

BOARD *of* ADJUSTMENT



Joe Bazzoli
Commission Chair
boa@ci.moscow.id.us

~ Meeting Agenda ~

Aimee Hennrich
Staff Liaison
208.883.7095

<http://www.ci.moscow.id.us/agendacenter>

**Thursday
November 19, 2020**

5:30 PM

**City Hall, Council Chambers
221 E 2nd Street**

WELCOME AND ATTENDANCE

1. **Approval of Minutes from November 10, 2020 (ACTION ITEM):**
PROPOSED ACTIONS: Approve minutes as presented; approve minutes with amendments; or provide staff further direction.
2. **Approval of Reasoned Statement of Relevant Criteria and Standards (ACTION ITEM):**
A Conditional Use Permit application for a public service and utility facilities “water booster stations” at 224 Southview Avenue within the Multiple Family Residential (R-4) Zone, and 1250 Orchard Avenue within the Low Density, Single Family Residential (R-1) Zone per Moscow City Code 4-3-4.
PROPOSED ACTIONS: Review the draft Relevant Criteria and Standards documents and approve the documents; or approve the documents with modifications; or provide Staff further direction as deemed necessary.
3. **Board Communications**
4. **Other Business**

ADJOURN

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.

BOARD of ADJUSTMENT



Joe Bazzoli
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~Meeting Minutes~
November 10, 2020

Aimee Hennrich
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<http://www.ci.moscow.id.us/354/Board-of-Adjustment>

Monson called the meeting to order at 7:00 PM

MEMBERS PRESENT: Joe Bazzoli (virtual), Chair; Annette Beighler, Steve Bush, Mark Monson, Laurene Sorensen (virtual)

MEMBERS ABSENT: Marshall Comstock, Tim Thomson

STAFF IN ATTENDANCE: Jennifer Fleischman, Aimee Hennrich

1. Approval of Minutes from October 14, 2020 [ACTION ITEM]

Bush moved to approve the minutes as corrected, seconded by Bazzoli. Vote by Acclamation: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

2. Public Hearing: Proposal for a Conditional Use Permit at 224 Southview and 1250 Orchard Avenue – LUP2020-0024 [ACTION ITEM]

A Conditional Use Permit application for a public service and utility facilities “water booster stations” at 224 Southview Avenue within the Multiple Family Residential (R-4) Zone, and 1250 Orchard Avenue within the Low Density, Single Family Residential (R-1) Zone per Moscow City Code 4-3-4.

Hennrich presented a Conditional Use Permit application for 224 Southview Avenue from the City of Moscow Engineering Department, for an above-ground booster pumping station, by reviewing the proposed location, access points, surrounding uses, zoning, and applicable sections of the Comprehensive Plan. The booster station would be built on the southern side of town, near the new Police Station building.

Hennrich then presented a second Conditional Use Permit application, for 1250 Orchard Avenue from the City of Moscow Engineering Department, for an above-ground booster pumping station, by reviewing the proposed location, access points, surrounding uses, zoning, and applicable sections of the Comprehensive Plan. The booster station would replace an existing below-grade pump station located on the northern side of town.

The proposed booster station at 224 Southview Avenue is ultimately intended to have the City’s Harvest Park built around it. The applicants plan on developing a landscaping buffer around this proposed facility, though it is not required according to the zoning district.

Monson opened the public hearing at 7:14 PM

Nancy Chaney (Moscow), submitted public comment via email with regard to the proposed booster station located at 1250 Orchard for the record.

Tyler Palmer (Moscow), co-applicant, spoke about the importance of adding booster stations to maintain pressure in water systems for domestic and fire use. Noise disturbance and aesthetics were addressed with special consideration, especially for boosters stationed in primarily residential areas. Targeted focus was used to minimize disturbances and develop cosmetically pleasing buildings.

Scott Bontrager (Moscow), co-applicant, addressed the concerns from Nancy Chaney's letter regarding noise disturbance, energy efficiency, emergency preparedness, and aesthetics.

Tyler Palmer (Moscow), clarified that the generators would be run by natural gas, first, and propane as back-up. He went into detail in regards to the quality of water found recently in the residential water on the north side of town. Chlorine dosage in the water was addressed and suggested that the new booster stations would improve accuracy and ability to dose as needed.

Scott Bontrager (Moscow), addressed Nancy Chaney's comments about the structural integrity of the proposed buildings. The City of Moscow has been working towards transitioning to a MIOX on-site generation unit model. A simple valve would be used to move from natural gas to propane as needed. Some lighting complaints regarding the current booster stations at White Ave and Taylor Ave, were submitted, but the City of Moscow has since adjusted the type of lights used that corrected the issue, and they have not received any noise complaints regarding any booster station facility. The proposed facility on Orchard Avenue would be larger than the Southview station, and has the capacity to add an additional third pump.

Monson closed the public hearing at 7:28 PM

Some concern about the scalability of the Orchard Avenue facility as the north side of town expands, but with the extra space for a third pump it is suggested it would have sufficient capacity for the next 20-30 years. There will be a security fence built around any station built into the grade to prevent citizen access to the roof.

Bazzoli moved to approve the Conditional Use Permit for 224 Southview Ave and direct Staff to prepare the Reasoned Statement of Relevant Criteria & Standards, on the basis that the verbiage and justification provided by the applicants is accurate and sufficient for approval. Beighler seconded the motion. Vote by Roll Call: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Bazzoli moved to approve the Conditional Use Permit for 1250 Orchard Ave and direct Staff to prepare the Reasoned Statement of Relevant Criteria & Standards, on the basis that the verbiage and justification provided by the applicant is accurate and sufficient for approval. Bush seconded the motion. Vote by Roll Call: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

3. Board Communications

- The next meeting is scheduled for Thursday, November 19th to approve the Relevant Criteria & Standards documents.

4. Other Business

None.

The meeting adjourned at 7:37 PM

Joe Bazzoli, Chair

Date

**BEFORE THE BOARD OF ADJUSTMENT
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 CONDITIONAL USE PERMIT APPLICATION FOR A PUBLIC
SERVICE AND UTILITY FACILITY “WATER BOOSTER STATION” AT 224
SOUTHVIEW AVENUE IN THE CITY OF MOSCOW, IDAHO WITHIN THE
MULTIPLE FAMILY RESIDENTIAL (R-4) ZONE, PER MCC 4-3-4.**

WHEREAS, the applicant filed an application for a conditional use permit on September 30, 2020;
and

WHEREAS, this matter came before the Moscow Board of Adjustment during a duly noticed
public hearing on November 10, 2020; and

WHEREAS, during the public hearing and having considered the matter including all testimony
presented, the Moscow Zoning Board of Adjustment approved the proposed Conditional Use
Permit and instructed Staff to prepare the Reasoned Statement of Relevant Criteria for the Board’s
review and approval; and

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

**THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW, IDAHO, AFTER DUE
DELIBERATION AND CONSIDERATION, HEREBY CONCLUDES:**

I. RELEVANT FACTS AND CONCLUSIONS

1. The Board of Adjustment considered the request pursuant City of Moscow Comprehensive Plan, City of Moscow Zoning Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The applicant proposes to construct a public service and utility facility “water booster station” located at 224 Southview Avenue.
3. The subject property is located within the Multiple Family Residential (R-4) Zoning District, where public service and utility facilities are listed as a conditionally permitted use.
4. Adjacent properties to the north and south are also located within the R-4 Zone. Properties to the east are located within the Single Family Residential (R-1) Zone, and the property to the west is within the Motor Business (MB) Zone.

5. The applicant proposes to develop a new above ground booster pump station and construct a structure (approximately 700 square feet) to house the station on the subject property.
6. The new pump station is a capital project within the City of Moscow's 2012 Comprehensive Water System Plan and will improve water flow to meet required fire flows for the water zone it serves.
7. The conceptual plans for the proposed development account for all required development standards within the R-4 Zone.
8. The lot area of the subject property is approximately 4.09-acres, with frontage on Southview Avenue.

BASED ON THE ABOVE RELEVANT FACTS AND CONCLUSIONS, THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW HEREBY FINDS THE FOLLOWING RELEVANT CRITERIA AND STANDARDS:

II. RELEVANT CRITERIA AND STANDARDS

1. **The proposed use is a conditionally permitted use within the Zoning District:** According to Moscow City Code, Public facilities necessary to serve the neighborhood or community, including, but not limited to, fire stations, police stations, national guard armories, fire training facilities, pumping stations, electrical substations, and telephone switching facilities are a permitted within the Multiple Family Zoning District with a conditional use permit.
2. **The character of the proposed use will be in harmony with the neighborhood and surrounding land uses:** The Board finds that the proposed use will be in harmony with the neighborhood and surrounding land uses. The proposed booster station will be located near the intersection of Southview Avenue and Myrtle Street. It will be located at a low point in the surrounding terrain and will be eventually surrounded by a City park when fully developed, making it less visible from nearby residential properties. The booster station will be constructed into the existing topography and therefore will sit slightly in an excavated portion of the slope.
3. **The proposed use, as approved with conditions, will not generate nuisances that would be injurious or detrimental to the adjoining properties or the neighborhood (including, but not limited to, noise, dust, glare, vibrations, odors, and the like):** The proposed booster pump station will not endanger the public health or safety, nor result in nuisances. Traffic to the site will be minimal and operations will not create any noise concerns for adjoining properties or the neighborhood.

4. **The location, design, and size of the proposed use is adequately served by existing streets, public facilities, and services:** The Board finds that the proposed booster pump station, location, design and size will be adequately served by existing streets, public facilities and services. The booster station will also be adding necessary public water services to the surrounding properties and neighborhood.
5. **The proposed use will not endanger the public health or safety if located where proposed:** The Board finds that the proposed booster pumping station will not endanger the public health or safety.
6. **Proposed use meets all applicable development standards of the Zoning Code:** The Board finds that the proposed use meets all applicable development standards of the City Code.
7. **The proposed use will not be in conflict with the Comprehensive Plan:** The use is consistent with the Comprehensive Plan as it supports the goals and strategies of multiple chapters and does not conflict with other sections of the Plan.

III. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City of Moscow Board of Adjustment approves the application for a public service and utility facility “water booster station” located at 224 Southview Avenue with no conditions.

PASSED BY THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW THE ____ DAY
OF _____, 2020.

Joe Bazzoli, Chair
Board of Adjustment

**BEFORE THE BOARD OF ADJUSTMENT
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 CONDITIONAL USE PERMIT APPLICATION FOR PUBLIC
SERVICE AND UTILITY FACILITY “WATER BOOSTER STATION” AT 1250
ORCHARD AVENUE IN THE CITY OF MOSCOW, IDAHO WITHIN THE LOW
DENSITY, SINGLE FAMILY RESIDENTIAL (R-1) ZONE, PER MCC 4-3-4.**

WHEREAS, the applicant filed an application for a conditional use permit on September 30, 2020;
and

WHEREAS, this matter came before the Moscow Board of Adjustment during a duly noticed
public hearing on November 10, 2020; and

WHEREAS, during the public hearing and having considered the matter including all testimony
presented, the Moscow Zoning Board of Adjustment approved the proposed Conditional Use
Permit and instructed Staff to prepare the Reasoned Statement of Relevant Criteria for the Board’s
review and approval; and

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

**THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW, IDAHO, AFTER DUE
DELIBERATION AND CONSIDERATION, HEREBY CONCLUDES:**

I. RELEVANT FACTS AND CONCLUSIONS

1. The Board of Adjustment considered the request pursuant City of Moscow Comprehensive Plan, City of Moscow Zoning Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The applicant proposes to construct a public service and utility facility “water booster station” located at 1250 Orchard Avenue.
3. The subject property is located within the Low Density, Single Family Residential (R-1) Zoning District, where public service and utility facilities are listed as a conditionally permitted use.

4. Adjacent properties to the north, south and east are also located within the R-1 Zone. Properties to the west are located within the Moderate Density, Single Family Residential (R-2) Zone.
5. The applicant proposes to develop a new above ground booster pump station and construct a structure (approximately 900 square feet) to house the station on the subject property.
6. The new pump station is a capital project within the City of Moscow's 2012 Comprehensive Water System Plan and will improve water flow to meet required fire flows for the water zone it serves.
7. The conceptual plans for the proposed development account for all required development standards within the R-1 Zone.
8. The lot area of the subject property is approximately 9,034 square feet, with frontage on Lanny Drive and Orchard Avenue.
9. Landscape buffer requirements for the subject property include a Type A buffer on all sides of the proposed booster station.

BASED ON THE ABOVE RELEVANT FACTS AND CONCLUSIONS, THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW HEREBY FINDS THE FOLLOWING RELEVANT CRITERIA AND STANDARDS:

II. RELEVANT CRITERIA AND STANDARDS

1. **The proposed use is a conditionally permitted use within the Zoning District:** According to Moscow City Code, Public facilities necessary to serve the neighborhood or community, including, but not limited to, fire stations, police stations, national guard armories, fire training facilities, pumping stations, electrical substations, and telephone switching facilities are a permitted within the Single Family Residential (R-1) Zoning District with a conditional use permit.
2. **The character of the proposed use will be in harmony with the neighborhood and surrounding land uses:** The Board finds that the proposed use will be in harmony with the neighborhood and surrounding land uses. The proposed booster station will be located on the southeast corner of Orchard Avenue and Lanny Drive. The building design is considerate of nearby residential neighborhoods. Additionally, the required Type-A landscape buffer will be installed around the perimeter of the booster housing station.

3. **The proposed use, as approved with conditions, will not generate nuisances that would be injurious or detrimental to the adjoining properties or the neighborhood (including, but not limited to, noise, dust, glare, vibrations, odors, and the like):** The proposed booster pump station will not endanger the public health or safety, nor result in nuisances. Traffic to the site will be minimal and operations will not create any noise concerns for adjoining properties or the neighborhood.
4. **The location, design, and size of the proposed use is adequately served by existing streets, public facilities, and services:** The Board finds that the proposed booster pump station, location, design and size will be adequately served by existing streets, public facilities and services. The booster station will also be adding necessary public water services to the surrounding properties and neighborhood.
5. **The proposed use will not endanger the public health or safety if located where proposed:** The Board finds that the proposed booster pumping station will not endanger the public health or safety.
6. **Proposed use meets all applicable development standards of the Zoning Code:** The Board finds that the proposed use meets all applicable development standards of the City Code.
7. **The proposed use will not be in conflict with the Comprehensive Plan:** The use is consistent with the Comprehensive Plan as it supports the goals and strategies of multiple chapters and does not conflict with other sections of the Plan.

III. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City of Moscow Board of Adjustment approves the application for a public service and utility facility “water booster station” located at 1250 Orchard Avenue with no conditions.

PASSED BY THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW THE ____ DAY
OF _____, 2020.

Joe Bazzoli, Chair
Board of Adjustment