

PLANNING & ZONING COMMISSION



Wendy McClure
Commission Chair

~Agenda~

Mike Ray
Staff Liaison

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208.883.7008

<http://id-moscow.civicplus.com/agendacenter>

**Wednesday
June 12, 2019**

7:00 PM

**Council Chambers
206 E 3rd Street**

Call to order

1. Approval of minutes from May 22, 2019 [ACTION ITEM]

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

2. Public Comment

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

3. Approval of Reasoned Statement of Relevant Criteria and Standards [ACTION ITEM]:

1. Preliminary Subdivision Plat of a 41,151 square foot parcel located at 1330 Indian Hills Drive referred to as the Indian Hills East Addition.
2. Planned Unit Development of a 41,151 square foot parcel located at 1330 Indian Hills Drive, providing for 10 single-family dwellings on lots ranging from 2,660 sf to 3,910 sf in size.

ACTION: Review the draft Relevant Criteria and Standards documents and approve the documents; or approve the documents with modifications; or provide Staff further direction as deemed necessary.

4. Public Hearing: Ordinance Amending Educational Services within the Central Business District [ACTION ITEM]

On August 20, 2018, City Council provided direction to staff to develop a survey for the community and property owners and businesses operating within the CBZD. A survey instrument was then prepared which contained questions designed to gauge the perceptions of the community and property owners and businesses operating within the CBZD in regards to a) current public/private universities and colleges in the CBZD and b) additional or expanded public/private universities and colleges in the CBZD. The survey was then sent out in the fall of 2018 to CBZD property and business owners as well as a random sample of the community. The results of the survey were then discussed at the City Council meeting on April 1, 2019 and the Council then directed the Planning and Zoning Commission to prepare an ordinance which would prohibit additional or expanded universities and colleges in the CBZD. The Commission then reviewed other uses which staff has encountered challenges with in the past year and expanded the ordinance to include additional amendments to the land use table.

ACTION: Conduct the public hearing and upon consideration of testimony presented, recommend approval of the proposed ordinance; or recommend approval of the ordinance with modifications; or recommend denial of the ordinance; or take other such action deemed appropriate.

5. Accessory Dwelling Unit (ADU) Review [ACTION ITEM]

On April 6, 2015, City Council approved Ordinance 2015-06 which permitted ADUs in all residential zones and also established certain development standards. Since the ADU ordinance has been approved,

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

there have been eight ADUs that have been constructed throughout the City. Staff wishes to review the ordinance with the possibility of removing the requirement that lots must meet the minimum lot size of their zone in order to be eligible for an ADU. There have been a number of circumstances over the last four years with lots in older areas of town that have been ineligible for ADUs because of the minimum lot size requirement. These lots are often in areas of town that are within the traditional grid system with alley access where the City has promoted attractive densification.

ACTION: Review ADUs which have been constructed as well as the existing ADU ordinance and provide Staff further direction as deemed necessary.

6. Subdivision Code Review [ACTION ITEM]

The Commission has been discussing cluster and traditional subdivision concepts which could have maximum net density limitations. The Commission reviewed existing subdivisions of varying density throughout the City at the last meeting to better understand the proposed density requirements. The Commission will now review the incorporated cluster and traditional subdivision sections within the proposed subdivision code.

ACTION: Review the proposed subdivision code and provide Staff further direction as deemed necessary.

7. Continuing Education [ACTION ITEM]

Discuss the next continuing education topic.

ACTION: Discuss the next continuing education topic and provide staff further direction if necessary.

8. Transportation Commission Meeting Report

ACTION: Receive report and provide staff further direction if necessary.

9. Announcements

ACTION: Read any correspondence received and provide staff further direction if necessary.

Adjourn

PLANNING & ZONING COMMISSION



Wendy McClure
Commission Chair

~Meeting Minutes~
May 22, 2019

Mike Ray
Staff Liaison

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<http://id-moscow.civicplus.com/agendacenter>

The meeting was called to order at 7:01 PM.

MEMBERS PRESENT: Robb Parish, Vice Chair; Scott Gropp, Joel Hamilton, Mike Nelsen, Nels Reese, Victoria Seever

MEMBERS ABSENT: Wendy McClure, Dennis Wilson

ALSO IN ATTENDANCE: Mike Ray, Anne Peterson, Kathryn Bonzo (for Brandy Sullivan)

1. Approval of minutes from May 8, 2019

Seever moved approval of the minutes as presented.

RESULT:	ACCEPTED BY ACCLAMATION [UNANIMOUS]
MOVER:	Seever
SECONDER:	Nelsen

2. Public Comment

None.

3. Approval of Reasoned Statement of Relevant Criteria and Standards for Property at 2500 South Highway 95 within the Area of City Impact - LUP2019-0014

Seever moved approval of the RCS as presented.

RESULT:	APPROVED BY ACCLAMATION [UNANIMOUS]
MOVER:	Seever
SECONDER:	Hamilton

4. Approval of Reasoned Statement of Relevant Criteria and Standards for Property generally located east of the intersection of Southview Avenue and Alice Street within the City of Moscow: LUP2019-0015

Reese moved approval of the RCS as presented.

RESULT:	APPROVED BY ACCLAMATION [UNANIMOUS]
MOVER:	Reese
SECONDER:	Nelsen

5. Public Hearing: Planned Unit Development and Preliminary Subdivision Plat of a parcel located at 1330 Indian Hills Drive – LUP2019-0016 and LUP2019-0017

Proposed Planned Unit Development (PUD) and Preliminary Subdivision Plat of a 41,151 square foot parcel located at 1330 Indian Hills Drive in the City of Moscow to allow ten (10) single-family dwellings on lots ranging from 2,660 sf to 3,910 sf in size.

Ray presented the proposal described above. Subject property is surrounded by Alturas Technology Park (RTO zoning), multi-family townhouses to the west (RO zoning), agricultural land to the south (FR zoning), and the USDA office to the east (GB zoning). The minimum lot size in the RO zone is 5,000sf for single family dwellings, with a minimum lot width of 50 feet. Applicant is requesting a PUD to allow reduced minimum lot size and width and reduced setbacks. Proposed setbacks from the garage will allow for off-street parking in front of the garages. The minimum PUD base density in the RO zone is 24 units per acre, and the proposed density is 9.4 units per acre so no density bonuses are required. Ray reviewed existing public improvements and reported all are adequate to support the proposed development. Parkland dedication requirements have already been met as part of the Indian Hills 6th Subdivision. The private street proposed within the PUD meets City standards. A Type A landscape buffer is required on the adjoining GB zoning, and the developer is proposing that the individual property owners be allowed to install their own landscaping on the lots. There was a question about the City Street Tree Program and Ray explained that pertains only to street trees on public streets, so it wouldn't be available for this development except for the Indian Hills Drive frontage. Staff recommended approval with two conditions recommended by Public Works:

1. The construction of the proposed private street shall meet current City standards including the dedicated easement for public and franchise utilities.
2. The proposed detention pond shall meet the current Moscow Stormwater Runoff Control Standards.

Parish was concerned that the driveways on the west side wouldn't be long enough for larger vehicles without hanging into the sidewalks. Reese asked why a buffer wasn't required on the west side of the development to screen the back side of those houses. Seever asked what makes this development unique and therefore worthy of a PUD. Ray explained it provides the opportunity for more affordable, smaller houses on smaller lots, while still creating individual lots that can provide fee-simple ownership.

The public hearing opened at 7:31 with testimony from the applicant.

Curtis Blum, 3831 Highway 8, Troy, said they have developed the properties to the west. Having constructed many apartment buildings in Moscow, they have noticed a change in demand by young couples and families for affordable housing. Blum mentioned there is already a six-foot landscape buffer as part of the townhouse development to the west. He said the homes won't be all cookie-cutter; they will have slightly different looks and siding colors will vary.

Gropp mentioned that affordable housing has been discussed quite a bit during his time on the Commission, and added that among his 15 employees only about a third of them can afford to live within Moscow. Reese said the existing buffer on the townhouse property addressed his concern about screening between the PUD and the townhouses. Seever noted there is also an existing buffer between subject property and the USDA office building. Reese asked Blum if they had considered twinhomes. Blum replied they wanted to offer a housing option that provided more privacy than having to share a wall with neighbors. Nelsen noted the homes are quite nice-sized.

Hearing no further testimony, the public hearing closed at 7:41.

Reese said his concerns had been addressed and he agreed it was a good project. Seever agreed she wouldn't want to share a wall if she was buying her house. Hamilton wanted to encourage use of the Street Tree Fund to install trees on the Indian Hills frontage. Seever thought the proposal was well reasoned.

Gropp moved approval of the PUD as presented.

RESULT:	APPROVED BY ACCLAMATION [UNANIMOUS]
MOVER:	Gropp
SECONDER:	Nelsen

Seever moved approval of the Preliminary Plat as presented.

RESULT:	APPROVED BY ACCLAMATION [UNANIMOUS]
MOVER:	Seever
SECONDER:	Gropp

Hamilton moved to direct staff to prepare the Reasoned Statement of Relevant Criteria and Standards.

RESULT:	APPROVED BY ACCLAMATION [UNANIMOUS]
MOVER:	Hamilton
SECONDER:	Seever

6. Final Review of Draft Ordinance Amending Educational Services within the Central Business District

Ray reviewed the same revisions discussed at the last meeting. The only change was with regard to off-street parking lots in the R-4 zone. Reese asked for clarification on how this code language would apply to the Legacy Crossing District. Ray said it would all apply, as well as the underlying Urban Mixed Commercial zoning of Legacy Crossing. The public hearing has been noticed for June 12th.

7. Subdivision Code Review [ACTION ITEM]

Ray distributed updated versions of the draft code. Subdivisions were previously in City Code Title 5 but Staff recommended moving it to Title 4, Chapter 12. In doing so staff recommended that the cluster subdivision dimensional requirements be placed only in the bulk and placement table within Title 4, Chapter 4, rather than also being duplicated in the Subdivision Chapter. Hamilton thought it would be more logical to put the traditional subdivision text before the cluster subdivision language. Parish suggested more discussion was needed regarding twinhome/townhouse development within the single-family zoning districts, particularly in cluster subdivisions. Ray suggested a mixture of housing could be achieved by rezoning sections of subdivisions into progressively denser zoning designations, but he will have further discussions with other city staff and report back. Commissioners were supportive of the placement recommendations recommended by staff. Ray will complete the traditional subdivision portion for additional review at the next meeting.

8. Transportation Commission Meeting Report

Hamilton reported the next meeting is June 13th and an agenda has not yet been distributed.

9. Announcements

Reese said he will miss the next two meetings due to travel. He also reported on the Third Street Bridge installation “ceremony.”

The meeting adjourned at 8:14 p.m.

Wendy McClure, Chair

PLANNING & ZONING COMMISSION



Wendy McClure
Commission Chair

~Meeting Minutes~
May 22, 2019

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Ray presented the proposal described above. Subject property is surrounded by Alturas Technology Park (RTO zoning), multi-family townhouses to the west (RO zoning), agricultural land to the south (FR zoning), and the USDA office to the east (GB zoning). The minimum lot size in the RO zone is 5,000sf for single family dwellings, with a minimum lot width of 50 feet. Applicant is requesting a PUD to allow reduced minimum lot size and width and reduced setbacks. Proposed setbacks from the garage will allow for off-street parking in front of the garages. The minimum PUD base density in the RO zone is 24 units per acre, and the proposed density is 9.4 units per acre so no density bonuses are required. Ray reviewed existing public improvements and reported all are adequate to support the proposed development. Parkland dedication requirements have already been met as part of the Indian Hills 6th Subdivision. The private street proposed within the PUD meets City standards. A Type A landscape buffer is required on the adjoining GB zoning, and the developer is proposing that the individual property owners be allowed to install their own landscaping on the lots. There was a question about the City Street Tree Program and Ray explained that pertains only to street trees on public streets, so it wouldn't be available for this development except for the Indian Hills Drive frontage. Staff recommended approval with two conditions recommended by Public Works:

1. The construction of the proposed private street shall meet current City standards including the dedicated easement for public and franchise utilities.
2. The proposed detention pond shall meet the current Moscow Stormwater Runoff Control Standards.

Parish was concerned that the driveways on the west side wouldn't be long enough for larger vehicles without hanging into the sidewalks. Reese asked why a buffer wasn't required on the west side of the development to screen the back side of those houses. Seever asked what makes this development unique and therefore worthy of a PUD. Ray explained it provides the opportunity for more affordable, smaller houses on smaller lots, while still creating individual lots that can provide fee-simple ownership.

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The meeting adjourned at 8:14 p.m.

Wendy McClure, Chair

**BEFORE THE PLANNING AND ZONING COMMISSION
OF THE CITY OF MOSCOW, COUNTY OF LATAH,
STATE OF IDAHO**

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS REGARDING A REQUEST FOR A PRELIMINARY SUBDIVISION PLAT OF A FORTY-ONE THOUSAND ONE HUNDRED AND FIFTY-ONE (41,151) SQUARE FOOT PARCEL OF LAND LOCATED AT 1330 INDIAN HILLS DRIVE, KNOWN AS INDIAN HILLS EAST ADDITION TO THE CITY OF MOSCOW, IDAHO.

WHEREAS, the applicant filed an application for a Preliminary Subdivision Plat on May 2, 2019; and

WHEREAS, this matter came before the Moscow Planning and Zoning Commission during a duly noticed public hearing on May 22, 2019; and

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

THE PLANNING AND ZONING COMMISSION OF THE CITY OF MOSCOW, IDAHO, AFTER DUE DELIBERATION AND CONSIDERATION, HEREBY CONCLUDES:

I. RELEVANT FACTS AND CONCLUSIONS

1. The Planning and Zoning Commission considered the request pursuant to the City of Moscow 2009 Comprehensive Plan, City of Moscow Zoning Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The subject property is a forty-one thousand one hundred and fifty-one (41,151) square foot parcel of land located at 1330 Indian Hills Drive.
3. The subject property is currently vacant and surrounded by the USDA office building to the east, vacant lots within Alturas Technology Park to the north, townhouse-style multi-family development to the west, and agricultural land to the south.
4. The subject property is relatively flat and gradually increases in elevation as the property heads in the northeasterly direction. There are no drainage ways or natural features that have been identified upon the subject property.
5. The subject property is currently designated as Auto-Urban Commercial (AU-C). AU-C designated areas,

“provide for commercial services and developments that are motor vehicle oriented or those which require large amounts of land. These areas should be located adjacent to existing commercial developments and along major arterials where the vehicle traffic can be accommodated. Developments within these designations should be required to provide significant landscaping which would be applied to enhancing areas along the street edge, screening parking lots, and buffering adjacent uses. Such areas are most appropriately zoned Motor Business (MB).”

6. The USDA office property to the east, as well as properties on the east side of Mountain View Road are also designated as Auto-Urban Commercial (AU-C). The multi-family residential developments to the west are currently designated as High Density Residential (HR). Alturas Technology Park to the north is currently designated as Business Park (BP).
7. Indian Hills Drive is currently designated by the Thoroughfare Plan as a local neighborhood street and Mountain View Road is designated as a minor arterial.
8. The subject property is currently located within the Residential Office (RO) Zoning District.
9. According to the Zoning Code the RO Zoning District is,
“A moderately intensive zone including both offices and high density housing. It serves as a transitional Zoning District between residential Zoning Districts and commercial or industrial Zoning Districts. The RO Zoning District is appropriately applied in the following circumstances:
 1. *On the perimeter of commercial or industrial districts where they abut residential land uses;*
 2. *Where transportation network use is greater than desirable for lower density residential uses;*
 3. *Where landforms create sites which are reasonably accessible by transportation systems and which are buffered from nearby residential areas; and*
 4. *Where the development patterns in a neighborhood will allow development of moderate intensity to occur without producing adverse visual impact or harm to the transportation network.”*
10. Uses permitted within the RO Zone include single family dwellings, two family dwellings, twinhomes, townhouses, and multi-family dwellings. Also permitted are professional offices, bed and breakfasts, daycare facilities, and parking lots.
11. The minimum lot size for parcels within the RO Zone is 5,000 sf for single-family, two-family, and multi-family dwellings; 2,250 sf for twinhome dwellings; and 1,800 sf for townhouse dwellings. The minimum lot width is for single-family, two-family, and multi-family dwellings is 50 feet; 25 feet for twinhomes; and 18 feet for townhouses.
12. The applicant is proposing to subdivide the 41,151 square foot parcel into 10 single family lots ranging from 2,660 sf to 3,910 sf in size. The proposed widths of the lots would range between 33.5 feet and 63.16 feet in width.
13. The applicant is concurrently requesting a PUD in order to allow a reduction in the minimum lot size and width, as well as a reduction in the required setbacks.
14. An 8 inch water main currently exists within Indian Hills Drive, which will provide water service to the subject property. A 6 inch water main will be extended within the private street, which will provide individual service to each lot within the development. The water main will terminate with a fire hydrant at the very north end of the subject property.
15. The property is considered developable in the City’s Comprehensive Water System Plan dated January 2012. Public Works has determined that the existing system has adequate potable and fire flows to serve the proposed subdivision.

16. It is anticipated that under commonly observed residential household water use within the City (114 gallons per day per occupant) that the proposed development could be reasonably anticipated to use approximately 936,225 gallons of water per year (10 du x 2.25 occupants/du x 114 gallons/occupant x 365 days/year = 936,225 gallons/year).
17. Sanitary sewer is proposed to be extended from an existing City main in the northwest corner of the property, which currently extends to the north through lots within Alturas Technology Park, to a main within Alturas Drive. A sanitary sewer main will be extend from the existing main down the private street to serve each individual lot.
18. Public Works has determined that the system has adequate capacity to convey the additional flow from the development. The subject property is considered developable in the Comprehensive Sewer System Plan dated September 2011.
19. The storm sewer for the subdivision is proposed to be conveyed to a stormwater detention pond in the southwest corner of the property, and partially located upon the property directly to the west, which is under common ownership. The stormwater detention pond will then be connected to the existing stormwater facilities within the development to the west.
20. The subject property is accessed via Indian Hills Drive, which is designated as a local neighborhood street. Indian Hills Drive is currently constructed as a 34 foot wide paved roadway with curb, gutters, tree lawns, and sidewalks on both sides of the street.
21. The applicant is proposing a private street to serve the proposed development with parking on one side of the street. The street will contain two 11 foot wide vehicular travel lanes, on-street parallel parking on the west side of the street, and a 4.5 foot sidewalk on the west side of the street. With the alignment of the proposed private driveways, there will be room for 4 on-street parking spaces on the private street. The private street will be paved with curbs and gutters and will meet the City of Moscow's standard for private streets.
22. The subject property is part of the Indian Hills 6th Subdivision, which parkland dedication requirements have already been met. The Indian Hills Park at the northeast intersection of Blaine Street and Indian Hills Drive satisfied the parkland dedication requirement for the Indian Hills 6th Subdivision.
23. There is a required Type A landscape buffer adjacent to the eastern property line of the proposed PUD, since the adjacent zoning district is General Business (GB). A Type A buffer requires 2 canopy trees, 4 understory trees, and 6 shrubs every 100 lineal feet.
24. The applicant conducted a neighborhood meeting with affected property owners within 600 feet of the subject property on April 8, 2019 to discuss the proposed preliminary plat.

BASED ON THE ABOVE RELEVANT FACTS AND CONCLUSIONS, THE PLANNING AND ZONING COMMISSION OF THE CITY OF MOSCOW HEREBY FINDS THE FOLLOWING RELEVANT CRITERIA AND STANDARDS:

II. RELEVANT CRITERIA AND STANDARDS

1. **This plat is not contradictory to the Moscow Comprehensive Plan.** The proposed preliminary plat is consistent with the uses and densities designated within the 2019 Comprehensive Plan. The Auto-Urban Commercial (AU-C) designation is generally a more intense commercial land use designation than what the Residential Office (RO) Zone would permit. However, properties may be developed with a lower intensity use than is indicated by

the Plan, which is what the being proposed in this circumstance. Therefore, the Commission finds that the proposed preliminary plat is consistent with the Comprehensive Plan.

2. **This plat is compatible with the Moscow Zoning Ordinance.** The applicant is concurrently requesting a PUD in order to allow a reduction in the minimum lot size and width, as well as a reduction in the required setbacks of the Residential Office (RO) Zone. All other Zoning Code requirements will be met as part of the proposal.
3. **This plat is compatible with the Moscow Subdivision Ordinance.** The proposed preliminary plat is consistent and in conformance with the general requirements of the Moscow Subdivision Ordinance including, but not limited to, the provision of the logical and orderly extension of the City's street network, maximum block length, public utilities, and the provision of public parkland.
4. **This plat is considerate of the natural features of the subject land.** The proposed preliminary plat provides for development of the subject property, including the general construction and alignment of the private access street in conformance and consideration of the natural contours of the subject property.
5. **This plat is not expected to place an undue burden on public services and infrastructure, and does not pose an apparent threat to the public health, safety or welfare.** The subject property has property frontage on Indian Hills Drive to the south. There are currently sufficient and available public utility services to meet the needs of the proposed development. Water and sewer connections are readily available in the area and the property has been determined to be developable in the City's Comprehensive Water and Sewer System Plans.
6. **Other: None.**

III. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the Planning and Zoning Commission of the City of Moscow recommends approval of the preliminary subdivision plat request for the forty-one thousand one hundred and fifty-one (41,151) square foot parcel of land located at 1330 Indian Hills Drive with the following conditions:

Public Works:

1. The construction of the proposed private street shall meet current City standards including dedicated easements for public and franchise utilities.
2. The proposed detention pond shall meet the current Moscow Stormwater Runoff Control Standards.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF MOSCOW this
____ day of _____, 2019.

Wendy McClure, Chair
Planning and Zoning Commission

**BEFORE THE PLANNING AND ZONING COMMISSION
OF THE CITY OF MOSCOW, COUNTY OF LATAH,
STATE OF IDAHO**

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS REGARDING A REQUEST FOR A PLANNED UNIT DEVELOPMENT OF A FORTY-ONE THOUSAND ONE HUNDRED AND FIFTY-ONE (41,151) SQUARE FOOT PARCEL OF LAND LOCATED AT 1330 INDIAN HILLS DRIVE, KNOWN AS INDIAN HILLS EAST ADDITION TO THE CITY OF MOSCOW, IDAHO.

WHEREAS, the applicant filed an application for a Planned Unit Development on May 2, 2019; and

WHEREAS, this matter came before the Moscow Planning and Zoning Commission during a duly noticed public hearing on May 22, 2019; and

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

THE PLANNING AND ZONING COMMISSION OF THE CITY OF MOSCOW, IDAHO, AFTER DUE DELIBERATION AND CONSIDERATION, HEREBY CONCLUDES:

I. RELEVANT FACTS AND CONCLUSIONS

1. The Planning and Zoning Commission considered the request pursuant to the City of Moscow 2009 Comprehensive Plan, City of Moscow Zoning Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The subject property is a forty-one thousand one hundred and fifty-one (41,151) square foot parcel of land located at 1330 Indian Hills Drive.
3. The subject property is currently vacant and surrounded by the USDA office building to the east, vacant lots within Alturas Technology Park to the north, townhouse-style multi-family development to the west, and agricultural land to the south.
4. The subject property is relatively flat and gradually increases in elevation as the property heads in the northeasterly direction. There are no drainage ways or natural features that have been identified upon the subject property.
5. The subject property is currently designated as Auto-Urban Commercial (AU-C). AU-C designated areas,

“provide for commercial services and developments that are motor vehicle oriented or those which require large amounts of land. These areas should be located adjacent to existing commercial developments and along major arterials where the vehicle traffic can be accommodated. Developments within these designations should be required to provide significant landscaping which would be applied to enhancing areas along the street edge, screening parking lots, and buffering adjacent uses. Such areas are most appropriately zoned Motor Business (MB).”

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 1. *On the perimeter of commercial or industrial districts where they abut residential land uses;*
 2. *Where transportation network use is greater than desirable for lower density residential uses;*
 3. *Where landforms create sites which are reasonably accessible by transportation systems and which are buffered from nearby residential areas; and*
 4. *Where the development patterns in a neighborhood will allow development of moderate intensity to occur without producing adverse visual impact or harm to the transportation network.”*
10. Uses permitted within the RO Zone include single family dwellings, two family dwellings, twinhomes, townhouses, and multi-family dwellings. Also permitted are professional offices, bed and breakfasts, daycare facilities, and parking lots.
11. The minimum lot size for parcels within the RO Zone is 5,000 sf for single-family, two-family, and multi-family dwellings; 2,250 sf for twinhome dwellings; and 1,800 sf for townhouse dwellings. The minimum lot width is for single-family, two-family, and multi-family dwellings is 50 feet; 25 feet for twinhomes; and 18 feet for townhouses.
12. The applicant is proposing to subdivide the 41,151 square foot parcel into 10 single family lots ranging from 2,660 sf to 3,910 sf in size. The proposed widths of the lots would range between 33.5 feet and 63.16 feet in width.
13. The applicant is requesting a PUD in order to allow a reduction in the minimum lot size and width, as well as a reduction in the required setbacks.
14. Setbacks within the RO Zone are 10 ft on the front, 5 ft on the side with both sides equaling 15 ft, 20 ft on the rear, and 20 ft for a garage door facing the street. The applicant is proposing to establish setbacks on the project of 10.5 ft on the front, 5 ft on both sides, and 10 ft on the rear. The garage door setbacks range from 17.5 ft away from the sidewalk for the houses on the west side of the street and a little over 20 ft from the garage door to the curb for houses on the east side of the street to allow for vehicular parking in the driveway.
15. The minimum PUD base density of the RO Zone is 24 units per acre. The proposed PUD has a base density of 9.4 units per acre, therefore no density bonuses are required as part of the project.

16. The applicant has submitted sample floor plans and elevations of the proposed single family dwellings. The design of the dwellings includes a two-story gabled roof with two-car garage, hardie board batten siding, painted trim, architectural asphalt shingles, belly band, and vinyl windows. The floor plan includes the living room, kitchen, dining room, garage, and a bathroom on the first floor. The second floor includes three bedrooms, two bathrooms, and a utility room.
17. An 8 inch water main currently exists within Indian Hills Drive, which will provide water service to the subject property. A 6 inch water main will be extended within the private street, which will provide individual service to each lot within the development. The water main will terminate with a fire hydrant at the very north end of the subject property.
18. The property is considered developable in the City's Comprehensive Water System Plan dated January 2012. Public Works has determined that the existing system has adequate potable and fire flows to serve the proposed subdivision.
19. It is anticipated that under commonly observed residential household water use within the City (114 gallons per day per occupant) that the proposed development could be reasonably anticipated to use approximately 936,225 gallons of water per year ($10 \text{ du} \times 2.25 \text{ occupants/du} \times 114 \text{ gallons/occupant} \times 365 \text{ days/year} = 936,225 \text{ gallons/year}$).
20. Sanitary sewer is proposed to be extended from an existing City main in the northwest corner of the property, which currently extends to the north through lots within Alturas Technology Park, to a main within Alturas Drive. A sanitary sewer main will be extend from the existing main down the private street to serve each individual lot.
21. Public Works has determined that the system has adequate capacity to convey the additional flow from the development. The subject property is considered developable in the Comprehensive Sewer System Plan dated September 2011.
22. The storm sewer for the subdivision is proposed to be conveyed to a stormwater detention pond in the southwest corner of the property, and partially located upon the property directly to the west, which is under common ownership. The stormwater detention pond will then be connected to the existing stormwater facilities within the development to the west.
23. The subject property is accessed via Indian Hills Drive, which is designated as a local neighborhood street. Indian Hills Drive is currently constructed as a 34 foot wide paved roadway with curb, gutters, tree lawns, and sidewalks on both sides of the street.
24. The applicant is proposing a private street to serve the proposed development with parking on one side of the street. The street will contain two 11 foot wide vehicular travel lanes, on-street parallel parking on the west side of the street, and a 4.5 foot sidewalk on the west side of the street. With the alignment of the proposed private driveways, there will be room for 4 on-street parking spaces on the private street. The private street will be paved with curbs and gutters and will meet the City of Moscow's standard for private streets.
25. The subject property is part of the Indian Hills 6th Subdivision, which parkland dedication requirements have already been met. The Indian Hills Park at the northeast intersection of Blaine Street and Indian Hills Drive satisfied the parkland dedication requirement for the Indian Hills 6th Subdivision.
26. There is a required Type A landscape buffer adjacent to the eastern property line of the proposed PUD, since the adjacent zoning district is General Business (GB). A Type A buffer requires 2 canopy trees, 4 understory trees, and 6 shrubs every 100 lineal feet. Other than the Type A buffer on the east side, the applicant is proposing to leave the landscape design of the individual lots up to the owners of the property.

27. The applicant conducted a neighborhood meeting with affected property owners within 600 feet of the subject property on April 8, 2019 to discuss the proposed PUD.

BASED ON THE ABOVE RELEVANT FACTS AND CONCLUSIONS, THE PLANNING AND ZONING COMMISSION OF THE CITY OF MOSCOW HEREBY FINDS THE FOLLOWING RELEVANT CRITERIA AND STANDARDS:

II. RELEVANT CRITERIA AND STANDARDS

1. **The proposed PUD is consistent with the Comprehensive Plan.** The proposed PUD is consistent with the uses and densities designated within the 2019 Comprehensive Plan. The Auto-Urban Commercial (AU-C) designation is generally a more intense commercial land use designation than what the Residential Office (RO) Zone would permit. However, properties may be developed with a lower intensity use than is indicated by the Plan, which is what the being proposed in this circumstance. Therefore, the Commission finds that the proposed PUD is consistent with the Comprehensive Plan.
2. **The proposed PUD is consistent with the intents and purposes of this Chapter.** The proposed PUD meets the intent of the PUD chapter to permit and encourage innovative, economical, and attractive development; which includes land uses which harmonize with natural features and constraints; which promotes efficient, innovative, economical, attractive, and environmentally sensitive development; and which efficiently phases and locates public and private services and facilities. The proposed PUD of ten single family dwellings on smaller lots creates more affordable housing options in the City.
3. **The proposed PUD is compatible with the character and uses in the surrounding area.** The PUD is consistent with the surrounding area which is primarily a mixture of residential and commercial developments. The proposed PUD provides for development of the subject property, including the general construction and alignment of the private access street in conformance and consideration of the natural contours of the subject property.
4. **Public services and utilities are available or can be made available and are adequate to accommodate the proposed PUD.** Public Works has indicated that water, sanitary sewer, and storm sewer systems are readily available in the area and can accommodate the proposed PUD. The subject property has been determined to be developable in the 2012 Comprehensive Water System Plan and the 2011 Comprehensive Sewer System Plan. The primary point of access is Indian Hills Drive, which provides sufficient access to the subject property.
5. **The proposed PUD will not endanger the public health or safety.** There is no evidence that the proposed PUD would have an impact on the public health and safety. The proposed PUD will help serve the need of providing a more affordable housing option of single family homes on smaller lots.
6. **The residential densities, proposed land uses, and design proposed within the PUD promote the innovative, efficient, economic and attractive development of the subject property.** The proposed PUD with ten single family dwellings on lots which range from 2,660 sf to 3,910 sf in size, provides an efficient and economical home ownership opportunity which is currently limited in the City. The proposed design of the homes is attractive and will provide a quality product on smaller lots which are served by a private street.

III. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the Planning and Zoning Commission of the City of Moscow recommends approval of the Planned Unit Development (PUD) request for the forty-one thousand one hundred and fifty-one (41,151) square foot parcel of land located at 1330 Indian Hills Drive with no conditions.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF MOSCOW this
____ day of _____, 2019.

Wendy McClure, Chair
Planning and Zoning Commission

ORDINANCE NO. 2019 -

AN ORDINANCE OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE AMENDMENT OF MOSCOW CITY CODE TITLE 4, CHAPTER 3; PROVIDING FOR AMENDMENTS TO THE LAND USE TABLE FOR EDUCATIONAL SERVICES, HEALTH CARE SERVICES, SELF-STORAGE FACILITIES, COMMERCIAL AND INDUSTRIAL MACHINERY AND EQUIPMENT REPAIR AND MAINTENANCE, OFF-STREET PARKING AREAS, AND PARKING LOTS AND GARAGES; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE BE DEEMED SEVERABLE; AND PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM THE DATE OF ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, on August 20, 2018, City Council directed staff to develop a survey designed to gauge the perceptions of the community and property owners and businesses operating within the Central Business Zoning District (CBZD) in regards to: current public/private universities and colleges within the CBZD; and additional or expanded public/private universities and colleges within the CBZD; and

WHEREAS, the survey was then sent out in the fall of 2018 to CB property and business owners as well as a random sample of the community; and

WHEREAS, the results of the survey were then discussed at the City Council meeting on April 1, 2019 and the Council then directed the Planning and Zoning Commission to prepare an ordinance which would prohibit additional or expanded universities and colleges in the CBZD; and

WHEREAS, the Planning and Zoning Commission then prepared the proposed ordinance which would eliminate certain educational services as permitted uses in the CBZD; and

WHEREAS, the Commission also reviewed other uses which staff has encountered challenges with in the past year and expanded the ordinance to include additional amendments to the land use table; and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MOSCOW, IDAHO, AS FOLLOWS:

SECTION 1: That Moscow City Code Title 4, Chapter 3 be amended as follows:

• • •

Sec. 3-4. Land Use Table.

LAND USE TABLE																		
P = Permitted Use		PA = Permitted Accessory Use		C = Conditional Use Permit		Blank = Not Permitted												
RESIDENTIAL USES		NAICS 2012 Code No.	AF	FR	SR	R-1	R-2	R-3	R-4	RO	NB	RTO	CB	GB	MB	I	UMC	U
Dwellings in Residential Zones²																		
Single Family (up to 4 unrelated individuals)			P	P	P	P	P	P	P									
Two Family								P	P									
Twinhome								P	P									
Townhouse ¹								P	P									
Single Family (up to 6 unrelated individuals)			C	C	C	C	C	C	P									
Multiple Family (3 or more units)									P									
Mobile Home Parks									P									
Dwellings in Commercial Zones																		
Above or behind a commercial use or on a secondary street frontage			See above, Dwellings in Residential Zones							P	P		P/C ³	P	P	PA ⁴	P/C ³	P
On the ground floor on primary street frontage										P	C		C	C	C	PA ⁴	C	P
Group Living																		
Boarding House (occupied by owner, up to 6 boarders)			P	C	C	C	C	C	P									
Dormitories																		P
Fraternity, Sorority, and Cooperative Houses		721310							C									P
Accessory Uses																		
Accessory Buildings or Structures (up to 1,000 sq ft)			PA	PA	PA	PA	PA	PA ¹⁵	PA ¹⁵	PA								
Accessory Buildings or Structures (1,001 to 1,500 sq ft)			C	C	C	C	C	C	C	C								
Accessory Buildings or Structures (no size limitation)											PA	PA	PA	PA	PA	PA	PA	PA
Accessory Dwelling Unit ¹			PA	PA	PA	PA	PA	PA	PA									
Accessory Home Occupations Type I ¹			PA	PA	PA	PA	PA	PA	PA	PA	PA		PA	PA	PA	PA	PA	PA
Accessory Home Occupations Type II ¹			C	C	C	C	C	C	C	PA	PA		PA	PA	PA	PA	PA	PA
Accessory Gardens			PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA
NON-RESIDENTIAL USES		NAICS 2012 Code No.	AF	FR	SR	R-1	R-2	R-3	R-4	RO	NB	RTO	CB	GB	MB	I	UMC	U
Agricultural Uses																		
Agriculture, Animal Production		112	P/C ¹⁸	C ⁵														P
Agriculture, Crop Production		111	P															P
Animals and Fowl (as permitted by City Code Title 10)			PA	PA	PA	PA	PA	PA	PA	PA								
Animal Slaughtering and Processing		31161	C													P		P
Gardens (Market and Community) no on-site retail sales ¹			P	P	P	P	P	P	P	P	P		P	P	P	P	P	P
With on-site retail sales ¹			P	P	C	C	C	C	C	P	P		P	P	P	P	P	P
Sawmills		321113	C													C		
Amusement and Recreation Facilities																		
Archery/Shooting Ranges (indoor only)		713990											P	P	P	P	P	P
Bowling Centers		713950											P	P	P		P	P
Dance Halls		713990											P	P	P		P	P
Fitness Centers		713940								P			P	P	P		P	P
Golf Courses and Country Clubs		713910	C	C	C	C	C	C	C	C								P
Miniature Golf Facilities		713990											P	P	P		P	P
Movie Theaters		512131											P	P	P		P	P
Riding Stables		713990	C										P	P	P	P	P	P
Stadiums and Sports Arenas (Ice/Roller Rinks, Gymnasiums, Ballfields)		713940						C	C				P	P	P		P	P
Animal-Related Business																		
Veterinary Services		541940	C	C						P	P			P	P	P		
Pet Care Services ¹		812910	C	C							P ¹⁰				P	P		
Financial, Technology, and Professional Services																		
Agencies, Brokerages and Other Insurance Related Activities		5242							P ⁶	P	P	P	P	P	P		P	
Broadcasting Studios		515										P	P	P	P		P	
Business, Professional, Political, Social Advocacy, Grantmaking, and Similar Organizations		8132/8133/8139	C	C					P ⁶	P	P	P	P	P	P		P	
Commercial Banking, Credit Unions, and Savings Institutions		522110/120/130											P	P	P			
Construction Contractor Services		238											P	P	P	P	P	P
Data Processing, Hosting, and Related Services		518								P	P	P	P	P	P	P	P	P
Professional, Scientific, and Technical Services		541							P ⁶	P	P	P ¹¹	P ¹¹	P	P	P	P ¹¹	P
Publishing Industries (except Internet)		511										P	P	P	P	P	P	P
Real Estate Services		531							P ⁶	P	P	P	P	P	P		P	
Securities, Commodity Contracts, and Other Financial Investments		523							P ⁶	P	P	P	P	P	P		P	
Software Publishers		5112							P ⁶	P	P	P	P	P	P	P	P	
Food and Beverage Service																		
Coffee/Espresso Stand											P		C	C	P		C	P
Drinking Places (Alcoholic Beverages)		722410											P	P	P		P	P
Restaurants		72251								P ⁹	P		P	P	P		P	P

NON-RESIDENTIAL USES	NAICS 2012 Code No.	AF	FR	SR	R-1	R-2	R-3	R-4	RO	NB	RTO	CB	GB	MB	I	UMC	U
Manufacturing																	
Beverage Manufacturing	3121									C		P	P	P	P	P	
Manufacturing, Heavy															C		
Manufacturing, Light													C	P	P	C	
Aerospace Product and Parts Manufacturing	3364										P		C	P	P	C	
Computer and Electronic Product Manufacturing	334										P		C	P	P	C	
Electrical Equipment, Appliance, and Component Manufacturing	335										P		C	P	P	C	
Medical Equipment and Supplies Manufacturing	3391										P		C	P	P	C	
Pharmaceutical and Medicine Manufacturing	3254										P		C	P	P	C	
Public/Institutional Uses																	
Antenna Towers (new)		C	C	C	C	C	C	C	C	C		C	C	C	C	C	C
Co-Location ¹⁴		P	P	P	P	P	P	P	P	P		P	P	P	P	P	P
Cemeteries	812220	C	C	C	C	C	C	C	C					C			
Child Day Care Services ¹																	P
Family, 5 or fewer children		PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	PA	P	
Group, 6 to 12 children		P	P	P	P	P	P	P	P	P	C	C	C	C	C	P	
Small, 13 to 20 children		C	C	C	C	C	C	P	P	P	C	C	C	C	C	P	
Large, 21 or more children		C	C	C	C	C	C	C	C	P	C	C	C	C	C	C	
Civic and Social Organizations	813410											P	P	P		C	P
Community/Neighborhood Center		C	C	C	C	C	C	C	P	P		P	P	P		P	
Correctional Institutions	922140													C	C		
Educational Services																	
Elementary and Secondary Schools ¹	6111	C	C	C	C	C	C	C	C	C			C	C	C	C	P
Colleges, Universities, and Professional Schools	6112/6113							C	C	C			C	C	C	C	P
All Other Schools and Instruction	6114-6117								C	C	C ¹⁶	C	C	P	C	C	P
Fairgrounds		C	C	C	C	C	C	C	C								
Funeral Homes and Funeral Services	81221							C	C	P		C	P	P			
Government Office Buildings		C	C	C	C	C	C	C	C	P		P	P	P	P	P	
Health Care Services (Ambulatory) (excluding 624410)	621							P ⁶	P	P	P ⁸	P	P	P	P	P	P
Hospitals	622											C	P	C			P
Museums and Art Galleries	712110							C	C	P		P	P	P		P	P
Nursing and Residential Care Facilities	623							C	C			P	P				
Public Parks & Recreational Facilities (operated by local government) ⁷		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Public Service and Utility Facilities		C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	P
Religious Facilities	813110	C	C	C	C	C	C	C	C	P		P	P	P		C	P
Telecommunications Services ¹	517							P ⁶	P	P	P	P	P	P	P	P	
Retail and Personal Services																	
Consumer Goods Rental	5322									P		P	P	P	P	P	P
Laundries and Drycleaners	812310/ 812320									P		P	P	P	P	P	P
Personal Care Services	8121								P	P		P	P	P	P	P	P
Retail Sales (excluding 4411, 444, 447, & 453930)	44-45								PA	P	PA	P	P	P	P	P	P
Large Retail Establishment ¹														P	P		
NON-RESIDENTIAL USES																	
Storage Services																	
Self-Storage Facilities	531130	C	C											C ^P	P		
Warehousing and Storage	493										PA ¹²			C	P		
Wholesale Uses	423										PA ¹²			C	P		
Temporary Uses¹												P	P	P	P	P	
Vehicles and Equipment																	
Automobile and RV Dealers	4411											C	C	P	P		
Automotive Repair and Maintenance	8111											C	C	P	P		
Building Material Sales & Garden Equipment/Supplies	444													P	P		
Commercial and Industrial Machinery and Equipment Repair and Maintenance	811310													C	P		
Electronic and Precision Equipment Repair and Maintenance	8112								P	P		P	P	P	P		
Gasoline Stations	447											C	C	P	P		
Heavy Equipment Sales (manufactured home dealers, farm and garden equipment)	453930 423820													C	P		
Off-Street Parking Areas																	
Parking Lots and Garages	812930	PA	PA	PA	PA	PA	PA	PA/C	P	P	PA	PA	P	P	P	P	P
Personal and Household Goods Repair and Maintenance	8114										P	P	P	P	P	P	
Railroad Yards and General Freight Trucking	488210/4841															P	
Rental and Leasing Services (excluding 5322)	532											C	C	P	P		
Scrap Yards/Material Recycling	423930															C	
Visitor Accommodations																	
Bed and Breakfast Inns		P	P	C	C	C	C	P	P	P		P	P	P		P	
Hotels and Motels	721110											P	P	P		P	P
RV Parks and Campgrounds	721211	C	C					C					P	P	P		P

USE ELEMENTS & EXCEEDANCES TO BULK & DIMENSIONAL REQUIREMENTS	AF	FR	SR	R-1	R-2	R-3	R-4	RO	NB	RTO	CB	GB	MB	I	UMC	U
Drive-Through Facilities ¹											P/C ¹³	C	P		C	
Exceedance of maximum building height (for permitted non-residential uses)	C	C	C	C	C	C	C	C	C	C	C	C			C ¹⁷	

NOTES

¹ Subject to Specific Use Standards within Section 4-3-4 of this Zoning Code

² Only one principal dwelling permitted per building lot in AF, FR, SR, R-1, and R-2 Zones

³ Residential dwellings located on ground floor on secondary street frontages require a Conditional Use Permit in CB and UMC Zone

⁴ One dwelling unit per lot is allowed where accessory to a permitted principal use

⁵ Feedlots must be on at least 20 acres of land and associated buildings must be set back at least 500 ft from the nearest property line

⁶ Use shall not exceed 2,000 sq ft of office space

⁷ Including all public facilities operated by local government (including but not limited to parks, recreational facilities, and recycling centers)

⁸ Excluding Outpatient Care Centers, Home Health Care Services, and Other Ambulatory Health Care Services (NAICS 6214, 6216, and 6219)

⁹ Restaurants shall not exceed 1,500 sq ft in the RO Zone

¹⁰ Indoor kennels only

¹¹ Excluding Veterinary Services

¹² Indoor storage only

¹³ Drive-up windows permitted for financial institutions only, Conditional Use Permit is required for drive-up windows associated with all other uses in the CB Zone

¹⁴ Antenna shall not extend more than 18 ft above, and shall not project more than 8 ft horizontally away from the existing tower or support structure

¹⁵ Or 600 sq ft per dwelling unit in R-3 and R-4 Zones

¹⁶ Business Schools and Computer and Management Training, and Technical and Trade Schools only, as defined by NAICS code number 6114 and 6115, and excluding aviation and flight training instruction schools, modeling schools, nursing schools, cosmetology schools, and truck driving schools

¹⁷ Residential or commercial uses may obtain a Conditional Use Permit for exceedance of the maximum building height in the UMC Zone

¹⁸ Feedlots with up to 20 animals are permitted by right. Feedlots between 20 and 200 animals require a Conditional Use Permit

¹⁹ Elementary Schools, Secondary Schools, and Other Schools and Instruction only, as defined by NAICS code number 6111 and 6116

...

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

SECTION 3: EFFECT ON OTHER ORDINANCES. Where the definitions contained in this Ordinance are in conflict with relevant portions of the City of Moscow, Idaho, Municipal Code, the definitions contained within those portions of the Moscow Municipal Code will be unaffected until such time, if any, as they are amended to be consistent with this Ordinance.

SECTION 4: EFFECTIVE DATE. This Ordinance shall be effective upon its passage, approval, and publication according to law.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2019.

Bill Lambert, Mayor

ATTEST:

Laurie M. Hopkins, City Clerk

Lot Line Adjustment, Lot Division and Subdivision Plats

Sec. 1-1 Lot Line Adjustments.

- A. General. Lot line adjustments provide for a change in the location, configuration or alignment of a lot line or lot lines common between two (2) or more lots and do not create an additional lot or lots.
- B. City Approval Required. City approval must be obtained prior to the conveyance of land for the intended purpose of changing the location, configuration or alignment of a lot line or lot lines common between two (2) or more lots. Such City review and approval provides the opportunity to ensure that any such lot line adjustments are in accordance with applicable City Code requirements and will not create any violations to required lot area, width, yards and other provisions of this Code.
- C. Submittal. Requests for lot line adjustments shall be submitted to the Zoning Administrator. Such request shall include one (1) paper copy along with one digital copy (in PDF format) of a preliminary lot line adjustment plan drawn to an engineer's scale not smaller than one inch equals fifty feet (1"= 50') and not larger than one inch equals twenty feet (1" = 20') and shall include existing plat and tax parcel numbers and ownership information for the subject properties. Plan shall clearly and accurately depict all existing and proposed lot line configurations, including dimensions and lot areas and shall include a north arrow and depiction of any easement or right-of-way within or adjacent to the subject land. Where the subject lots contain private improvements, including but not limited to buildings, structures, driveways, sidewalks, fences, or walls, etc. or is adjacent to any improved public right-of-way, such improvements shall be clearly and accurately depicted on a separate site plan of the same scale and dimension. Any proposal or requirement to grant or adjust any easement(s) to accommodate any private or public improvements or access resulting from the proposal shall be clearly depicted on the lot line adjustment plan.
- D. Review. Upon receipt of a lot line adjustment request, the Zoning Administrator shall forward the request to the City Engineer, Fire Marshal, and Building Official for review and comment. After consideration of all comments received, the Zoning Administrator may approve the proposed lot line adjustment as requested, approve with conditions or required revisions, or deny the proposed lot line adjustment. Upon determination of decision, the Zoning Administrator shall mail notice of the decision to the applicant. Such notice shall provide a summary of the Administrator's decision and the process and deadline for submission of an appeal.
- E. Appeal. The applicant may appeal the Zoning Administrator's decision to the City Council within fifteen (15) days of the date of notice of the Zoning Administrator's decision. Such appeals shall be processed in accordance with this Code.

Sec. 1-2 Lot Divisions.

- A. General. Lot Divisions provide for the division of a parcel land or a platted lot to create no more than one (1) additional lot for sale, use or development. Conveyance or acquisition of land resulting from legal condemnation procedures or acquisition of street rights-of-way by a public agency shall not be deemed lot division for purposes of this Code.

- B. City Approval Required. City approval must be obtained prior to the conveyance of land for the intended purpose of creating a new building lot, and no such new lot shall be eligible for a building permit until such City approval has been obtained.
- C. Submittal. Requests for lot divisions shall be submitted to the Zoning Administrator. Such request shall include one (1) paper copy along with one digital copy (in PDF format) of a preliminary lot division plan drawn to an engineer's scale not smaller than one inch equals fifty feet (1" = 50') and not larger than one inch equals twenty feet (1" = 20') and shall include existing plat and tax parcel numbers and property ownership for the subject property. Plan shall clearly and accurately depict all existing and proposed lot line configurations, including dimensions and lot areas, and shall include a north arrow and depiction of any easement or right-of-way within or adjacent to the subject land. Where the subject land contains private improvements, including but not limited to buildings, structures, driveways, sidewalks, fences, or walls, etc. or is adjacent to any improved public right-of-way, such improvements shall be clearly and accurately depicted on a separate site plan of the same scale and dimension. Any proposal or requirement to grant or to adjust any easement(s) to accommodate any private or public improvements or access resulting from the proposal shall be clearly depicted on the preliminary lot division plan.
- D. Review. Upon receipt of a preliminary lot division request, the Zoning Administrator shall forward the request to the City Engineer, Fire Marshall and Building Official for review and comment. Notice of the proposed request shall also be mailed to property owners within six hundred feet (600') of the subject property. Such notice shall provide fifteen (15) days for the submission of written comments upon the proposed lot division.
- E. Preliminary Approval. After consideration of all comments received, the Zoning Administrator may approve the proposed lot division as requested, approve with conditions or required revisions, or deny the proposed lot division. Upon determination of decision, the Zoning Administrator shall mail notice of the lot division decision to the applicant and all property owners within six hundred feet (600') of the subject property. Such notice shall provide a summary of the Administrator's decision and the process and deadline for submission of an appeal.
- F. Appeals. Any affected party may appeal the Zoning Administrator's decision to the City Council within fifteen (15) days of the date of notice of the Zoning Administrator's decision. Such appeals shall be processed in accordance with this Code.
- G. Final Approval. The Zoning Administrator's decision shall not be final until the expiration of the preliminary lot division appeal period and the submission of a Record of Survey map based upon a land survey of the subject property and drawn by a professional surveyor or engineer licensed to conduct such work in the State of Idaho drawn to an engineer's scale not smaller than one inch equals fifty feet (1" = 50') and not larger than one inch equals twenty feet (1" = 20') and prepared and recorded in accordance with Idaho Code Title 55, Chapter 19. Such Record of Survey shall depict the new boundary lines and location of property boundary monuments in accordance with the approved preliminary lot division and any conditions of approval. Upon review of the Record of Survey, and determination of conformance and/or completion of any required conditions of approval, the Zoning Administrator shall issue a letter of final approval and the new lot shall be eligible for a building permit.

Sec. 1-3 Subdivisions.

- A. General. Subdivisions are the division of land that results in the creation of more than one (1) additional lot for sale, use or development.
- B. City Approval Required. No subdivision plat shall be recorded, or offered for record, nor shall any land be offered for sale with reference to such plat, until the said plat has been approved in writing by the City Council, which shall ascertain, before approving it, that the said plat has satisfied all of the requirements of this Code.
- C. Subdivision Parkland Dedication Required. All subdivisions administered and approved under this Code shall include lands dedicated, or fee paid in lieu subject to City approval, to the City in accordance with this Code so that adequate sites for public parks may be properly located and preserved as the City develops, and in order that the cost of providing additional public parkland may be equitably apportioned on the basis of the additional need created by the individual development.
- D. Subdivision Public Improvements Required.
 - 1. Requirements of this Code are authorized by Article XII, Section 2 of the Idaho Constitution; Title 50, Chapter 13 of the Idaho Code; Title 67, Chapter 65 of the Idaho Code and by any and all other delegation of State authority relevant to this Code, as amended or subsequently codified.
 - 2. Standards for subdivisions required by this Code are imposed pursuant to authority in Idaho Code Section 67-6518, as amended or subsequently codified.
 - 3. No public improvement(s) required by this Code pursuant to Idaho Code Section 67-6513 shall be greater than necessary to mitigate the effects of such subdivision development on the ability of the City to deliver services without compromising quality of service delivery or imposing substantial additional costs upon City residents to accommodate the proposed subdivision, at the time of the application for subdivision development. Such improvements may include the extension of streets, sidewalks, utilities or similar improvements outside the subject property where such improvements are deemed necessary to maintain the quality of service delivery to the proposed subdivision without imposing substantial additional cost upon City residents.
 - 4. All costs of public improvements required by this Code shall be borne by the owner or subdivider, unless oversize costs are appropriate and applicable due to anticipated City growth, as determined by the City Engineer. When determining whether oversize costs are appropriate and applicable, the City Engineer shall take into consideration present and anticipated community needs and any relevant plans and policies adopted by the City.
 - 5. No permits shall be issued by the City for the construction of any building or other improvement requiring a permit, upon any land for which a plat is required by this Code unless and until the requirements hereof have been fully met.
- E. Preliminary Plat Submittal. Every subdivision applicant shall conduct a pre-application conference and neighborhood meeting in accordance with this Code. Subdivision applications shall include one (1) digital copy in AutoCAD dwg file format and one (1) digital copy in PDF file format of the preliminary plat drawings, three (3) twenty four inch by thirty six inch (24"

x 36") paper copies of the preliminary plat and associated grading plan drawn to an appropriate engineering scale of an even ten foot increment no smaller than one inch equals fifty feet (1" = 50') and no larger than one inch equals one hundred feet (1" = 100'). The grading plan shall show clearly labeled existing and proposed contour lines of a five foot (5') or lesser contour interval. The content of the preliminary plat drawing shall including the following elements and comply with the Subdivision Design Standards of this Code.

1. Plat name and the name of any subdivision being replatted;
2. Name, mailing address, and phone number of the land owner;
3. Name, mailing address, phone number and signed stamp of the registered land surveyor preparing the plat;
4. Metes and bounds legal description of property to be platted;
5. Plat location by section, township, and range;
6. Plat preparation date;
7. North arrow and drawing scale;
8. Vicinity map showing location of proposed plat in relation to surrounding neighborhoods or larger area;
9. Gross acreage contained within the plat boundary;
10. Existing and proposed topography of the land indicated by clearly labeled contours at five (5') feet intervals or less, except where a slope is in excess of fifty percent (50%), then the interval may be ten (10') feet. All elevation data shall be based on current City of Moscow datum. Topography data shall extend a minimum of fifty (50') feet outside the plat boundary;
11. Boundary lines of the preliminary plat;
12. City limits lines, if applicable;
13. Section lines and section corners used to locate the plat;
14. Ownership of all unplatted adjacent lands;
15. Names of any and all adjacent plats;
16. All adjacent property and right-of-way lines which intersect with or are shared in common with the preliminary plat boundary;
17. Proposed lot, block, street, and alley layout, labeled and dimensioned, and including street names, right-of-way widths, and lot sizes;
18. All existing and proposed easements both on and immediately adjacent to the preliminary plat;
19. Location, width, and names of existing or prior platted and proposed streets, alleys, railroad, or utility rights-of-way or easements, parks or other public spaces, pedestrian walkways, and existing permanent structures to be retained within and adjacent to the proposed plat. (In a replat, the original lots, blocks, streets, and easements shall be shown in dotted lines in scale with the proposed replat);

20. Net acreage of preliminary plat, exclusive of dedicated right-of-way or other public lands;
 21. Any proposed dedicated parkland;
 22. Location and boundaries of stormwater detention and treatment tract(s);
 23. Lot and block numbering;
 24. Existing and proposed zoning district(s) and any related zoning district boundary lines;
 25. Datum used to determine ground elevations;
 26. Location of any flood way and/or flood plain boundaries;
 27. Location and boundary lines of any delineated wetlands, lake, pond, or other significant natural resource land feature;
 28. Existing tax assessor parcel number(s) within the preliminary plat boundary;
 29. Existing and proposed water and sewer lines and utilities on, under, or over the land showing approximate size, grades, and locations; and
 30. Location of all ditches, culverts, catch basins, and other parts of the preliminary design for the control of surface water drainage.
- F. Preliminary Plat Review. Upon receipt of a preliminary plat application, the Zoning Administrator shall distribute copies of the preliminary plat to the City Engineer, Parks and Recreation Director, and Fire Marshal for review, comment or recommendation. Upon determination that the application is complete, the subdivision request shall be scheduled and noticed for public hearing as a Type 2 Quasi-Judicial Hearing, before the Planning and Zoning Commission and City Council pursuant to this Code.
- G. Relevant Criteria and Standards. Approval or denial of preliminary plats shall be based upon the following criteria:
1. The proposed subdivision is in conformance with all applicable City Code requirements;
 2. The proposed subdivision is in general conformance with the Comprehensive Plan;
 3. Public Services and utilities are available or can be made available and are adequate to accommodate the proposed subdivision; and
 4. The proposed subdivision will not be detrimental to the public health, safety, or general welfare. Names of all proposed
- H. Subdivision Phasing. Subdivision development may be phased subject to City approval. Such approval shall be made in consideration of required development access, access to proposed public parks and other facilities, and other similar considerations. Phasing plans approved as part of the subdivision approval shall not be modified without prior City Council approval.
- I. Preliminary Plat Approval. Approval of the preliminary plat shall be valid for a period of twelve (12) months from the date of approval of the preliminary plat by the City Council. Before the expiration of the initial twelve (12) month period after approval, the applicant may request of the Council a one- (1) time extension of the preliminary plat approval for an additional period not to exceed six (6) months (i.e., for a total time period not to exceed eighteen (18) months from the date of the City Council preliminary plat approval).

- J. Final Plat Submittal. Final subdivision applications shall include one digital copy in AutoCAD dwg format and one digital copy in PDF format and three (3) eighteen inch by twenty seven inch (18" x 27") paper copies of the final plat and drawn to a scale of no less than one inch equals one hundred feet (1" = 100'). The final plat shall be drawn to such a scale and contain lettering of such size as to insure the clarity of all lines, bearings, dimensions and all other text and symbols. The final plat shall be in accordance with any conditions of preliminary plat approval, comply with all provisions of Idaho State Code Title 50, Chapter 13, and the Subdivision Design Standards of this Code, and shall include the following:
1. The title under which the subdivision is to be recorded, including the County, State, Section and Township and Range in which the subdivision is located. The name and title of the subdivision shall not duplicate the name of any existing subdivision in Moscow or the surrounding area.
 2. The name and certification of the surveyor preparing the plat to the accuracy of the field survey and plat and that all work was done under their direct supervision. The surveyor shall in every case have a valid certificate of registration with the Idaho Board of Registration of Professional Engineers and Professional Land Surveyors.
 3. A description of the boundary of the subdivision in bearings and distances with a certification by the property owner or owners verifying ownership and dedicating all rights-of-way and any other appropriate sites and easements for public use.
 4. Date, north point, scale.
 5. Certification of approval by the City of Moscow Planning and Zoning Commission, including approval date.
 6. Certification of approval of the plat and acceptance of the dedications by the Moscow City Council, including approval date, and approval of connection to City public water system.
 7. Certification shall be signed by the Mayor and attested by the City Clerk.
 8. Certification of approval by the City Engineer.
 9. Certification of approval by the County Surveyor.
 10. Certification of filing by the County Recorder.
 11. Certification of satisfaction of the sanitary restrictions, to be endorsed by the county recorder at the time of filing, of subsequent thereto, when the sanitary restrictions shall have been satisfied.
 12. Certification of approval by the Latah County Treasurer.
 13. Initial point and tie to at least two (2) government corners. If any portion of the plat boundary is congruent with, parallel with, adjoining, adjacent to, or including a section line, quarter section line, or quarter quarter section line, ties to said section lines and corners shall be shown by bearing and distance, along with bearings and distances between the corners.
 14. Bearing reference based on nearest section line.
 15. Boundary of subdivision shown in bold lines with bearings, distances, and curve data for each segment in concurrence with the legal description.

16. Adjacent plats showing subdivision name, lots, blocks, streets, easements, pathways, and all pertinent information including widths and names of abutting streets and alleys, recording numbers, dimensions and labels. Adjoining unplatted property shall be labeled "Unplatted" and show the name of the owner.
 17. Show exact location, widths, exact length and bearing of the center lines of all streets, alleys, pedestrian walkways, and easements with centerlines shown for streets and alleys. Include names of all streets.
 18. Location and description of all monuments. City of Moscow standard street monuments shall be placed along street centerlines at all intersections, angle points, points of curvature, and points of tangency created by the plat. Street monuments may be placed at the point of intersection ("P1") of curves in lieu of placement at the "PC" and "PI" if the point falls within the street surface, and at the discretion of the City Engineer.
 19. Lots, Blocks, and other tracts or parcels. Blocks shall be numbered consecutively throughout the subdivision and shall not be divided by streets. Blocks may be divided by alleys. Lots shall be numbered consecutively throughout each block.
 20. All lots, tracts, parcels, or other areas created by the plat shall show all bearings, distances, curve data, and areas. Lot areas shall be shown in square feet for all lots less than one acre in size. Areas of lots one acre or larger shall be shown in acres.
 21. Dimensions for each segment of all lots, streets, easements, tracts, parcels, and any other element created by the plat. Linear dimensions shall be shown in decimal feet, rounded to the nearest one hundredth of a foot. Angular dimensions shall be shown in degrees, minutes, and seconds rounded to the nearest second. Curves shall include curve data consisting of radius, interior angle, tangent, chord distance, and chord bearing for each curve. Curves may be numbered for inclusion into a curve table to provide clarity to the plat. Short lines may also be numbered for inclusion into a line table if necessary.
 22. Street profiles showing continuity to adjoining property shall be required where the contour of the surface warrants such consideration.
- K. Final Plat Review and Approval. Upon receipt of a final plat submittal, the Zoning Administrator shall distribute copies of the final plat to the City Engineer, Parks and Recreation Director, and Fire Marshal for review, comment or recommendation. The final plat shall be reviewed for conformance to the approved preliminary plat, and conditions or modifications required by preliminary plat approval, and for final plat standards of Idaho Code and this Code. Upon determination that the final plat is in conformance with the requirements of this code and any conditions of approval of the preliminary plat, the Zoning Administrator shall schedule consideration of the final plat by the City Council as a regular agenda item.
- L. Duration of Final Plat Approval. The City Council approval of the final plat shall be void unless the original tracing, bearing the endorsements of the City Engineer and the Council, is offered to the Latah County Clerk and Recorder for filing within one hundred eighty (180) days from the date of the City Council's approval. Proof of recordation shall be provided to the City Engineer. Upon written request by the applicant, the City Council may grant a single one hundred eighty (180) day extension if the City Council finds conditions in the area have not significantly changed since the Council's original approval.

- M. Development and Monumentation Agreements. The Mayor shall not sign the approved final plat until the required public improvements are completed and monumentation is set, or agreements to provide for the completion of said public improvements and monumentation have been entered into in accordance with this Code.

Sec. 1-4 Replatting.

- A. General. Replatting of all or a portion of an existing plat shall be processed as a subdivision plat in accordance with the requirements of this Code.

Sec 1-5 Subdivision Design Standards.

- A. Purpose. The purposes of these Subdivision Design Standards is to promote the public health, safety, and welfare, the goals, objectives and policies of the City's Comprehensive Plan, Parks and Recreation Master Plan, Multimodal Transportation Plan and Comprehensive Utility plans, and to promote the orderly and functional development of lots, neighborhoods, and the community. The standards contained herein are intended to provide efficient circulation through coordinated and connected street, bike and pedestrian path systems, secure adequate infrastructure for streets, emergency services, parks, recreation facilities, and utilities necessary to serve proposed subdivisions. The standards contained herein are also intended to ensure that subdivision development mitigates its impact upon service delivery within the community and does not place an undue financial burden upon the public to provide the public services required by subdivision developments.
- B. Applicability. These Subdivision Design Standards shall apply to all subdivision applications received by the City.

Sec. 1-5-1 Subdivision or Development Name.

- A. To facilitate wayfinding and the provision of emergency response services, the name of a subdivision or development shall not be the same or substantially similar to the name of an existing subdivision development, or street, which is located within the City or the Area of City Impact.

Sec. 1-5-2 Street Standards and Access.

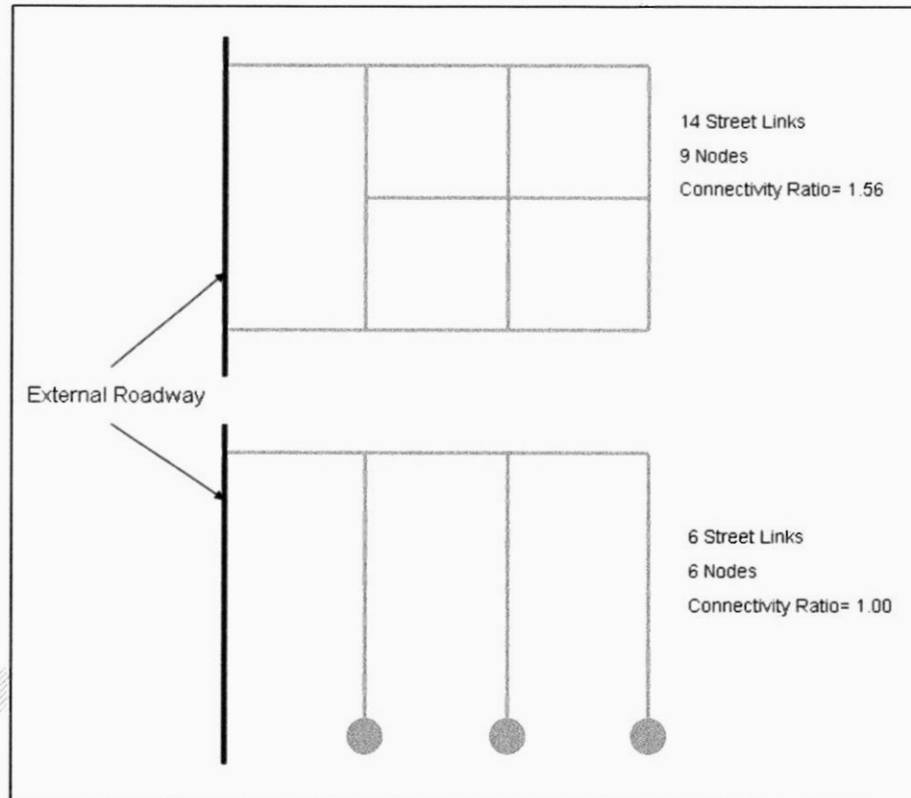
- A. Street Standards.
1. Streets, alleys, sidewalks and pathways shall be constructed in accordance with City of Moscow Street Standards adopted by resolution of the Council. Requirements for public improvements may be less than those specified in the most current City Standard Construction and Specification Drawings, subject to approval by the City Engineer and based upon consistency with the nature and status of the existing street along the entire block length and considerate of changes to required City Street Standards since the existing street was constructed.
 2. Streetlights shall be installed by the developer at locations designated by the City Engineer.
 3. Prior to installation, the developer shall pay the City for the cost of the street name signs and for the installation in the subdivision.

4. Regulatory traffic signage, (i.e. no parking signs, stop signs, one-way signs, etc.) shall be installed by the developer in a manner consistent with City installation procedures and methodology and in conformance with the approved construction drawings and the current edition of the Manual of Uniform Traffic Control Devices (MUTCD).
 5. Horizontal and vertical alignment of City streets shall generally conform to American Association of state Highway and Transportation Officials (ASHTO) standards unless otherwise approved by the City Engineer.
- B. Number of Access Points. Access to subdivisions shall conform to the public street and alley right-of-way standards and shall provide for general traffic circulation, shall support the delivery of City services, and shall meet the requirements of emergency service providers.
- a. All residential development shall provide a minimum number of access points as follows:
 - i. Less than 30 dwelling units: 1 access point
 - ii. 30 to 100 dwelling units: 2 access points
 - iii. More than 100 dwelling units: no less than 3 access points
 - b. The number of required access points may be reduced if it is demonstrated to the City Engineer and Council that the access that is provided:
 - i. Is adequate to ensure delivery of City services and emergency response; and
 - ii. Provides for safe and efficient traffic circulation.
 - c. The City Engineer may require an increased number of access points if, due to unusual characteristics of a site or adjacent streets, such additional access is necessary to ensure safe and adequate vehicular circulation for the general public, delivery of sanitation services, public school transportation, and emergency response.

Sec. 1-5-3 Street Layout and Connectivity

- A. General. Street alignments within subdivisions shall provide for logical and orderly movement of persons and goods within the community, shall provide for the continuation and extension of existing streets, and shall provide a well-connected street system that facilitates navigation, use by all modes of transportation, and delivery of emergency and vehicle-based services.
- B. Street Alignments. All subdivisions shall include the continuation of existing adjacent streets through the proposed subdivision and their projection and continuation to adjacent subdivisions or undivided property. Arterial and collector street alignments shall generally conform to their alignments as shown in the City's adopted Comprehensive Plan and Multimodal Transportation Plan.
- C. Offset Intersections. In all cases where it is feasible, opposing streets shall align at street intersections to provide for safe and efficient use of the roadways. Where site conditions prohibit the proper alignment of street intersections the City Engineer shall determine the necessary street intersection offset distance to protect the safety of the public.
- D. Gated Streets Prohibited. Gated public or private street entryways into residential developments are prohibited.
- E. Street Connectivity.

1. To provide adequate connectivity within a subdivision or planned development, the street network shall have a minimum connectivity index of 1.40, unless specific, unique site conditions prohibit the achievement of such minimum index rating as approved by the City. The connectivity index is defined as the number of street links divided by the number of nodes and link ends. A link is defined as a segment of road between two intersections or from an intersection to a cul-de-sac/stub-out. This includes road segments leading from the adjoining highway network or adjacent development. Nodes are defined as intersections and cul-de-sacs. They do not include the end of a stub-out at the property line or intersection with the adjoining roadway network.



- F. **Maximum Block Length.** Blocks shall not be longer than six hundred and sixty feet (660'). Longer blocks may be approved by the City where specific, unique conditions such as topography, the street network in the subject area, or other such conditions dictate that a longer block length is necessary and will not adversely impact circulation and street network connectivity. Where block lengths exceed six hundred and sixty feet (660'), pedestrian and bicycle walkway connections shall be provided to mitigate the impact upon pedestrians and cyclists in accordance with this Code. Such pedestrian walkway connections shall be located along desirable pedestrian routes to nearby parks, schools, commercial services and other similar pedestrian destinations in accordance with the standards of this Code.
- G. **Cul-de-sac Allowance.** Cul-de-sacs, or other dead-end street configurations, shall only be allowed in limited situations where the street cannot be continued or extended due to extreme topography, existing development, or a natural or manmade physical barrier that precludes such street extension.

- H. **Maximum Cul-de-sac Length.** Streets terminating in a cul-de-sac shall not exceed six hundred and sixty feet (660') in length, measured from the center point of the nearest intersection to the center point of the cul-de-sac. Longer cul-de-sac street lengths may be approved by the City where specific, unique conditions such as topography, the street network in the subject area, or other such conditions dictate that a longer cul-de-sac length is necessary and will not adversely impact circulation and street network connectivity. All cul-de-sacs shall include pedestrian walkways that provide pedestrian connections to adjacent streets and neighborhoods, parks, or other pedestrian routes or destinations unless specifically waived by the Council.

Sec. 1-5-4 Pedestrian Walkways.

- A. **General.** Pedestrian walkways may be required within subdivisions where necessary to mitigate long block lengths and in other locations as necessary to provide convenient and direct access to adjacent schools, parks, shopping and employment centers where the existing or proposed street and sidewalk system does not provide such access. In consideration of where such walkways may be required, travel distances shall be compared between existing and proposed public street sidewalk routes and the travel distance of a potential pedestrian walkway. Pedestrian walkways shall generally be required where the pedestrian walkway would reduce the average travel distance of pedestrians by more than fifty percent (50%) or where otherwise required by the Council to mitigate potential safety hazards.
- B. **Pedestrian Walkway Standards.** Public pedestrian walkways shall be located within a dedicated public right-of-way of a minimum width of ten feet (10'). Such pedestrian walkways shall be constructed by the developer in accordance with adopted City standards. Where the pedestrian walkway is anticipated to have high bicycle use, such as walkways that provide access to bike routes or separated pathway facilities, the minimum constructed width shall be eight feet (8').

Sec. 1-5-5 Lots.

- A. **Lot Arrangement.** The arrangement of lots shall be logical and orderly and shall be considerate of designated floodplains or wetlands that may be present within the subdivision development. Alternative development options, such as clustered or Planned Use Developments, should be utilized when such natural features are present to provide design flexibility and reduce the development impact upon these areas.
- B. **Lot Lines.** Side lines of lots shall be at right angles or radial to the street lines, unless a variation from the rule will give a better street and lot layout. Such variation must be approved by the Planning and Zoning Commission.
- C. **Through Lots.** Through lots shall be avoided where practicable through the use of rear alley or private drive access, alternate street layout or other means. **Corner Lots.** Corner lots in residential zoning districts shall be at least 10 percent (10%) greater than the minimum lot size of the applicable zoning district to ensure adequate building opportunities upon the lot.
- D. **Flag Lots.** Flag lots may be allowed, subject to the requirements in MCC Section 4-4-5.

Sec. 1-5-6 Parkland Dedication

A. Dedication of Parkland. With any subdivision, re-subdivision or lot division filed or applied for after December 15, 1985, lands shall be dedicated, or payment in lieu of dedication shall be paid, to the City in order that adequate sites for public parks may be properly located and preserved as the City develops, and in order that the cost of providing additional public parkland may be most equitably apportioned on the basis of the additional need created by individual development. This provision shall not apply to any subdivision or lot division that would result in the creation of no more than one additional single family residential lot; nor shall it apply to land for which parkland had previously been dedicated to satisfy the requirements of this Section. It is the intention of the City to develop each parcel of land dedicated to meet this requirement for park purposes when the area is occupied by residents.

B. Amount of land to be dedicated.

1. The amount of land to be dedicated shall be a portion of the net developable area. The net developable area will be determined by calculating, from the plat or site plan, the land area exclusive of proposed or existing streets and other public lands.
2. The amount of land to be dedicated shall be a percentage of the net developable area, as follows:

AF and FR Zoning Districts	0%
SR Zoning District	1%
R-1 Zoning District	5%
R-2 Zoning District	6%
R-3 Zoning District	8%
R-4 Zoning District	12%

3. If the zoning district classification for a parcel of land is subsequently changed at the request of an owner to a zoning district requiring a higher proportion of land for parkland purposes, or from a zoning district not requiring dedication to one that does, then dedication of the parkland or additional parkland required for the subdivision by this Section, or payment in lieu of dedication, becomes due before the zoning district change becomes effective.
4. Land Suitability. Land is acceptable for dedication to meet the requirements of this Section if in the judgment of the Council the land is suitable for beneficial park and open space use considering its location, size, configuration, public access, topography, surroundings, compliance with standards for parks established in the Moscow Parks and Recreation Plan and the Moscow Comprehensive Plan, and the needs of the public in that area. Land acceptable for dedication is not necessarily required to be located within a proposed subdivision; however, the land must conveniently serve parkland needs of residents of the subdivision. The Council shall consider recommendations received from the Parks and

Recreation Commission on the suitability of a particular parcel of land proposed for dedication.

5. Payment in Lieu of Dedication. In the event that the City determines in good faith that proposed dedication does not meet land suitability standards and that there are no alternative proposals which satisfy the conditions of land suitability, then payment in lieu of the land dedication shall be required for all or any portion of land necessary to meet the requirements of this Section.
 - a. The amount of payment in lieu of dedication shall be the current fair market value of land suitable to meet the parkland dedication requirement of this Section. The payment in lieu of dedication shall be computed by averaging the value of the land exclusive of improvements, (both public and private), and multiplying by the percent required for park dedication. This value shall be determined prior to granting final approval of the subdivision, or lot division. If the value of such land cannot be determined satisfactorily by the City and the developer, the following procedure shall determine value:
 - i. The parties shall each submit an offer of value to the other, in writing. For ten (10) days thereafter either party may accept the other's offer of value.
 - ii. If neither offer is accepted, an appraiser, selected jointly by the City and the developer shall determine the value.
 - iii. If the parties cannot agree on selection of an appraiser, the names of two (2) Member Appraisal Institute appraisers, one designated by each party, shall be placed in a container, and one appraiser's name shall be picked at random by the Mayor. This appraiser shall then proceed to determine value.
 - iv. The party who has submitted the value closest to that ultimately determined to be fair market value by the appraiser shall be considered the prevailing party. The party not prevailing shall pay for the appraisal related expenses. Either party may appeal the decision of the appraiser to the district court. The court shall consider the matter as a review consistent with the administrative procedures act. The prevailing party shall be paid court costs and reasonable attorney fees by the party not prevailing.
 - b. Payment in lieu of dedication shall be held by the City in a secure account until it is spent. Payment in lieu of dedication shall be spent for the acquisition of those new parklands that in the judgment of the Council will most conveniently serve the people who will use the development for which payment in lieu of dedication was collected. If the Council finds that the development is served by an adequate amount of parkland, then the payment in lieu of dedication may be used to purchase landscaping materials or for other capital improvements to develop the parklands most conveniently serving the needs of those who will be users of the development.
 - c. The Council may make such arrangements with a subdivider through a contract to permit the payment in lieu of dedication over a period of time. Payment in lieu of dedication shall be expended as provided herein within ten (10) years of the last receipt of such payment in lieu of dedication in the development unless such expenditure is impractical or would result in waste.

- d. Dedicated parkland may be sold or traded only if the proceeds are used to acquire other parklands which in the judgment of the Council will better serve those who would be users of the parkland sold.
- e. Where Council determines it to be in the best interest of the City, the applicant or developer may execute and file an agreement specifying the period of time and the conditions pursuant to which a combination of parkland dedication and development of such parkland shall occur.

Sec. 1-5-7 Stormwater Management and Conveyance.

- A. General.
- B. Stormwater Standards. Surface drainage from the subdivision shall be collected, conveyed, and discharged through an approved system of gutters, catch basins, storm sewers, detention ponds, culverts, and/or swales and shall conform to the stormwater runoff control requirements contained in this Code and any additional stormwater runoff control requirements and standards established from time to time by resolution duly passed and adopted by the Council.
- C. Preservation of Natural Drainage Courses. To the greatest extent possible, existing natural drainage courses should be preserved and incorporated within the development to allow greater opportunities for natural stormwater conveyance and treatment.
- D. Stormwater Detention Facilities. Residential subdivision stormwater detention and treatment facilities shall be constructed by the development and thereafter owned, operated, and maintained by the City in accordance with the Stormwater Runoff Control Standards of this Code. The site of such detention and treatment facilities shall be dedicated to the City in the form of a separate tract of land identified on the face of the plat. The size, dimensions, purpose of, and access route to said tract shall be clearly shown on the final plat document.

Sec. 1-5-8 Utilities and Easements.

- A. General.
- B. Utilities. All public and private water, sanitary sewer, and storm sewer system improvements shall conform to the design and construction requirements set forth in the Standard Construction Specifications, Standard Drawings, other Chapters of this Code, Idaho Code, and as shown in an adopted Comprehensive Land Use or Utility Plans, and as deemed appropriate by the City Engineer.
 - 1. Sanitary sewer and storm sewer facilities connecting to the existing City sewer system shall be installed to serve each lot and shall be installed with grade, location, design, material, and size approved by the City Engineer.
 - 2. A potable water distribution system, including fire hydrants, shall be installed to serve each lot and shall be installed with grade, location, design, material, and size approved by the City Engineer.

3. Where it is anticipated that multiple structures may be placed upon a single lot, the City Engineer may require that multiple utility services, in a quantity that is deemed to be adequate to serve the anticipated number of structures upon such lot, be installed so as to reduce the likelihood of the necessity of future street cuts to serve such future development.
- C. In certain instances, as determined by the City Engineer, sanitary sewer lift stations and/or potable water booster stations and water storage reservoirs may be necessary to adequately serve a proposed subdivision. In such cases, the developer shall design and construct such facilities to a size and standard deemed appropriate by the City Engineer. Oversizing costs for such facilities may be applicable and shall be determined based upon present and anticipated community needs and any relevant plans and policies adopted by the City.
- D. Utility Easements.
1. Public utility easements shall be granted for all public water, sanitary sewer, and storm sewer mains and facilities, either as part of the final subdivision plat document or by separate conveyance. Easements granted by separate conveyance shall be recorded at the Latah County Recorder's office prior to approval of the final plat by the City Engineer. For utility mains, the minimum width of the easement shall be twenty feet (20') with the main centered in the easement. Where two (2) public mains are proposed for the same easement, the minimum width shall be thirty feet (30') with the mains generally set five feet (5') off the centerline of the easement. Minimum width requirements may be expanded where topographic or other conditions warrant a wider easement to accommodate access or maintenance needs, as deemed appropriate by the City Engineer.
 2. Utility easements shall include a minimum twelve feet (12') wide all weather driving surface (pavement, gravel, pavers, etc.) on an adequate base section to accommodate utility maintenance access as deemed necessary by the City Engineer. Where such easements provide access to water booster stations, sewer lift stations, and similar facilities, the minimum driving surface width shall be twenty feet (20'). Maximum slope of the driving surface shall not exceed fifteen percent (15%). Where topography and/or alignment of the utilities/easements warrant, a wider easement and/or driving surface may be required by the City Engineer.
 3. Encroachment into public utility or access easements with the installation of sheds, fences, walls, buildings, trees, or other significant surface features is prohibited, unless approved by the City Engineer. Landscaping of public utility easements and public access easements outside the area of the all-weather driving surface is permitted as long as such landscaping does not interfere with the use of the easement or the maintenance and/or operations of the public facilities contained therein. A statement summarizing these conditions shall be included on the face of the final plat and shall be included in all separate conveyance documents.

Sec. 1-5-9 Flood Hazard Areas

- A. General.
- B. Flood Hazard Areas. All subdivision and lot division proposals in areas of special flood hazard shall:

1. Be designed to be considerate of the need to minimize flooding, including layout of streets and lots and the related desire to avoid construction in the one hundred (100) year flood plain, whenever possible, and avoid unnecessary construction in the floodway;
 2. Design, locate and construct all public utilities and facilities such as sewer, gas, electrical, and water systems to prevent infiltration and flood damage and the potential for discharges from such utility systems into flood waters;
 3. Provide adequate drainage to reduce exposure to flood damage; and
- C. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated by the subdivider for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five (5) acres (whichever is less).

Sec. 1-6 Required Improvements

A. Design and installation of improvements.

1. All subdivision improvements required by this Code shall be designed and installed in accordance with the City's adopted Construction Specification Standard Drawings, Erosion and Sediment Control Standards, Stormwater Runoff Control Standards and other applicable improvement standards duly adopted by the City which are in force and affect at the time of the installation of such improvements. The City Engineer may allow exceptions to application to the current improvement standards in affect at the time of the installation of such improvements where such standards have substantively changed since the approval of the subdivision plat and the width of the previously dedicated right-of-way prohibits the ability to fully comply with the current improvement standards. In Addition, the City Engineer may specify additional requirements is unusual conditions warrant such requirements to ensure the public health, safety and welfare.
2. All subdivision improvements shall be furnished, installed, and constructed by the developer at no cost to the City. The City may, at the City's sole discretion, accept a suitable form of financial security in lieu of the completion of required public improvements where the City Council determines that such is in the best interest of the City in consideration of the specific conditions of the site and surrounding area or planned future public improvements.
3. Plans and specifications for subdivision improvements herein set forth shall be prepared by a registered professional engineer licensed to practice within the State of Idaho.

B. Public Improvements Required

1. Except as provided herein, all required subdivision public improvements shall be completed prior to the Mayor's signature on the related final subdivision plat and prior to issuance of a building permit for development or redevelopment of a lot created by a lot division or of a lot having gained the necessary minimum lot area for the applicable zoning district by way of the lot line adjustment or lot consolidation. No building permit shall be issued for development or redevelopment prior to City acceptance of compliance with the public improvement requirements of this Chapter.

2. All public improvement construction documents shall be prepared by a professional engineer licensed by the State of Idaho. Plans shall include extensions necessary to connect with existing and proposed streets, alleys, and utilities. Plans shall show sufficient information to indicate that streets, alleys, and utilities can be logically extended into future adjoining subdivisions or parcels. The capacity and dimensions of water, sewerage, drainage, and street infrastructure shall be adequate to provide for future needs of other undeveloped properties in the general vicinity. Where undeveloped properties exist in the general vicinity of the subdivision, all relevant public utilities shall be extended to the boundary of the subdivision to allow for their logical and orderly extension. The City Engineer may specify additional requirements where conditions warrant such requirements.
3. Construction of public improvements shall not commence until engineered construction documents for such work have been approved by the City Engineer.
4. The applicant or developer shall dedicate the required public improvements and any related land required to the City free and clear of all liens and encumbrances. Following completion of the construction of the public improvements required by this Code, acceptance of said improvements by the City in writing, and approval and filing of the final plat; ownership of said improvements shall transfer from the developer to City.
5. Upon completion of the construction of public improvements required by this Code, the developer shall submit to the City a set of as-constructed plans prepared by an engineer licensed in the State of Idaho attesting that the drawings accurately depict the improvements as actually constructed in ink on mylar. Submittal of said plans shall be completed before the City accepts the public improvements as complete. The subdivision developer shall also include an electronic version of the as-constructed plans in a format acceptable to the City.

C. Development Agreements

1. In lieu of completion of required public improvements prior to the Mayor's signature on the final subdivision plat, the applicant or developer and the City may execute and file a Development Agreement specifying the period of time within which the applicant or developer shall complete all required public improvements, granting of easements, and dedications required under this Chapter.
2. The Development Agreement shall provide that, if the applicant or developer shall fail to complete such public improvements, granting of easements, and/or dedications within the specified period, or shall fail to correct deficiencies therein as may be directed by the City Engineer during a period of two (2) years following completion and acceptance of such public improvements, granting of easements, and/or dedications, the City may, at its option, direct the completion of such public improvements, granting of easements, and/or dedications, and shall recover the full cost and expense thereof from the applicant or developer. The Development Agreement may also provide for any of the following:
 - a. Construction of the improvements in phases;
 - b. An extension of time under conditions therein specified;
 - c. The termination of the Development Agreement upon the completion of proceedings under a Local Improvement District for the construction of public improvements

deemed by the Council to be at least the equivalent of the improvements specified in said Development Agreement and required to be constructed by the applicant or developer;

- d. Proportional refund or release of security, which has been set in accordance with this Chapter and filed with the Development Agreement. Such refund or release shall only occur for the portion of the required public improvements which have been completed and accepted;
- e. Conditions of parkland dedication;
- f. Traffic mitigation participation;
- g. No protest of LID agreements;
- h. Street tree obligation;
- i. Any other provisions designed to ensure construction of required public improvements;
- j. And/or any contractual agreement allow by Idaho law.

D. Security

1. To assure such applicant or developer's full and faithful performance of the Development Agreement set forth in this Chapter, the applicant or developer shall also file with the Development Agreement at least one of the following forms of security:
 - a. Certified check to be cashed;
 - b. Cashier's check to be cashed;
 - c. Cash;
 - d. Irrevocable letter of credit from a certified bank or financial institution;
 - e. Bond; or
 - f. Any other form of security which is specifically approved by the City Finance Director.
2. Any form of security required by this Chapter shall be in an amount as determined by the City Engineer, sufficient to cover the cost of required public improvements including the construction, maintenance, correction, inspection, engineering, and administration thereof. The amount of the security shall be the City Engineer's estimated cost of the required public improvements to be completed plus ten percent (10%) contingency plus twelve percent (12%) engineering and administration costs.
3. In the event the applicant or developer fails to complete all public improvements in accordance with the provisions of the Subdivision Code, this Code, or a Development Agreement, the City may use the security to pay the costs of completing said public improvements, including construction, engineering inspection, and administration.
4. No releases of any form of security required herein shall be made except upon certification by the City Engineer that the required public improvements have been satisfactorily completed.

E. Payment in Lieu of Public Improvements Construction

1. If, in the opinion of the City Council, it is in the best interest of the City, the City may accept cash in lieu of construction of required public improvements. Such cash payment made to the City pursuant to this Subsection shall be used to pay the cost of completing said public improvements and, when used, shall relieve the applicant or developer from any further payment and/or expense regarding said public improvements. Neither the applicant nor the developer shall have claim against the cash payment, or any interest generated therefrom, regardless of the eventual use of said payment. The amount of the cash payment shall be equal to that specified for security in this Chapter.

F. Warranty Period for Public Improvements

1. Term. Following completion of the construction of the required public improvements and following acceptance of said improvements by the City, the applicant and developer shall provide a one (1) year warranty for said improvements. Such warranty shall ensure that the constructed improvements shall, at the end of one (1) year period, remain in an operational condition meeting the City design standards and shall be free of any defects or failures identified during such warranty period.
2. Warranty Repairs. In the event that the City identifies any defect or failure of the public improvements installed by the developer as a requirement of this Code within one (1) year of the acceptance of said improvements, the City shall notify the developer in writing of the noted defect or failure. Upon such notification, the developer shall repair said defect and/or failure to the satisfaction of the City Engineer within ninety (90) days of notice to developer of said defect or failure.
3. Security. To ensure that the repair of defect or failure in the required public improvements shall be remedied by the developer, security for the warranty period shall be required. The amount of the security shall be equal to at least twenty percent (20%) of the documented construction cost of said public improvements. The form of the security shall be at least one of the following:
 - a. Certified check to be cashed;
 - b. Cashier's check to be cashed;
 - c. Cash;
 - d. Irrevocable letter of credit from a certified bank or financial institution;
 - e. Bond;
 - f. Any other form of security which is approved by the City Finance Director.
4. In the event that that the developer fails to make the necessary repairs to remedy the defect or failure of the public improvements, the City may utilize the security to pay the costs of completing said repairs, including construction, engineering, inspection, and administration and may pursue placement of a lien on the subject property, if necessary to pay such costs.

Sec. 1-7 Monumentation

- A. General. Monumentation shall be in accordance with this Code, the Idaho Code and shall comply with all requirements herein.
- B. Street Monuments. City standard street monuments shall be set at all exterior corners of the subdivision; at all points where street lines intersect the exterior boundaries of the subdivision; at all points of curvature in each street or at point of intersection, in lieu of points of curvature, when point of intersection are situated within street pavement; at all street intersections; and at centers of cul-de-sacs.
- C. Lot Corners. All lot corners shall be marked with five-eighths (5/8") inch steel bar, two (2') feet long and driven flush with the finished grade.
- D. Witness Corners. In the event an interior monument cannot be placed at the location shown on the plat, the professional land surveyor shall place a witness corner or reference monument and shall file a record of survey as provided in Chapter 19, Title 55, Idaho Code, to show the location of any witness corner or reference monument in relation to the platted location of the corner.
- E. Recording of Plat with Only Exterior Monumentation. Where interior monumentation security has been provided in accordance with this Code, the professional land surveyor may prepare the plat of the subdivision indicating that only the exterior monuments have been set at the time of recording. There shall be a certification on the plat by the Idaho professional land surveyor that the interior monuments for the subdivision will be set in accordance with Section 50-1303 Idaho Code on, or before, a specified date, and the said interior monuments will be referenced on the plat with a unique symbol. The time for setting of the interior monuments shall not exceed two (2) calendar years from the date the plat is recorded, unless otherwise approved by the City Engineer.

Sec. 1-7-1 Monumentation Security

- A. Interior Monumentation Security. Where the subdivider wishes to defer the setting of interior monuments for a subdivision, the subdivider shall furnish to the City, prior to recording the plat, security in the form of a bond or cash deposit in an amount equal to one hundred twenty percent (120%) of the estimated cost of performing the work for the interior monumentation. The estimated cost of performing such work shall be determined by the Idaho professional land surveyor signing the plat and verified and approved by the City Engineer.
- B. Upon receipt of notification of the setting of the interior monuments within the subject subdivision, the City shall inspect such monuments to ensure their proper placement and installation. Upon determination the monument placement has been satisfactorily completed, the City shall release the security to the subdivider.
- C. In the event that the person subdividing the land fails or refuses to authorize the payment for interior monumentation, the Idaho professional land surveyor may request payment from the City, and upon inspection by the City Engineer of the interior monumentation, the City shall pay the professional land surveyor from the interior monumentation security established in accordance with this Subsection.

- D. In the event that the Idaho professional land surveyor charged with the responsibility for setting interior monumentation for the subdivision does not set such monuments, the City may contract with an Idaho professional land surveyor in private practice to set such monuments for recording as required herein. Payment of the fees for these services shall be made from the security established in accordance with this Chapter.