# PLANNING & ZONING COMMISSION

Wendy McClure
Commission Chair

p&z@ci.moscow.id.us

~Meeting Minutes~
July 24, 2019

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

Mike Ray
Staff Liaison

208.883.7008

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**The meeting was called to order at 7:00 PM.**

MEMBERS PRESENT: Wendy McClure, Chair; Scott Gropp, Joel Hamilton, Mike Nelsen, Nels Reese, Victoria Seever, Dennis Wilson

MEMBERS ABSENT: Robb Parish

ALSO IN ATTENDANCE: Mike Ray, Brandy Sullivan

**1. Approval of minutes from June 26, 2019**

Nelsen moved approval of the minutes as presented.

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| **RESULT:** | **ACCEPTED BY ACCLAMATION** |
| **MOVER:** | Nelsen |
| **SECONDER:** | Seever |

**2. Public Comment**

None.

**3. Approval of Reasoned Statement of Relevant Criteria and Standards :**

a. Proposal for rezone of a 4.40-acre parcel of land located at 2400 South Highway 95 within the Area of City Impact - LUP2019-0021

Reese moved to recommend approval of the Relevant Criteria and Standards as presented.

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| **RESULT:** | **APPROVED BY ACCLAMATION** |
| **MOVER:** | Reese |
| **SECONDER:** | Nelsen |

b. Proposal for Preliminary Subdivision Plat of a 1.49-acre parcel located at 1924 Nursery Street, Paradise View Addition – LUP2019-0020

Seever moved to recommend approval of the Relevant Criteria and Standards as presented.

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| **RESULT:** | **APPROVED BY ACCLAMATION** |
| **MOVER:** | Seever |
| **SECONDER:** | Wilson |

**4. Public Hearing: Proposed Conditional Use Permit Application to expand an existing Recreational Vehicle Park at 1651 Carmichael Rd in the Area of City Impact - LUP2019-0025**

*Proposed Conditional Use Permit application to expand an existing Recreational Vehicle Park in the Agriculture, Forestry, and Outdoor Recreation (AF) Zoning District per MCC 4-3-4. The subject property is within the Moscow Area of City Impact. The City of Moscow Planning and Zoning Commission will make a recommendation to the Latah County Board of County Commissioners regarding this matter.*

Ray outlined the history of RV use in the area, including the Special Use Permit in 2010 to establish an RV Park, an additional SUP in 2010 which allowed the applicant to add six RV spaces to the existing park, and then a 2016

rezone and CUP of an adjacent 1.90 acre parcel to allow for RV storage. Surrounding uses include single family residential and undeveloped agricultural lands. Subject property and adjacent properties to the south and west are zoned R-4 while adjacent property to the east is zoned R-1. RV Parks are a conditionally permitted use within subject property's R-4 zoning and Auto-Urban Residential comprehensive plan designation.

Moscow RV Park standards require a minimum RV space size of 40ft x 20ft, although up to 40 percent of the spaces can be 25ft x 20ft. Applicant is requesting 13 spaces with full hook-ups that are 40x20 space per unit, and another 13 spaces with electrical connection only that are 40ft x 22ft. The required ten feet will be between all spaces. Potable water is available; non-self-contained RVs and tents will not be allowed. Required trash receptacles will be provided, and most of the required landscape buffers and fences are already in place. Applicant has planned for additional landscaping as required between RV spaces and the perimeter of the expanded area. Sanitary sewer service is provided by the Southeast Sewer District. Staff recommends approval to County Commissioners with the following condition:

1. The applicant provide landscaping in the expanded RV Park area at a ratio of one canopy tree and two shrubs every two RV spaces within 90 days of final approval.

McClure opened the public hearing at 7:17 p.m.

Dan Mack, 1651 Carmichael Rd, said he's trying to keep up with RV demand. He stated the Walmart in Pullman now longer allows overnight parking so that overflow will be coming toward Moscow. He said students and temporary employees also find RV living to be cost-effective.

Public hearing closed at 7:20 p.m.

Gropp moved to recommend approval of the application with the conditions recommended by staff.

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| **RESULT:** | **APPROVED BY ACCLAMATION [UNANIMOUS]** |
| **MOVER:** | Gropp |
| **SECONDER:** | Wilson |

Seever moved to direct staff to prepare the RCS document for review at a later meeting.

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

**5. Accessory Dwelling Unit (ADU) Draft Ordinance Review**

Reese was surprised by the percentage of people on the east side of town who'd be interested in creating an ADU. Ray suggested ADUs might be more easily accommodated in those newer, larger homes, many of which have daylight basements that could provide an easy second entrance. Ray showed the draft ordinance which strikes the minimum lot size requirement. Commissioners directed staff to schedule the amendment for hearing. Ray said it would be ready for the August 28th meeting.

**6. Continuing Education**

Discussion of the Subdivision Ordinance includes the topic of density, which can have negative reactions, and many times the opposition to greater density revolves around the associated increased traffic. McClure thought the article, "*The Neighbor's Dilemma*" might shed light on why citizens have objected to land use applications that (from a planning standpoint) are the obvious next development. Nils Peterson said he recommended the first article because CC&R's sometimes preclude actions that City Code would otherwise allow, thereby thwarting the Commission's planning efforts. McClure said they are currently studying the Subdivision Code to allow a variety of developments and to codify certain actions that otherwise are often conditions of approval. Peterson pondered what might happen if zoning districts didn't have specific lot size requirements and developers were left to determine their own lot sizes based on topography, marketability, etc. Seever said people have different desires regarding lot sizes, and overly small lots affect buildability, referring to the recent Board of Adjustment application for a setback variance on a 20-foot lot. Ray said the article reinforces the statement of a former Commissioner who said, "you think you believe in xyz land use until it's proposed right next to you."

Transitioning to the second article, "*Density Without Zoning*", McClure thought transportation considerations are important to keep in mind to prevent existing neighborhoods from becoming thoroughfares to newer subdivisions. Traffic calming and other transportation measures can affect how land use occurs by making people rethink their desire to live farther from the center of town or the local amenities. Ray said the State doesn't allow urban growth boundaries, but Moscow has some natural limitations with the state line and surrounding active farmland. Commissioner Sullivan said she learned at a conference that it's important to know what the City's unique attributes are and not lose them in an effort to be like other cities. Sullivan agreed it's possible to increase density while also preserving existing positive characteristics. Seever thought pocket parks, walkability and other similar amenities make higher density much more acceptable.

**7. Transportation Commission Meeting Report**

The next meeting is tomorrow from 4-6pm. ITD and the Commission are still at odds about how the 2-way protected bike lane on Third Street will terminate near Washington Street.

**8. Announcements**

Ray said there is a September 16 deadline for the Commission to submit questions for the upcoming Citizen Survey. He reviewed questions from years past and Commissioners thought it might be of interest to repeat some of them to see how perceptions and priorities have changed. Commissioners will study the information further and bring suggestions to the August 28 meeting.

Wilson reported that Identity has installed a fence between their property and Chuck Bond's, which he said is helping some with the problems of illegal parking and trash in his parking lots.

The meeting adjourned at 8:52 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 THE REZONE OF A FOUR POINT FOUR ZERO (4.40) ACRE AREA OF LAND LOCATED AT 2400 SOUTH HIGHWAY 95 WITHIN THE AREA OF CITY IMPACT OF THE CITY OF MOSCOW, IDAHO.

**WHEREAS,** the applicant filed an application for a Rezone in the Moscow Area of City Impact on May 19, 2019; and

**WHEREAS**, this matter came before the Moscow Planning and Zoning Commission during a duly noticed public hearing on June 26, 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 1999 Comprehensive Plan, City of Moscow Zoning Ordinance, the Local Land Use Planning Act, the Moscow Area of City Impact Agreement, and other applicable development regulations.

2. Per the Moscow Area of City Impact Agreement with Latah County, the Moscow Planning and Zoning Commission is to conduct one hearing and forward a recommendation on to Latah County.

3. The subject property is a four point four zero (4.40) acre area of land generally located at 2400 S Highway 95 within the Area of City Impact.

4. The subject property is currently undeveloped and surrounds a property with an existing house, barn, and shop that was previously rezoned in May of 2019.

5. The subject property is primarily surrounded by agricultural lands to the north, east, and south that are within the Area of City Impact. Across the South Fork of the Palouse River to the northeast is Fountains Industrial Park and a runway for crop dusting operations. Across Highway 95 to the west is the current City Limits boundary and properties that are primarily commercial but do include some residential uses. Bonkerz children's play center is located to the northwest, CHS Primeland agricultural is located to the west, and Dale's Boat Service along with single family dwellings are located to the northwest.

6. Within the 2019 Moscow Comprehensive Plan, which has been adopted within the Area of City Impact, the subject property is currently designated as Auto-Urban Commercial.

7. According to the 2019 Comprehensive Plan, Auto-Urban Commercial 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)."*

8. The subject property is located in Latah County within the Area of City Impact and the applicant is proposing to rezone the property to the Motor Business (MB) Zone.

9. The subject property and adjacent properties to the north, south, and east are currently zoned Agriculture/Forestry (AF). Properties across Highway 95 to the west with the City Limits are primarily zoned Motor Business (MB) with the exception of CHS Primeland which is currently zoned Industrial (I). Immediately to the north and west are properties that were rezoned from AF to MB within the past year.

10. According to the City of Moscow Zoning Code, the purpose of the MB Zoning District is to,

> *"provide for the location and grouping of compatible uses having similar operation as they involve enterprises which depend primarily on the transient motor vehicle-based trade. By concentrating such uses the City intends to increase public convenience when utilizing such services and, within the regulation, to allow such activities to render the maximum service."*

12. Uses permitted within the MB Zone include retail enterprises, offices, eating and drinking establishments, printing and publishing houses, religious institutions, residential uses, hotels and motels, off-street parking facilities, kennels, storage facilities, laundromats, and light manufacturing.

13. The City generally encourages annexation of properties that are adjacent to the existing City Limits boundary and are able to be served by City utility services. The City has an existing annexation policy (Resolution 2007-01) which states that property located adjacent to the City shall be annexed when either of the following occurs:

    1. The property is completely surrounded by the City. The City Council in its discretion upon application of the property owner may consider an exemption from this policy where the property is used exclusively for agricultural purposes and there are no structures on or associated with the property or with the exclusive agricultural use. Any construction or placement of a structure of any nature, installation of a well or a sewer system, or like development on any portion of a property exempted under this subsection shall require annexation of the entire exempted property.

    2. The property is served by City water and/or City sewer and the property has a structure located on it or associated with it.

14. The Commission finds that the proposed rezone of the subject property does not meet the City's annexation policy for requiring annexation. The City limits boundary is in close proximity, being across Highway 95 to the west, but the property is not completely surrounded by the City as is

required within the policy. The primary issue is the lack of readily available sewer service in the area, which ends north of the Highway 95 bridge over the South Fork of the Palouse River. The small size of the property and limited utility demand also factor into the decision on whether to recommend annexation.

**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. **1. The proposed rezone is consistent with Comprehensive Plan goals, objectives, and implementation actions.** The proposed preliminary plat is consistent with the 2009 Comprehensive Plan Land Use Designation of Auto-Urban Commercial (AU-C).
2. **The proposed rezone would provide for the logical and orderly location of land uses and community services and facilities.** The proposed MB Zone provides for a continuation of the MB Zone to the west and the north and is consistent with the surrounding Industrial (I) Zone.
3. **The uses expected to occur as a result of the rezone will be compatible with the surrounding area.** The proposed zoning is consistent with adjacent zoning districts and will create a logical and orderly zoning configuration for the subject area. The adjacent properties in all directions are all primarily commercial except for a few residential properties located within the MB Zone on the west side of Highway 95.
4. **The size, type, and density of development expected to occur as a result of the rezone will not place an undue burden upon delivery of services provided by any political subdivision within the planning jurisdiction.** The proposed zoning and uses are suitable for the area and will not unduly burden the neighborhood of public infrastructure.
5. **The size, type, and density of development expected to occur as a result of the rezone can be adequately served by the existing transportation network, public facilities and services.** The subject property has street access via Highway 95, which can adequately serve any proposed development allowed in the MB Zone. Currently there is insufficient public utility services in the area and the Commission finds that annexation should not be required at this time.

## 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 rezone request for the four point four zero (4.40) acre property to Latah County with no conditions.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF MOSCOW this 25 day of July, 2019.

Wendy D. McClure

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 PRELIMINARY SUBDIVISION PLAT OF A ONE POINT FOUR-NINE ACRE PARCEL OF LAND LOCATED AT 1924 NURSERY STREET, KNOWN AS PARADISE VIEW ADDITION TO THE CITY OF MOSCOW, IDAHO.

**WHEREAS,** the applicant filed an application for a Preliminary Subdivision Plat on June 4, 2019; and

**WHEREAS**, this matter came before the Moscow Planning and Zoning Commission during a duly noticed public hearing on June 26, 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 one point four-nine acre (1.49) acre parcel of land located at 1924 Nursery Street.

3. The subject property is currently undeveloped and is surrounded by the Grove multi-family development to the west, Palouse Prairie Charter School to the north, a single family dwelling to the east, and various commercial uses on the south side of Palouse River Drive.

4. The subject property contains areas of steeper sloping topography, primarily in the areas of the property that are directly adjacent to Nursery Street and Palouse River Drive. There are no drainage ways or natural features that have been identified upon the subject property.

5. The subject property is currently designated as High-Density Residential (HD-R). HD-R designated areas are,

> *"intended to allow the highest density residential development at common densities between 15 and 26 units per acre. Areas appropriate for this designation include those located adjacent to areas of higher activity where there is a range of uses. High-Density Residential areas should be located adjacent or in close proximity to designated arterial or collector streets. New areas of high-density residential development should be located near mixed-use activity areas and corridors that accommodate multi-modal transportation. Lands designated as High-Density Residential are generally appropriately zoned Medium Density Residential (R3), Multiple Family Residential (R-4), or Residential Office (RO)."*

6. The Grove development to the west is also designated as High-Density Residential (HD-R), while properties to the north and east are designated as Auto-Urban Residential (AU-R). Commercial properties on the south side of Palouse River Drive are currently designated as Auto-Urban Commercial (AU-C).

7. The subject property is located adjacent to Nursery Street and Powers Avenue which are designated as local neighborhood streets. Adjacent to the south is Palouse River Drive which is designated as a minor arterial. Since the subject property is within Indian Hills 8th Subdivision, all of the road improvements to the three adjacent streets have already been constructed.

8. The subject property is currently located within the Multiple Family Residential (R-4) Zoning District.

9. According to the Zoning Code the R-4 Zoning District,

> *"provides for the most intense residential land uses permitted in the community. It is to be applied where activity levels are high and adequate public facilities are available, especially near the University of Idaho campus or the City Central Business Zoning District. Adequate transportation access should be given high priority in determining the appropriate location for R-4 zoning districts."*

10. Uses permitted within the R-4 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 R-4 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 existing 1.49 acre parcel into seventeen parcels ranging from 1,806 sf to 5,002 sf in size. Also included in the preliminary plat is a parcel which contains the stormwater detention pond for the development.

13. All of the proposed townhouse lots meet the minimum lot size of 1,800 sf; the twinhome lots meet the minimum lot size of 2,250 sf; and the single family lot meets the 5,000 sf minimum lot size requirement. All of the proposed townhouse, twinhome, and single family lots also meet the minimum lot width requirements for the respective uses.

14. To provide access to the rear of the lots, the applicant is proposing to dedicate and construct a public alley that will extend from Nursery Street in an east/west direction and terminate 12.5 ft from the east property line. At approximately the midpoint of the subject property the alley will then extend north to connect with Powers Avenue. The alley is proposed to be 16 ft in width of pavement with 2 ft gravel shoulders on both sides, for a total width of 20 feet. The proposed alley meets City of Moscow standards for public alley design.

15. Water services currently exist within Nursery Street, Powers Avenue, and Palouse River Drive. 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. Sanitary sewer services currently existing within Nursery Street and Powers Avenue. 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.

17. The storm sewer for the subdivision is proposed to be conveyed to an existing stormwater detention pond at the southeast corner of the development. The proposed detention pond shall meet the current Moscow Stormwater Runoff Control Standards.

18. The subject property is part of Indian Hills 8th Subdivision, which the parkland dedication has already been satisfied via Harvest Park. Therefore, no further dedication is required for this proposed subdivision.

19. The applicant conducted a neighborhood meeting with affected property owners within 600 feet of the subject property on May 23, 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. **The proposed subdivision is in conformance with all applicable City Code requirements.** The preliminary plat is consistent with all city requirement including minimum lot area, minimum lot width, street standards, stormwater detention standards, public utilities, and parkland dedication.

2. **The proposed subdivision is in general conformance with the Comprehensive Plan.** The proposed preliminary plat is consistent with the uses and densities designated within the 2019 Comprehensive Plan land use designation of High-Density Residential (HD-R).

3. **Public Services and utilities are available or can be made available and are adequate to accommodate the proposed subdivision.** The Public Works Department has determined that the existing water and sewer systems have adequate capacity to serve the proposed subdivision.

4. **The proposed subdivision will not be detrimental to the public health, safety, or general welfare.** The proposed preliminary plat provides a diverse range of housing types and is consistent with the Comprehensive Plan. The proposal will not be detrimental to the public health, safety, and general welfare.

## 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 one point four-nine acre (1.49) acre parcel of land located at 1924 Nursery Street with no conditions.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF MOSCOW this 25 day of July, 2019.

Wendy McClure, Chair
Planning and Zoning Commission