

PLANNING & ZONING COMMISSION



Wendy McClure
Commission Chair

~Agenda~

Mike Ray
Staff Liaison

p&z@ci.moscow.id.us

208.883.7008

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

**Wednesday
March 11, 2020**

7:00 PM

**Council Chambers
206 E 3rd Street**

Call to order

1. Approval of minutes from February 12, 2020 [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. Final Subdivision Plat of a parcel located at 1924 Nursery Street – Paradise View Addition – LUP2020-0002 [ACTION ITEM]:

On August 19, 2019 Moscow City Council approved the Paradise View Addition preliminary plat with no conditions. On February 7, 2020 the applicant submitted the final subdivision plat to be reviewed by the Planning and Zoning Commission and City Council.

ACTION: Review the Paradise View Addition final plat and recommend approval to City Council; or recommend approval of the final plat with conditions; or recommend denial of the final plat; or provide Staff further direction as deemed necessary.

4. Final Planned Unit Development and Final Subdivision Plat of a parcel located at 1330 Indian Hills Drive – Indian Hills East Addition – LUP2020-0004 [ACTION ITEM]:

On June 17, 2019 Moscow City Council approved the Indian Hills East Addition preliminary plat with two conditions and approved the Indian Hills East Addition Planned Unit Development (PUD) with no conditions. On February 24, 2020 the applicant submitted the final subdivision plat and final PUD to be reviewed by the Planning and Zoning Commission and City Council.

ACTION: Review the Indian Hills East Addition final plat and final PUD and recommend approval to City Council; or recommend approval of the final plat and final PUD with conditions; or recommend denial of the final plat and final PUD; or provide Staff further direction as deemed necessary.

5. Final Draft Subdivision Code Review [ACTION ITEM]

The Commission has been working on updating the City's Subdivision Code for the last year and a half, including the lot division and lot line adjustment process. New subdivision concepts of conservation and traditional subdivisions have been incorporated into the proposed draft as well. The Commission formed a subdivision review committee who met to review the draft subdivision code on October 18, 2019 and November 15, 2019 and provided recommendations for consideration by the Commission. The Commission reviewed the recommendations at their December 11, 2019 meeting and directed staff to amend the ordinance based upon some of the recommendations.

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.

ACTION: Conduct the final review of the subdivision code draft ordinance and provide Staff further direction as deemed necessary.

6. FY2021 Commission Budget [ACTION ITEM]:

The FY2021 budget process is underway and the Commission will need to submit their request.

ACTION: Discuss and approve the proposed FY2021 budget; or provide Staff further direction as deemed necessary.

7. Transportation Commission Meeting Report

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

8. Announcements

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

Adjourn

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PLANNING & ZONING COMMISSION



Wendy McClure
Commission Chair

~Meeting Minutes~
February 12, 2020

Mike Ray
Staff Liaison

p&z@ci.moscow.id.us

208.883.7008

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

Parish called the meeting to order at 7:02 p.m.

MEMBERS PRESENT: Robb Parish, Vice Chair; Rich Beebe, Joel Hamilton, Wendy McClure (via phone), Mike Nelsen, Nels Reese, Victoria Seever, Dennis Wilson

MEMBERS ABSENT: Scott Gropp

ALSO IN ATTENDANCE: Mike Ray, Sandra Kelly, Anne Peterson

1. Approval of minutes from January 22, 2020 [ACTION ITEM]

Hamilton moved approval of the minutes as changed, seconded by Seever. Motion carried by acclamation.

2. Public Comment

None.

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

- Proposal for a preliminary subdivision plat of a 10.22-acre parcel located at 2350 Trail Road and 2175 N Mountain View Road within the Area of City Impact – Sunrise Estates Addition: LUP2019-0035

Reese moved approval of the RCS as presented, seconded by Nelsen. Motion carried by acclamation.

4. Small Cell Wireless Facilities Draft Ordinance [ACTION ITEM]:

Telecommunications service providers are currently in the process of deploying 5G/small cell wireless technology throughout the developed world. 5G high speed deployment will bring much higher data speeds and traffic, but requires small cell installations to accommodate the data demand. Telecommunications services are largely governed by the Federal Communications Commission (FCC) and the Telecommunications Act, but local governments are allowed to adopt certain regulations at the local level. With the likelihood of 5G/small cell deployment in Moscow, Staff has been working on drafting an ordinance to address them in the Zoning Code.

Parish acknowledged the extensive public interest regarding this topic and thanked citizens for all the data and documentation shared with the Commission to date. He said this complex issue deserves deliberate research and discussion, so the Sustainable Environment Commission plans to take the lead on health concerns, Planning and Zoning will discuss the land use aspects, and then the Commissions will come together for ordinance development. Seever expressed concern that in the meantime there is no ordinance addressing it at all. Parish said Sprint/T-Mobile recently announced they are looking at a two-year roll-out, and he didn't suspect the Moscow market was at the top of that list. Ray reviewed Pullman's draft ordinance and Lewiston's adopted ordinance as presented in the meeting packet. Both ordinances include specific details about the shot clock and other FCC requirements, but staff suggest such language be omitted from Moscow's ordinance because FCC regulations will remain in effect regardless, and anything outlined in city code would necessitate an ordinance amendment if the FCC changes its requirements. Following lengthy review and discussion of the two ordinances, Parish encouraged Commissioners to continue studying the topic in detail because there will be many questions along the way.

5. Draft Subdivision Code Review [ACTION ITEM]

The Commission has been working on updating the City's Subdivision Code for the last year and a half, including the lot division and lot line adjustment process. New subdivision concepts of conservation and traditional subdivisions have been incorporated into the proposed draft as well. The Commission formed a subdivision review committee who met to review the draft subdivision code on October 18, 2019 and November 15, 2019 and provided recommendations for consideration by the Commission. The Commission reviewed the recommendations at their December 11, 2019 meeting and directed staff to amend the ordinance based upon some of the recommendations.

Staff reviewed the draft ordinance incorporating the accepted recommendations from the subcommittee. Based on a question about average block length, Ray provided examples of Moscow city blocks ranging from 300' in Fort Russell to 1700' in topographically challenging areas. The draft ordinance states a maximum block length of 660' with the requirement for pedestrian access within longer blocks where street development is infeasible. Beebe said newer street standards require wider streets and sidewalks, so requiring more streets for shorter blocks will ultimately eliminate much of the buildable land. As a developer he has purposely done PUDs which allow smaller roads. Audience members commented that sidewalks were more critical than additional roads, shorter block lengths created increased street-crossing safety concerns, very long block lengths provide fewer escape options during an emergency, and pedestrian easements with high house walls on both sides create a potentially unsafe area. After much discussion, Commissioners decided to not change the block length language.

The Commission was supportive of allowing Zoning Administrator approval for lot splits of up to two lots and retention of the 600-foot notification requirement, rather than reducing the notice distance and allowing up to four lots as recommended by the subcommittee. Beebe cautioned it is counterproductive to make it more difficult for developers to do business in Moscow, which forces them to instead continue sprawl into the County. Ray said lot splits are most complicated when extension of street right-of-way is involved. He proposed allowing lot splits up to four lots if no extension of street ROW is involved, but to require a subdivision plat for dividing more than one additional lot where the extension of street ROW is involved. Commissioners directed staff to incorporate that change and bring the draft for review once more before public hearing.

Regarding changes to the parkland dedication requirements, Beebe thought commercial zones shouldn't be exempt from parkland dedication because that eliminates a valuable opportunity for obtaining more land or fee-in-lieu-of. Ray said the proposed scale follows the national recommendations for more parkland space in higher density areas. Staff was directed to investigate further.

6. Transportation Commission Meeting Report

The Commission meets tomorrow.

7. Announcements

February 26th meeting is cancelled. Hamilton will chair the March 11th meeting.

The meeting adjourned at 8:40 p.m.

Wendy McClure, Chair

Memo

To: Planning and Zoning Commission
From: Mike Ray, AICP - Planning Manager
Date: February 19, 2020
Re: Paradise View Final Plat Review

The Planning & Zoning Commission conducted a public hearing on June 26, 2019 to consider the request of the Moscow Affordable Housing Trust for a preliminary subdivision plat (Paradise View Addition) for a 1.49-acre parcel of land generally located at 1924 Nursery Street into 17 parcels ranging from 1,806 sf to 5,002 sf in size. After considering public testimony and the relevant criteria and standards, the Planning and Zoning Commission recommended approval of the Preliminary subdivision plat with no conditions.

City Council then conducted a public hearing on August 19, 2019 and approved the Paradise View Addition preliminary plat with no conditions.

On February 7, 2020 the applicant submitted the final subdivision plat to be reviewed by the Planning and Zoning Commission and City Council. Staff has reviewed the final plat for conformance with City and State Code requirements and found the final plat to be in conformance. Therefore, Staff recommends that the Commission recommend approval of the final plat for Paradise View Addition to City Council with no conditions.



**CITY OF MOSCOW
COMMUNITY DEVELOPMENT**
Ph.: 208-883-7035
Fax: 208-883-7033
apeterson@ci.moscow.id.us

For City Use Only			
Date Received			
Dept	Fee Type	Fees	Paid
CD	Final Review	\$205	2-7-20
ENGR	Review	\$275 plus \$27/lot	2-7-20
Receipt Number		LUP2020-0002	

APPLICATION FOR FINAL SUBDIVISION PLAT

APPLICANT:

Name: Moscow Affordable Housing Trust, Inc. Telephone: 509/336-1664

Complete Address: 510 W Palouse River Dr Moscow, ID 83843

E-Mail: Director@MoscowHousingTrust.org Fax: _____

OWNER: (if other than applicant)

Name: same Telephone: _____

Complete Address: _____

E-Mail: _____ Fax: _____

ENGINEER/SURVEYOR:

Name: Hodge & Assoc Telephone: (208) 882-3520

Complete Address: 405 S Washington St Moscow, Idaho 83843

E-Mail: scottbecker@moscow.com Fax: _____

Primary point of contact (select one): Applicant XX Owner _____ Engineer/Surveyor _____

PROPERTY:

- Proposed Subdivision Name: Paradise View
- Address(as) or Parcel Number(s): Palouse River Drive & Nursery St Block 3 Lot 1 Indian Hills 8th addition
- Gross area of all land involved: 1.5 acres, and/or _____ sq.
- Total Net Area of land area exclusive of proposed or existing public street and other public lands: _____ acres, and/or _____ square feet.
- Total number of lots: 17 Average lot size: 2000 sq ft

SEWER AND WATER MAIN OVERSIZING REIMBURSEMENT POLICY

Oversizing of utilities will not be eligible for reimbursement from the City unless a written request is submitted to the City Engineer prior to approval of the project construction drawings and a written approval of such request is issued by the City Engineer.

FINAL PLAT CHECKLIST:

All Final plats, including the legal description of the exterior boundary, shall be prepared in accordance with the Idaho Code. Final plats shall be drawn to a scale no larger than 1"=100' unless pre-approved by the city engineer. The final plat drawing shall not be substantially different than the approved preliminary plat for the subdivision and shall contain the following information:

- ☒ 1. Name of subdivision and its location by section, township, range, and county, with drawing scale, date of submission, and north arrow.
- ☒ 2. Name, address, phone number, registration number and seal of the professional land surveyor preparing the plat, and name of subdivider and owners of property being platted.
- ☒ 3. Boundary lines of property being platted including bearings, distances and curve data based on an accurate survey in the field closing within the tolerances prescribed by Idaho Code; lines of departure and owners of unplatted adjoining property; and lots, blocks and names of adjoining subdivisions. Adjoining subdivision lots shall be shown with dashed lines.
- ☒ 4. Names and widths of all proposed streets; bearings, distances, and curve data of all street centerlines; location, width, purpose, and dimensions of easements; location and description of all property being dedicated for public use. All curves shall be described by central angle, radius, arc length, and chord bearing and distance.
- ☒ 5. Location, name, and widths of adjacent street rights-of-way, the location and width of adjacent public easements, and the location and purpose of any adjacent property previously dedicated for public use.
- ☒ 6. Lots and blocks with lots numbered consecutively within each block; bearings, distances, and curve data for each lot; the square footage of lots less than one acre in size or acreage of lots one acre or greater. Blocks shall be labeled consecutively. All curves shall be described by central angle, radius, arc length, and chord bearing and distance.
- ☒ 7. Location and description of all monuments, including found monuments. If interior monuments are not set at the time the plat is recorded (as allowed by Idaho Code), include a statement indicating the date which they shall be set. Said date shall be approved by the City Engineer.
- ☒ 8. Basis of bearing used to determine bearings shown on plat.
- ☒ 9. Point of beginning of the subdivision with ties to the point of beginning from a minimum of two established corners of the Public Land Survey System (PLSS) in one or more of the sections containing the subdivision. List the recording numbers of the corner perpetuation and filing forms of the PLSS monuments. List horizontal coordinates for each PLSS monument and the point of beginning based on the Idaho Coordinate System West Zone. All coordinates values shall be grid coordinates based on the North American Datum of 1983 (NAD83) and specified as such.
- ☒ 10. Street centerline monuments at each intersection, point of curvature, and point of tangency. Street monuments shall be constructed in accordance with City of Moscow standard specifications for street monuments. All other monuments shall be as prescribed by Idaho Code.
- ☐ 11. Signed certificate by the owners of the land containing a correct legal description of the land, with the statement containing their intentions to include the same in the plat, and make a dedication of all public rights-of-way, easements, and parkland. The owners' signatures upon the certificate shall be notarized upon the plat by an officer duly authorized to take acknowledgements. If the property being mortgaged, the signature of the mortgagee's representative is also required.

- X 12. Signed certificate by the land surveyor, stating that the plat is correct and accurate, the land survey of the platted property was performed by him/her or under his/her direct supervision, the monuments indicated on the plat have been located as described, and the surveying and platting was done in accordance with Idaho Code. The statement shall be accompanied by the seal of the registered professional land surveyor, signed and dated. 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.
13. Signed certificate by the City of Moscow Planning and Zoning Commission with date of approval.
14. Certificate stating that the City Council has approved the plat and accepts all public dedications as shown thereon. The certificate shall be signed by the Mayor and attested to by the City Clerk.
15. Certificate by the City Engineer that the plat conforms to the requirements of Title 50, Chapter 13, Idaho Code, and with the requirements of this chapter.
16. Signed certification by the subdivider stating the City of Moscow has agreed in writing to supply water to all the lots in the subdivision from the municipal water system.
17. Certificate signed and sealed by the Latah County Surveyor stating the plat and computations have been checked and the plat meets the requirements of Title 50, Chapter 13, Idaho Code.
18. Certificate of satisfaction of the sanitary restrictions, to be endorsed by the Latah County Recorder at the time of filing if the sanitary restrictions have been satisfied according to Idaho Code, Section 50-1326.
19. Certificate that taxes have been paid to date on the property to be signed by the Latah County Treasurer at the time of filing.
20. Certificate of recording, to be signed by the Latah County Recorder at the time of filing.

SUBMITTAL:

A Subdivision application is made by submitting the following information to the Community Development Department:

- Completed application.
- Payment of application fees.
- One full-sized Preliminary Plat Map and one electronic copy.

I understand this information is a public record and may be posted to a public website.

Applicant's Signature

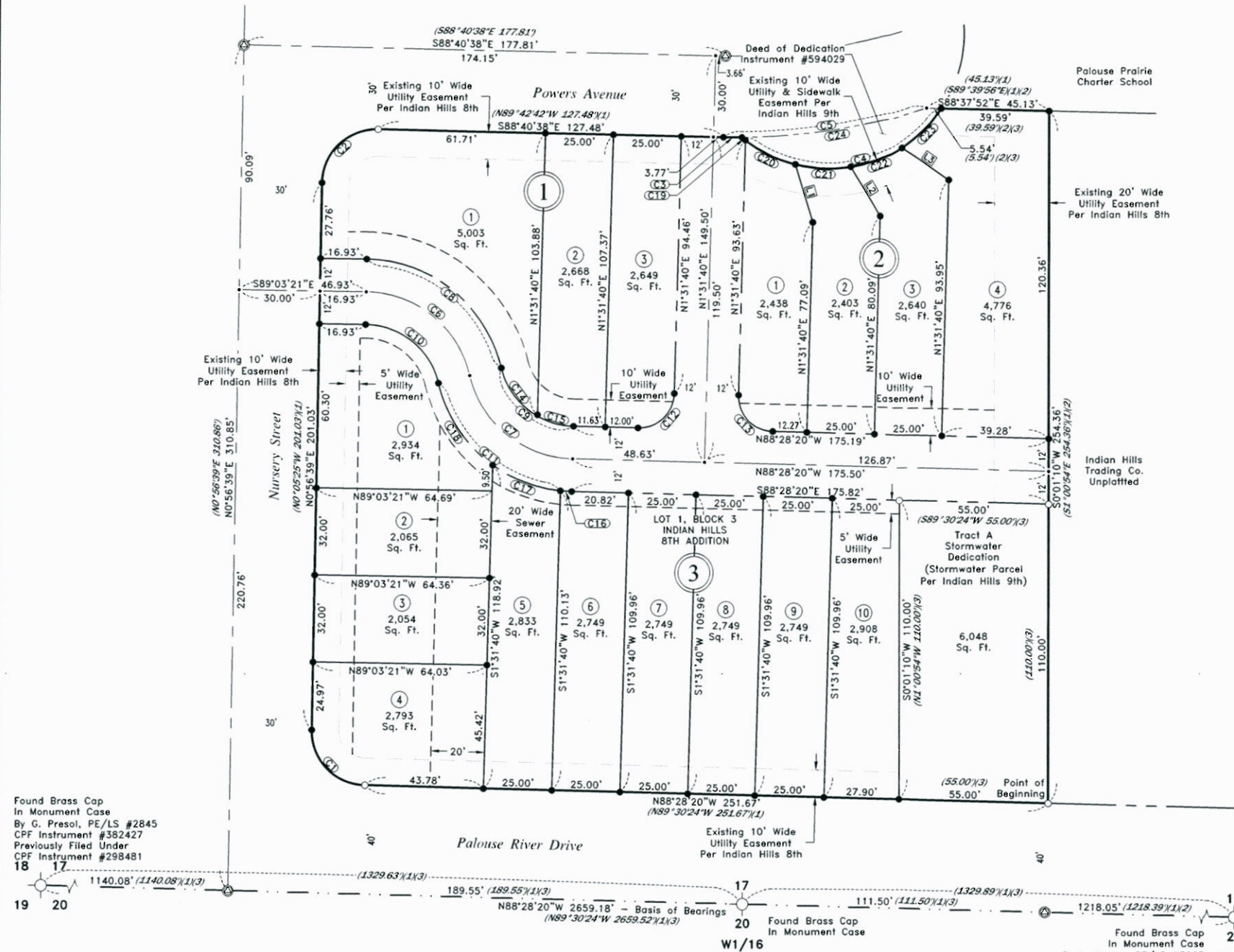
Date

Feb 7 2020

Property Owner's Signature (if different)

Date

N/A

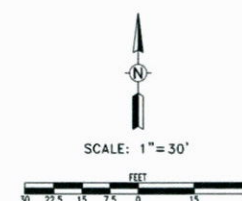


Curve	Length	Delta	Radius	Chord	Chrd Brng
C1	31.21'	89°24'59"	20.00'	28.14'	S43°45'50"E
C2	31.55'	90°22'43"	20.00'	28.38'	S46°08'01"W
C3	6.89'	1°43'00"	230.00'	6.89'	S89°32'47"E
C4	83.61'	95°48'43"	50.00'	74.20'	N81°46'58"E
C5	75.90'	18°54'29"	230.00'	75.56'	N81°51'27"E
C6	52.75'	75°33'54"	40.00'	49.01'	S51°16'24"E
C7	52.35'	74°58'53"	40.00'	48.69'	S50°58'53"E
C8	68.58'	75°33'54"	52.00'	63.72'	N51°16'24"W
C9	36.64'	74°58'53"	28.00'	34.08'	N50°58'53"W
C10	36.93'	75°33'54"	28.00'	34.31'	S51°16'24"E
C11	68.05'	74°58'53"	52.00'	63.30'	S50°58'53"E
C12	20.42'	90°00'00"	13.00'	18.38'	S46°31'40"W

Curve	Length	Delta	Radius	Chord	Chrd Brng
C13	20.42'	90°00'00"	13.00'	18.38'	S43°28'20"E
C14	22.71'	46°27'49"	28.00'	22.09'	S36°43'21"E
C15	13.94'	28°31'04"	28.00'	13.79'	S74°12'48"E
C16	4.19'	4°36'44"	52.00'	4.18'	N86°09'58"W
C17	26.80'	29°31'31"	52.00'	26.50'	N69°05'51"W
C18	37.07'	40°50'39"	52.00'	36.29'	N33°54'46"W
C19	1.68'	1°55'15"	50.00'	1.68'	S51°16'18"E
C20	20.48'	23°28'19"	50.00'	20.34'	S63°58'04"E
C21	20.48'	23°28'21"	50.00'	20.34'	S87°26'24"E
C22	20.48'	23°28'22"	50.00'	20.34'	N69°05'14"E
C23	20.48'	23°28'27"	50.00'	20.34'	N45°36'50"E
C24	69.01'	17°11'28"	230.00'	68.75'	N80°59'57"E

Curves 1, 2 & 5 Length, Delta, Radius and Chord Length Values are the Same as the Values Shown in Reference (1).
Curve 3 Length, Delta, Radius and Chord Length Values are the Same as the Values Shown in Reference (3).
Curves 4 & 24 Length, Delta, Radius and Chord Length Values are the Same as the Values Shown in References (2) & (3).

Line	Bearing	Distance
L1	S16°14'35"E	22.17'
L2	S31°15'59"E	21.10'
L3	S55°01'19"E	21.13'



Survey References:

- Indian Hills 8th Addition to the City of Moscow, Instrument #525967, by J. Hammond, PE/LS #2102.
- Deed of Dedication, Instrument #594029, Indian Hills Trading Co. LLC to City of Moscow.
- Indian Hills 9th Addition to the City of Moscow, Instrument #595522, by J. Hammond, PE/LS #2102.

Basis of Bearings

The Basis of Bearings for this survey is the south line of the SW1/4 of Section 17 shown herein as N88°28'20"W, per GPS observation.

Legend

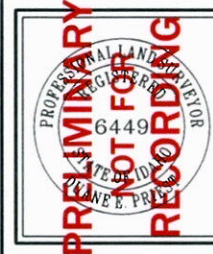
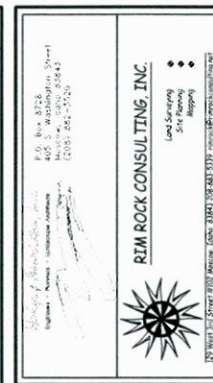
- Found Monument as Described
- Set 5/8" Diameter Rebar w/Yellow Plastic Cap Stamped "Priest 6449"
- Found 5/8" Diameter Rebar "Hedco, Inc PE/LS 2102"
- Calculated Position
- Found Centerline Monument
- Block Number
- Lot Number
- Record Data, See Survey References
- Boundary Line
- Lot Line
- Section Line
- Centerline
- Right-of-Way
- Right-of-Way, Prior to Deed of Dedication
- Easement - This Plotting
- Existing Easement

NO. _____ AT THE REQUEST OF:

DATE & HOUR:

HENRIANNE WESTBERG
LATAH COUNTY RECORDER

FEE \$ _____ BY _____



Plat of:
Paradise View Addition
to the City of Moscow, Latah County, Idaho
A Re-Plat of Lot 1, Block 3 of Indian Hills 8th Addition

Drafted by: SW
Checked by: DEP
File Name: 4145 Plat.dwg
Tab: Layout
Plot Style: OCE.ctb
Project: 4145-0519
Date: 2/7/20

Legal Description

a parcel of land located in the S1/2 of the SW1/4 of Section 17, T39N, R5W, B.M., being a portion of Lot 1, Block 3 of Indian Hills 8th Addition to the City of Moscow, Instrument #525967, Latah County, Idaho and being more particularly described as follows:

Beginning at the southeast corner of Lot 1, Block 3 of Indian Hills 8th Addition to the City of Moscow, on the north right-of-way of Palouse River Drive;
Thence along the south line of said Lot 1 and said north right-of-way N88°28'20"W, 251.67 feet;
Thence 31.21 feet along a curve to the right, said curve having a Delta = 89°24'59", Radius = 20.00 feet, Chord = 28.14 feet and a Chord Bearing = N43°45'50"W to the west line of said Lot 3 and the east line of Nursery Street;
Thence along said west line and said east right-of-way, N0°56'39"E, 201.03 feet;
Thence 31.55 feet along a curve to the right, said curve having a Delta = 90°22'43", Radius = 20.00 feet, Chord = 28.38 feet and a Chord Bearing = N46°08'01"E to the north line of said Lot 1 and the south right-of-way of Powers Avenue;
Thence along said north line and said south right-of-way the following two courses:
Thence S88°40'38"E, 127.48 feet;
Thence 6.89 feet along a curve to the left, said curve having a Delta = 1°43'00", Radius = 230.00 feet, Chord = 6.89 feet and a Chord Bearing = S89°32'47"E to the west corner of right-of-way Deed of Dedication, Instrument #594029;
Thence leaving said north line and said south right-of-way, along the south line of said Deed of Dedication 83.61 feet, along a curve to the left, said curve having a Delta = 95°48'43", Radius = 50.00 feet, Chord = 74.20 feet and a Chord Bearing = N81°46'58"E to the north line of Lot 1, Block 3 of Indian Hills 8th Addition;
Thence along said north line, S88°37'52"E, 39.59 feet to the northeast corner of said Lot 1;
Thence along the east line of said Lot 1, S0°01'10"W, 254.36 feet to the Point of Beginning

Parcel contains 1.49 Acres, more or less.

Dedication

Know all persons by these presents, that Moscow Affordable Housing Trust, Inc. owner of the land and premises described above, has caused said land to be subdivided and platted as shown hereon as an addition to the City of Moscow, Latah County, Idaho, to be known as Paradise View Addition to the City of Moscow, Latah County, Idaho. The easements as shown on this plat are hereby reserved for public utility purposes as designated hereon and no permanent structures are to be erected within the lines of said easements. The owner certifies that all lots within this plat will be eligible to receive water service from an existing municipal water system and the existing water distribution system has agreed in writing to serve all of the lots in the subdivision (Section 50-1334, Idaho Code). The owner does herewith declare to offer for dedication to the public for public use the street right-of-ways and tract A for stormwater Detention.

In witness thereof, the undersigned has set his hand and seal.

Moscow Affordable Housing Trust
Nils Peterson, Director

Acknowledgment

State of _____

County of _____

On this _____ day of _____, 2020, before me, the undersigned Notary Public in and for the State of _____, personally appeared Nils Peterson, known or identified to me to be the director of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

In witness whereof, I hereunto set my hand and official seal.

Notary Public, _____

Residing in _____

My Commission Expires _____

**Surveyor's Certificate**

I, Duane Priest, P.L.S. #6449, State of Idaho, hereby certify that the above platted and described property represents a survey performed by me or under my supervision in accordance with the laws of the State of Idaho, and that the streets, lots, distances, and monuments have been measured and located as shown hereon. The interior monuments will be set in accordance with Idaho Code 50-1303, on or before ____-____-2021, as referenced on the plat and approved by the City of Moscow. Witness my hand and seal this _____ day of _____, 2020.

Duane Priest, PLS #6449

Approvals**Moscow Planning and Zoning Commission**

Approval of this plat by the City of Moscow certifies agreement to allow connection of the above described property to the municipal water system and satisfies Section 50-1334, Idaho Code. Examined and approved by action of the Moscow Planning and Zoning Commission at a regular meeting with a quorum present this _____ day of _____, 2020.

Chairman, Planning and Zoning Commission

Moscow City Council

Examined and approved by action of the Moscow City Council at a regular meeting with a quorum present this _____ day of _____, 2020. Dedication of Tract A, Street right-of-way and all easements described on this plat are hereby accepted in accordance with Section 50-1313, Idaho Code.

Clerk _____ Mayor, City of Moscow

City Engineer, City of Moscow

Examined and approved by the City Engineer this _____ day of _____, 2020.

City Engineer, City of Moscow

Latah County Surveyor

Examined and approved by the Latah County Surveyor this _____ day of _____, 2020.

Latah County Surveyor

Latah County Treasurer

I hereby certify that taxes and assessments on property shown hereon have been paid for 2019 and preceding years as of this _____ day of _____, 2020.

Latah County Treasurer

Public Health - Idaho North Central Health District

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied. Sanitary restrictions may be reimposed, in accordance with Section 50-1326, Idaho Code, by the issuance of a certificate of disapproval.

Public Health - Idaho North Central Health District,
Senior Environmental Health Specialist

Date _____

NO. _____ AT THE REQUEST OF:

DATE & HOUR: _____ M.

HENRIANNE WESTBERG
LATAH COUNTY RECORDER

FEE \$ _____ BY _____



Plat of:
Paradise View Addition
to the City of Moscow, Latah County, Idaho
A Re-Plat of Lot 1, Block 3 of Indian Hills 8th Addition

Drafted by:	SW
Checked by:	DEP
File Name:	4145 Plat.dwg
Tab:	Sign
Plot Style:	OCE.ctb
Project:	4145-05-19
Date:	2/7/20

Moscow City Council



Regular Meeting ~Minutes~

www.ci.moscow.id.us

Laurie M. Hopkins
City Clerk

208.883.7015

Monday, August 19, 2019

7:00 PM

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

The meeting was called to order at 7:00 p.m.

PRESENT: Mayor Bill Lambert, Art Bettge, Jim Boland, Kathryn Bonzo, Brandy Sullivan, Gina Taruscio, Anne Zabala

STAFF: Gary J. Riedner, Mia Bautista, Bill Belknap, Sarah Banks, Tyson Berrett, James Fry, Mike Ray, Tyler Palmer, Jesse Flowers, Dwight Curtis, Jen Pfiffner, Julie Fry, Laurie M. Hopkins, and numerous Police Department employees.

PLEDGE OF ALLEGIANCE

Brandy led the Pledge of Allegiance.

CONSENT AGENDA

1. All Consent Items (ACTION ITEM)

A. Approval of Moscow City Council August 5, 2019 Minutes - Laurie M. Hopkins

Minutes presented for approval.

ACTION: Approve minutes.

B. Disbursement Report July 2019 - Sarah Banks

Accounts Payable Report for the month ending July 2019. This was reviewed and signed by the Public Works/Finance Committee on August 12, 2019 and recommended for approval.

ACTION: Approve the Disbursements Report for the month of July, 2019.

C. Beer/Wine Garden for Vandal Town Block Party – Amanda Argona

The City of Moscow in partnership with the University of Idaho and Moscow Chamber of Commerce, is hosting the annual Vandal Town Block Party September 5, 2019 in downtown Moscow. The event will welcome back students while celebrating our important community partnerships. The block party is held on Main Street and features live music, games, and local vendors. The Vandal Town Block Party has included a beer garden in year's past and would like to include that amenity in the 2019 event. Per Moscow City Code, Section 10-1-12; a draft resolution has been prepared for Council's consideration. This was reviewed by the Public Works/Finance Committee on August 12, 2019 and recommended for approval.

ACTION: Approve the resolution allowing the designated beer/wine garden during the 2019 Vandal Town Block Party.

D. Sixth Street Bridge Repair and Grant Funding Request – Alisa Anderson / Bill Belknap

On April 9, 2019, Moscow experienced a flash flood event which damaged infrastructure throughout the City. On April 10, 2019, Mayor Lambert made a local disaster emergency declaration because of the heavy rains that caused severe flooding throughout the City. The declaration provides for implementation of recovery aspects in local disaster emergency plans to authorize the furnishing of aid and assistance. On June 12, 2019, President Trump approved a Major Disaster Declaration for Idaho which included Latah County. This action makes federal funding available to local government entities on a cost-share basis for emergency work and repair or replacement of facilities.

Most of the flood damage occurred on the east side of Moscow, along the Mountain View Road corridor from “F” Street to White Avenue, greatly impacting neighborhoods located along Paradise Creek. The bridge located near the intersection of Mountain View Road and Sixth Street referred to as the “Sixth Street Bridge” was damaged in the April flood event. The Sixth Street fill slope, guardrail, and asphalt edge above the Paradise Creek culverts experienced erosion and displacement, which has reduced the existing travel lane width and created a hazard for the traveling public. To maintain traffic flow and public safety on the bridge, the Street Department is completing temporary repairs including replacing a portion of the existing fill and asphalt, then place jersey barriers along the damaged guardrails until a permanent solution is determined.

Staff has been working with the Idaho Department of Emergency Management (IOEM) and Federal Emergency Management Association (FEMA) to document expenses incurred and local resources used during the event to receive state and federal assistance for recovery reimbursement. On April 30, 2019, staff received communication from IOEM stating FEMA does not pay for permanent repair of roads that are classified as Major Collectors/Federal Aid Routes. Per the Idaho Transportation Department classification Sixth Street including the bridge is classified as a Major Collector and as a result FEMA will not assist with repair or replacement. After receiving this communication staff began seeking other funding sources and determined the City is eligible for Idaho Department of Commerce (IDOC), Idaho Community Development Block Grant (ICDBG) Post Disaster Assistance funding to repair and/or replace the Sixth Street Bridge. The maximum grant award under this category is \$100,000. Staff also estimates reimbursements from FEMA and other funding sources of approximately \$69,000 for expenses incurred during the flood as described in the FY20 Capital Project Budget.

Staff is proposing to extend the culverts to a new headwall or slope paving to mitigate erosion potential and to provide adequate separation between the travel lanes and culvert ends and to continue sidewalk across Paradise Creek to provide pedestrian connectivity on both sides of Sixth Street. Staff is in discussion with JUB Engineers Inc. to prepare a Topographic Survey and Base Map and Alternatives Analysis to determine the best method for repair and/or replacement of the existing bridge.

At this time Staff would like to submit an ICDBG Post Disaster Assistance grant application for \$100,000 to the IDOC to begin accumulation of funding for repair of the bridge.

This item was reviewed by the Public Works/Finance Committee on August 12, 2019 and recommended for approval.

ACTION: Authorize staff to submit the grant application to the IDOC under the ICDBG Program for Post Disaster Assistance for \$100,000 to repair or replace the Sixth Street Bridge.

Bonzo moved and Taruscio seconded to approve the consent agenda as presented. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

REGULAR AGENDA

2. Staff Recognition Report - Gary J. Riedner

Riedner stated James Fry was appointed to the Governors opioid task force and attended the first meeting last week. Fry said there are approximately 20 members ranging from police officers, doctors and pharmacists. The task force will be reviewing policies and advising on what can be done to stop the crisis statewide.

Mayor Lambert said he wanted to recognize Gary Riedner for the Pillar of the Community Award from the Idaho Municipal Attorney's Association. Riedner said he became City Attorney in 1995, enjoys the Association and is honored.

3. Mayors Appointments (ACTION ITEM)

Mayor Lambert put forward the appointments of Nancy Tribble to the Moscow Urban Renewal Agency and Kristin Haltinner to the Sustainable Environment Commission. Bettge moved and Zabala seconded approval of both appointments. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried. Tribble said she wants to be a positive influence and thanked them for the appointment.

4. Public Comment and Mayor's Response Period (limit 15 minutes)

None offered.

5. Public Hearing: Paradise View Addition Preliminary Subdivision Plat (ACTION ITEM) - Mike Ray

Nils Peterson with the Moscow Affordable Housing Trust is proposing to subdivide a 1.49 acre parcel located at 1924 Nursery Street to create seventeen parcels ranging from 1,806 square feet to 5,002 square feet in size, referred to as the Paradise View Addition. The proposal includes twelve twinhome lots, four townhouse lots, and one single family dwelling lot. Also part of the proposed development is a stormwater detention pond parcel located in the southeast corner. The Planning and Zoning Commission conducted a public hearing for the proposed Preliminary Subdivision Plat on June 26, 2019, and recommended approval with no conditions. ~~This item was reviewed by the Public Works/Finance Committee on August 12, 2019.~~

PROPOSED ACTIONS: Conduct the public hearing upon the proposed preliminary plat and upon consideration of any testimony presented, approve the preliminary plat request and adopt the Planning and Zoning Commission reasoned statement of relevant criteria and standards; or approve the preliminary plat request with conditions and direct Staff to prepare a reasoned statement of relevant criteria and standards; or deny the preliminary plat request and direct Staff to prepare a reasoned statement of relevant criteria and standards; or take other action as deemed appropriate.

Ray introduced the item by describing the neighborhood including the Comprehensive Plan designation, zoning and infrastructure. There is the appropriate fire access in the alley with the hammer head configuration and there will be no parking within the alley area. Townhomes on the west side with access from Nursery Street.

Mayor Lambert opened the public hearing at 7:19 p.m.

Nils Peterson, applicant, spoke on affordable housing and land trusts. He feels the subdivision will not be detrimental to the public health, safety or general welfare of the public because smaller houses lower the carbon footprint and the alley design eliminates conflict between driveways on streets. He also feels there are many positives to this plat including creating more workforce-priced housing options, homeownership to recruit and retain a workforce, and enhancing the public street façade.

Mayor Lambert closed the hearing at 7:38 p.m.

Bettge moved and Boland seconded to approve the preliminary plat and adopt the Planning and Zoning Commission Relevant Criteria and Standards. Zabala recused herself from the vote. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

6. City of Moscow's FY2020 Annual Budget and Foregone (ACTION ITEM) - Gary J. Riedner

At the City Council meeting on August 5, 2019, Staff presented the proposed City of Moscow FY2020 balanced budget in the amount of \$101,447,045, which had previously been considered by the City Council at their workshops held July 8 and 15, 2019. Increases in property taxes from FY2019 include the following: 3% allowable annual increase (\$172,695), foregone taxing authority (\$200,000), new construction (\$131,276), and amortization of the voter-approved general obligation bond (\$1,100,000). City Council held the public hearing on August 5, 2019 and after the public hearing was closed, the Council voted to consider the Annual Appropriations Ordinance on first reading and that the matter be scheduled for further consideration at the City Council meeting to be held on August 19, 2019. Included for City Council consideration is the FY2020 Annual Appropriation Ordinance, a Resolution to use forgone levying authority and the L2 property tax certification in the aggregate amount of \$7,270,329.

PROPOSED ACTIONS: A. Approve the ordinance under suspension of the rules requiring two additional complete and separate readings and that it be read by title and published by summary; or consider the Ordinance on second reading and that it be read by title; or reject the Ordinance; or take other such other action deemed appropriate; and B. Approve the Resolution authorizing levy of \$200,000 of foregone tax authority, or reject the Resolution; and C. Authorize the Mayor's execution of the L2 property tax certification in the aggregate amount of \$7,270,329; or take other such action deemed appropriate.

Riedner briefly discussed the budget process and described the FY2020 proposed property tax adjustments. The 3% increase of \$172,695 and the \$200,000 of foregone taxes results in \$27.00 per \$100,000 of assessed valuation above the Homeowner's Exemption. The general obligation bond will levy \$0.80 per \$1,000 assessed valuation.

Mayor Lambert asked for public comment.

Victoria Seever, Moscow, supports creating a system that enhances productivity and generates a fair

wage. The passing of the bond should not belittle or diminish police salaries. Putting off half the salaries until next year cannot be guaranteed as other issues could come up. She feels the City should support education for the officers.

Joel Cohen, Moscow, said he is in favor of using the foregone for police salaries. His taxes are going up tremendously but

Win Green, Moscow, said he is in favor of the proposed raise in pay as it is way overdue. Council takes their fiduciary job seriously and he thanked them for it.

Hannah Struble, Moscow, is in favor of the proposed increase in tax for officer pay. There are a number of police officer families do not live in the city limits. With increase pay comes an personal interest for the community as a whole. There have been minimal numbers for each shift. Because of that there is more reactive police work, rather than proactive.

Boland said the Council looked very hard to find a way not to raise taxes. Even with 3%, the City can't keep up with inflation and services. For a \$250,000, taxes would raise \$27.00 annually. With the bond rating interest coming in lower, he thinks the budget should be approved as presented. Sullivan said it was important to exhaust all possible options. The latest update from the assessors with the valuation and how it will impact the levy is even lower. She likes the idea of retaining the foregone for something emergent but is more inclined to pass the budget as proposed. Bonzo feels it is important for public servants to be paid their worth and is something the City has to do. Zabala is happy the Council dug in and reviewed the budget thoroughly. With talk of a recession, she is hesitant to pull from the foregone amount. Bettge feels \$27.00 a year for recruitment of police is money well spent. Employee salaries are the biggest expense in a budget. If retraining can be avoided, the foregone is money well spent. Taruscio agrees the Council did a very good job of reviewing the budget. Past Councils have done a great job of responsible use of tax dollars.

Taruscio moved and Bettge seconded to approve the ordinance under suspension of the rules requiring two additional complete and separate readings and that it be read by title and published by summary. Sullivan pointed out the decrease on the bond rate is coming in lower than tax payers were expecting. Roll Call Vote: Ayes: Five (5). Nays: (Zabala). Abstentions: None. Motion carried.

Mayor Lambert read Ordinance 2019-09:

AN ORDINANCE ENTITLED "ANNUAL APPROPRIATION ORDINANCE" APPROPRIATING ONE HUNDRED ONE MILLION FOUR HUNDRED FORTY-SEVEN THOUSAND FORTY-FIVE DOLLARS (\$101,447,045) FOR THE PURPOSE OF DEFRAYING ALL NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF MOSCOW, LATAH COUNTY, STATE OF IDAHO, FOR THE 2020 FISCAL YEAR BEGINNING THE FIRST DAY OF OCTOBER, 2019, AND ENDING THE THIRTIETH DAY OF SEPTEMBER, 2020, AND ALLOTING RESOURCES BY FUND FOR SAID APPROPRIATION FOR THE OBJECTS AND PURPOSES SET FORTH IN THIS ORDINANCE; LEVYING AD VALOREM TAXES IN THE AMOUNT OF SEVEN MILLION THREE HUNDRED SIXTY THOUSAND FOUR HUNDRED SEVENTY DOLLARS (\$7,360,470) FOR THE 2020 FISCAL YEAR; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE BE DEEMED SEVERABLE; PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

Bonzo moved to approve the resolution authorizing levy of \$200,000 of foregone tax authority. Taruscio seconded. Roll Call Vote: Ayes: Five (5). Nays: (Zabala). Abstentions: None. Motion carried.

Bonzo moved to approve the L-2. Bettge seconded. Roll Call Vote: Ayes: Five (5). Nays: (Zabala). Abstentions: None. Motion carried.

REPORTS

City Council

Planning and Zoning Commission - Sullivan reported the Commission is discussing minimum lot size for accessory dwelling units and conditional use permits.

Moscow Tree Commission - Taruscio said they approved goals for next year.

Fair and Affordable Housing Commission - Bonzo said the Commission is planning the housing fair, a training event and bike week.

Historic Preservation Commission - Boland reported they are working on a historic marker for Highway 95 and the Orchid awards.

1912 Center Development - Boland said they are working on plans for the second floor which should be updated in September;

Moscow Arts Commission - Bettge reported the Commission is developing their citizen survey questions; third street gallery new exhibit.

Moscow Urban Renewal Agency - Bettge said the Agency passed their budget; project updates were discussed.

Palouse Knowledge Corridor - Bettge said the group is working on new bylaws and documents to refocus to university technology in development; bootcamp will take hiatus.

Palouse Basin Aquifer Committee - Zabala said they discussed possible funding source with IDWR, want to switch from research to action oriented; move forward with LEAP; RFP for project manager;

Moscow Transportation Commission - Zabala said the Commission discussed the two way bike lane options;

Mayor

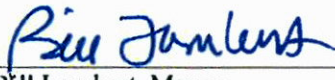
Mayor Lambert said the Mayors Youth Advisory Council met and they are recruiting for the new year; he hosted the annual golf tournament; and spoke on other events.

Staff

Riedner reminded the Council of miscellaneous meetings.

ADJOURN

The meeting adjourned at 8:26 p.m.


Bill Lambert, Mayor

ATTEST:


Laurie M. Hopkins, City Clerk



**BEFORE THE CITY COUNCIL
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, this matter came before the Moscow City Council during a duly noticed public hearing on August 19, 2019; and

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

THE CITY COUNCIL OF THE CITY OF MOSCOW, IDAHO, AFTER DUE DELIBERATION AND CONSIDERATION, HEREBY CONCLUDES:

I. RELEVANT FACTS AND CONCLUSIONS

1. The City Council 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 CITY COUNCIL OF THE CITY OF MOSCOW HEREBY FINDS THE FOLLOWING RELEVANT CRITERIA AND STANDARDS:

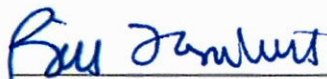
II. RELEVANT CRITERIA AND STANDARDS

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 (IID-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 City Council of the City of Moscow approves 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 CITY COUNCIL OF THE CITY OF MOSCOW this 19th day of August, 2019.



Bill Lambert, Mayor

Memo

To: Planning and Zoning Commission
From: Mike Ray, AICP - Planning Manager
Date: March 5, 2020
Re: Indian Hills East Final Plat and PUD Review

The Planning & Zoning Commission conducted a public hearing on May 22, 2019 to consider the request of the Blum Enterprises for a preliminary subdivision plat and planned unit development (PUD) (Indian Hills East Addition) for a 41,151 square foot parcel of land generally located at 1330 Indian Hills Drive into 10 single family lots ranging from 2,660 sf to 3,910 sf in size. After considering public testimony and the relevant criteria and standards, the Planning and Zoning Commission recommended approval of the preliminary subdivision plat with two conditions and recommended approval of the PUD with no conditions.

City Council then conducted a public hearing on June 17, 2019 and approved the Indian Hills East Addition preliminary plat with two conditions and the PUD with no conditions. The two conditions on the preliminary plat were:

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.

On February 24, 2020 the applicant submitted the final subdivision plat and final PUD to be reviewed by the Planning and Zoning Commission and City Council. Staff has reviewed the final plat and final PUD for conformance with City and State Code requirements and found both to be in conformance. Therefore, Staff recommends that the Commission recommend approval of the final plat and final PUD for Indian Hills East Addition to City Council with no conditions.



CITY OF MOSCOW
COMMUNITY DEVELOPMENT
Ph.: 208-883-7035
Fax: 208-883-7033
apeterson@ci.moscow.id.us

For City Use Only			
Date Received		2-24-20	
Dept	Fee Type	Fees	Paid
CD	Final Review	\$205	✓
ENGR	Review	\$275 plus \$27/lot	✓
Receipt Number		LUP2020-0004	

APPLICATION FOR FINAL SUBDIVISION PLAT

APPLICANT:

Name: Blum Enterprises - 2, LLC Telephone: 509/336-0176
Complete Address: 3831 Hwy 8, Troy, ID 83871
E-Mail: Noel Blum 40 @ GMail. Com Fax: _____

OWNER: (if other than applicant)

Name: _____ Telephone: _____
Complete Address: _____
E-Mail: _____ Fax: _____

ENGINEER/SURVEYOR:

Name: HEDCO, Inc., Jack S. Hammond, PE/PLS Telephone: 208/843-9303
Complete Address: 23020 Penny Lane, Juliaetta, ID 83535
E-Mail: LHammond@Turbonet.Com Fax: 208/843-2770

Primary point of contact (select one): Applicant ☒ Owner ☒ Engineer/Surveyor _____

PROPERTY:

- Proposed Subdivision Name: Indian Hills East PUD
- Address(as) or Parcel Number(s): 1336 thru 1390 Indian Hills Drive, Moscow, ID
- Gross area of all land involved: 1.00 acres, and/or _____ sq.
- Total Net Area of land area exclusive of proposed or existing public street and other public lands: N/A acres, and/or _____ square feet.
- Total number of lots: 10 Average lot size: 3140 Sq. Ft.

SEWER AND WATER MAIN OVERSIZING REIMBURSEMENT POLICY

Oversizing of utilities will not be eligible for reimbursement from the City unless a written request is submitted to the City Engineer prior to approval of the project construction drawings and a written approval of such request is issued by the City Engineer.

FINAL PLAT CHECKLIST:

All Final plats, including the legal description of the exterior boundary, shall be prepared in accordance with the Idaho Code. Final plats shall be drawn to a scale no larger than 1"=100' unless pre-approved by the city engineer. The final plat drawing shall not be substantially different than the approved preliminary plat for the subdivision and shall contain the following information:

- ☒ 1. Name of subdivision and its location by section, township, range, and county, with drawing scale, date of submission, and north arrow.
- ☒ 2. Name, address, phone number, registration number and seal of the professional land surveyor preparing the plat, and name of subdivider and owners of property being platted.
- ☒ 3. Boundary lines of property being platted including bearings, distances and curve data based on an accurate survey in the field closing within the tolerances prescribed by Idaho Code; lines of departure and owners of unplatted adjoining property; and lots, blocks and names of adjoining subdivisions. Adjoining subdivision lots shall be shown with dashed lines.
- ☒ 4. Names and widths of all proposed streets; bearings, distances, and curve data of all street centerlines; location, width, purpose, and dimensions of easements; location and description of all property being dedicated for public use. All curves shall be described by central angle, radius, arc length, and chord bearing and distance.
- ☒ 5. Location, name, and widths of adjacent street rights-of-way, the location and width of adjacent public easements, and the location and purpose of any adjacent property previously dedicated for public use.
- ☒ 6. Lots and blocks with lots numbered consecutively within each block; bearings, distances, and curve data for each lot; the square footage of lots less than one acre in size or acreage of lots one acre or greater. Blocks shall be labeled consecutively. All curves shall be described by central angle, radius, arc length, and chord bearing and distance.
- ☒ 7. Location and description of all monuments, including found monuments. If interior monuments are not set at the time the plat is recorded (as allowed by Idaho Code), include a statement indicating the date which they shall be set. Said date shall be approved by the City Engineer.
- ☒ 8. Basis of bearing used to determine bearings shown on plat.
- ☒ 9. Point of beginning of the subdivision with ties to the point of beginning from a minimum of two established corners of the Public Land Survey System (PLSS) in one or more of the sections containing the subdivision. List the recording numbers of the corner perpetuation and filing forms of the PLSS monuments. List horizontal coordinates for each PLSS monument and the point of beginning based on the Idaho Coordinate System West Zone. All coordinates values shall be grid coordinates based on the North American Datum of 1983 (NAD83) and specified as such.
- ☐ 10. Street centerline monuments at each intersection, point of curvature, and point of tangency. Street monuments shall be constructed in accordance with City of Moscow standard specifications for street monuments. All other monuments shall be as prescribed by Idaho Code.
- ☒ 11. Signed certificate by the owners of the land containing a correct legal description of the land, with the statement containing their intentions to include the same in the plat, and make a dedication of all public rights-of-way, easements, and parkland. The owners' signatures upon the certificate shall be notarized upon the plat by an officer duly authorized to take acknowledgements. If the property being mortgaged, the signature of the mortgagee's representative is also required.

- ✓ 12. Signed certificate by the land surveyor, stating that the plat is correct and accurate, the land survey of the platted property was performed by him/her or under his/her direct supervision, the monuments indicated on the plat have been located as described, and the surveying and platting was done in accordance with Idaho Code. The statement shall be accompanied by the seal of the registered professional land surveyor, signed and dated. 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.
- ✓ 13. Signed certificate by the City of Moscow Planning and Zoning Commission with date of approval.
- ✓ 14. Certificate stating that the City Council has approved the plat and accepts all public dedications as shown thereon. The certificate shall be signed by the Mayor and attested to by the City Clerk.
- ✓ 15. Certificate by the City Engineer that the plat conforms to the requirements of Title 50, Chapter 13, Idaho Code, and with the requirements of this chapter.
- * 16. Signed certification by the subdivider stating the City of Moscow has agreed in writing to supply water to all the lots in the subdivision from the municipal water system.
- ✓ 17. Certificate signed and sealed by the Latah County Surveyor stating the plat and computations have been checked and the plat meets the requirements of Title 50, Chapter 13, Idaho Code.
- * 18. Certificate of satisfaction of the sanitary restrictions, to be endorsed by the Latah County Recorder at the time of filing if the sanitary restrictions have been satisfied according to Idaho Code, Section 50-1326.
- ✓ 19. Certificate that taxes have been paid to date on the property to be signed by the Latah County Treasurer at the time of filing.
- ✓ 20. Certificate of recording, to be signed by the Latah County Recorder at the time of filing.

SUBMITTAL:

A Subdivision application is made by submitting the following information to the Community Development Department:

- Completed application.
- Payment of application fees.
- One full-sized Preliminary Plat Map and one electronic copy.

I understand this information is a public record and may be posted to a public website.

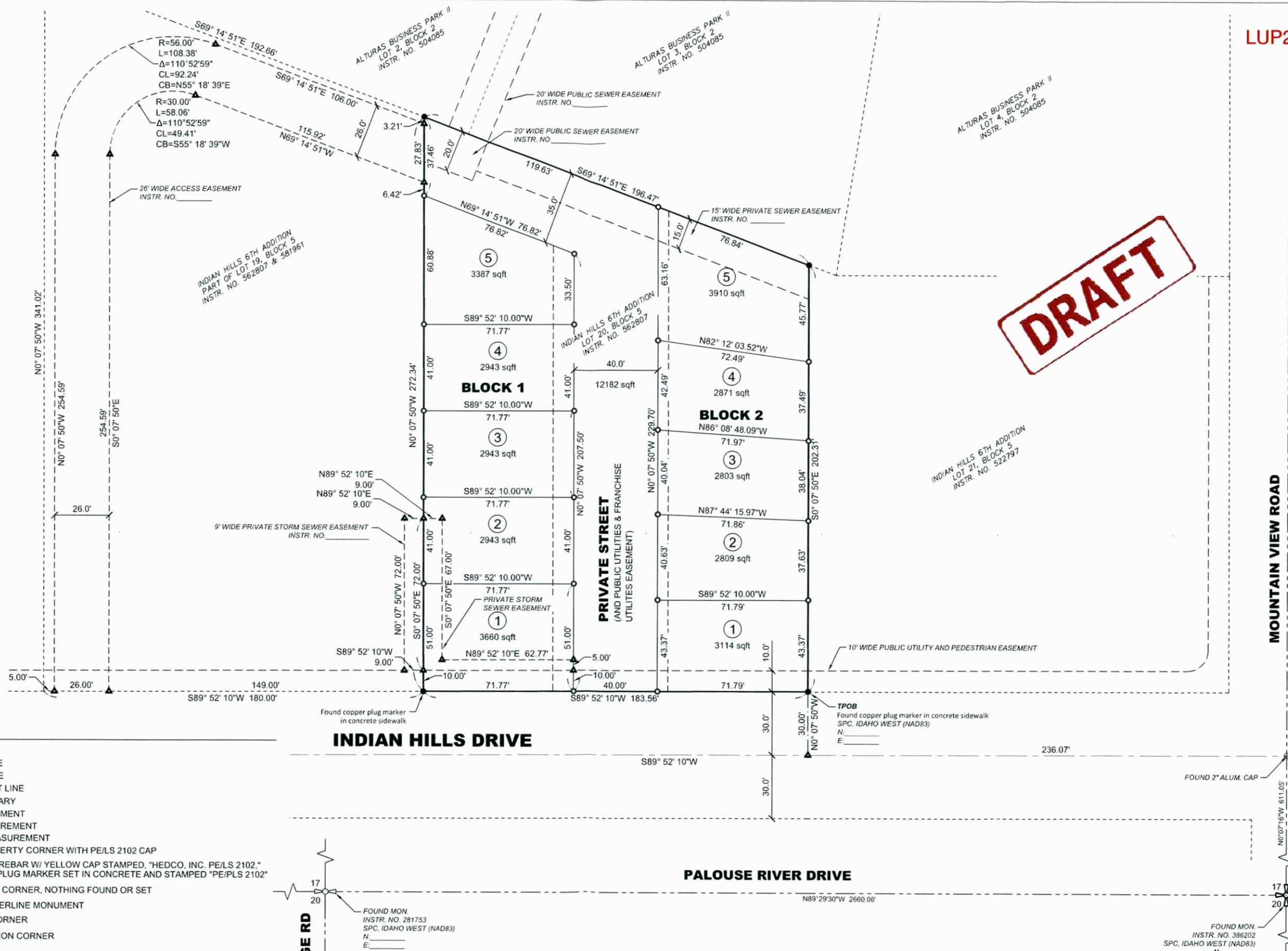
Applicant's Signature

Date

Property Owner's Signature (if different)

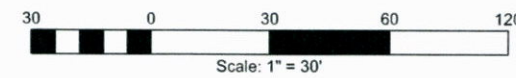
Date

DRAFT



LEGEND

- CENTERLINE
- SECTION LINE
- NEW LOT LINE
- EXISTING LOT LINE
- PLAT BOUNDARY
- UTILITY EASEMENT
- XXXXXX FIELD MEASUREMENT
- (XXXXXX) RECORD MEASUREMENT
- FOUND PROPERTY CORNER WITH PE/LS 2102 CAP
- SET 5/8" DIA. REBAR W/ YELLOW CAP STAMPED, "HEDCO, INC. PE/LS 2102," OR COPPER PLUG MARKER SET IN CONCRETE AND STAMPED "PE/LS 2102"
- ▲ CALCULATED CORNER, NOTHING FOUND OR SET
- ⊕ FOUND CENTERLINE MONUMENT
- ⊕ FOUND 1/4 CORNER
- ⊕ FOUND SECTION CORNER



PARADISE RIDGE RD

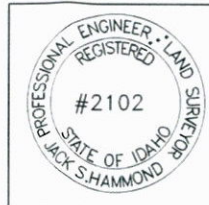
FOUND MON.
INSTR. NO. 281753
SPC, IDAHO WEST (NAD83)
N: _____
E: _____

PALOUSE RIVER DRIVE

N89°29'30"W 2660.08'

FOUND MON.
INSTR. NO. 386202
SPC, IDAHO WEST (NAD83)
N: _____
E: _____

MOUNTAIN VIEW ROAD



HAMMOND ENGINEERING & DEVELOPMENT CO.
23020 Perry Lane
Juliaetta, Idaho 83535
(208) 843-9303

INDIAN HILLS EAST PUD
PART OF SE 1/4, S. 17, T. 39 N., R. 5 W., B.M.
CITY OF MOSCOW
LATAH COUNTY, IDAHO

SCALE 1"=100'	
DRAWN BY MEE	CHECKED BY JSH
DATE 02-24-2020	JOB # 1905
SHEET 2	
DRAWING # 1905-FP1	

Received 2-25-20

DEDICATION

Blum Enterprises-2, LLC is the owner of the land and premises in the accompanying plat, have caused said land to be platted as an Addition to the City of Moscow, Idaho, to be known as Indian Hills East PUD. Said undersigned Member does herewith declare their intentions to include the land located within the boundaries of said plat and they hereby dedicate to the public use all of the easements & rights-of-ways as shown upon said plat. Curtis S. Blum certifies that all the lots shown hereon will be eligible to receive water service from the City of Moscow's municipal water system, 50-1334(2), Idaho Code.

IN WITNESS WHEREOF We do hereby set our hands.
This _____ day of _____, 2020

Blum Enterprises-2, LLC

By: _____
Curtis S. Blum - Member/Manager

STATE OF IDAHO }
S.S.
COUNTY OF LATAH }

On this _____ day of _____, 2020, before me, the undersigned, a Notary Public, in and for said State, personally appeared Curtis S. Blum, known to me, and/or identified to me on the basis of satisfactory evidence, to be the Agent of Blum Enterprises-2, LLC whose name is subscribed to this instrument and acknowledged to me that they executed the same on behalf of said company.

WITNESS MY HAND AND OFFICIAL SEAL

Notary Public In and For the State of Idaho Residing at: _____
My Commission Expires: _____

BOUNDARY DESCRIPTION

All of Lot 20, Block 5 of Indian Hills 6th Addition located in the southeast quarter of Section 17, T. 39 N., R. 5 W., B.M., City of Moscow, Latah County, State of Idaho, more particularly described as follows:

Commencing at the Southeast corner of Section 17 running thence along the centerline of Mountain View Road N0°07'16"W 611.05 feet to a 2" aluminum centerline monument at the intersection with Indian Hills Drive; thence along the centerline of said Indian Hills Drive N89°52'10"W 236.07 feet to a point; thence N0°07'50"W 30.00 feet to a copper plug marker in a concrete sidewalk stamped PE/LS 2102 on the northerly right-of-way line of said Indian Hills Drive also being the Southeast corner of Lot 20, Block 5 of Indian Hills 6th and THE TRUE POINT OF BEGINNING;

thence continuing along said right-of-way line S89°52'10"W 183.56 feet to a copper plug marker in a concrete sidewalk stamped PE/LS 2102 also being the Southwest corner of Lot 20, Block 5 of Indian Hills 6th Addition;

thence continuing along the westerly boundary line of said Lot 20 N0°07'50"W 272.34 feet to a rebar with plastic cap stamped PE/LS 2102 also being the Northwest corner of Lot 20, Block 5 of Indian Hills 6th Addition;

thence continuing along the northerly boundary line of said Lot 20 S69°14'51"E 196.47 feet to a rebar with plastic cap stamped PE/LS 2102 also being the Southwest corner of Lot 20, Block 5 of Indian Hills 6th Addition;

thence continuing along the easterly boundary of said Lot 20 S0°7'50"E 202.31 feet to the Southeast corner of said Lot 20 and THE TRUE POINT OF BEGINNING.

Said parcel contains 1.00 acres, more or less.

SURVEYOR'S CERTIFICATE

I, Jack S. Hammond, Professional Engineer and Professional Land Surveyor in the State of Idaho, hereby certify that I have surveyed the Plat of Indian Hills East PUD to the City of Moscow, Idaho as herein drawn and described and that the streets, lots, distances and monuments have been measured and located as herein shown. Interior Lot Corner Pins will be set at a later date.
Witness my hand and seal _____ day of _____, 2020

Jack S. Hammond Idaho License No.2102



SURVEY NARRATIVE AND NOTES

- The purpose of this survey is to subdivide Lot 20, Block 5 of the Partial Replat of Blocks 3 & 5 Indian Hills 6th Addition (Instrument No. 562807, public records of Latah County, ID) into multiple residential parcels and accompanying access and utility easements for the benefit of said created residential parcels. Controlling monuments used for this survey include found monuments as described in Instruments No. 522797 & 562807.
- The Basis of Bearing for this survey is the south line of the Southeast Quarter of Section 17 as per Indian Hills 6th Addition Final Plat, Instr. No. 522797.
- The interior monuments shall be set before January 1, 2021.
- There are no encroachments.
- All lots, uses, public infrastructure and development of this subdivision shall comply with the uses, standards and requirements of the Indian Hills East Planned Unit Development Agreement, as set forth and depicted in Ordinance -----/Instrument No.-----.
- The Stormwater System and shared street are to be owned and maintained by the Indian Hills East PUD Homeowners Association.

LATAH COUNTY TREASURERS CERTIFICATION

Examined and approved this _____ day of _____, 2020. I hereby certify that taxes and assessments on property shown herein have been paid for _____ and preceding years this _____ day of _____, 2020.

Latah County Treasurer

LATAH COUNTY SURVEYOR

Examined and approved by Latah County Surveyor this _____ day of _____, 2020.

Latah County Surveyor

CITY OF MOSCOW PLANNING AND ZONING COMMISSION

Examined and approved by action of the Moscow Planning and Zoning Commission at a regular meeting with a quorum present this _____ day of _____, 2020

Chairman Planning & Zoning Commission

CITY OF MOSCOW MAYOR

Examined and approved by action of the Moscow City Council at a regular meeting with a quorum present this _____ day of _____, 2020. Dedication of all public streets and easements as described on this plat is hereby accepted in accordance with Section 50-1313, Idaho Code. Approval of this plat by the City of Moscow certifies agreement to allow connection of the above described property to the municipal water system and satisfies Section 50-1334, Idaho Code.

Mayor-City of Moscow, Idaho City Clerk-City of Moscow, Idaho

CITY OF MOSCOW ENGINEER

Examined and approved by City Engineer this _____ day of _____, 2020

City Engineer-City of Moscow, Idaho

PUBLIC HEALTH - IDAHO NORTH CENTRAL DISTRICT

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied based on the Department of Environmental Quality (DEQ) approval of the design plans and specifications and the conditions imposed on the developer for continued satisfaction of the sanitary restrictions. Buyer is cautioned that at the time of this approval, no drinking water or sewer/septic facilities were constructed. Building construction can be allowed with appropriate building permits if drinking water or sewer facilities have since been constructed or if the developer is simultaneously constructing those facilities. If the developer fails to construct facilities or meet the other conditions of DEQ, then sanitary restrictions may be reimposed, in accordance with Section 50-1326, Idaho Code, by the issuance of a certificate of disapproval, and no construction of any building or shelter requiring drinking water or sewer/septic facilities shall be allowed.

Environmental Health Specialist Date

FILINGS

Filed for record this _____ day of _____, 2020 at _____ o'clock _____ m. at the request of _____ and recorded in Book _____ of Plats, page _____ records of Latah County, State of Idaho.

Latah County Recorder



HAMMOND ENGINEERING & DEVELOPMENT CO.
23020 Penny Lane
Juliaetta, Idaho 83535
(208) 843-9303

INDIAN HILLS EAST PUD
PART OF SE 1/4, S. 17, T. 39 N., R. 5 W., B.M.
CITY OF MOSCOW
LATAH COUNTY, IDAHO

DRAWN BY MEE	CHECKED BY JSH
DATE 02-24-2020	JOB # 1905
SHEET 2 OF 2	
DRAWING # 1905-FP2	

Received 2-25-20



**CITY OF MOSCOW
COMMUNITY DEVELOPMENT**
Ph: 208-883-7035
Fax: 208-883-7033
apeterson@ci.moscow.id.us

For City Use Only			
Date Received		2-24-20	
Dept	Fee Type	Fees	Paid
CD	Final PUD	\$275	✓
ENG	Final PUD	\$275 plus \$27/lot	✓
Receipt Number		LUP2020-0005	

APPLICATION FOR FINAL PLANNED UNIT DEVELOPMENT

APPLICANT:

Name: Blum Enterprises Telephone: 509-336-0173
Complete Address: 3831 Highway 8, Troy
E-Mail: sblum@moscow.com Fax: _____

OWNER: (if other than applicant)

Name: _____ Telephone: _____
Complete Address: _____
E-Mail: _____ Fax: _____

PROPERTY:

1. Proposed PUD Name: Indian Hills East PUD
2. Address or Parcel Number: 1330 Indian Hills Dr, Moscow

AUTHORIZATION:

1. Describe any changes in design or construction since approval of the Preliminary PUD:

none

CONDITIONS OF APPROVAL:

The Commission or Council (in the case of a Type 2 PUD application) may impose conditions including, but not limited to, those (1) minimizing adverse impact on other development; (2) controlling the sequence and timing of development; (3) controlling the duration of development; (4) assuring that development is maintained properly; (5) designating the exact location and nature of development; (6) requiring the provision for onsite or offsite public facilities or services; (7) requiring more restrictive standards than those generally required in an ordinance; and/or (8) requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction.

Compliance:

- 1) The Final PUD process is intended to give the Zoning Administrator, Planning and Zoning Commission, or the Council (in the case of Type 2 PUD application), an opportunity to determine whether the proposed development conforms to the intent of the preliminary approval. The applicant is required to detail any proposed development agreements, condominium agreements, deed restrictions, or other commitments needed to assure adherence to the proposed development plan, and to provide final plans indicating how conditions or modifications imposed at preliminary approval will be met.
- 2) If the final proposal is substantially unchanged from the application provided for preliminary approval, and if it adequately incorporates all required conditions or modifications, it may be acted on by majority vote of the Planning and Zoning Commission as a regular agenda item at a regularly scheduled meeting (or City Council, in the case of a Type 2 PUD application). The deciding body may grant final approval, may grant final approval with minor modifications or conditions, or may deny the application.
- 3) If the proposal differs significantly from the proposal discussed at earlier public hearings beyond those changes required as conditions of the preliminary approval, or if conditions or modifications are contemplated which differ significantly from those presented at earlier hearings, then a new public hearing must be conducted by the Planning and Zoning Commission (or City Council in the case of a Type 2 PUD application) prior to final project approval.

Revocations:

- 1) If building permits pertaining to an approved PUD, consistent with any proposed phasing, are not obtained within eighteen (18) months of the final PUD approval, such final PUD approval shall be immediately revoked and shall be automatically null and void.
- 2) The applicant may request a one (1) time extension of a final PUD approval not to exceed one (1) year. Such request shall be in writing and shall be approved by the applicable decision-making body prior to expiration of the original PUD approval or such approval shall not be granted.

SUBMITTAL:

A Final PUD application is made by submitting the following information to the Community Planning and Design Department:

- Completed application.
- Payment of application fees.
- Site Plan, drawn to scale (1 electronic copy; 2 - 11" x 17" hard copies)
- Floor Plans, drawn to scale (1 electronic copy; 2 - 11" x 17" hard copies)
- Elevation Drawings and/or Renderings, drawn to scale (1 electronic copy; 2 - 11" x 17" hard copies)
- Evidence of clear title to any lands to be conveyed or reserved for parks, scenic ways, playgrounds, schools, public buildings, or other public purposes.
- Final plans showing location of water, sewer, drainage and all other utilities, and plans for street improvements and grading.
- A final phasing plan.

I understand this information is a public record and may be posted to a public website.

Applicant's Signature

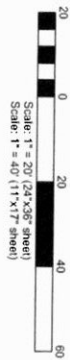
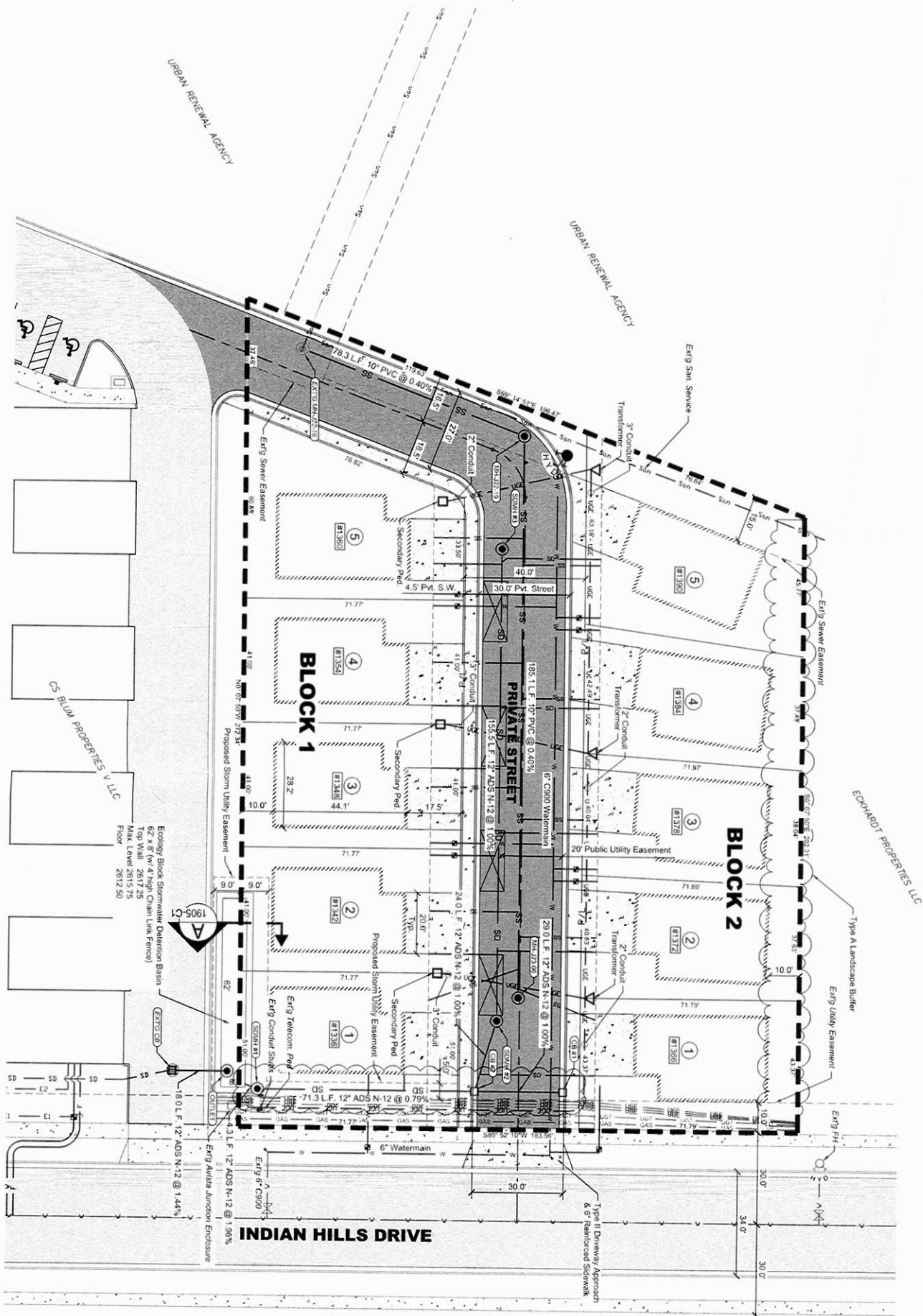
Date

2.24.20

Property Owner's Signature

Date

NOTES
1. Avista Franchise Utilities layout shown. Telecommunications and Cable TV to follow Avista layout.



HAMMOND ENGINEERING & DEVELOPMENT CO.
23020 Penny Lane
Julesburg, Idaho 83355
(208) 843-9303

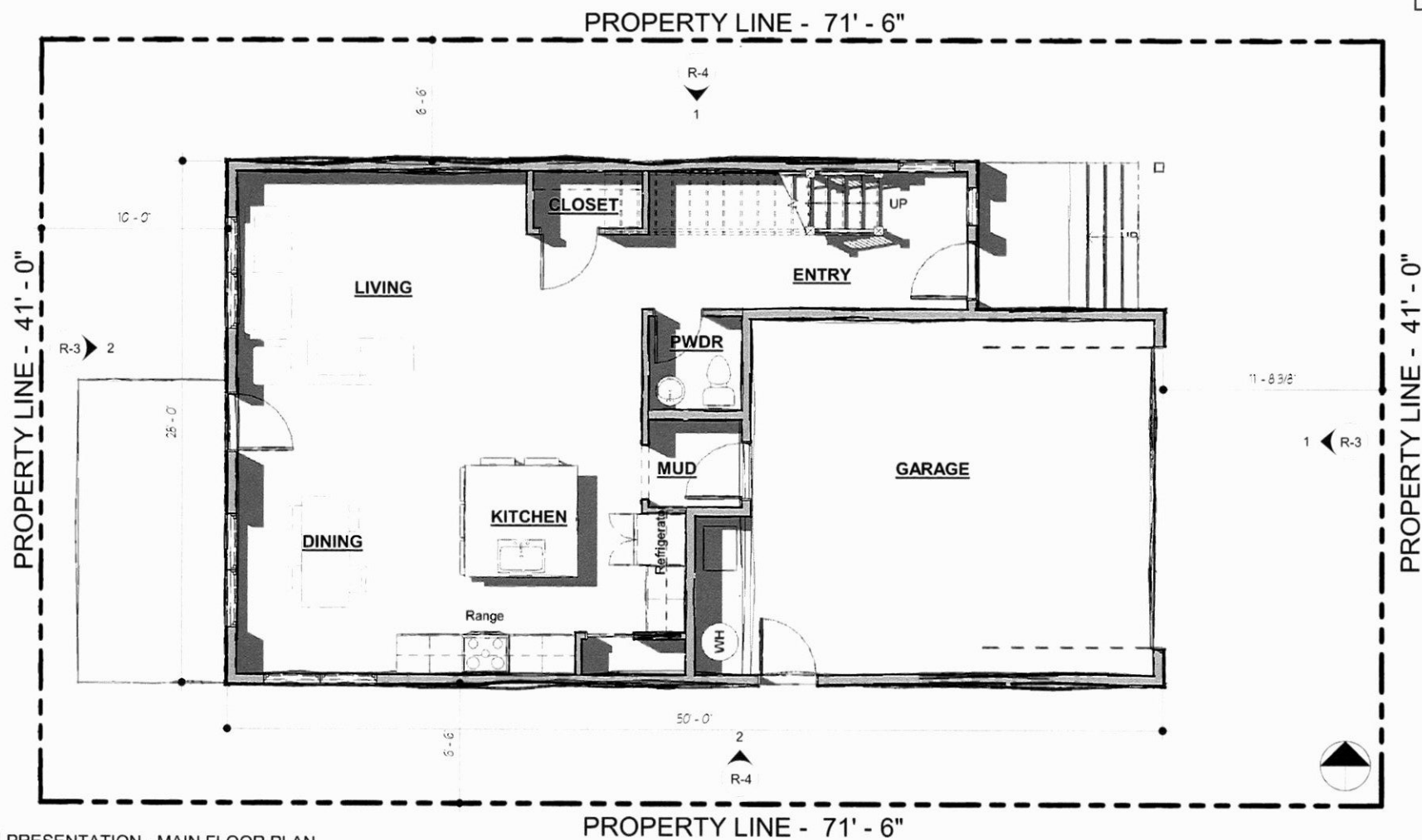
**INDIAN HILLS EAST PUD
SITE DEVELOPMENT PROJECT
SITE DEVELOPMENT PLAN
BLUM CONSTRUCTION, LLC
MOSCOW, IDAHO**

SCALE: SHEET SIZE: D
DRAWN BY: MEE CHECKED BY: JSH
DATE: 02-17-20 JOB #: 1905
SHEET: C4
DRAWING #: 1905-C4



REVISION		CHECKED	APPRO
DATE	DESCRIPTION		

SHEET
C4



1 PRESENTATION - MAIN FLOOR PLAN
3/16" = 1'-0"



504 MAIN STREET, SUITE 480
LEWISTON, ID 83501
(208) 743-5902

Indian Hills PUD
Blum Construction

No.	Description	Date

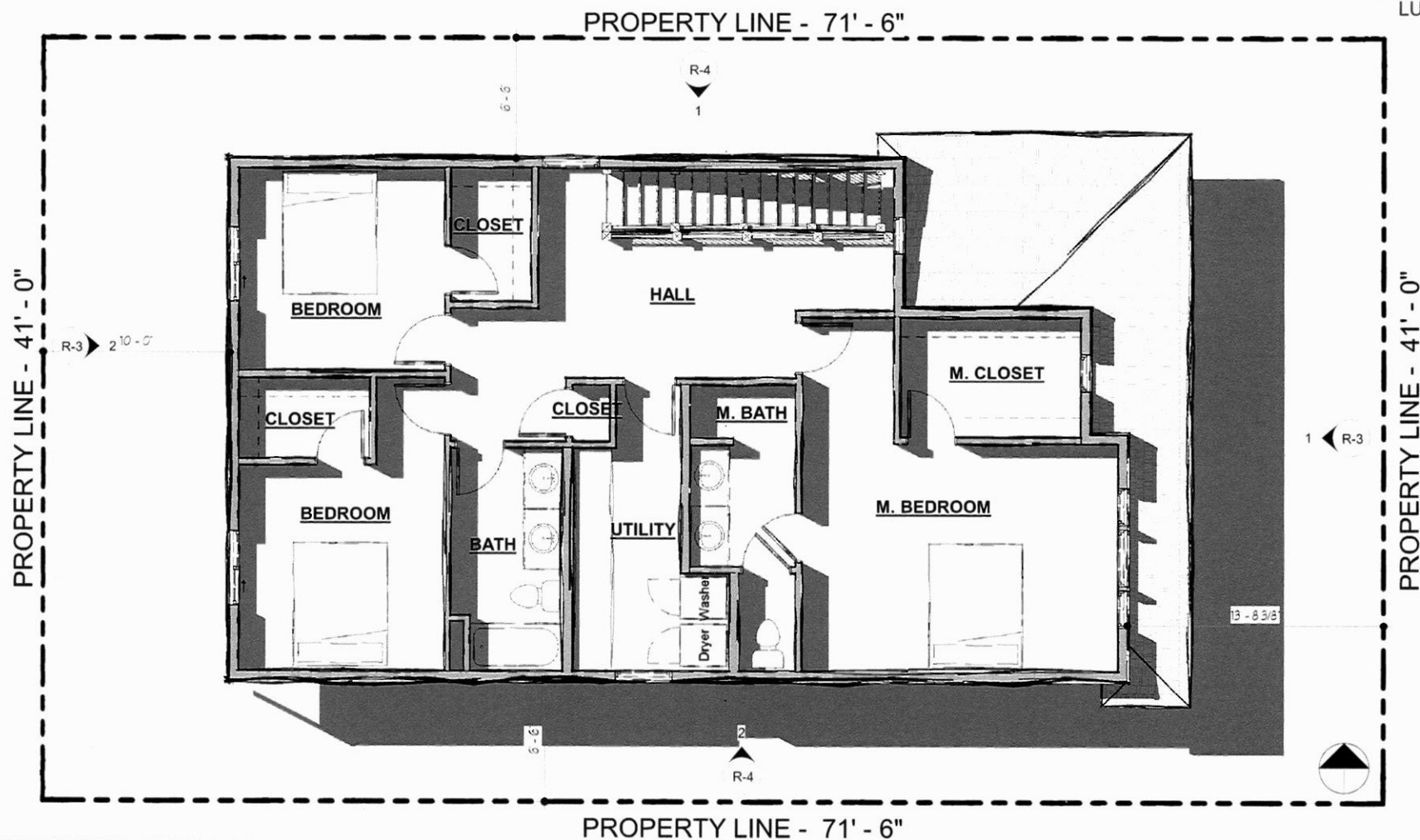
MAIN FLOOR PLAN

Project number 19-014
Date 02-25-19
Drawn by Author
Checked by Tim Lynch

R-1

Scale 3/16" = 1'-0"

Received 4-29-19



1

PRESENTATION - UPPER FLOOR PLAN
3/16" = 1'-0"



504 MAIN STREET, SUITE 480
LEWISTON, ID 83501
(208) 743-5902

Indian Hills PUD
Blum Construction

No.	Description	Date

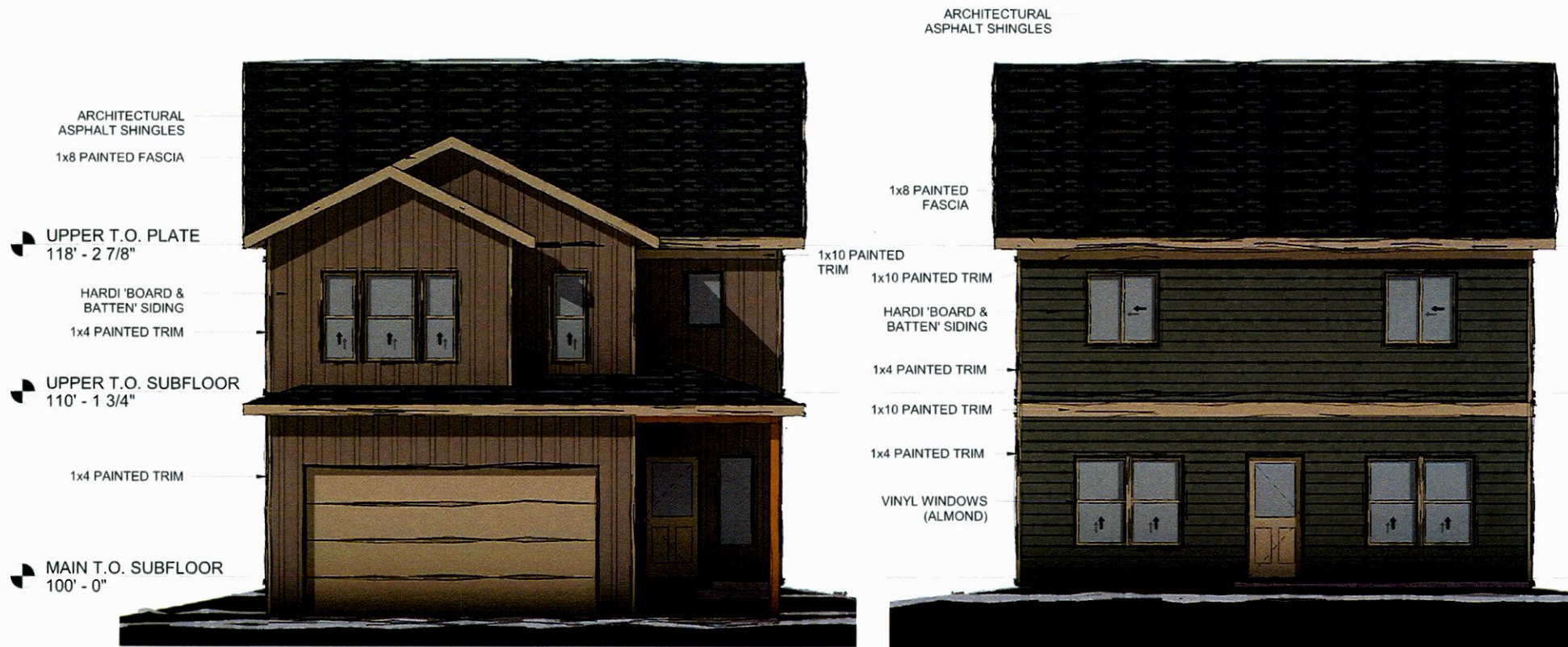
UPPER FLOOR PLAN

Project number 19-014
Date 02-25-19
Drawn by Mike Cannon
Checked by Tim Lynch

R-2

Scale 3/16" = 1'-0"

Received 4-29-19



1

PRESENTATION - FRONT ELEVATION

3/16" = 1'-0"

2

PRESENTATION - REAR ELEVATION

3/16" = 1'-0"



504 MAIN STREET, SUITE 480
LEWISTON, ID 83501
(208) 743-5902

Indian Hills PUD
Blum Construction

No.	Description	Date

ELEVATIONS

Project number 19-014
Date 02-25-19
Drawn by Mike Cannon
Checked by Tim Lynch

R-3

Scale 3/16" = 1'-0"

Received 4-29-19

LUP2019-0016

ARCHITECTURAL ASPHALT SHINGLES
1x8 PAINTED FASCIA

UPPER T.O. PLATE
118' - 2 7/8"

HARDI 'BOARD & BATTEN' SIDING

UPPER T.O. SUBFLOOR
110' - 1 3/4"

MAIN T.O. SUBFLOOR
100' - 0"

HARDI 'BOARD & BATTEN' SIDING

7.25" PAINTED
HORIZONTAL
HARDI SIDING

1x10 PAINTED FASCIA

7.25" PAINTED
HORIZONTAL
HARDI SIDING

1x4 PAINTED TRIM

ARCHITECTURAL ASPHALT SHINGLES
HARDI 'BOARD & BATTEN' SIDING
1x8 FASCIA

1 PRESENTATION - NORTH ELEVATION
1/8" = 1'-0"

UPPER T.O. PLATE
118' - 2 7/8"

7.25" PAINTED HORIZONTAL
HARDI SIDING

UPPER T.O. SUBFLOOR
110' - 1 3/4"

1x10 PAINTED FASCIA

7.25" PAINTED HORIZONTAL
HARDI SIDING

1x4 PAINTED TRIM

MAIN T.O. SUBFLOOR
100' - 0"

2 PRESENTATION - SOUTH ELEVATION
1/8" = 1'-0"



504 MAIN STREET, SUITE 480
LEWISTON, ID 83501
(208) 743-5902

Indian Hills PUD
Blum Construction

No.	Description	Date

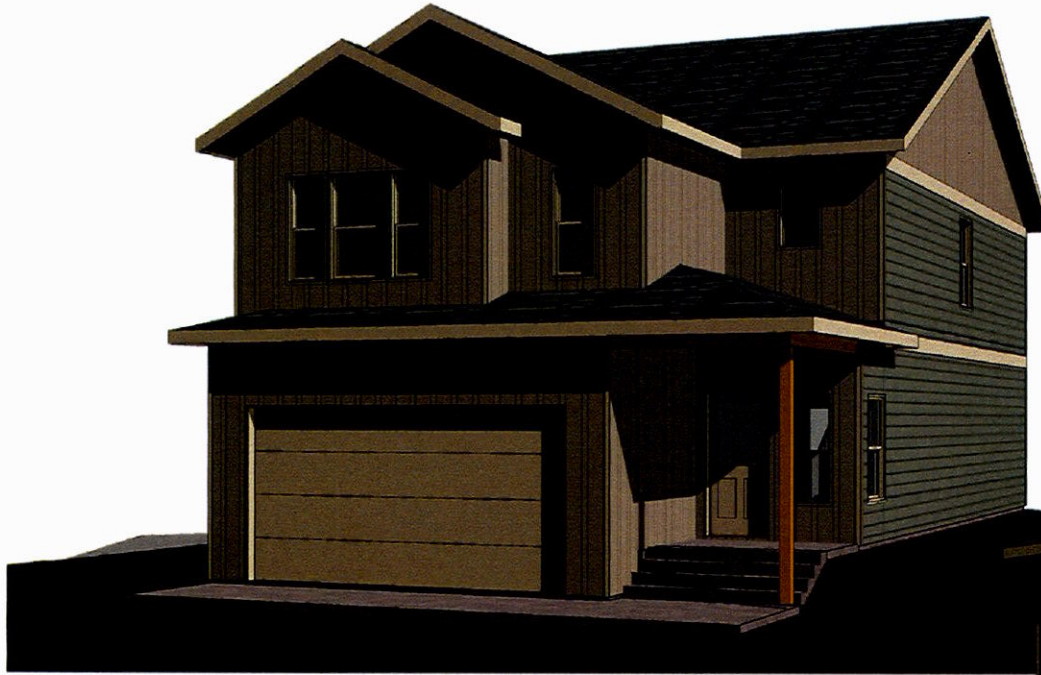
ELEVATIONS

Project number 19-014
Date 02-25-19
Drawn by Mike Cannon
Checked by Tim Lynch

R-4
Scale 1/8" = 1'-0"

Received 4-29-19

2/25/2019 4:21:50 PM



1 EXTERIOR PERSPECTIVE



2 REAR EXTERIOR PERSPECTIVE



504 MAIN STREET, SUITE 480
LEWISTON, ID 83501
(208) 743-5902

Indian Hills PUD
Blum Construction

No.	Description	Date

PERSPECTIVES

Project number 19-014
Date 02-25-19
Drawn by Author
Checked by Checker

R-5

Scale

Received 4-29-19

Moscow City Council



Regular Meeting ~Minutes~

www.ci.moscow.id.us

Laurie M. Hopkins
City Clerk

208.883.7015

Monday, June 17, 2019

7:00 PM

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

The meeting was called to order at 7:00 p.m.

PRESENT: Mayor Bill Lambert, Art Bettge, Jim Bolland, Kathryn Bonzo, Gina Taruscio, Anne Zabala

ABSENT: Brandy Sullivan

STAFF: Gary J. Riedner, Mia Bautista, James Fry, Brian Nickerson, Dwight Curtis, Mike Ray, Julie Fry, Tyson Barrett, Karen Potter, Roger Lanier, Laurie M. Hopkins, numerous police officers

PLEDGE OF ALLEGIANCE

Council Member Bonzo led the Pledge of Allegiance.

CONSENT AGENDA (ACTION ITEM)

1. All Consent Items

A. Approval of Moscow City Council June 3, 2019 Minutes - Laurie M. Hopkins

Minutes presented for approval.

ACTION: Approve minutes as presented.

B. Proposed Lot Division in an Area Generally Located East of the Intersection of Southview Avenue and Alice Street - Leah Carlson

The applicant, Thompson Family Limited Partnership, is requesting a lot division in an area generally located east of the intersection of Southview Avenue and Alice Street. The existing lot is approximately 281,003 sf or 6.45 acres in size. The applicant is proposing to create three new lots of approximately 9,600 sf, 9,650 sf, and 11,273 sf in size, leaving a remainder lot of 250,480 sf. The applicant intends to create the three lots for future development of single-family residential homes. On June 3, 2019, City Council approved a rezone of the property from Agriculture/Forestry (AF) Zoning District to Low-Density, Single-Family Residential Zoning District (R-1). Within the R-1 Zoning District, lots require a minimum lot size of 9,600 sf and a minimum lot width of 80 feet. The three proposed lots meet these requirements. There are currently no buildings on the subject property. This was reviewed by the Public Works/Finance Committee on 6/10/2019 and recommended for approval.

ACTION: Approve the lot division request with no conditions.

C. Beer Garden Request for Rendezvous in the Park 2019 -Dwight Curtis

In accordance with Moscow City Code 5-13-4(B), Rendezvous in the Park is requesting that the City Council pass a Resolution allowing them to have a beer garden catered by a licensed vendor in East City Park for Rendezvous in the Park on July 18, 19 and 20, 2019, from 4:00 p.m. to 10:00 p.m. There will be food vendors, live music, and other activities at the event. As has been approved in the past, the entire fenced off area will be designated as the beer garden to allow families to be together to watch the music festivities, as well as a secured internal alcohol dispensing area. There have been no problems associated with this set-up. Also, the fenced off area will not block public access to the restroom facility (beer garden location map attached). Police Chief James Fry is supportive of Rendezvous in the Park providing its own security as done previously. There have been no problems associated with alcohol at this event in the past. This request has also been reviewed by the City Attorney. This item was reviewed by the Administrative Committee on June 10, 2019, and recommended for City Council approval.

ACTION: Approve beer garden request for Rendezvous in the Park 2019 and adopt the attached Resolution.

D. Request by Rendezvous in the Park to Waive Permit Fees – Gary J. Riedner

Rendezvous in the Park Music and Arts Festival, is an annual event which was originally sponsored by the City of Moscow. The event is now in its 38th consecutive year and Rendezvous in the Park, Inc. a non-profit corporation, has been putting on the event for the past several decades. Rendezvous in the Park is held annually in East City Park, and is a major signature summertime music and arts festival. Each year Rendezvous in the Park, Inc. requests waiver of fees associated with installation of the downtown banner advertising the event, as well as fees for sanitation services. Staff has authority to waive those fees and has traditionally granted the waiver. Staff has received a request from Rendezvous in the Park, Inc. co-President Cyndi Faircloth, requesting waiver of the following additional fees: 1. Stage rental at \$75 per day for 5 days (\$375); 2. Recycling fee at \$50; 3. Alcohol permit fee at \$100 and tax at 25.50 (\$125.50), for a total cost is \$550.50. The rationale for waiver of these fees is in recognition of Rendezvous in the Park's origin as a City-sponsored event, which continues to benefit the City, and is now being produced by the non-profit organization at no additional cost to the City. Staff is requesting that authority be granted to the City Supervisor to waive such fees at his/her discretion in the future. This was reviewed by the Administrative Committee on June 10, 2019 and recommended for approval.

ACTION: Approve waiver of City fees associated with 2019 Rendezvous in the Park Music and Arts Festival, and that the City Supervisor be granted the authority to waive such fees in the future at his/her discretion.

Bettge moved, Boland seconded, approval of the consent agenda as presented. Roll Call
Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

2. Staff Recognition Report - Gary J. Riedner

Gary introduced Brad Johnson, Division Administrator of POST. He provided highlights of Fry's work history and accomplishments and presented the POST Executive award, and Fry said a few words.

3. Mayors Appointments (ACTION ITEM)

None offered.

4. Public Comment and Mayor's Response Period (limit 15 minutes)

David Hall, Wallen Rd, Moscow, commented that another season of Farmers Market isn't supporting recycling. The FMC has been studying it and he feels it is about time to get something started.

Victoria Lilly, Lilly St, Moscow, said she is loving the wisescapes outside City Hall. The mural on the Water Department building is beautiful.

Dulce Kersting-Lark, introduced Kendra Ewing with the Chamber of Commerce. Ewing described the Crossroads: Change in Rural America Smithsonian exhibit visiting Moscow at the Chamber with a series of events, beginning Saturday, June 22 with a bus tour and an opening party on August 23.

5. Public Hearing: Indian Hills East Addition Preliminary Plat and Planned Unit Development (ACTION ITEM) - Mike Ray

The applicant, Noel Blum, is proposing to subdivide a 41,151 square foot parcel located at 1330 Indian Hills Drive to allow for 10 single-family dwellings on lots ranging from 2,660 sf to 3,910 sf in size. Mr. Blum is also requesting a PUD to allow for a reduction in the minimum lot size, minimum lot width, setbacks, and to accommodate a private street through the development. The Planning and Zoning Commission conducted a public hearing for this matter on May 22, 2019 and recommended approval of the preliminary plat with two conditions and recommended approval of the PUD with no conditions.

1. Conduct the public hearing upon the proposed PUD and upon consideration of any testimony presented, approve the PUD for Indian Hills East Addition; or approve the PUD with conditions; or reject the PUD; or take other action as deemed appropriate.
2. In accordance with the decision upon the PUD, adopt the Planning and Zoning Commission's Reasoned Statement of Relevant Criteria; or direct Staff to prepare a Reasoned Statement of Relevant Criteria for the Council's consideration at a future meeting.
3. Conduct the public hearing upon the proposed Indian Hills East Addition preliminary plat and upon consideration of any testimony presented, approve the preliminary plat with the two (2) conditions recommended by staff; or approve the preliminary plat with no conditions; or reject the preliminary plat; or take other action as deemed appropriate.
4. In accordance with the decision upon the preliminary plat, adopt the Planning and Zoning Commission's Reasoned Statement of Relevant Criteria; or direct Staff to prepare a Reasoned Statement of Relevant Criteria for the Council's consideration at a future meeting.

Ray introduced the item by describing the neighborhood zoning, comprehensive plan designation, and the Residential Office Zone and PUD requirements. Street and utility systems were described. A

"Type A" buffer is required and the parkland requirement has been met.

The City is not responsible for maintenance of the private drive. The developer can set up a homeowners association for the maintenance. Homeowners would be responsible for the landscaping including the adjacent tree lawn. With the lack of space in the backyard on the west side of the development, the driveways were allowed to be 17 feet and may overhang the sidewalk.

Mayor Lambert opened the public hearing at 7:31 p.m.

Curtis Blum, Highway 8 Troy, applicant, explained they are trying to create affordable housing in the \$250,000-275,000 range with 1500-2000 square feet. He confirmed an HOA would be created for maintenance.

Garrett Thompson, Pinecrest Rd Moscow, said he gives the project his blessing.

Chris Sawyer, Sherwood St Moscow, feels this is a great asset for Moscow. He is a real estate agent and these types of options are limited.

The public hearing was closed at 7:35 p.m.

Boland moved to approve the PUD for Indian Hills East Addition. Taruscio seconded. Roll Call
Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Boland moved to approve the preliminary plat with the two conditions recommended by staff (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). Bettge seconded. Roll Call
Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Bettge move to adopt the Planning and Zoning Commission's Reasoned Statement of Relevant Criteria regarding the PUD. Taruscio seconded. Roll Call
Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Taruscio moved to adopt the Planning and Zoning Commission's Reasoned Statement of Relevant Criteria regarding the preliminary plat. Bonzo seconded. Roll Call
Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

6. Ice Rink Extension Request (ACTION ITEM) – Gary J. Riedner

By adoption of Resolution 2017-13 on June 19, 2017, the Moscow City Council approved a commitment of \$1 million of Hamilton Funds to Palouse Ice Rink for construction of an ice rink facility. The Resolution sets the parameters of the City's commitment, which expires on June 28, 2019. The Palouse Ice Rink applied for an extension of the conditional use permit for the ice rink at its current location and that conditional use permit was granted by the Moscow Zoning Board of Adjustment on May 22, 2019, and has a term of three years, with an expiration date of May 22, 2022. Christina Randal, fundraiser for the Palouse Ice Rink, has asked to meet with the City Council to request an extension of the City's commitment of \$1 million of Hamilton funds. Staff has attached the request and accompanying materials, as well as documents pertinent to the original request and

commitment.

PROPOSED ACTIONS: Receive request for extension of \$1 million of Hamilton Funds from Palouse Ice Rink and approve request with conditions; or deny request; or take such other action deemed appropriate.

Riedner introduced the item as written above. If the Council extends funding, staff recommends continuing the conditions in the original resolution. The Hamilton fund has a little over \$2 million.

Christina Randal, Logan St Moscow, asked Palouse Ice Rink (PIR) Board Member Travis Wambecke to provide the presentation.

The meeting was recessed at 7:44 p.m. and reconvened at 7:50 p.m.

Wambecke, Lorian Ln Moscow, provided a background of the ice rink beginning in 2001. PIR is a non-profit with 9 board members. The ice rink provides physical activity and education programs as well as brings economy to the city. With a full size rink, PIR would be able to host tournaments. PIR is looking for major organizations and partners to help leverage the community support to complete this project. A renewed commitment of \$1 million of matching Hamilton funds can motivate donors to contribute to this effort and help us raise the funds needed. Project costs, current donations and operational costs were discussed. PIR has approached corporate and major donors outside the Moscow community as well as grants. They have also looked at different locations but all increase costs.

Boland moved to extend the terms of the Hamilton Funds for the PIR in conjunction with the extension of the CUP and direct staff to draft a resolution with updated numbers. Zabala seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

7. Surplus of Fire Engine to Rural Fire Districts (Genesee and Wheatland) (ACTION ITEM) – Gary J. Riedner

In April of 2018, the City of Moscow took delivery of a new fire engine to replace the existing Engine 26, and the following spring took delivery of a second new engine to replace Engine 27. The two retired engines have been surplused and retired from service. The City listed retired Engine 26 for sale in the summer of 2018 for \$25,000. No offers were received. The engine was also listed with a consignment fire apparatus dealer in Colorado and no offers have been received. Chief Nickerson has contacted local fire departments to determine interest in the retired engines. In April 2019, Wheatland Fire Protection District contacted the City to offer \$3,500 on several year payment-plan for retired Engine 26. Genesee Fire Department also noted interest in retired Engine 27. With the lack of interest in resale of both retired engines, they will continue to sit idle, requiring storage and maintenance by City staff. Both Wheatland and Genesee agencies face limited resources, as they serve smaller rural communities. As such, City staff proposes selling retired Engine 26 to the Wheatland Fire Protection District for \$1 and retired Engine 27 to the Genesee Fire Department for \$1. This was reviewed by the Administrative Committee on June 10, 2019 and recommended for approval.

PROPOSED ACTIONS: (1) Approve sale of retired Engine 26 to Wheatland Fire Protection District for \$1, or take other such action deemed appropriate. (2) Approve sale of retired Engine 27 to Genesee Fire Department for \$1 or take other such action deemed appropriate.

Riedner introduced the item as written above. Nickerson introduced Mayor Steve Odenborg and Fire Chief Bill Krick of Genesee. Krick said a few words and thanked the City Council for consideration of the donation. Nickerson introduced Assistant Chief Schnatz of Wheatland who said a few words of thanks. Bettge moved and Taruscio seconded to approve the sale of retired Engine 26 to Wheatland Fire Protection District for \$1, the sale of retired Engine 27 to Genesee Fire Department for \$1. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

REPORTS

City Council

Transportation Commission - Boland reported the grand opening for the pedestrian bridge on Third Street is scheduled for July 29.

Moscow Arts Commission - Bettge said the Commission worked on the calendar for the Third Street Gallery events and discussed possible funding account for art related requests.

Moscow Pathway Commission - Zabala heard a presentation by Amber Corvalis regarding the northeast Chipman Trail.

Palouse Basin Aquifer Committee - Zabala said the Committee had their retreat and discussed funding opportunities for grants and pursuit for a more robust public involvement.

Planning and Zoning Commission - Zabala reported the Commission finalized recommendation for the use table and discussed accessory dwelling units.

Council Members reported on other events

Mayor

Mayor Lambert said he attended the Airport Board where they rejected bids for fencing and the old WSU buildings.

Staff

No report.

ADJOURN to Executive Session per Idaho Code 74-206 (1)(a) – The meeting will not reconvene.

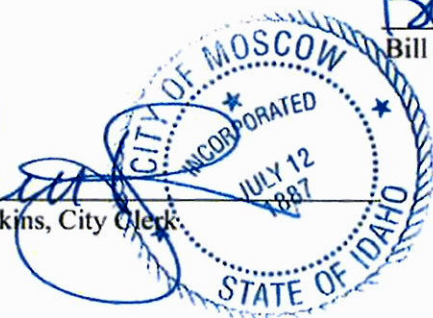
Bonzo moved, Boland seconded to adjourn to executive session at 8:45 p.m.

ATTEST:

Maurie M. Hopkins, City Clerk



Bill Lambert, Mayor



CITY OF MOSCOW
MINUTES OF CITY COUNCIL EXECUTIVE SESSION
June 17, 2019

Present: Mayor Lambert, Art Bettge, Jim Boland, Kathryn Bonzo, Brandy Sullivan, Anne Zabala

Also Present: Gary J. Riedner, City Supervisor; Mia Vowels, City Attorney,

The executive session was called to order at 8:49 p.m.

Item discussed pursuant to I.C. 74-206(1)(a)

The executive session was adjourned at 9:59 p.m.

**BEFORE THE CITY COUNCIL
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, this matter came before the Moscow City Council during a duly noticed public hearing on June 17, 2019; and

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

THE CITY COUNCIL OF THE CITY OF MOSCOW, IDAHO, AFTER DUE DELIBERATION AND CONSIDERATION, HEREBY CONCLUDES:

I. RELEVANT FACTS AND CONCLUSIONS

1. The City Council 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 ($10 \text{ du} \times 2.25 \text{ occupants/du} \times 114 \text{ gallons/occupant} \times 365 \text{ days/year} = 936,225 \text{ gallons/year}$).
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 CITY COUNCIL 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 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.
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. 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 is being proposed in this circumstance. Therefore, the Council finds that the proposed preliminary plat is consistent with the Comprehensive Plan.
3. **Public Services and utilities are available or can be made available and are adequate to accommodate the proposed subdivision.** 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.
4. **The proposed subdivision will not be detrimental to the public health, safety, or general welfare.** The proposed preliminary plat provides single family dwellings on small lots that will be served by a private street, which 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 City Council 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 CITY COUNCIL OF THE CITY OF MOSCOW this 17th day of June, 2019.



Bill Lambert, Mayor

**BEFORE THE CITY COUNCIL
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, this matter came before the Moscow City Council during a duly noticed public hearing on June 17, 2019; and

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

THE CITY COUNCIL OF THE CITY OF MOSCOW, IDAHO, AFTER DUE DELIBERATION AND CONSIDERATION, HEREBY CONCLUDES:

I. RELEVANT FACTS AND CONCLUSIONS

1. The City Council 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 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 CITY COUNCIL 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 Council 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 City Council of the City of Moscow approves 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 CITY COUNCIL OF THE CITY OF MOSCOW this 17th day of June, 2019.



Bill Lambert, Mayor

ORDINANCE NO. 2020 -

AN ORDINANCE OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE REPEAL OF TITLE 5, CHAPTER 1, RELATING TO SUBDIVISIONS; PROVIDING FOR THE AMENDMENT OF MOSCOW CITY CODE TITLE 4, CHAPTER 1, RELATING TO GENERAL PROVISIONS OF MOSCOW ZONING CODE; PROVIDING FOR THE ADDITION OF TITLE 4 CHAPTER 12, RELATING TO LOT LINE ADJUSTMENT, LOT DIVISION AND SUBDIVISION PLATS; 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,

WHEREAS,

WHEREAS,

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 5, Chapter 1 be repealed in its entirety:

Sec. 1-1. Definitions.

- ~~A. Subdivider includes developer, and may be an individual, corporation, association, firm or group who undertakes the subdividing of a lot, tract, or parcel of land for the purpose of transfer of ownership or the development of lots for residential purposes or for the purpose of commercial development.~~
- ~~B. Subdivision. The division or development of a developed or undeveloped lot, tract, or parcel of land, platted or unplatted and laid out or to be laid out in building lots, for homes or commercial developments which may or may not include streets, highways, alleys, or other portions of the same intended to be dedicated to public use.~~
- ~~C. Zoning Code. The Zoning Code means Title 4 of this Code.~~

Sec. 1-2. Approval of Plat.

~~— No 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 Planning and Zoning Commission and Council, which shall ascertain, before approving it, that the said plat has satisfied all of the requirements of this Chapter and the Zoning Code.~~

Sec. 1-3. Appeals.

~~— Any aggrieved person whose plat or parcel of land has been rejected or disapproved by the Planning and Zoning Commission may petition the Council for a hearing.~~

Sec. 1-4. Authority and Permits.

- ~~A. 1. Requirements of this Chapter 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 Chapter, as amended or subsequently codified.~~
- ~~— 2. Standards for subdivisions required by this Chapter are imposed pursuant to authority in Idaho Code Section 67-6518, as amended or subsequently codified.~~
- ~~— 3. No public improvement(s) required by this Chapter pursuant to Idaho Code Section 67-6513 (including, but not limited to, such subsections 5-1-5(D) and 5-1-5(E) herein) 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, as of the time of the application for subdivision development.~~
- ~~B. 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 Chapter unless and until the requirements hereof shall have been fully complied with.~~
- ~~(Res. 99-01, 2/16/99; Ord. 99-09, 3/1/99)~~

Sec. 1-5. General Requirements.

- ~~— The following shall be considered minimum requirements and shall apply except when specifically permitted to deviate by the Planning and Zoning Commission.~~
- ~~A. Property Lines: Blocks shall not be longer than six hundred sixty feet (660') between street intersections, unless, because of some peculiar conditions, a longer block shall be approved by the Planning and Zoning Commission. 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 plan. Such variation must be approved by the Planning and Zoning Commission. Lots with double frontage shall be avoided where practicable. Building setback lines, if shown, shall show a building setback not less than that required by the zoning provisions of the City. Monuments at lot corners, block corners, points of street intersections, and such other points as may be necessary to make the retracing of the lines as shown on the final plat reasonably convenient; shall be in conformity with the Idaho Code and the standards of the City.~~
- ~~B. Streets and Alleys: All subdivision streets shall conform to the highway plan for the City, both as to location and width. The minimum width of right of way for streets shall be fifty feet (50'). The arrangement of streets in new subdivisions shall make reasonable provision for the continuation of the principal existing streets in adjoining subdivisions, or their proper projections when adjoining property is not subdivided. Insofar as they may be made for new streets of a width deemed advisable by the Planning and Zoning Commission. In general, such streets shall be at least as wide as the existing streets, except that in no case shall the width of the right of way be less than the minimum specified herein. The street and alley arrangement must also be such as to cause no hardship to owners of adjoining property when they plat their land and seek to provide for convenient access thereto. This arrangement must also provide for continuing a reasonable number of through utility lines. Dead-end streets shall have a turnaround at the end with a minimum radius of forty feet (40') right of way unless the street is intended for access, in the future, to adjoining property. Reserve strips on outer boundaries of a subdivision may be established to control access to a partial width street, upon approval of the Planning and Zoning Commission and provided that such subdivision be accompanied by agreement to dedicate such strip or strips when sufficient ground is made available for public use to permit widening of said strip to its normal width. No other reserve strips controlling access to public ways shall be permitted, except when the control and disposition of land comprising such strips are placed within the jurisdiction of the City under conditions specified by the Planning and Zoning Commission and attached to the plat. Streets shall intersect each other as near as practicable to right angles. Street names shall be approved by the Planning and Zoning Commission to conform with the uniform plan~~

for street names heretofore or hereafter adopted by the City. All streets and alleys shall be completed to the grades which have been officially approved or determined, or shown upon approved plans and profiles. The minimum width of any dedicated alley shall be twenty feet (20'). Alleys may be required in all blocks where the lots are less than fifty feet (50') in width, along the rear line of business property, and in the rear of all lots fronting major thoroughfares. Where alleys are not provided, easements of not less than ten feet (10') in width shall be provided on each side of all rear lot lines and side lines where necessary, for poles, wires, conduits, storm or sanitary sewers, gas and water lines. Easements of greater width may be required along lines across lots or along boundaries where necessary for surface overflow or for the extension of main sewers or other utilities. No irrigation ditches shall be permitted on public roads except where acquired by vested rights or where crossing public roads.

~~C. Land Required for Other Public Purposes: Land required for public purposes other than for streets, alleys, or utilities may be dedicated to the City if approved and accepted by the Council.~~

~~D. Utilities: All water mains, valves, hydrants and connections to the City water distribution system, all sewer mains, manholes, appurtenances and connections to the City sewer system, including all storm sewers, inlets, appurtenances, and connections, if necessary, shall be provided and installed by the subdivider. These installations shall all be in accordance with the standards and specifications of the City.~~

~~E. Streets and Alleys:~~

~~1. All streets shall be constructed in accordance with the Standard Construction Specifications and Drawings adopted by the Council from time to time. When requested by a developer, the City Engineer shall make specific findings that application to an individual subdivision of the City Standard Construction Specifications and Drawings, in whole or in part, is necessary to mitigate the effects of 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 development. Such specific findings by City Engineer shall be made prior to approval of any improvements required by Sections 5-1-5(E) and/or (D) of this Code and within forty-five (45) days following the receipt by the City of developer's completed application for the building permit. If the developer fails to request such specific findings before the completion of the application for building permit, such failure to so request shall act as acceptance by the developer of the improvements required by the Standard Construction Specifications and Drawings and shall waive developer's right to object to the required public improvements. Any aggrieved person may appeal such findings of the City Engineer to the Council.~~

~~2. All costs of the improvements required by this subsection E. shall be borne by the owners or subdividers.~~

~~3. No building permit shall be issued for a principal structure unless improvements required by Section 5-1-5, subsections D. and E., have been shown on plans submitted to and approved by the City Engineer and constructed, bonded for, or specifically waived by the Council. These improvements shall be required for all streets adjacent to the lot on which the structure is to be constructed.~~

~~F. Dedication of Parkland:~~

~~1. 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 re-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.~~

~~2. Amount of land to be dedicated:~~

~~— a. The amount of land to be dedicated shall be a portion of the net developable area. The net developable area will be computed by calculating, from the plat or site plan, the land area exclusive of proposed or existing streets and other public lands.~~

~~— b. The amount of land to be dedicated shall be a percentage of the net developable area, as follows unless the result of applying the percentage is demonstrated by the applicant or developer to be manifestly unjust:~~

Single Family Residence Zoning Districts (FR, SR, R-1, and R-2)	5%
Two Family Dwelling Zoning Districts (R-3)	7%
Multiple Residence Zoning Districts (R-4, and RO)	9%
Commercial Zoning Districts (NB, RTO, CB, GB, I, and MB)	9%

~~— c. An agreement between the City and the applicant or developer may be executed permitting the payment in lieu of dedication over a period of time for commercial zoning districts (NB, RTO, CB, GB, MB and I) if the City determines such payment in lieu of dedication is in the best interest of the City. Payment in lieu of dedication may be paid as development takes place.~~

~~— d. 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 park land purposes, or from a Zoning District not requiring dedication to one that does, then dedication of the park land or additional park land required for the subdivision by this Section, or payment in lieu of dedication, becomes due before the Zoning District change becomes effective.~~

~~3. Where private space for park purposes is provided in a proposed subdivision, re-subdivision or lot division, such areas may be credited proportionately against the requirement for park land dedication or payment in lieu of dedication if the Council finds that:~~

~~— a. Such arrangement will be consistent with the program for development of public park lands in the area; and~~

~~— b. The proposed park land will provide benefits to the users equivalent to those that would be provided by the credited portion of public park land; and~~

~~— c. The land is reasonably suitable for the proposed park use; and~~

~~— d. Adequate written assurances, in the form of the development agreement and a financial commitment, are submitted guaranteeing that the space will be developed in a timely fashion for the park activity for which the land is intended; and~~

~~— e. The long term preservation of the space, the right of the public to access and to use the space, and its adequate operation and maintenance are provided for in a written agreement enforceable by the City, a copy of which shall be recorded in the office of the Latah County Recorder.~~

~~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 park land 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, resubdivision or lot division.~~

~~— b. If the value of such land cannot be determined satisfactorily by the City and the developer, the following procedure shall determine value:~~

~~— (1) 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.~~

~~— (2) If neither offer is accepted, an appraiser, selected jointly by the City and the developer shall determine the value.~~

~~— (3) If the parties cannot agree on selection of an appraiser, the names of two (2) Member Appraisal Institute appraisers, one (1) 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.~~

~~— (4) 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.~~

~~— c. 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 park lands 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 were collected. If the Council finds that the development is served by an adequate amount of park land, then the payment in lieu of dedication may be used to purchase landscaping materials or for other capital improvements to develop the park lands most conveniently serving the needs of those who will be users of the development.~~

~~— d. 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.~~

~~— e. 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.~~

~~6. Dedicated park land may be sold or traded only if the proceeds are used to acquire other park lands which in the judgment of the Council will better serve those who would be users of the park land sold.~~

~~7. Where the Council requires more than single point access to a parcel of land proposed for dedication, the City shall be responsible for a proportional share of the improvements serving the park land beyond those provided at the single access point.~~

~~8. 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.~~

G. ~~Areas of Special Flood Hazard (as defined in Title 4 of this Code):~~

~~1. All subdivision proposals shall be consistent with the need to minimize flood damage.~~

~~2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.~~

~~3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.~~

~~4. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain fifty (50) or more lots or five (5) or more acres.~~

5. ~~Utilities:~~

~~— a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.~~

~~— b. New and replacement sanitary sewage systems shall be designed to minimize infiltration of flood waters into the systems and discharge from the systems into flood waters.~~

H. ~~Stormwater Runoff Control: All subdivisions shall conform to the stormwater runoff control requirements contained in Title 5, Chapter 15 of this Code.~~

~~Ref. Idaho Code § 67-6513; Res. 99-01, 2/16/99; (Ord. 85-15, 11/18/85; 86-05, 4/7/86; 86-31, 12/15/86; 88-13, 11/21/88; 97-04, 4/21/97; 97-07, 4/7/97; 97-08, 4/7/97; 97-09, 4/7/97; 99-23, 7/6/99; 99-25, 7/19/99; 99-32, 10/4/99; 2000-11, 6/19/00; 2007-17, 12/03/2007)~~

Sec. 1-6. Acreage Subdivision.

~~— When a parcel is subdivided into larger tracts than required for individual building lots, such parcel shall be divided so as to allow for the opening of major streets and the ultimate extension of minor streets.~~

Sec. 1-7. Property Within One Mile of the City.

~~— Property partially or totally within one mile as measured to the nearest recorded city limits line of the City when subdivided, platted, or replatted shall be done as required in the Idaho Code.~~

Sec. 1-8. Preliminary Plats.

~~— In seeking to subdivide land into building lots and to dedicate streets, alleys or other land for public use, the owner shall submit five (5) copies of a preliminary plat (which plat may be in pencil), so marked, to the Planning and Zoning Commission for its approval, before submitting the final plat. The preliminary plat, along with the required fees and the names and addresses of adjoining property owners, shall be submitted at least fourteen (14) days before the Planning and Zoning Commission hearing date. A public hearing shall be held by the Planning and Zoning Commission which shall act on the application within forty five (45) days of the hearing date. The Planning and Zoning Commission shall forward its recommendation on the preliminary plat to the Council. The Council shall review the preliminary plat and recommendation, and shall accept or reject the preliminary plat as submitted, accept it with specified changes, or return the matter to the Planning and Zoning Commission for further public hearing and recommendation.~~

~~A. The preliminary plat shall be drawn to a scale not smaller than one inch (1") equals two hundred feet (200') and shall show:~~

- ~~— 1. Existing property lines, streets, and alleys with their names, buildings, water courses, other features and section corners.~~
- ~~— 2. The title under which the proposed subdivision is to be recorded and the name of the subdivider.~~
- ~~— 3. The location of existing sewer and water lines, streets, and other utilities.~~
- ~~— 4. Date, north point, scale and name of surveyor or engineer.~~
- ~~— 5. The names of all adjoining subdivisions with lines of abutting lots, the owners and departing property lines of adjoining properties not subdivided, and the locations, names and widths of existing streets and alleys and similar facts regarding property which is immediately adjacent. The Planning and Zoning Commission may require a contour map showing contour intervals consistent with the shape of the ground.~~

~~B. Preliminary plats will be checked for:~~

- ~~— 1. Conformity to the highway plan of the City and the State.~~
- ~~— 2. Conformity to the probable development of adjacent properties.~~
- ~~— 3. Conformity to the existing street system of the City.~~
- ~~— 4. Lot size and arrangement.~~
- ~~— 5. Necessary public utility easements.~~
- ~~— 6. Proposed protective covenants.~~
- ~~— 7. Conformity to the existing zoning regulations.~~

~~— 8. Availability of water and sewage facilities.~~

~~C. 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 streets and alleys must be approved by the Planning and Zoning Commission.~~

~~— One (1) copy of the approved preliminary plat will be kept on file for public examination and one shall be returned to the owner. Such 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 of 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).~~

~~(Ord. 2010-22, 10/18/2010; 2016-04, 04/04/2016)~~

Sec. 1-9. Final Plat.

~~— The final plat, including the legal description of the exterior boundaries of the subdivision, must be prepared in accordance with the Idaho Code. The original tracing together with four (4) prints shall be submitted to the Planning and Zoning Commission for its approval at least two (2) days before the Planning and Zoning Commission meeting. If approved, the tracing and prints shall have endorsed thereon the approval of the Planning and Zoning Commission, and the acceptance of the Council. Of the prints, so endorsed, one copy shall be retained by the Planning and Zoning Commission; one copy shall be delivered to the Council; and two (2) copies shall be returned to the subdivider along with the original tracing. Approval of the Planning and Zoning Commission 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 Planning and Zoning Commission's approval. Upon written request by the subdivider, the Planning and Zoning Commission may grant one hundred eighty (180) day extensions if the Planning and Zoning Commission finds conditions in the area have not significantly changed since the Planning and Zoning Commission's original approval. The final plat shall be checked for conformity with the approved preliminary plat, and shall show:~~

~~A. The boundaries of the property, the names and widths of all proposed streets and alleys and the boundaries of all other portions intended to be dedicated to the public use.~~

~~B. The exact length and bearing of the center lines of all streets and rights-of-way and the exterior boundary of the plat.~~

~~C. The angle of departure of adjoining property, street and alley lines.~~

~~D. Widths and names of abutting streets and alleys, the names and boundaries of all subdivisions which have been previously recorded, and adjacent thereto, must be shown upon the plat offered for record, in dotted lines, to show their relationship to the subdivision offered for record; if adjoining land is unplatted show same as such.~~

~~E. All lot areas and symbols for all lots and blocks. All lots and blocks must be numbered separately.~~

~~F. All dimensions, both linear and angular, for locating boundaries of subdivision, lots, streets, alleys, public easements and private easements. The linear dimensions shall be expressed by bearings. All curves shall be circular arcs and shall be defined by the radius, central angle, tangent, arc and chord distances. The description and location of all monuments shall be shown, and chord bearing, if not tangent. All dimensions, both linear and angular, are to be determined by an accurate control survey in the field which must balance and close within a limit of one in five thousand (1 in 5,000). Plat dimensions shall be adjusted to close precisely. The owner shall show that the County has checked the plat as required by the Idaho Code and the owner shall be responsible for any fee imposed therefor.~~

- ~~G. A definite tie between not less than two (2) prominent points on the exterior boundary of the subdivision and the triangulation system of the County as established by the United States Government and supplemented by the County, either by bearing and distance or by rectangular coordinate. The said tie may be made to a line of a County plat, or a plat of a neighboring subdivision which conforms to the above requirements.~~
- ~~H. The title under which the subdivision is to be recorded, with the name of the surveyor platting the tract. 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. The name and title of the subdivision shall not duplicate the name of any existing subdivision.~~
- ~~I. Date, north point, scale. Minimum scale shall be one inch equals one hundred feet (1"=100'). Street profiles showing continuity to adjoining property shall be required where the contour of the surface warrants such consideration. (Ord. 99-25, 7/19/99)~~

~~Sec. 1-10. Subdivision Improvements; Agreement and Security.~~

- ~~A. Before the final subdivision plat is signed by the Mayor, all Developers shall be required to complete all of the improvement work required under Sections 5-1-5(D) and (E) of this Chapter. Such Developer shall dedicate said public improvements and property to the City free and clear of all liens and encumbrances on the dedicated property and public improvements.~~
- ~~B. In lieu of completing all of the required public improvements, before approval of the final site plan by the Council the Developer may execute and file an agreement with the City specifying the period of time within which the Developer shall complete all improvement work required under Sections 5-1-5(D) and (E) of this Chapter, and providing that if the Developer shall fail to complete such work within the specified period or fail to maintain such improvements and correct deficiencies therein as may be directed by the Council or the Director of Public Works during a period of one (1) year following completion and acceptance of such improvements, the City may, at its option, direct the completion of such work and recover the full cost and expense thereof from the Developer. The agreement may also provide for:~~
- ~~1. Construction of the improvement in units;~~
 - ~~2. An extension of time under conditions therein specified;~~
 - ~~3. The termination of the agreement upon the completion of proceedings under a local improvement district for the construction of improvements deemed by the Council to be at least the equivalent of the improvements specified in said agreement and required to be constructed by the Developer; and/or~~
 - ~~4. Proportional refund or release of security for completed improvements to the Developer from any Developer security which is set forth in Section 5-1-5(C) of this Chapter and filed with the agreement.~~
- ~~C. 1. To assure such Developer's full and faithful performance of the agreement set forth at 5-1-10(B) of this Chapter, the Developer shall also file with the agreement one of the following forms of security:~~
- ~~a. certified check;~~
 - ~~b. cashier's check;~~
 - ~~c. cash;~~
 - ~~d. irrevocable letter of credit from a certified bank or financial institution;~~
 - ~~e. any other form of security which is approved by the Council.~~
- ~~2. Any form of security as set forth at 5-1-10(C)(1)(a through e) of this Chapter shall be in an amount as determined by the City, sufficient to cover the cost of said public improvements which are required by the Council and the maintenance, corrections, and inspections, engineering and administration thereof. The amount of the security shall be the City Engineer's estimated cost of the work to be completed plus ten percent (10%) contingency plus twelve percent (12%) engineering and administration costs.~~
- ~~3. The City may accept cash in the amount of the City Engineer's estimated cost of the required public improvements plus ten percent (10%) contingency plus twelve percent (12%) Engineering and Administration costs in lieu of the security required in this subsection C if the City Engineer determines it to be in the best interest of the City to do so. Cash paid to the City pursuant to this subsection shall~~

be utilized to pay the cost of completing said public improvements and shall relieve Developer from any further payment and/or expense regarding said public improvements.

~~D. In the event the Developer shall fail to complete all improvement work in accordance with the provisions of this Chapter and Title and in accordance with the agreement and the City shall have completed same, the City may utilize the security to pay costs of completing said public improvements, including construction, engineering, and administration.~~

~~E. No extension of time, or releases of any form of security required herein shall be made except upon certification by the City Engineer that work covered Hereby has been satisfactorily completed.
(Ord 98-32, 9-8-98; 99-25, 7/19/99; 2001-09, 05/07/01)~~

~~Sec. 1-11. Subdivision Development Fee Schedule.~~

~~—The Council shall, from time to time, adopt and amend subdivision fees by resolution.~~

SECTION 12: That Moscow City Code Title 4, Chapter 1 be amended as follows:

Sec. 1-7. Nonconformities.

A. Intent:

1. Within the zoning districts established by this Zoning Code or amendments thereto, there exist lots, structures, uses of land and structures, and characteristics of uses and structures which were lawful before this Zoning Code was enacted or amended, but which would be prohibited, regulated, or restricted under the terms of this Zoning Code or future amendment. It is the intent of this Zoning Code to permit these nonconformities to continue until they are removed, destroyed or lost by time, but not to encourage their survival. Further it is the intent of this Zoning Code that nonconformities shall not be enlarged, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same zoning district.

2. Nonconforming uses are declared by this Zoning Code to be incompatible with permitted uses in the same zoning district. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this Zoning Code by attachment to a building or by the addition of other uses, of a nature which would otherwise be prohibited in the same zoning district.

3. To avoid undue hardship, nothing in this Zoning Code shall be deemed to require a change in the City-approved plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Zoning Code and upon which actual building construction has since been diligently pursued. Actual construction includes the placing of construction materials in permanent position and fastening in a permanent manner. Where excavation, demolition, or removal of an existing building has been substantially begun in preparation for rebuilding, such excavation, demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on.

B. Nonconforming Lots of Record:

1. In any zoning district in which single family dwellings are permitted, where any single lot of record existing as of the effective date of adoption of this Zoning Code has been previously approved by the City, a single family dwelling and customary accessory buildings

may be erected on such lot. This provision shall apply even if such lot otherwise fails to meet the requirements for area or width, or both, which are generally applicable in the district. Such lot shall conform to yard dimensions and requirements other than those applying to lot area or width for the zoning district in which such lot is located. Variance of yard requirements may be granted only pursuant to the procedure set forth in this Zoning Code.

2. Legal lots of record that have been approved by the City Council prior to the adoption of this Zoning Code and which do not abut a public street right-of-way shall be excepted from meeting street frontage requirements so long as sufficient permanent legal access is available (via public right-of-way, private access easement, or other legal means) to provide safe and convenient access for servicing, fire protection, and required off-street parking.

- C. Nonconforming Use of Land (or land with minor structures only): Where at the time of passage of this Zoning Code, or of an amendment thereto, lawful use of land exists which would not be permitted by the regulations imposed by this Zoning Code or an amendment, and where such use involves no individual structure with a replacement cost exceeding Two Thousand Dollars (\$2,000), such use may be continued as long as it remains otherwise lawful, provided:
1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Zoning Code; and
 2. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that physically occupied by such use on the effective date of adoption or amendment of this Zoning Code; and
 3. If any such nonconforming use of land ceases for any reason for a period of more than thirty (30) days, any subsequent use of such land shall conform to the regulations specified by this Zoning Code for the zoning district in which such land is located. This provision shall not apply when the discontinuance or abandonment is caused by government action impeding access to the premises; and
 4. No additional structure not conforming to the requirements of this Zoning Code shall be erected in connection with such nonconforming use of land.
- D. Nonconforming Structures: Where a lawful structure exists on the effective date of adoption or amendment of this Zoning Code that could not be built under the terms of this Zoning Code by reason of standards for area, lot coverage, height, yards, the structure's location on the lot, or other requirements concerning the structure, such structure may be retained if it remains otherwise lawful, subject to the following provisions:
1. No such nonconforming structure may be enlarged or altered in any manner which increases its nonconformity, except as provided in M.C.C. 4-1-8(D)(4) below; and
 2. Should such nonconforming structure or nonconforming portion of structure be destroyed by no fault of the owner (fire, flood, natural disaster, etc.), it may be reconstructed having the same zoning nonconformities, but no more than as existed before the damage occurred;
 3. Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved; and
 4. A nonconforming structure may be enlarged or altered with the same zoning nonconformities through the issuance of a Conditional Use Permit.
- E. Nonconforming Uses of Structures or of Structures and Premises in Combination: If lawful use of individual structures with a replacement cost of Two Thousand Dollars (\$2,000) or

more, or of such structures and land in combination, exists on the effective date of adoption or amendment of this Zoning Code that would not be allowed in the zoning district under the terms of this Zoning Code, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Zoning Code in the zoning district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the zoning district in which it is located. An exception would be when destruction of an existing structure and use in combination occurs by no fault of the owner (fire, flood, natural disaster, etc.), the structure and use in combination may be replaced to its original size and use prior to the destruction; and

2. Any nonconforming use may be extended throughout any part of a building which was manifestly arranged or designed for such use at the time of adoption or amendment of this Zoning Code, but no such use shall be extended to occupy any land outside such building; and

3. Any structure, or structure and land in combination, in or on which a nonconforming use is replaced by a permitted use, shall thereafter conform to the regulations for the zoning district in which it is located. The nonconforming use shall not thereafter be resumed; and

4. When a nonconforming use of a structure, or of a structure and premises in combination, is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three (3) year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the zoning district in which the structure is located. This provision shall not apply when the discontinuance or abandonment is caused by government action impeding access to the structure or premises;

F. Repairs and Maintenance:

1. Ordinary repairs and maintenance may be done on any nonconforming structure or nonconforming portion of a structure.

2. Further, upon order of any official charged with protecting the public safety, any building or part thereof declared to be unsafe by such official may be strengthened or restored to a safe condition.

Sec. 4-1. Introduction.

This section establishes parcel and building standards for developments within all zoning districts. The standards vary depending upon the zone in which the development is located within as well as the building type. All residential and non-residential development must comply with the standards contained within the Bulk and Placement Regulations Table below. General exceptions to parcel and building standards as well as standards of how to measure setback requirements can also be found within this section.

Sec. 4-2. Bulk and Placement Regulations Table.

BULK & PLACEMENT REGULATIONS TABLE																	
	AF	FR	SR	R-1	R-2	R-3	R-4	RO	NB	RTO	CB	GB	MB	I	UMC	U	
Minimum Lot Requirements																	
Minimum lot area (expressed in square feet unless otherwise noted, no minimum lot area for non-residential uses)																	
Single family detached	40 acres ¹³	3 acres	1 acre	9,600	7,000	6,000	5,000 ¹	5,000 ¹	5,000 ¹	-				-			
Twinhome	-	-	-	-	-	3,250	2,250	2,250	2,250	-				-			
Townhouse	-	-	-	-	-	2,000 ²	1,800	1,800	1,800	-				-			
Two family dwelling	-	-	-	-	-	7,000	5,000 ¹	5,000 ¹	5,000 ¹	-				-			
Multiple family dwelling	-	-	-	-	-	-	5,000 ¹	5,000 ¹	5,000 ¹	-				-			
Minimum lot width (in feet, no minimum lot width for non-residential uses)																	
Single family detached	150	125	100	80 ³	60 ³	60 ³	50	50	50	-				-			
Twinhome	-	-	-	-	-	30	25	25	25	-				-			
Townhouse	-	-	-	-	-	20	18	18	18	-				-			
Two family dwelling	-	-	-	-	-	60 ³	50	50	50	-				-			
Multiple family dwelling	-	-	-	-	-	-	50	50	50	-				-			
Minimum frontage on a public street other than an alley (in feet)																	
Standard lot	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	
Lot on cul-de-sac or turnaround	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	
Flag lot	20 ¹⁵	20 ¹⁵	20 ¹⁵	20 ¹⁴	20 ¹⁴	20 ¹⁴	20 ¹⁴	20 ¹⁴	20 ¹⁴	20 ¹⁴	20 ¹⁴	20 ¹⁴	20 ¹⁴	20 ¹⁴	20 ¹⁴	20 ¹⁴	
Twinhome	-	-	-	-	-	20	20	20	20	-	20	20	20	-	20	20	
Townhouse	-	-	-	-	-	20	18	18	18	-	18	18	18	-	18	18	
Minimum Setbacks ⁹ (in feet)																	
Front ¹⁰	30	25	25	25	20	15	15	10	20	25			10	10			
Rear	35	30	30	20	20	20	20	20	20	20 ⁴							
Side Yard Minimum	35	20	20	5	5	5	5 ^{5/6}	5 ^{5/6}	10	20 ⁴							
Side Yard Combined Minimum				15	15 ⁵	15 ⁵	15 ^{5/6}	15 ^{5/6}									
Street Side	20	17	17	17	15	13	13	10	10	20			10				
Exceptions to Minimum Setbacks Listed Above																	
Twinhome and Townhouse Exterior Side Setback	-	-	-	-	-	8	8	8	8	-							
Garage Door Front Setback (when door faces said street)	20	40	40	25	20	20	20	20	20	25							
Garage Door Street-Side Setback (when door faces said street)	20	20	20	20	20	20	20	20	20	20							
Accessory Structure Side & Rear Setback (detached, 200 sq ft or less) ¹¹	0	0	0	0	0	0	0	0	0	0							
Accessory Structure Rear Setback (detached, greater than 200 sq ft) ¹²	5	5	5	5	5	5	5	5	5	5							
Common Open Space (minimum 400 square feet per lot or as required below, whichever is greater, residential uses only)																	
							75/du	75/du	75/du			75/du	75/du				
	AF	FR	SR	R-1	R-2	R-3	R-4	RO	NB	RTO	CB	GB	MB	I	UMC	U	
Maximum Building Height ⁸ (in feet)																	
Principal Structure	35	35	35	35	35	35	40	40	40	65	65	65			65		
Accessory Structure (detached, GREATER than 200 sq ft, and encroaching into required rear yard setback for the parcel)																	
Building Height	35	35	35	35	35	35	40	40	40	65	65	65					
Wall Height ⁷	14	14	14	14	14	14	14	14	14	14	-	-					
Accessory Structure (detached, 200 sq ft OR LESS, and encroaching into principal structure side or rear yard setbacks)																	
Building Height	12	12	12	12	12	12	12	12	12	12	-	-					

Notes
where space is blank there is no minimum/maximum requirement, " - " = not applicable, use not permitted in that zone
du = dwelling unit
¹ Or 800 square feet per dwelling, whichever is greater
² Average net density of a townhouse development shall not be more than fourteen and one-half (14.5) units per acre
³ Minimum lot width for lots that have rear alley access is reduced by 10 feet
⁴ Or equal to the height of the building, whichever is greater, when adjacent to R-1, R-2, R-3, or R-4 Zones
⁵ Side yard combined minimum of 15 feet only applies to lots 55 feet or more in width
⁶ Minimum side yard setback for multiple family developments on lots greater than 20,000 square feet shall be no less than 10 feet
⁷ Dormers may be allowed to exceed 14 feet provided they do not occupy more than fifty percent (50%) of the length of the wall, each wall measured separately
⁸ Building height is defined in Section 4-1-6 of this Code. <u>For the exceedance of maximum building height for non-residential structures in certain zones, refer to Section 4-3-4. Height limitations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, solar panels, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.</u>
⁹ Minimum setbacks as specified on this table are for building walls. For permitted projections into minimum setback areas, refer to Section 4-5-4(C) of this Code
¹⁰ Where established front setbacks are less than the minimum required for such Zone, refer to Section 4-5-4(E) of this Code for an alternate front setback requirement
¹¹ Roof drainage must be contained on-site
¹² The accessory structure shall not occupy more than fifty percent (50%) of the area of the required rear yard for the parcel
¹³ Exception to minimum forty (40) acre lot size: No more than one (1) parcel of land less than forty (40) acres may be divided from an existing parcel of forty (40) acres or more in the AF zoning district (a 1/4-1/4 section or full Government Lot shall be treated as a forty (40) acre parcel for the purposes of this Zoning Code). The small parcel shall be at least one (1) acre in area and must be registered with the Office of the Latah County Clerk and the City Community Development Department. Such exceptions must be reviewed and approved by the Council and the Board of Latah County Commissioners.
¹⁴ <u>The flagpole portion of flag lots shall not exceed one hundred fifty feet (150') in length and shall not be less than twenty feet (20') in width at any point.</u>
¹⁵ <u>Access may be provided by a permanent access easement of no less than twenty feet (20') in width at any point and may be greater than one hundred fifty feet (150') in length as long as sufficient Fire Department access is provided.</u>

Sec. 4-3. Traditional Subdivision Option

- A. Purpose. This section is intended to allow for a subdivision development option that encourages a traditional neighborhood development pattern which is characterized by smaller lot sizes, a mixture of housing types, neighborhood open space, and a gridded street system with alleys that is pedestrian oriented.
- B. Application. The use of this section is optional and allows for an alternative to conventional subdivision development. Applications for traditional subdivisions shall follow the same process as outlined in M.C.C. 12-1-3 of this code. The use of this section supersedes minimum lot area, lot width, setbacks, and maximum building height requirements found within Section 4-2 of this Code, but all other City standards still apply.
- C. Common Open Space.
- a1. General. The amount of open space required as part of a traditional subdivision is stated within the design standards table in Section 4 below and depends on the zoning district which the property is located within. The Parks and Recreation Commission shall make a recommendation to City Council on the suitability of an area of land proposed for open space dedication. When determining the suitability of land proposed to be dedicated, the following standards should be taken into consideration. In the case of unique circumstances that require deviation from these standards, the Council shall have the authority to approve such deviations.
- 2b. Standards. Land proposed for common open space should:
- ai. Meet functional parkland dedication requirements of Section 1-5-6.
- bii. Be dedicated to the public and managed by the City of Moscow.
- ciii. Be located in one contiguous area unless determined to be more beneficial in multiple locations.
- D. Traditional Subdivision Development Standards.
- 1a. Streets. Traditional subdivisions shall utilize a network of streets and alleys that form an interconnected grid pattern. 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.

2b. Lots. Building lots shall be designed for vehicular access to the rear of the lots via alley access to allow the front building wall of dwellings to be located closer to the street in order to reinforce traditional neighborhood design and maintain a pedestrian-oriented environment. Alleys shall serve all building lots unless special circumstances exist which preclude access such alley extension.

3e. Bulk and Dimensional Standards.

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TRADITIONAL SUBDIVISION					
	R-1	R-2	R-3	R-4	RO
Minimum development size (in acres)					
	5	5	5	5	5
Minimum lot area (in square feet)					
Single family detached	5,500	5,000	4,000	2,500	2,500
Twinhome	-	-	3,250	2,250	2,250
Townhouse	-	-	2,000	1,800	1,800
Minimum lot width (in feet)					
Single family detached	50	45	40	40	40
Twinhome	-	-	30	25	25
Townhouse	-	-	20	18	18
Minimum Setbacks² (in feet)					
Front ³	10	10	10	10	10
Rear	20	20	20	20	20
Side Yard Minimum	5	5	5	5	5
Street Side	10	10	10	10	10
Common Open Space					
	9%	11%	12%	14%	14%
Effective Maximum Net Density (units per acre)					
	7.9	8.7	21.7	24.2	24.2
Maximum Building Height¹ (in feet)					
	35	35	35	40	40
Notes					
where space is blank there is no minimum/maximum requirement, " - " = not applicable, use					
du = dwelling unit					
¹ Building height is defined in Section 4-1-6 of this Code. For the exceedance of maximum building height for non-residential structures in certain zones, refer to Section 4-3-4. Height limitations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, solar panels, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.					
² Minimum setbacks as specified on this table are for building walls. For permitted projections into minimum setback areas, refer to Section 4-5-4(C) of this Code					
³ Where established front setbacks are less than the minimum required for such Zone, refer to Section 4-5-4(E) of this Code for an alternate front setback					

Sec. 4-4. Conservation Subdivision Option

- A. Purpose.** This section is intended to allow for a subdivision development option that allows and encourages subdivision development at a higher density, while preserving sensitive areas such as floodplains, steep slopes, wetlands, critical habitat, natural areas, as well as general open space.
- B. Application.** The use of this section is optional and allows for an alternative to conventional subdivision development. Applications for cluster subdivisions shall follow the same process as outlined in Section 1-3 of this code. The use of this section supersedes minimum lot area, lot width, setbacks, and maximum building height requirements found within M.C.C. 4-4-2, but all other City standards still apply.
- C. Common Open Space.**
- 1a. General.** The amount of open space required as part of a conservation subdivision is stated within the design standards table in Section 4 below and depends on the zoning district which the property is located within. The Parks and Recreation Commission shall make a recommendation to City Council on the suitability of an area of land proposed for open space dedication. When determining the suitability of land proposed to be dedicated, the following standards should be taken into consideration. In the case of unique circumstances that require deviation from these standards, the Council shall have the authority to approve such deviations.
- 2b. Standards.** Land proposed for common open space should:
- ai.** Meet functional parkland dedication requirements of Section 1-5-6.
 - bii.** Be dedicated to the public and managed by the City of Moscow.
 - ciii.** Be located in one contiguous area unless determined to be more beneficial in multiple locations.
 - d.iv.** Prioritize preservation of important natural areas such as agricultural land, floodplains, wetlands, steep slopes, wildlife habitat, riparian area, or other natural features. However, in the event that there are no natural areas identified upon the property, the utilization of the conservation subdivision for preservation of open space in accordance with the design standards table may still be permitted.
- D. Bulk and Dimensional Standards.**

CONSERVATION SUBDIVISION						
	SR	R-1	R-2	R-3	R-4	RO
Minimum development size (in acres)						
	5	5	5	5	5	5
Minimum lot area (in square feet)						
Single family detached	22,000	6,500	5,000	4,000	2,500	2,500
Twinhome	-	-	-	3,250	2,250	2,250
Townhouse	-	-	-	2,000	1,800	1,800
Minimum lot width (in feet)						
Single family detached	70	50	45	40	30	30
Twinhome	-	-	-	30	25	25
Townhouse	-	-	-	20	18	18
Minimum Setbacks² (in feet)						
Front ³	20	15	15	10	10	10
Rear	20	15	15	10	10	10
Side Yard Minimum	10	5	5	5	5	5
Street Side	15	15	15	10	10	10
Common Open Space						
	10%	12%	14%	16%	18%	18%
Effective Maximum Net Density (units per acre)						
	1.98	6.7	8.7	21.7	24.2	24.2
Maximum Building Height¹ (in feet)						
	35	35	35	35	40	40
Notes						
where space is blank there is no minimum/maximum requirement, " - " = not applicable, use not permitted in that zone						
du = dwelling unit						
¹ Building height is defined in Section 4-1-6 of this Code. For the exceedance of maximum building height for non-residential structures in certain zones, refer to Section 4-3-4. Height limitations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, solar panels, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.						
² Minimum setbacks as specified on this table are for building walls. For permitted projections into minimum setback areas, refer to Section 4-5-4(C) of this Code						
³ Where established front setbacks are less than the minimum required for such Zone, refer to Section 4-5-4(E) of this Code for an alternate front setback requirement						

Sec. 4 3. — Exceptions to Height Regulations.

— The height limitations contained in the district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, solar panels, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

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Sec. 4-45. Setbacks.

- A. Definition. A setback is the distance that buildings or uses must be removed from their property lines. Every lot typically has front, rear, and side setbacks that are determined by the underlying zoning district and the building type upon the lot.
- B. Setbacks Measurement. Setbacks are measured from the property line unless otherwise indicated. When measuring front and street side yard setbacks for lots that abut a Local Residential Street, as designated upon the Thoroughfare Plan within the City's Comprehensive Plan, the front and street side setbacks shall be measured from the building lot side of the public sidewalk to the nearest point of the wall of the main building on the lot, as shown in Figure 1 below. In such cases where sidewalks do not exist in front or street side of a building lot, the Zoning Administrator shall determine the point of measurement based upon the location of adjacent principal structures, the likelihood of future sidewalk installation, and the anticipated location of such future sidewalk.
- C. Permitted Projections into Required Setbacks. Architectural features that do not provide indoor floor space, including eaves, bay windows, decks, carports, and unwallled porches, may project up to twenty-four inches (24") into required side yards and up to forty-eight inches (48") into required front, street side and rear yards.
- D. Exceptions to Required Setbacks: Structures of thirty inches (30") or less in height from grade to the top of the structure are exempt from setback requirements. Deck railings are not to be included when measuring the height of structures for the purposes of this setback exemption so long as they do not exceed forty-two inches (42") in height and where the rails and material constitute not more than seventy percent (70%) of the railing area.
- E. Alternate Front Setback Requirement. In any zoning district where established front yards are less than the minimum required front yard for such district, the Zoning Administrator may grant modifications to the front yard setback of new principal buildings on the subject property provided:
 - 1. The minimum front yard setback is at least equal to the average setback of the principal buildings located on the lots abutting said subject property; or
 - 2. Sixty percent (60%) or more of the principal buildings, within a numbered block on the same side of the street as the subject property, are set back less than the required zoning front yard setback; the average setback of the existing nonconforming structures may be used to establish the minimum front yard of all properties fronting on that side of the street.
- F. Setbacks for Flag Lots. The setback requirements for flag lots are determined by the underlying zoning district the lot is within. The front setback requirement shall be measured by drawing a radius of the front setback distance from the center of the flagpole portion of the lot where it enters the main portion of the lot as shown in Figure 2 below.

(Ord. 2015-01, 01/20/2015)

FIGURE 1

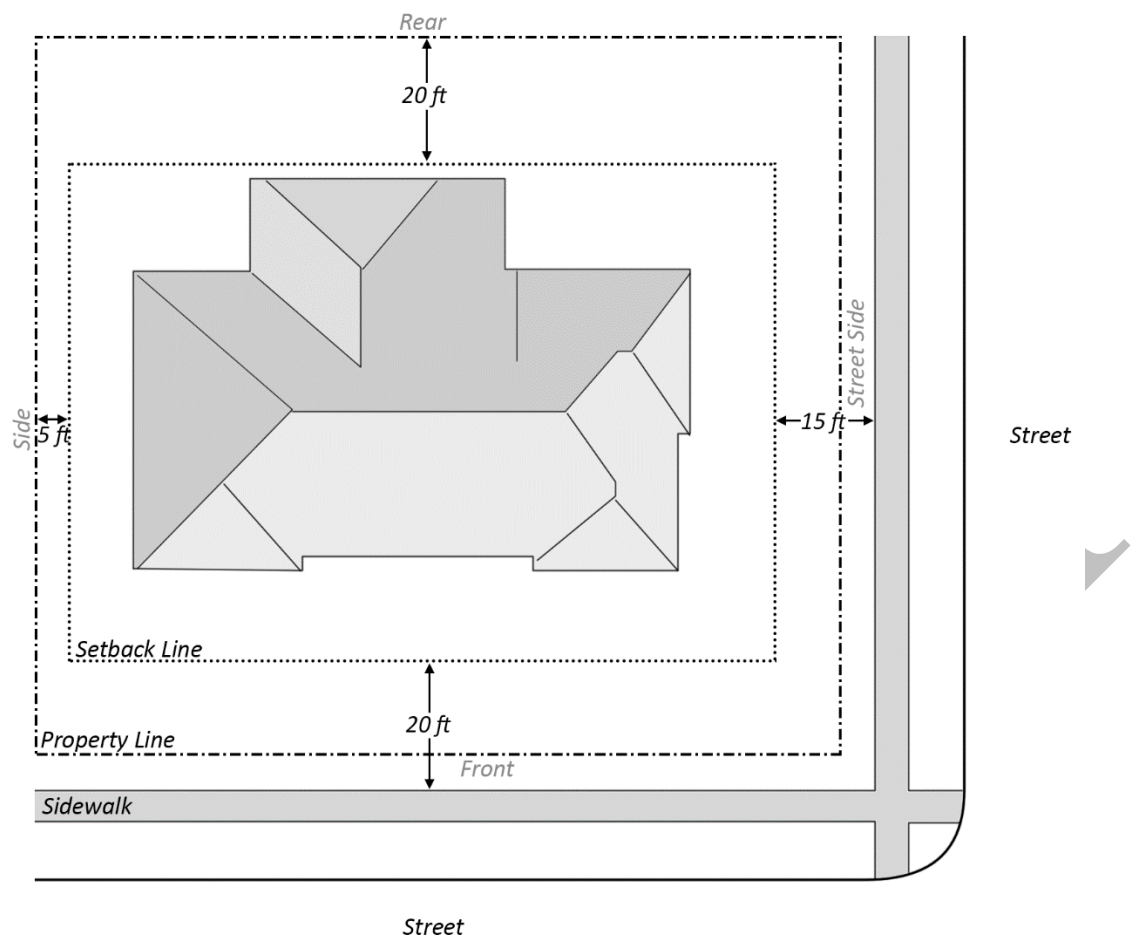
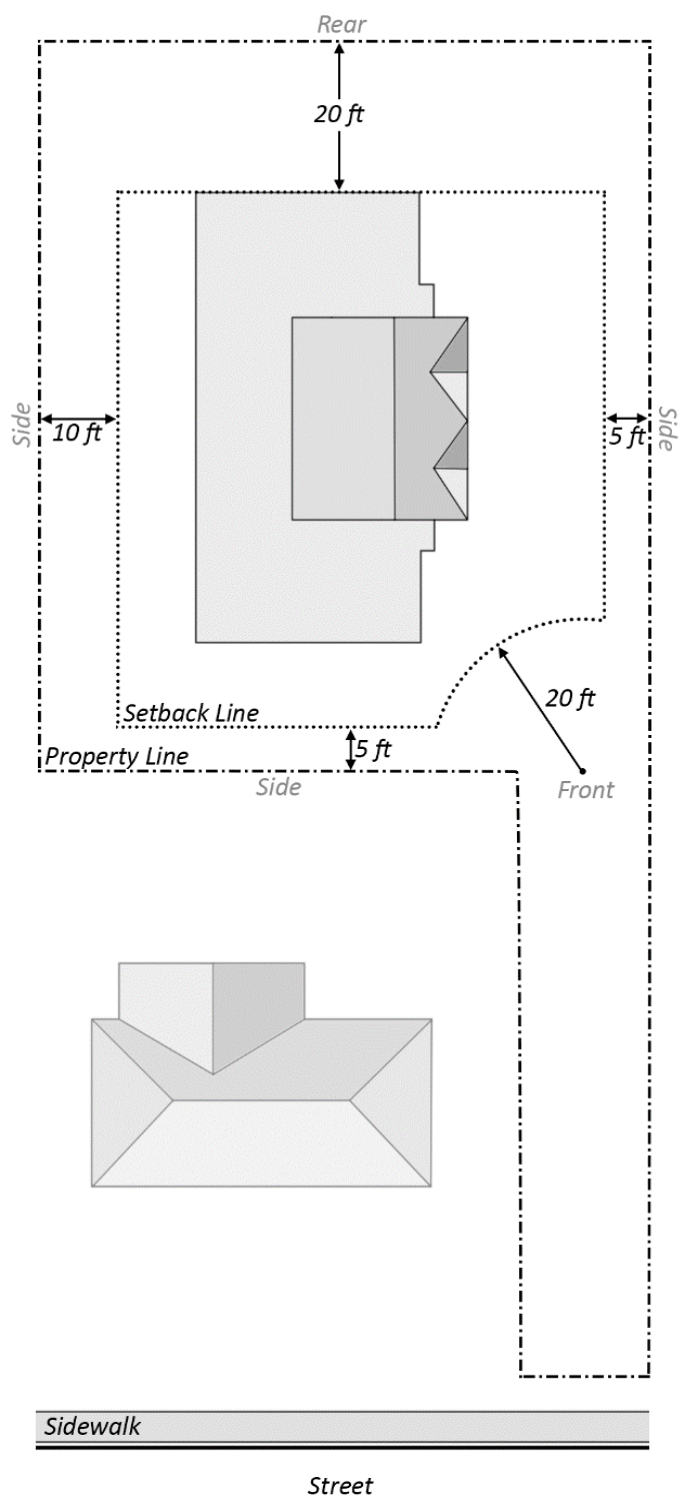


FIGURE 2



Sec. 4-5. — Access to Lots and Buildings.

- Except as provided below, every lot shall abut a public street right-of-way (other than an alley) for a minimum distance of forty feet (40').
- 1. Lots on cul-de-sacs and vehicle turnarounds shall abut a public street right-of-way for a minimum distance of twenty feet (20').
- 2. Approved flag lots shall abut a public street right-of-way for a minimum distance of twenty feet (20'), and the flagpole portion of flag lots shall not exceed one hundred fifty feet (150') in length and shall not be less than twenty feet (20') in width at any point.
- 3. Approved twinhome lots shall abut a public street right-of-way for a minimum distance of twenty feet (20'). Approved townhouse lots shall abut a public street right-of-way for a minimum distance equal to the minimum lot width of the applicable Zoning District.
- 4. Legal lots of record that have been approved by the City Council prior to the adoption of this Zoning Code and which do not abut a public street right-of-way shall be excepted from this requirement where sufficient permanent legal access is available (via public right-of-way, private access easement, or other legal means) to provide safe and convenient access for servicing, fire protection, and required off-street parking.
- 5. Lots within the Agriculture/Forestry (AF), Farm Ranch (FR), and Suburban Residential (SR) Zoning Districts where access is provided by a permanent access easement of no less than twenty feet (20') in width at any point.
- 6. Flag poles and access easements within the Agriculture/Forestry (AF), Farm Ranch (FR), and Suburban Residential (SR) Zoning Districts may be greater than one hundred fifty feet (150') in length as long as sufficient Fire Department access is provided. —

SECTION 3: That Moscow City Code Title 4, Chapter 12 be inserted as follows:

Sec. 1-1 Lot Line Adjustments.

- 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.
- A.
- 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 four (4) additional lots for sale, use or development. The division of property where the proposed division requires the extension of a public street right-of-way shall be processed as a subdivision in accordance with Section 1-3 of this Code. Minor right-of-way dedications such as the dedication of additional property to accommodate the widening of the public street in accordance with adopted street standards shall not be considered the extension of a public street right-of-way for the purposes of this Section. 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 four (4) additional lots for sale, use or development, or any division that includes the extension of a public street right-of-way.
- 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;

1. North arrow and drawing scale;

7.

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.

- 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. 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.

1. All residential development shall provide a minimum number of access points as follows:

a. Less than 30 dwelling units: 1 access point

b. 30 to 100 dwelling units: 2 access points

c. More than 100 dwelling units: no less than 3 access points

2. 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:

a. Is adequate to ensure delivery of City services and emergency response; and

b. 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.

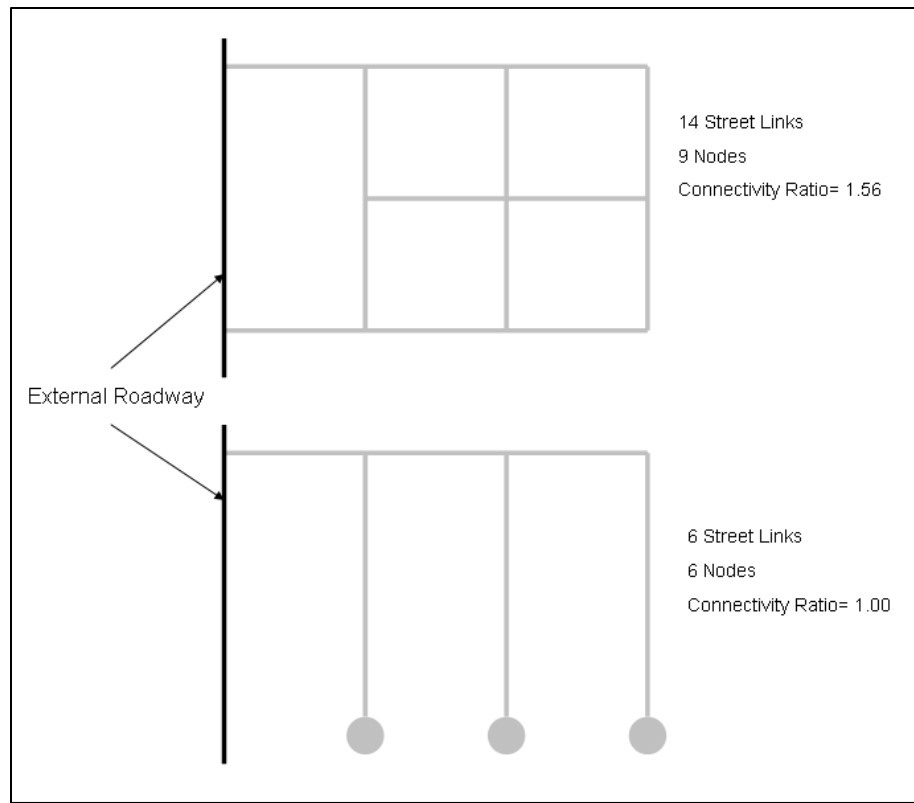
B. Street Alignments. All subdivisions shall include the continuation of existing adjacent streets through the proposed subdivision and their projection and continuation to adjacent subdivisions or undivided property. Arterial and collector street alignments shall generally conform to their alignments 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.



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, unless specifically waived by the Council.

F.

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.
- 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.
- D. 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.
- E. 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:

<u>AF and FR Zoning Districts</u>	<u>0%</u>
<u>SR Zoning District</u>	<u>1%</u>
<u>R-1 Zoning District</u>	<u>5%</u>
<u>R-2 Zoning District</u>	<u>6%</u>
<u>R-3 Zoning District</u>	<u>8%</u>
<u>R-4 Zoning District</u>	<u>12%</u>
<u>RO, NB, RTO, CB, GB, MB, I, UMC and U Zoning Districts</u>	<u>12%</u>

3. Parkland dedication within commercial zoning districts (RO, NB, RTO, CB, GB, MB, I, and UMC) is intended to meet the demand that results from the development of residential uses upon commercially zoned land and 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, as of the time of the application for subdivision development. No fee or dedication shall be required if the commercial zoned land is exclusively developed for non-residential use. All subdivisions that contain commercial zoned land shall enter into a development agreement with the City providing for the future dedication of parkland or payments in lieu of dedication should the commercial zoned land be developed for residential use. Any future required parkland dedication, or payments in lieu of parkland dedication, shall be required prior to issuance of building permits for residential structures upon the commercial zoned land. The amount of land to be dedicated shall be that which was required at the time of subdivision approval and may be prorated based upon the percentage of the commercial zoned land that is developed for residential use.

4. 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.

5. 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.

6. 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 within subsection C below, 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:

-Construction of the improvements in phases; _____

a.

-An extension of time under conditions therein specified; _____

b.

a- 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;

c.

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. Any other provisions designed to ensure construction of required public improvements;

i. 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.

SECTION 4: 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 and Title 5 shall be in full force and effect.

SECTION 5: 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 6: 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 _____, 2020.

Bill Lambert, Mayor

ATTEST:

Laurie M. Hopkins, City Clerk

DRAFT

MOSCOW PLANNING & ZONING COMMISSION FY 2021 BUDGET REQUEST

The Planning & Zoning Commission, despite being required to exist by Idaho Code & absolutely necessary for the legal functioning of the City Council, has no money dedicated to its operations or training. This budget proposal is for benefit of the Planning & Zoning Commission and all of its constituents, including the Mayor, City Council and Moscow residents. It is to aid them in making decisions and recommendations in all of the work that they are charged to do by the Idaho Code and the Moscow City Code, relative planning policies, especially the Comprehensive Plan, and Zoning Code & Subdivision Code matters.

These monies are to ensure that the Commission is well informed regarding local, regional & national planning & zoning matters, including related legal & procedural issues. The Planning & Zoning Commission is the land use specialist citizens group upon which the Council relies for land use recommendations.

- Commission Professional Development Funding (this is proposed to be used to fund costs for attendance to local planning training opportunities, subscription to professional publications and journals, guest speakers and other professional development and training activities) (\$1,500)

Total Request

\$1,500