, in accordance with this Declaration:

DECLARATION

NOW THEREFORE, Declarant and Association hereby declare that the real property described as Lots 1 through 4, Block 1, Lot 1, Block 2 and Lot 1, Block 3, Alturas Technology Park, City of Moscow, Latah County, Idaho, as shown by the recorded plat thereof, shall be held, leased, sold and conveyed to others subject to the following easements, restrictions and covenants which are for the purpose of protecting the value and desirability of, and which shall run with, said real property and be binding on all parties having any right, title or interest in said real property or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof and further declare that the Project and Common Area, as defined below, shall be administered and managed in accordance with this Declaration.

ARTICLE 1

DEFINITIONS

Section 1.1 "Association" shall mean and refer to Alturas Technology Park, Inc., an Idaho nonprofit corporation.

Section 1.2 "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any part of the Park, as defined below, including contract sellers, and to contract purchasers of any

interest therein, but excluding those having any interest merely as security for the performance of an obligation.

Section 1.3 "Park" shall mean and refer to that real property described as Lots 1 through 4, Block 1, Lot 1, Block 2 and Lot 1, Block 3 Alturas Technology Park, City of Moscow, Latah County, Idaho, as shown by the recorded plat thereof, and any additional real property that may hereafter be made part of the Park and subject to this Declaration.

Section 1.4 "Phase I" shall mean and refer to only that real property described as Lots 1 through 4, Block 1, Lot 1, Block 2 and Lot 1, Block 3, Alturas Technology Park, City of Moscow, Latah County, Idaho, as shown by the recorded plat thereof.

Section 1.5 "Project" shall mean and refer to the development known as the Alturas Technology Park.

Section 1.6 "Common Area" shall mean: all real property and improvements thereon owned by the Association for the common use and enjoyment of the owners, as to which rights and/or easements pass as provided in Section 2.1; all areas and improvements thereon within or abutting the Park dedicated to the City of Moscow or other public agency, authority or utility for public purposes that the City of Moscow or other public agency, authority or utility and the Association have agreed are Common Area and shall be maintained, repaired and/or improved by the Association, which may include the planted areas within medians, land in its natural state, drainage easements, landscaped areas, linear parkland, and/or other parkland and/or improvements thereon; and any additional areas and/or improvements thereon if and only if the owners of two thirds of the acreage comprising the Park determine that such additional area or areas and/or improvements thereon should be Common Area.

Section 1.7 "Lot" shall mean and refer to each lot as shown by the recorded subdivision map or plat of real property in the Park with the exception of Common Area and any other areas dedicated for public purposes.

Section 1.8 "Declarant" shall mean and refer to Thompson Family Limited Partnership.

Section 1.9 "City zoning ordinances" or "City Code" shall mean and refer to the provisions of the zoning ordinances and Code of the City of Moscow, Idaho, as in force and effect as of the date an owner obtains a building permit for any Lot hereunder.

Section 1.10 "Board of Directors" shall mean and refer to the Association's Board of Directors.

Section 1.11 "EDC" shall mean and refer to the Moscow-Latah County Economic Development Council or its duly designated representative.

Section 1.12 "Agreement" shall mean and refer to the Agreement entered into March 6, 1996, between Declarant and EDC.

Section 1.13 "Marketing Agreement" refers to the Management and Marketing Agreement entered into November 6, 1996, between Declarant and EDC.

Section 1.14 "URA" shall mean and refer to Urban Renewal Agency of the City of Moscow, Idaho.

ARTICLE II PROPERTY RIGHTS

Section 2.1 Owner's Easements of Enjoyment. Every Owner and such Owner's lawful tenants, subtenants, concessionaires, assignees and their invitees shall have a right and easement of enjoyment in and to the Common Area which shall be appurtenant to and shall pass with the title to every Lot, subject to the following provisions:

- (a) any and all rights of the City of Moscow, or other public agency, authority or utility;
- (b) the right of the Association to suspend the voting rights of an Owner for any period during which any assessment against his or her Lot remains unpaid; and for a period not to exceed sixty (60) days for any infraction of its published rules and regulations;
- (c) the right of the Declarant to dedicate or transfer all or any part of the Common Area owned by Declarant to any public agency, authority or utility. At such time as one-half (1/2) of the acreage comprising the Park's Lots has been conveyed to parties other than the Declarant, this right to dedicate or transfer easements in the Common Area shall expire in the Declarant and transfer to the Association.

ARTICLE III

ASSOCIATION AND BOARD OF DIRECTORS

Section 3.1 Appointment to Board. The Association shall be governed by a Board of Directors consisting of one (1) director appointed by each Lot Owner or Lessee. The right to designate a director shall be appurtenant to and may not be separated from ownership or the leasing of any Lot. One (1) non-voting Director representing the University of Idaho shall be appointed by the President of the University of Idaho or his/her designee, and one (1) non-voting Director shall be appointed by EDC. Any vacancies on the Board of Directors shall be filled in the same manner in which the director whose position has become vacant was originally appointed.

Section 3.2 Administration. The Association shall conduct its affairs in accordance with the Idaho Nonprofit Corporation Act, the Bylaws of the Association and this Declaration.

Section 3.3 Voting Rights. In all Association matters, a director shall be entitled to one (1) vote for each Lot such Board member represents by appointment. No more than one (1) vote can be cast for each Lot.

ARTICLE IV

COVENANT FOR MAINTENANCE ASSESSMENTS

Section 4.1 Creation of the Lien of Assessments. Each Owner of any Lot by acceptance of a deed therefor, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay to the Association:

- (a) annual assessments or charges, and
- (b) special assessments, if any, established and collected as hereinafter provided.

However, the Association shall not at any time assess any Association costs or expenses against Declarant arising from Declarant's ownership of undeveloped Lots within the Property and shall indemnify and hold Declarant harmless from any such assessments and costs.

The annual and special assessments, together with interest, costs and reasonable attorney fees, shall be a charge on each Lot and shall be a continuing lien upon each Lot against which each such assessment is made.

Section 4.2 Purpose of Annual Assessments. The annual assessments levied by the Association may be used to pay for security, maintenance,

reconstruction and repair of the Common Area and improvements thereon, insurance, taxes, legal, accounting and other professional expenses, costs and expenses attributable to Declarant's ownership of any undeveloped Lots as if Declarant had been assessed as an Owner under Article IV hereof (only to the extent, if any, funds are not available from section 4.9 receipts), farming and/or maintenance of the Park and/or land bordering the Park and any other lawful and reasonably necessary expenses related to the Association's responsibilities to its members.

Section 4.3 Special Assessments for Capital Improvements. In addition to the annual assessments authorized above, the Association may levy, in any assessment year, a special assessment applicable to that year only, for the purpose of defraying, in whole or in part, the cost of any acquisition, leasing, construction, reconstruction, repair or replacement of a capital improvement upon the Common Area, including improvements, fixtures and personal property related thereto, provided that any such assessment shall have the written consent of the Owners of Lots comprising at least two-thirds (2/3rds) of the total acres situated within the Park. Any such assessment which exceeds Ten Thousand Dollars (\$10,000) in the aggregate shall have the written consent of the Owners of Lots comprising at least three-quarters (3/4) of the total acres situated within the Park.

Section 4.4 Uniform Rate of Assessments. Each Lot in the Park shall be assessed that portion of the aforesaid annual or special assessments bearing the same ratio to the total thereof as the number of acres comprising said Lot shall bear to the total number of acres comprising all Lots, excluding all Common area and/or land dedicated to the City of Moscow or any other public agency, authority or utility.

Section 4.5 Date of Commencement of Annual Assessments - Due Dates. The annual assessments provided for herein shall commence at such time as the Board of Directors shall designate. The Board of Directors shall fix the amount of the annual assessments against each Lot at least thirty (30) days in advance of each annual assessment period; provided, however, that the failure of the Board of Directors to fix the annual assessment as above provided shall be conclusively deemed to be an election by the Board of Directors to continue in effect the annual assessments made for the preceding annual assessment period. Written notice of the annual assessment shall be sent to every Owner. The due dates shall be established by the Board of Directors.

The Association shall, upon demand, and for a reasonable charge, furnish a certificate signed by a Director of the Association setting forth whether the assessments on a specified Lot have been paid.

Section 4.6 Effect of Nonpayment of Assessments - Remedies of the Association. Any assessments not paid within thirty (30) days after the due date shall bear interest from the due date at the rate of eighteen percent (18%) per annum. The Association may bring an action at law against the Owner or foreclose the lien against the Lot. Each such Owner, by his acceptance of a deed to a Lot, hereby expressly vests in the Association, or its agents, the right and power to bring all actions against such Owner for the collection of such charges as a debt and to enforce the aforesaid lien by all methods available for the enforcement of such liens, including judicial foreclosure by an action brought in the name of the Association in a like manner as a mortgage lien on real property. The lien provided for in this section shall be in favor of the Association and shall be for the benefit of all other Lot Owners. No Owner may waive or otherwise escape liability for the assessments provided for herein by non-use of the Common Area or abandonment of a Lot.

Section 4.7 Subordination of the Lien to Mortgage. The lien of the assessments provided for herein shall be subordinate to the lien of any first mortgage. Sale or transfer of any Lot shall not affect the assessment lien. However, the sale or transfer of any Lot pursuant to mortgage foreclosure or any proceeding in lieu thereof, shall extinguish the lien of such assessments as to payments which became due prior to such sale or transfer. No sale or transfer shall relieve such Lot from liability for any assessments thereafter becoming due or from the lien thereof.

Section 4.8 Exempt Property. All real property dedicated to, and accepted by, a public authority shall be exempt from the assessments created herein except in respect to any land used for business or proprietary functions. However, no land or improvements devoted to a business use shall be exempt from said assessments.

Section 4.9 Collection and Use of Certain Funds Derived from Lot Sales.

So long as EDC meets the sales and/or long-term lease requirements set forth in the Agreement, from the sale of such Lots, Declarant shall pay to the Association, at the closing of each Lot sale, the amount (hereinafter referred to as "Funds") required by the Agreement and the Marketing Agreement.

Funds shall be used to pay for Association's obligations to EDC under the Agreement and Marketing Agreement and, in lieu of any assessment against Declarant, to pay costs and expenses attributable to Declarant's ownership of any undeveloped Lots as if Declarant had been assessed as an Owner under Article IV hereof.

Section 4.10 Disposition of Excess Funds. It is anticipated that the Association may, from time to time, accumulate Funds in excess of those reasonably necessary to meet the requirements set forth in Sections 4.9 of this Agreement and, when such an accumulation occurs and so long as EDC meets sales and/or long term lease requirements under the Agreement and Marketing Agreement, the Association must declare there to be an amount of excess income ("Excess Income"). Upon such declaration, the Association must immediately transfer the Excess Income to EDC to be held by EDC, in trust, and used by EDC only for the purposes of planning, marketing and developing any additional phases of the Project contiguous to Phase I and/or any additional phases of the Project and/or planning, marketing and developing other business and/or technology parks or projects within Latah County, Idaho, and/or, if there is not further development of the Project beyond Phase I, EDC may utilize Excess Income to develop enhancements and/or improvements to Phase I. If Association retains Excess Income because EDC has not met sales and/or long term lease requirements under the Agreement and Marketing Agreement, Association shall utilize Excess income for the same purposes set forth in this section.

Section 4.11 Management and Marketing Services. So long as EDC meets the sales and/or long-term lease requirements set forth in the Agreement and Marketing Agreement, EDC shall be under contract with and be paid by the Association a fee commensurate with services provided to perform the following management services and activities for the Association:

- A. Provide staff support to the Association and Board.
- B. Monitor all Project development for compliance with the Declaration.
- C. Ensure that development, maintenance and repair activities are carried out for the Common Areas of the Park.
- D. Act as a liaison between Lot owners and all units of government.
- E. Represent the Association's interests during planning and construction of the Project infrastructure.

- F. Develop and nurture ties to the University of Idaho.
- G. Provide business assistance to Lot owners and tenants of the Project similar to the business assistance provided to North Central Idaho Business Technology Incubator tenants.
- H. Plan, develop, manage and market Phase II, in accordance with the Agreement and Management Agreement, and negotiate, plan, develop and market such additional phases of the Project upon such terms and conditions as may be agreed among these parties.
- I. Act as a liaison between Declarant and the Association and those persons or entities purchasing or leasing Lots in the Project.
- J. Recruit potential occupants for the Project.
- K. Perform general marketing activities related to the Project, including brochure development.

ARTICLE V
DESIGN COMMITTEE
USE RESTRICTIONS

Section 5.1 Architectural Control. In order to ensure proper landscaping and architectural compatibility, a Design Committee shall be established and shall consist of three (3) persons, two (2) of whom are members or representatives of members selected by the Board of Directors, and one of whom shall be the Executive Director of the Moscow-Latah County Economic Development Council (EDC). These individuals shall serve as the Design Committee for one year terms, or until their successors are selected. In the event of resignation or other inability to serve of any member of the Design Committee, the Board of Directors shall designate a successor committee member or members.

Section 5.2 Construction of Improvements.

- (a) **Approval of Plans by Design Committee Required.** No improvements shall be constructed, erected, placed, altered, maintained or permitted to remain on any Lot by any Owner or Occupant until final plans and specifications in conformance with the Declaration and these Design Committee Rules shall have

been submitted to and approved in writing by the Design Committee. A basic filing fee, the amount of which shall be set from time to time by the Design Committee, shall be paid to the Design Committee in connection with the review of any proposed plans or specifications or other proposed action. If said filing fee shall be inadequate to cover the Design Committee's reasonable expenses (including without limitation a reasonable fee for professional services rendered by a licensed architect, landscape architect or civil engineer and a reasonable fee for professional services rendered by the hazardous materials consultant) in conducting its review, the Design Committee shall assess, and the applying Owner or Occupant shall pay, such additional amount as shall be necessary to cover the reasonable expenses of the Design Committee.

- (b) Content of Plans and Specifications. Prior to the construction or alteration of any improvements on any Lot, final plans and specifications shall be submitted in duplicate over the authorized signature of the Owner or Occupant or both of the Lot or the authorized agent thereof, to the Design Committee at such address as may be specified from time to time by the Design Committee and shall include, without prejudice to the right of the Design Committee to require otherwise, at least the following:
- (1) Topographical plat showing contour grades (with 1-foot contour intervals) and showing the location of all improvements, structures, walks, patios, driveways, fences and walls. Existing and finished grades shall be shown at Lot corners and at corners of proposed improvements. Lot drainage provisions, including provisions for connections to the City of Moscow drainage system, shall be included as well as cut-and-fill details if any appreciable change in the Lot contours is contemplated.
 - (2) Exterior elevations
 - (3) Exterior materials, colors, textures and shapes (including the submittal of samples where practicable).

- (4) Landscaping plan, including walkways, fences and walls, elevation changes, watering systems, trees, vegetation and ground cover.
- (5) Parking area and driveway plan.
- (6) Screening of loading areas, mechanical equipment and utility equipment, including size, location and method.
- (7) Utility connections, including routing of electrical and telephone cables.
- (8) Exterior illumination, including locations, manufacturer's fixture number and supporting photometric test data.
- (9) Fire protection system.
- (10) Facilities and procedures for the containment, storage and disposal of hazardous materials.
- (11) Signs, including size, location, orientation, shape, color, character and materials.
- (12) Outside storage and refuse collection area and related screening.
- (13) Proposed construction schedule.
- (14) Proposed use of parcel of land and such other matters as may be required by the then applicable zoning code of the City of Moscow.

If plans and specifications are not sufficiently complete or are otherwise inadequate, the Design Committee may reject them as being inadequate, or may approve a part thereof conditionally and reject the balance.

One set of the plans and specifications shall be kept by the Design Committee and retained as part of its permanent files.

- (c) Basis of Approval. Approval of plans and specifications shall be based, among other things, upon general adequacy of site dimensions, landscape design, conformity and harmony of the exterior design and of location with neighboring sites, compliance with applicable governmental requirements, and conformity to both the specific and general intent of the restriction and covenants set forth in the Declaration and these Design Committee Rules, without limitation, restrictions and covenants pertaining to Building Coverage, floor area ratios, adequacy of parking, and landscaping coverage. The Design Committee shall not arbitrarily or

unreasonably withhold its approval of any plans and specifications, and where deemed appropriate, may allow minor deviations from the restrictions and covenants set forth in the Declaration and Design Committee Rules. In the event that the Design Committee shall disapprove of any plans or specifications submitted to it for approval, it shall notify the person seeking the approval of the specific reasons for its disapproval. Except as otherwise provided in this Declaration, the Design Committee shall have the right to disapprove any plans and specifications submitted hereunder on any reasonable grounds including, but not limited to, the following:

- (1) Failure to comply with any of the restrictions set forth in the Declaration, or these Design Committee Rules, including, without limitation, restrictions pertaining to Building Coverage, floor area ratios, adequacy of parking and landscaping coverage, and conformance with the Alturas Technology Park Master Plan.
- (2) Failure to include information in such plans and specifications as may have been reasonably requested by the Design Committee.
- (3) Objection to the exterior design or the appearance of materials employed in any structure.
- (4) Objection on the ground of incompatibility of any proposed structure or use with existing structures or uses upon other lots or other property in the vicinity of Alturas Technology Park.
- (5) Objection to the location of any proposed structure with reference to other Lots or other property in the vicinity.
- (6) Objection to the grading or landscaping plan for any Lot.
- (7) Objection to the color scheme, finish, proportions, style or architecture, height, bulk or appropriateness of any structure.
- (8) Objection to the methods and structures proposed for the safe handling and storage of hazardous materials.
- (9) Objection to the design of the parking area, or the location or design of loading areas, maneuvering areas, or driveways.

- (10) Any other matter which, in the judgment of the Design Committee, would render the proposed improvements or use inharmonious with the general plan for improvement of Alturas Technology Park or with improvements located upon other lots or other property in the vicinity.
- (d) Result of Inaction. If the Design committee fails to approve or disapprove such plans and specifications or to reject them as being inadequate within 60 days after submittal thereof, the person or persons applying for said approval shall notify the Design Committee in writing of its failure to timely approve or disapprove, and if the Design Committee thereafter fails to send a notice of disapproval within 30 days after receipt of such written notice, it shall be conclusively presumed that the Design Committee has approved such plans and specifications.
- (e) Limitation of Liability. The Declarant, the Association and the Design Committee shall not be liable for any damage, loss or prejudice suffered or claimed by any person on account of:
- (1) The approval or disapproval of any plans, drawings or specifications, whether or not in any way defective;
 - (2) The construction of any improvement, or performance of any work whether or not pursuant to approved plans, drawings and specifications; or
 - (3) The development of any Lot within Alturas Technology Park.
- (f) Commencement and Completion of Construction in Timely Manner.
- (1) Upon the initial purchase of any Lot or Lots in the Project from Declarant, the Owner shall, as soon as practicable, present all plans and specifications for improvements to be constructed, erected or placed, on said Lot or Lots to the Design Committee for review. If the construction is not completed within two (2) years from the date of purchase of said Lot or Lots by any such Owner from Declarant, the Association may assess against the Owner of said Lot or Lots, as a lien against said Lot or Lots, as provided under Article IV hereof, a penalty of five percent (5%) of the purchase price thereafter for each year or portion thereof that construction of improvements has not been completed.

- (2) Upon receipt of the approval from the Design Committee, the Owner shall, as soon as practicable, satisfy all conditions thereof and diligently proceed with the commencement and completion of all construction, reconstruction, refinishing, alterations and excavations pursuant to the approved plans and specifications.
- (3) If the Owner shall fail to satisfy all conditions and commence the construction, reconstruction, refinishing, alteration or other work pursuant to the approved plans and specifications within 1 year from the date of such approval, any approval given by the Design Committee shall be deemed revoked unless upon the written request of the Owner made to the Design Committee prior to the expiration of said 1-year period and upon a finding by the Design Committee that there has been no change in circumstances, the time for such commencement is extended in writing by the Design Committee.
- (4) The Owner shall in any event complete the construction, reconstruction, refinishing or alteration of the foundation and all exterior surfaces (including the roof, exterior walls, windows and doors) of any improvement on his Lot within 1 year after commencing construction thereof, except and for so long as such completion is rendered impossible or would result in great hardship to the Owner due to strikes, fires, national emergencies or natural calamities. If the Owner fails to comply with this paragraph, the Design Committee shall notify the Association of such failure, and the Association, at its option, may complete the exterior in accordance with the approved plans and specifications or remove the improvement, and the Owner shall reimburse the Association for all expenses incurred in connection therewith.
- (5) Upon the completion of any construction or reconstruction of, or the alteration or refinishing of the exterior of, any improvement, or upon the completion of any other work for which approved plans and specifications are required

hereunder, the Owner shall give notice thereof to the Design Committee, and within 60 days thereafter the Design Committee, or its duly authorized representative, may inspect such improvement to determine whether it was constructed, reconstructed, altered or refinished in substantial compliance with the approved plans and specifications. If the Design Committee finds that such construction, reconstruction, alteration, or refinishing was not done in substantial compliance with the approved plans and specifications, it shall notify the Owner of such noncompliance within such 60-day period and shall require the Owner to remedy such noncompliance. If upon the expiration of 60 days from the date of such notification the Owner shall have failed to remedy such noncompliance, the Design committee shall notify the Association of such failure, and the Association, at its option, may remove the improvement or remedy the noncompliance, and the Owner shall reimburse the Association for all expenses incurred connection therewith. If for any reason the Design Committee fails to notify the Owner of any noncompliance within 60 days after receipt of said notice of completion thereof from the Owner, the improvement shall be deemed to be in accordance with said approved plans and specification.

- (6) Prior to and during construction of improvements, every Owner shall maintain his/her Lot free of weeds in a sightly, well maintained and well kept manner. If the Association determines that a Lot Owner is not in compliance, the Association will notify the owner of the Lot(s) in writing that are in violation. If the situation is not remedied within 30 days, the Association shall take the necessary steps to cause the Lot(s) to be brought back into a well-maintained state. Any costs incurred by the Association will be assessed against the Owner of such Lot and become a lien against such Lot as provided in Article IV hereof.

- (g) Construction Without Approval. If any improvement is constructed, altered, erected, placed or maintained upon any Lot or any new use commenced upon any Lot other than with the specific approval by the Design Committee pursuant to the provisions of the Declaration and these Design Committee Rules or other than in accordance with such approved plans and specifications, such construction, alteration, erection, placement, maintenance or use shall be deemed to have been undertaken in violation of the Declaration and these Design Committee Rules, and upon written notice from the Association or the Declarant, any such improvement so constructed, altered, erected, placed, maintained or used upon any Lot in violation of the Declaration or these Design Committee Rules shall be removed or altered so as to conform to the Declaration and these Design Committee Rules and to approved plans and specifications, and any such use shall cease or be modified so as to conform to the Declaration and these Design Committee Rules. Should such removal or alteration, or cessation or modification of use not be accomplished within 30 days after receipt of such notice, then the party in breach of the Declaration or these Design Committee Rules shall be subject to the enforcement procedures set forth in Section 6.1 of the Declaration.

Section 5.3 Development Standards. The following standards are intended to control the character and intensity of development within the Park. Although these standards are expressed as minimums or maximums, as applicable, the precise standards applicable to a given Lot will be determined by the Design Committee. The Design Committee may require more restrictive standards but in no case shall the Design Committee permit a standard which is less restrictive than as set forth herein or in the Declaration or as set by governmental agencies having jurisdiction over the development of the Park. This discretionary authority is necessary to provide the flexibility required to implement the intent of these Design Committee Rules in providing a high quality character of development. In addition to the development standards set forth herein or in the Declaration, or otherwise set by the Design Committee, the development of the Park shall also be subject to all applicable standards set by

the State of Idaho, Latah County, and City of Moscow, or any other governmental authority having jurisdiction over the premises, including without limitation the standards from time to time set forth in the Zoning Ordinance, Subdivision Ordinance and/or Land Use Ordinance of the City of Moscow, or any successor or replacement thereof, as applied to the Park, provided, however, that if the standards set forth in this Declaration are more restrictive than the standards established by the City of Moscow that the standards set forth in this Declaration shall control.

(a) Lot Area.

(1) Except as set forth in the Declaration, the Minimum lot Size for each Lot shall be as designated in the zone and plat map.

(b) Building Coverage. The maximum Building Coverage shall not exceed 25% of the total Lot area.

(c) Height Limitations. The maximum height of all buildings and structures shall be 65 feet as measured vertically from the ground elevation at all points to the roof plate of the building; provided, however, that antennas or towers for the transmission or reception of telephone, television, microwave or radio signals which exceed such height may be permitted with the consent of the Design Committee pursuant to Section 3(h) below.

(d) Setback Requirements. The minimum distance between improvements and property boundaries shall be as follows:

(1) From Lot boundaries which abut public streets, the minimum setback for all buildings and structures shall be twenty-five feet from any boundary of a Lot adjoining a street or area designated for roadway use.

(2) For all side and rear Lot boundaries, the setbacks for all buildings and structures shall be not less than 20 feet, except when adjacent to R-1, R-2, R-3 or R-4 zoned property in which event side and rear yard setbacks must be 20 feet or equivalent to the height of the building, whichever is greater.

(3) From Lot boundaries, the setback for bicycle and pedestrian area, if any, shall be not less than 5 feet.

(e) Exceptions to the Setback Requirements. The following improvements, or parts of improvements, are specifically excluded from the setback requirements set forth in Section 5.1(e) above:

- (1) Roof overhangs, unenclosed balconies and decks, subject to the approval in writing from the Design Committee provided said overhangs, unenclosed balconies and decks do not extend more than 6 feet into the setback area;
- (2) Steps and walkways;
- (3) Fences and walls, except that no fence or wall shall be placed closer than 25 feet from a Lot boundary fronting upon any public street without the prior written approval of the Design Committee;
- (4) Landscaping and irrigation systems;
- (5) Planters, not to exceed 3 feet in height, except that planters of greater height may be built within the setback area with the prior written approval of the Design Committee;
- (6) Park identification signs, directional signs and signs identifying the Owner or occupant of a Lot, subject to the prior written approval of the Design Committee;
- (7) Lighting fixtures, subject to the prior written approval of the Design Committee;
- (8) Underground utilities and sewers; and
- (9) Driveways, as hereinafter provided, subject to the limitations on offstreet parking and internal circulation set forth above.

(f) Offstreet Parking Requirements. Except as set forth in this Declaration, offstreet vehicular parking shall be provided according to the City of Moscow's Zoning Ordinance.

- (1) Required offstreet parking shall be provided on the Lot requiring the parking, on a contiguous Lot, or within such distance from the Lot as the Design Committee deems reasonable. Where parking is provided other than upon the Lot concerned, the Association shall be given a certified copy of a recorded instrument, duly executed and acknowledged by the person or persons holding title to the lot or other property upon which the parking area is located, stipulating to the permanent reservation of the use of the lot

or other property for such parking area. In no case shall the provisions of parking on another Lot result in an inadequate number of parking spaces being provided to serve the uses and operations on that other Lot, in accordance with the parking requirements of these Design Committee Rules.

- (2) Parking areas shall be paved so as to provide dust-free, all-weather surfaces and shall be curbed and guttered with concrete. Each parking space provided shall be designated by lines painted upon the paved surface.
 - (3) In all parking areas, the parking spaces, driveways and space for the movement of vehicles shall be designed in accordance with the City of Moscow Zoning Ordinance, as the same may be amended from time to time.
 - (4) From Lot boundaries, the setback for offstreet parking areas shall be not less than 5 feet.
- (g) Loading and Maneuvering. Adequate area shall be provided on each Lot for all loading and maneuvering of trucks and other vehicles in order that such operations will not be carried out in the streets. Such areas shall be located and screened as follows:
- (1) No loading docks or areas shall face the street or be placed on the sides of a building less than 50 feet from the front property boundary. If loading docks or areas are located on the sides of a building, they shall be screened from public view. Such screening shall be of design and material which is compatible with and complementary to the building design and material used in building construction or landscaping, and shall be located so that no loading areas are visible from any Lot lines which abut a public street or from any adjacent Lots.
 - (2) All truck loading, unloading and circulation areas shall be separated from automobile circulation and parking areas, particularly guest parking, to the extent reasonably possible.
 - (3) All loading areas shall be designated in accordance with the City of Moscow Zoning Ordinance, as the same may be amended from time, and shall be subject to approval of the Design Committee.

- (h) Driveways. On each Lot driveways shall be provided as follows:
- (1) Each Lot shall be permitted to have 2 curb cuts on a public street upon which the lot fronts. Additional curb cuts shall be permitted with the approval of the Design Committee, but at a rate no less than 1 curb cut per 100 feet of street frontage (after 200 feet for the first 2 cuts.) The location of curb cuts to the main entrance to each Lot shall correspond to breaks in the center median, if any, of public streets, to the extent reasonably possible.
 - (2) Driveway width shall be a maximum of 30 feet.
 - (3) Driveways shall be paved with asphalt or concrete and generally curbed and guttered, unless otherwise approved by the Design Committee in writing.
- (i) Landscaping and Screening. The landscaping and screening requirements for each Lot shall be as follows:
- (1) All portions of a Lot not used for parking, circulation, buildings or storage shall be permanently landscaped.
 - (2) All required setback areas, exclusive of permitted offstreet parking areas and private drives for ingress, egress or circulation, shall be landscaped.
 - (3) A minimum of 4 feet of landscaping shall be provided between the exterior walls of all buildings and detached or uncovered parking areas or internal circulation areas.
 - (4) All portions of a Lot not fronting on a street and not used for parking, circulation, buildings or storage shall be planted with species appropriate to the building design and environmental condition. This includes areas held for future development or future expansion of parking areas.
 - (5) All required setback areas fronting the street shall be landscaped and maintained in good order and condition by the Owner or occupant of any Lot whose property line fronts onto the street.
 - (6) Landscape treatment of the Lot shall be in the form of grass lawns, shrubs, and ground covers, shade trees in parking area, street trees, and plantings in areas used as dividers and in any areas of limited use. Landscaping shall be used

to mark entrance points and parking areas. It shall be used to enhance building scale and form. Landscape treatment shall not interfere with sight line requirements at street or driveway intersections.

- (7) Areas used for parking shall be screened from view from adjacent streets and highways by plant materials, berms, or attractive fencing. Such screening shall extend a minimum of 42 inches above pavement in said parking area. Plant materials used for this purpose shall consist of lineal or grouped masses of shrubs and trees. Berms shall have slope of 1:4 or less.
- (8) All parking areas shall be planted with trees (spreading shade trees preferred) at close regular intervals, with 1 tree per 8 parking spaces in double-loaded aisles and 1 tree per 4 parking spaces in single-loaded aisles.
- (9) The use of landscaping for climate control shall be encouraged, particularly the use of large canopy trees for shade. Use of diverse and colorful plant materials indicative of the Lot's intrinsic character shall also be encouraged.
- (10) Landscaping in accordance with the plans submitted and approved by the Design Committee must be installed prior to the occupancy of the building, except that in case of bad weather conditions, the landscaping may be installed following occupancy, provided a security bond (naming the Association as obligee) equal to the cost of the landscaping is submitted to the Design Committee prior to occupancy.
- (11) Landscape irrigation systems are required. All landscaped areas shall be maintained. Lots shall not be allowed to become weed-infested or grass, shrubs and trees to become overgrown and unsightly. If the Association finds such a condition to exist, the Association will notify the Owner of the Lot(s) in writing that they are in violation and if the situation is not remedied within 30 days, the Association shall take the necessary steps to cause the Lot to be brought back into a well-maintained state. Any costs

incurred by the Association will be charged to the Owner of the Lot.

Section 5.4 Building and Site Design. The objective in building standards is to obtain consistency and quality in architectural design in order to protect and enhance the well planned campus image of the Park. In order to maintain consistency, yet permit interest and variety and the use of new materials as they develop, all architectural designs, including those for alterations, additions or remodeling, are subject to review and approval of the Design Committee. The design requirements specified below are intended to convey a general tone and ambiance desired for the Park. The design requirements are deliberately general in nature in order to permit some flexibility in design.

- (a) Building Design. The general design character expressed on each Lot shall be in keeping with the campus-like setting of the Park. The building theme shall reflect the Lot's intrinsic character. Building architecture shall be of high quality but natural appearing, emphasizing the outdoor environment, and shall comply with the following provisions.
 - (1) The architecture should make use of design details which express a campus-like image and could include such elements as steeply pitched roofs, strong horizontal features, the use of terraces, wide overhangs, louvers, trellises and other design details.
 - (2) Building appearance should express the structural system of the building. Expression of the roofline, the baseline of buildings and the main building entry should be emphasized features. Door and window openings, including service doors, should be integrated into the building appearance through modular organization and/or scoring systems.
 - (3) Where more than 1 building is constructed on a Lot, all buildings shall reflect the same design expression, finish materials and colors.
 - (4) Building materials shall be of high quality, and craftsmanship should be emphasized.

- (5) Exterior walls shall be finished in concrete stucco, wood, brick, metal, block, stone, glass, or combinations thereof. Metal buildings will be permitted provided their compatibility with the intent of these guidelines can be satisfactorily demonstrated.
- (6) Use of color-tinted glazing is encouraged in all buildings. Reflective glazing will be permitted provided that glare will not adversely affect surrounding properties or be a traffic hazard.
- (7) Roofing materials visible from adjacent lots shall be metal or tile. Other materials may be permitted if the building design is enhanced and the character of Alturas Technology Park is maintained, except that pitch and gravel shall not be permitted.
- (8) The color tones of all building finishes should be subtle. Color contrast for accent and articulation of building appearance features should be moderate, not severe. Color schemes will be consistent throughout the exterior of the building. Super graphics and decorative painting that do not relate to architectural features will not be permitted.
- (9) For nonbuilding improvements, high quality, soft-textured materials which complement the building and convey a campus-like image should be used where possible; textured concrete or tile, gravel pathways, natural stone walls, textured concrete block, wooden decks and benches, and craftsmanship should be emphasized.
- (b) Grading and Drainage. Each Lot shall have its own onsite drainage system to collect and channel all storm runoff generated on site to designated drainage laterals in the Park overall drainage system. All surface drainage, including roof drainage of buildings, shall be designed to conform to the overall drainage of the Park. Site grading shall conform with requirements of the grading ordinance of the City of Moscow.
- (c) Excavation. No excavation shall be made except in conjunction with construction of an improvement. When such improvement is

completed, all exposed openings shall be back-filled, graded and returned to original landscaped condition.

- (d) Outside Storage and Refuse Collection Areas. Outside storage and refuse collection areas shall only be permitted as provided below.

- (1) No materials, supplies or equipment including storage tanks, shall be stored upon a Lot except inside an enclosed building or enclosed area.
- (2) Trucks or other motor vehicles may be stored outside, provided the storage area for such vehicles is located or screened so as not to be visible from adjacent lots or from the Lot boundary abutting a public street. Any storage areas screened by visual barriers shall be located in the rear portions of a Lot, and no storage area may extend into a setback area.
- (3) Outdoor refuse collection areas shall be screened from public view by a minimum of a 6-foot high wall constructed of material and detail consistent with the architecture of the structures on the Lot, or by landscaping. The refuse collection area shall not be located between a public street and the front of the building. The refuse storage area should not be visible from adjacent properties and streets. The refuse enclosure shall be set in a landscaped planting area and softened with shrub or vine plantings.

- (e) Signs. The placement and erection of signs shall be permitted only as provided below.

- (1) All signs require prior approval by the Design Committee at the time of approval of plans and specifications therefor. No sign shall be approved other than industrial park identification signs, directional and parking signs, signs identifying the name, business and products of the Owner or occupant of a Lot, and signs offering the lot for sale or lease. Only 1 identification sign shall be permitted for each occupant. All signs must conform to the requirements of the sign ordinances of the City of Moscow. No roof signs will be permitted.

- (2) Signs shall be of a design and material consistent with the buildings and should be incorporated into the building architecture.
 - (3) Multi-tenant buildings shall have all tenant identification placed on 1 sign.
 - (4) Illuminated signs shall be lighted using indirect lighting. Flashing or moving character signs shall not be installed.
 - (5) No billboards or advertising signs other than those identifying the occupants and the nature of the business and/or products shall be permitted.
- (f) Mechanical Equipment. All mechanical equipment, utility meters, storage tanks, air-conditioning equipment, solar panels and similar items shall be screened or located in such a manner so as not to be visible from adjacent Lots.
- (g) Exterior Illumination. All lighting fixtures for buildings, parking areas, paths and other outdoor areas shall be permitted only as provided below or public streets.
 - (1) All exterior lighting shall be designed, erected, altered and maintained in accordance with plans and specifications submitted to and approved in writing by the Design Committee.
 - (2) All exterior illumination shall be from non-apparent sources and shall be hooded and cast light internally and shall be directed away from adjacent sites and public streets.
 - (3) Lighting shall be consistent and harmonious throughout the Park and shall be in keeping with the specific functions and building types served. Illumination will be encouraged on all exterior walls facing public streets or proposed public streets and for all parking areas.
 - (4) All lighting fixtures in parking areas of any Lot should not detrimentally impact any other Lot.
 - (5) All signs, if lighted, will be indirectly illuminated by ground-located fixtures.
- h) Utilities and Antennas. The installation of utilities and antennas shall be only undertaken as provided herein.

- (1) All utilities and utility connections on each Lot, including electrical and telephone cables and wires, shall be located underground.
- (2) Transformers, electric, gas or other meters of any type, utility boxes, signal control boxes or other apparatus shall be located within the required landscaped area, screened from street view with shrubs and placed underground to the extent practical.
- (3) No antenna or tower for the transmission or reception of telephone, television, microwave or radio signals shall be placed upon any portion of the Park or on any building or other improvement within the Park unless: (a) such antenna or tower shall be so located that it cannot be seen from any point at the ground level of the Park; or (b) the consent of the Design Committee shall first be obtained.
- (4) The erection or use of temporary power or telephone facilities incidental to the construction or repair of buildings in the Park shall be permitted.

Section 5.5 DISCLAIMER. ANY APPROVAL OF PLANS AND SPECIFICATIONS BY THE DESIGN COMMITTEE DOES NOT AND WILL NOT CONSTITUTE A WARRANTY OR REPRESENTATION REGARDING THE LEGALITY, SAFETY, DURABILITY OR ECONOMY OF ANY IMPROVEMENT CONSTRUCTED PURSUANT TO THE APPROVED PLANS AND SPECIFICATIONS. FURTHER, THESE DESIGN COMMITTEE RULES ARE EXPRESSLY SUBJECT TO THE TERMS AND PROVISIONS OF THE DECLARATION, AND IN THE EVENT OF ANY CONFLICT BETWEEN THE PROVISIONS CONTAINED IN THESE DESIGN COMMITTEE RULES AND THE TERMS AND PROVISIONS OF THE DECLARATION, THE LATTER SHALL CONTROL.

ARTICLE VI OTHER PROVISIONS

Section 6.1 Enforcement: The Declarant, Association, URA, the Design Committee or any Owner, shall have the right to enforce, by a proceeding at law or in equity, all restrictions, conditions, covenants, reservations liens and charges now or hereafter imposed by the provisions of this Declaration. Failure by the Declarant, Association, URA, the Design Committee or by any Owner to enforce any covenant or restrictions herein contained shall in no way be deemed a waiver of the right to do so thereafter. Declarant, for itself, its successors or assigns, reserves the right to enforce these restrictive covenants, though it may have previously sold and conveyed all subdivided lots in the subdivision, controlled by these covenants. The reservation of this right of enforcement shall not create an obligation of any kind to enforce same.

Section 6.2 Severability: Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way affect any other provisions which shall remain in full force and effect.

Section 6.3 Expansion of the Park: Additional real property may hereafter be made part of the Park and subject to this Declaration by the proper filing by Declarant or its successor in interest of a plat of such real property, acknowledged and accepted by the Association, which states thereon that such platted property is a part of, and subject to all covenants, conditions, restrictions, reservations and easements applicable to the Park, as set forth in this Declaration.

Section 6.4 Amendment: This Declaration may be amended, modified or changed, in whole or in part, by a three-quarter (3/4) vote of the then Owners of Lots in the Park and any such amendment, modification or change shall bind all Owners in the Park, provided, however, that notwithstanding anything to the contrary provided herein or in any such amendment, modification or change hereof, it is understood and agreed that (i) no such amendment, modification or change shall prohibit any Owner from doing any act or thing that such Owner was entitled to hereunder at the time such amendment, modification or change was executed unless such Owner consents in writing to such amendment, modification, or change; (ii) no such amendment, modification, or change shall deprive any Owner of the use or benefit of any Common Area or easement which is provided hereunder for the use and benefit of such Owner's Lot unless such Owner consents in writing to same; (iii) no such amendment, modification, or change shall increase the obligations or liabilities of, or impose any additional or new obligations or liabilities upon any Owner who owns a Lot at the time such amendment, modification, or change is executed unless such Owner consents in writing to same.

Section 6.5 Attorney Fees: Notwithstanding anything herein contained to the contrary, in the event of litigation arising out of the interpretation or enforcement of the rights or obligations under this Declaration, the prevailing party shall be entitled to recover its costs and expenses in connection with such litigation, including but not limited to reasonable attorneys' fees, which may be awarded by the Court before whom such litigation is brought.

Section 6.6 Term: The foregoing covenants are made and adopted to run with the land, and shall be binding upon the undersigned and all parties and persons claiming through and under them until December 31, 2026, at which time said covenants will be automatically extended for successive periods of 10 years, unless an instrument signed by a majority of the then record Owners of the Lots has been recorded prior to that date, or of any extended date 10 years successively thereafter, agreeing to change said covenants in whole or in part.

IN WITNESS WHEREOF, the undersigned, being the Declarant and Association herein, have hereunto set their hands and seals this 23RD day of DECEMBER, 1996.

Declarant: Thompson Family Limited Partnership

By: Engel Thompson GENERAL PARTNER
Authorized Representative

Association: Alturas Technology Park, Inc., an Idaho
nonprofit corporation

By: Jim Nayma VICE PRESIDENT
Authorized Representative

STATE OF IDAHO)
) ss
County of Latah)

On this 23rd day of December, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared Jim Haynes, known to me to be the Vice President of Alturas Technology Park, Inc. who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal on the date last above written.

Steven Spencer
NOTARY PUBLIC FOR IDAHO
Residing at: Moscow
My Commission Expires: 10-24-98

STATE OF IDAHO)
) ss
County of Latah)

On this 23rd day of December, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared Eugene Thompson, known to me to be Authorized Representative of Thompson Family Limited Partnership, who executed the instrument on behalf of the partnership, and acknowledged to me that said partnership executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal on the date last above written.

Steven Spencer
NOTARY PUBLIC FOR IDAHO
Residing at: Moscow
My Commission Expires: 10-24-98

ALTURAS BUSINESS PARK, PHASE II
DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS
AND RESTRICTIONS (CC&R)

THIS DECLARATION is made and approved this 10th day of November, 2005, by those described below as "Declarant" and "Association", and signed the 25th day of January, 2007.

WITNESSETH:

WHEREAS, Declarant, Urban Renewal Agency of the City of Moscow, Idaho, is the current owner of real property in the City of Moscow, Latah County, Idaho described as Lots 1 through 3, Block 1; and Lots 1 through 4, Block 2, Alturas Business Park, Phase II as shown by the recorded plat thereof; and

WHEREAS, Association has been formed to administer and manage the Project as described below, in accordance with this Declaration:

DECLARATION

NOW THEREFORE, Declarant and Association hereby declare that the real property described as Lots 1 through 3, Block 1; and Lots 1 through 4, Block 2, Alturas Business Park, Phase II, City of Moscow, Latah County, Idaho, as shown by the recorded plat thereof, shall be held, leased, sold and conveyed to others subject to the following easements, conditions, restrictions and covenants which are imposed for the purpose of protecting the value and desirability of, and which shall run with, said real property and shall be binding on all parties having any right, title or interest in said real property or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof and further declare that the Project, as defined below, shall be administered and managed in accordance with this Declaration.

ARTICLE I
DEFINITIONS

Section 1.1 "Association" shall mean and refer to Alturas Business Park, Inc., an Idaho nonprofit corporation.

Section 1.2 "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any part of the Park, as defined below, including contract sellers, and to contract purchasers of any interest therein, but excluding those having any interest merely as security for the performance of an obligation.

Section 1.3 "Park" shall mean and refer to that real property described as Lots 1 through 4, Block 1, Lot 1, Block 2 and Lot 1, Block 3 Alturas Technology Park, City of Moscow, Latah County, Idaho, and Lots 1 through 3, Block 1, and Lots 1 through 4, Block 2, Alturas Business

Park, Phase II, City of Moscow, Latah County, Idaho as shown by the respective recorded plats thereof, and any additional real property that may hereafter be made part of the Park and subject to this Declaration.

Section 1.4 "Phase I" shall mean and refer to only that real property described as Lots 1 through 4, Block 1, Lot 1, Block 2 and Lot 1, Block 3 Alturas Technology Park, City of Moscow, Latah County Idaho, as shown by the recorded plat thereof.

Section 1.5 "Phase II" shall mean and refer to only that real property described as Lots 1 through 3, Block 1; and Lots 1 through 4, Block 2, Alturas Business Park, Phase II, City of Moscow, Latah County, Idaho, as shown by the recorded plat thereof.

Section 1.6 "Project" shall mean and refer to the development known as the Alturas Business Park, Phase II.

Section 1.7 "Lot" shall mean and refer to each lot as shown by the recorded subdivision map or plat of real property in the Park.

Section 1.8 "Declarant" shall mean and refer to Urban Renewal Agency of the City of Moscow, Idaho.

Section 1.9 "City zoning ordinances" or "City Code" shall mean and refer to the provisions of the zoning ordinances and the Code of the City of Moscow, Idaho, as in force and effect as of the date an owner obtains a building permit for any Lot hereunder.

Section 1.10 "Board of Directors" shall mean and refer to the Association's Board of Directors.

Section 1.11 "LEDC" shall mean and refer to the Moscow-Latah County Economic Development Council or its duly designated representative.

Section 1.12 "Agreement" shall mean and refer to the Agreement entered into between Declarant and LEDC related to development, marketing and management of Phase II.

Section 1.13 "URA" shall mean and refer to Urban Renewal Agency of the City of Moscow, Idaho.

ARTICLE II ASSOCIATION AND BOARD OF DIRECTORS

Section 2.1 Appointment to Board, Administration, and Voting Rights. In order to avoid duplication and in order to promote efficiency, rules related to appointment to the Board of Directors, administration of the Association, and voting rights of members of the Association shall be governed by the provisions 3.1 – 3.3 of Alturas Technology Park Declaration of Protective Covenants, Conditions, and Restrictions, dated the 23rd of December 1996. Each Lot Owner or lessee in Phase II shall become a member of the Association established for Phase I

and shall have all rights, duties and obligations in the same manner and to the same extent as all Association members of the Association for Phase I.

ARTICLE III
COVENANT FOR MAINTENANCE ASSESSMENTS

Section 3.1 Creation of the Lien of Assessments.

Each Owner of any Lot by acceptance of a deed therefor, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay to the Association:

- A. annual assessments or charges as established by the Association, and
- B. special assessments, if any, established and collected by the Association and as hereinafter provided.

However, the Association shall not at any time assess any Association costs or expenses against Declarant arising from Declarant's ownership of undeveloped Lots within the Property and shall indemnify and hold Declarant harmless from any such assessments and costs.

Annual and special assessments, together with interest, costs and reasonable attorney fees, shall be a charge on each Lot and shall be a continuing lien upon each Lot against which each such assessment is made.

Section 3.2 Disposition of Excess Funds.

It is anticipated that the Association may, from time to time, accumulate funds in excess of those reasonably necessary to meet the requirements for which such are collected and, when such a accumulation occurs, the Association may utilize such excess funds to develop enhancements and/or improvements to Phase I or Phase II, as determined by the Board of Directors.

ARTICLE IV
LAND USE RESTRICTION

Section 4.1 Land Use Restriction.

All land use restrictions whenever contained in Alturas Technology Park Declaration of Protective Covenants, Conditions, and Restrictions, dated the 23rd day of December, 1996, shall apply to all property in Phase II and are hereby adopted in their entirety, the same as if fully copied and transcribed herein.

Section 4.2 Additional Land Use Restrictions.

In order to ensure and to preserve the character of the Alturas Business Park Project (Phase I and Phase II), each and every one of the following uses shall be prohibited in Phase II:

- A. Any business and/or use not specifically allowed in the Research Technology Office (RTO) Zoning District as provided by Moscow City Code.
- B. Offices of professionals such as doctors, lawyers, accountants, tax consultants, counselors, architects and engineers except those engaged primarily in research and development;

insurance and business consultant offices; administrator's offices, beauty and barber shops, and graphic and photographic studios.

- C. Group day care facilities and small day care facilities.
- D. Churches, convents, monasteries, synagogues and mosques;
- E. Financial institutions;
- F. Retail sales and personal services which are not directly and integrally related to research and/or technology;
- G. Commercial eating and drinking establishments.
- H. Ownership by any property tax-exempt entity unless such entity executes an agreement wherein such entity agrees to pay to such applicable taxing districts, as long as such property tax entity owns such property, a fee in lieu of and equal to the property tax which, but for such entity's tax-exempt status, would be assessed upon the property and improvements.

Section 4.3 All land use restrictions herein shall apply without exception for the first twelve (12) years following the date of the execution of this Declaration, after which such may be changed only by the majority of Phase II Owners, provided that the provisions of section 4.2.A. shall continue as long as a property tax-exempt entity owns any property in Phase II.

ARTICLE V DESIGN COMMITTEE USE RESTRICTIONS

In order to promote and to preserve consistency between Phase I and Phase II, all provisions of Article V. Design Committee Use Restrictions contained in Alturas Technology Park Declaration of Protective Covenants, Conditions and Restrictions dated 23rd day of December 1996 are hereby adopted in their entirety the same as if fully copied and transcribed herein.

ARTICLE VI OTHER PROVISIONS

Section 6.1 Enforcement.

The Declarant, Association, URA, the Design Committee or any Owner, shall have the right to enforce, by a proceeding at law or in equity, all restrictions, conditions, covenants, reservations liens and charges now or hereafter imposed by the provisions of this Declaration. Failure by the Declarant, Association, URA, the Design Committee or by any Owner to enforce any covenant or restrictions herein contained shall in no way be deemed a waiver of the right to do so thereafter. Declarant, for itself, its successors or assigns, reserves the right to enforce these restrictive covenants, though it may have previously sold and conveyed all subdivided lots in the subdivision, controlled by these covenants. The reservation of this right of enforcement shall not create an obligation of any kind to enforce same.

Section 6.2 Severability. Invalidation of any one of these covenants, conditions, or restrictions by judgment or court order shall in no way affect any other provisions, all of which shall remain in full force and effect.

Section 6.3 Expansion of the Park. Additional real property purchased hereafter may be made part of the Park and shall be subject to this Declaration by the proper filing by Declarant or its successor in interest of a plat of such real property, acknowledged and accepted by the Association, which states thereon that such platted property is a part of, and subject to all covenants, conditions, restrictions, reservations and easements applicable to the Park, as set forth in this Declaration.

Section 6.4 Amendment. Except as limited by Section 4.3 of this Declaration, this Declaration may be amended, modified or changed, in whole or in part, by a three-quarter (3/4) vote of the then Owners of Lots in Phase I and Phase II of the Park and any such amendment, modification or change shall bind all Owners in Phase I and Phase II of the Park, provided, however, that notwithstanding anything to the contrary provided herein or in any such amendment, modification or change hereof, it is understood and agreed that (i) no such amendment, modification or change shall prohibit any Owner from doing any act or thing that such Owner was entitled to hereunder at the time such amendment, modification or change was executed unless such Owner consents in writing to such amendment, modification, or change; (ii) no such amendment, modification, or change shall deprive any Owner of the use or benefit which is provided hereunder for the use and benefit of such Owner's Lot unless such Owner consents in writing to same; (iii) no such amendment, modification, or change shall increase the obligations or liabilities of, or impose any additional or new obligations or liabilities upon any Owner who owns a Lot at the time such amendment, modification, or change is executed unless such Owner consents in writing to same.

Section 6.5 Attorney Fees, Jurisdiction and Venue. Notwithstanding anything herein contained to the contrary, in the event of litigation arising out of the interpretation or enforcement of the rights or obligations under this Declaration, the prevailing party shall be entitled to recover its costs and expenses in connection with such litigation, including, but not limited to, reasonable attorneys' fees, which may be awarded by the court before whom such litigation is brought. All parties agree that this Declaration shall be governed and interpreted by the laws of the State of Idaho with venue in the Second Judicial District, County of Latah, State of Idaho.

Section 6.6 Term. Except as limited by Section 4.3 of this Declaration, the foregoing protective Covenants, Conditions, and Restrictions are made and adopted to run with the land, and shall be binding upon the undersigned and all parties and persons claiming through and under them until December 31, 2035, at which time said Covenants, Conditions, and Restrictions will be automatically extended for a successive period of ten (10) years, unless an instrument signed by a majority of the then record Owners of the Lots in Phase II has been recorded prior to that date, or of any extended date ten (10) years successively thereafter, agreeing to change said Covenants, Conditions, and Restrictions in whole or in part.

IN WITNESS WHEREOF, the undersigned, being the Declarant and Association herein, have hereunto set their hands and seals this 25th day of January, 2007.

Declarant: Urban Renewal Agency of the
City of Moscow, Idaho

John McCabe

John McCabe, Chair

ATTEST:

Jim Gress

Jim Gress, Treasurer

Association: Alturas Business Park, Inc.

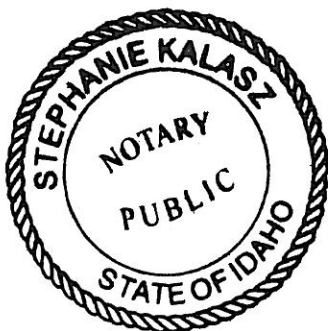
Ed Wood

Authorized Representative

STATE OF IDAHO)
) ss
County of Latah)

On this 25th day of January, 2007, before me, the undersigned, a Notary Public in and for said State, personally appeared John McCabe known to me to be the Chair of Urban Renewal Agency of the City of Moscow, Idaho, Inc. who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal on the date last above written.

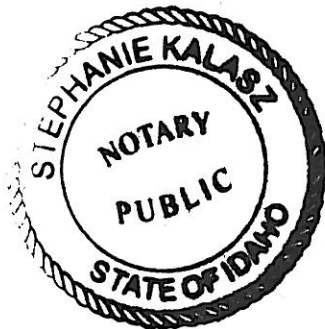


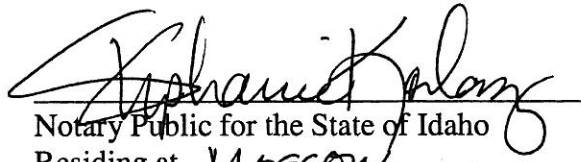
Stephanie Kalasz
Notary Public for the State of Idaho
Residing at Moscow
My Commission Expires: 5/31/11

STATE OF IDAHO)
) ss
County of Latah)

On this 25th day of January, 2007, before me, the undersigned, a Notary Public in and for said State, personally appeared Robin Woods, known to me to be the duly authorized representative of Alturas Business Park, Inc. who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal on the date last above written.




Notary Public for the State of Idaho
Residing at Moscow
My Commission Expires: 5/31/11

511379
NO. _____
AT THE REQUEST OF:
CITY OF MOSCOW
DATE & HOUR:
1-25-07 12:22 pm
SUSAN PETERSEN
LATAH COUNTY RECORDER
FEE \$ 0 BY S. Kalasz
picked up