

BOARD *of* ADJUSTMENT



Joe Bazzoli
Board Chair
BOA@ci.moscow.id.us

Public Meeting
~ Agenda ~

Aimee Hennrich
Staff Liaison
208.883.7095

<https://www.ci.moscow.id.us/581/Agendas-and-Minutes>

Thursday
April 29, 2021

5:30 PM

Council Chambers
206 E Third Street

WELCOME AND ATTENDANCE

REGULAR AGENDA

1. Approval of April 22, 2021 Minutes (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 an accessory cottage in excess of 900 square feet located at 2350 Trail Road within the Agricultural/Forestry Zoning District (AF) in the Area of City Impact, per Latah County Code 03.01.02(14)(H).

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

3. Approval of Reasoned Statement of Relevant Criteria and Standards (ACTION ITEM)

A Conditional Use Permit application for a K-12 Private School located at 2305 S Main Street within the Motor Business Zoning District (MB), 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.

REPORTS

ANNOUNCEMENTS

UPCOMING EVENTS/MEETINGS

ADJOURN

NOTICE: Moscow City Council and 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
Board Chair
BOA@ci.moscow.id.us

Public Hearing
~ Minutes~

Aimee Hennrich
Staff Liaison
208.883.7095

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

Thursday
April 22, 2021

7:00 PM

Council Chambers
206 E Third Street

Bazzoli called the meeting to order at 6:59 PM

MEMBERS PRESENT: Joe Bazzoli, Chair; Annette Bieghler, Steve Bush, Marshall Comstock, Laurene Sorenson (virtual)
MEMBERS ABSENT: Mark Monson, Tim Thomson
STAFF: Jennifer Fleischman, Aimee Hennrich, Mike Ray

REGULAR AGENDA

1. Approval of April 7, 2021 Minutes (ACTION ITEM)

Comstock moved for approval of the minutes as corrected, seconded by Bush. Vote by Acclamation; Ayes: Unanimous (5). Nays: None. Abstentions: None. Motion carried.

2. Public Hearing: Proposal for a Conditional Use Permit at 2350 Trail Road – LUP2021-0009 (ACTION ITEM)

Conditional Use Permit application for an accessory cottage in excess of 900 square feet located at 2350 Trail Road within the Agricultural/Forestry Zoning District (AF) in the Area of City Impact, per Latah County Code 03.01.02(14)(H).

Hennrich presented on the proposal as described above, recommending approval of the Conditional Use Permit with no conditions.

Public Hearing opened at 7:09 PM

Derek Westlund, (Moscow) applicant, gave an overview of the reasons behind requesting a Conditional Use Permit for the property. The proposed addition would be utilized primarily for housing an elderly parent.

Public Hearing closed at 7:11 PM

The proposed set-backs and available acreage of the property were addressed as being indicative of the best scenario for an accessory cottage.

Comstock moved to recommend approval of the Conditional Use Permit at 2350 Trail Road and directed Staff to draft Relevant Criteria and Standards, with no conditions as recommended by Staff. Motion seconded by Sorenson. Vote by Acclamation; Ayes: Unanimous (5). Nays: None. Abstentions: None. Motion carried.

3. Public Hearing: Proposal for a Conditional Use Permit at 2305 S Main Street – LUP2021-0010 (ACTION ITEM)

Conditional Use Permit application for a K-12 Private School located at 2305 S Main Street within the Motor Business Zoning District (MB), per Moscow City Code 4-3-4.

Hennrich presented on the proposal as described above, including a background on the Logos School's history in Moscow and previous Land Use Permit Applications. Staff recommended the Conditional Use Permit (CUP) with one condition.

Idaho Transportation Department (ITD) had reviewed the application and approved one approach to the property. There would not be a landscape buffer required between the proposed school and the surrounding residential homes. City services, including water and sewer, are available to the property. The planned re-routed Highway 95 is estimated to begin construction in the next couple years, and would be splitting from the current highway south of the proposed project. The highway project influenced ITD's recommendation of only allowing one northern approach, and eliminated all other proposed approaches further south. Play Area's are not addressed in the Zoning Code for elementary age schools, but the proposed plans show that there is a play area in the site plans.

Public Hearing opened at 7:26 PM

Larry Stephenson (Moscow), applicant, spoke to the merit of Logos School and its education qualities. There was an explanation for the need of temporary classrooms while the new school is being built northeast of Moscow. There is a playground area as well as a multi-purpose room on the proposed site plan, and the children would be first- and second-graders. Stephenson thanked the Staff for their hard work and dedication to residents.

Kirsten Westlund (Moscow), spoke in favor of the proposed CUP and Logos School as a whole.

Public Hearing closed at 7:32 PM

Change of use building conditions would be recommended as building permits were applied for. There was some discussion about repurposing a vacant building and needing more schooling options in Moscow. The old Bonkerz play structures would not be utilized by the proposed occupants.

Comstock moved for approval of the Conditional Use Permit at 2305 Main Street, with one condition as recommended by Staff, and directed Staff to draft Relevant Criteria and Standards. Motion seconded by Bush. Vote by Acclamation; Ayes: Unanimous (5). Nays: None. Abstentions: None. Motion carried.

ANNOUNCEMENTS

There is one upcoming Conditional Use Permit application currently under review.

UPCOMING EVENTS/MEETINGS

Next public meeting is scheduled for Thursday, April 29th at 5:30PM.

The meeting adjourned at 7:38 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 AN ACCESSORY
COTTAGE HOUSE IN EXCESS OF 900 SQUARE FEET LOCATED 2350 TRAIL ROAD
WITHIN THE AREA OF CITY IMPACT OF THE CITY OF MOSCOW, IDAHO.**

WHEREAS, the applicant filed an application for a Conditional Use Permit on March 22, 2021; and

WHEREAS, this matter came before the Moscow Board of Adjustment during a duly noticed public hearing on April 22, 2021; and

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

**THE MOSCOW 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 to the City of Moscow Zoning Code, City of Moscow 2019 Comprehensive Plan, the Moscow Area of City Impact Agreement, and other applicable development regulations.
2. Per the Moscow Area of City Impact Agreement with Latah County, the Moscow Board of Adjustment is to conduct one hearing and forward a recommendation on to Latah County.
3. The applicant is proposing to construct a 1,297 square foot accessory cottage on the north side of the existing house, attached to the garage. The proposed floor plan shows a master bedroom and bathroom, office, living area, kitchen, laundry room and an atrium.
4. The subject property is located within the Agriculture/Forestry (AF) Zoning District in the Area of City Impact where accessory cottage houses above 900 square feet require a Conditional Use Permit, per Latah County Code 03.01.02(14)(H).
5. The site has an existing single-family home and a detached accessory barn and sits on 208,277 square feet (4.78 acres) of land.
6. The subject property is primarily surrounded by agricultural lands and rural single-family dwellings that are within the Area of City Impact.
7. Within the Area of City Impact, the County's AF has been adopted. According to Latah County Zoning Code, the purpose of the AF Zoning District is,

“established to achieve the purposes of this ordinance and the goals and policies of the Latah County Comprehensive Plan by accommodating, providing opportunities for, and the continuation of agricultural and forest land uses. Uses allowed in this zone include those that are integral to agriculture and forestry, uses which will not conflict with accepted farm and forest practices, and uses which will not result in the excessive conversion of productive farm and forest land to uses which can be more appropriately located in other zoning designations, and which are consistent with Idaho’s Agricultural Protection Act.”

8. The 2019 City of Moscow Comprehensive Plan Land Future Use and Growth Plan Map designates the subject property and surrounding properties as Rural and Agriculture.

9. According to Chapter 2 of the Comprehensive Plan, Community Character and Land Use, Rural and Agriculture designated areas,

“is intended to allow continued use for agricultural purposes with allowances for limited residential development at very low densities. Lands with this designation should be preserved for agricultural use and development should be directed to areas in closer proximity to the City where municipal utilities are available and land can be efficiently developed and serviced. Areas shown as Agriculture on the Future Land Use Plan are outside of the 10-year growth area (refer to Chapter 5, Growth Management and Capacity), and beyond the area for which the City is prepared to provide adequate facilities and services during the horizon of this Plan. Generally, these are found around the periphery of the City and throughout the Area of City Impact. The residential development options allow septic/well and septic/public water (where applicable and warranted) at very low densities, consistent with the intended agricultural character. Appropriate current zones for lands with this designation are Agriculture/Forestry (AF) and Farm, Ranch and Outdoor Recreation (FR).”

10. The subject property is accessed via Trail Road which is a 25-foot-wide gravel road with no sidewalks, curbs, or gutters.
11. The proposed plan meets pertinent Latah County Planning and Zoning requirements.
12. Latah County to verify remaining requirements at the time of permitting.
13. Upon review of the submitted materials, it is the Board’s determination that the proposal conforms to the proper zoning requirements.

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:** Accessory Cottage Houses in excess of 900 square feet are conditionally permitted in the Agriculture/Forest Zoning District per Latah County Zoning Code and the Area of City Impact Agreement.

2. **The character of the proposed use will be in harmony with the neighborhood and surrounding land uses:** The proposed accessory cottage house is consistent with the existing character of the uses within the surrounding area. The subject property is primarily surrounded by agricultural lands and rural single-family dwellings that are within the Area of City Impact.
3. **The proposed use as approved, or 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 use will not generate nuisances to the adjoining properties or the neighborhood through noise, dust, glare, vibrations, or odors.
4. **The location, design, and size of the proposed use will be adequately served by existing streets, public facilities and services:** The proposed accessory cottage will adequately be served by existing streets, public facilities, and services.
5. **The proposed use will not endanger the public health or safety if located where proposed:** The proposed use will not endanger the public health or safety on the proposed site.
6. **Proposed use meets all applicable development standards of the Zoning Code:** The proposed use meets pertinent applicable development standards of the zoning code. Latah County to verify remaining requirements at the time of permitting.
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 recommends approval of the proposed Conditional Use Permit for an accessory cottage house in excess of 900 square feet located at 2350 Trail Road to Latah County.

PASSED BY THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW THE ____ DAY
OF _____ 2021.

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 A K-12 PRIVATE
SCHOOL LOCATED AT 2305 SOUTH MAIN STREET IN THE CITY OF MOSCOW,
IDAHO, WITHIN THE MOTOR BUSINESS (MB) ZONING DISTRICT PER MCC 4-3-4.**

WHEREAS, the applicant filed an application for a Conditional Use Permit on March 23, 2021;
and

WHEREAS, this matter came before the Moscow Board of Adjustment during a duly noticed
public hearing on April 22, 2021; and

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

**THE MOSCOW 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 to the City of Moscow Zoning Code, Comprehensive Plan, State Statutes, and Moscow City Code.
2. The applicant is proposing to operate a K-12 Private School at 2305 S Main Street. The subject property is located within the Motor Business (MB) Zoning District which requires a Conditional Use Permit (CUP) for Elementary and Secondary Schools per MCC 4-3-4.
3. The facility would operate from 7:30 a.m. to 4:00 p.m. local time, Monday through Friday. The facility is proposed to follow traditional school scheduling starting in the middle of August continuing through the end of May. The proposed facility would serve up to 90 students and nine (9) teachers.
4. The proposed location is intended to be temporary until Logos School is able to construct a permanent facility.
5. Logos School has occupied 110 Baker Street since 1987. In the years that followed, Logos School applied for three (3) separate Conditional Use Permits at this location to accommodate growth.
6. In 2016, Logos School requested the annexation and rezoning of a 30-acre parcel located at 1515 N. Mountain View Road, which was subsequently approved. Following the approval of the annexation and rezone request, a CUP and variance were proposed to construct a K-

12 school and church at the same location. The variance request was for the exceedance of the maximum building height for the school/gymnasium building on the property. The proposal included a three-phase development plan. The proposed variance was approved and the CUP was approved with seven conditions.

7. Phase I construction is currently underway at 1515 N. Mountain View Road.
8. The subject property of the proposed K-12 school is 1.97 acres in size. Previous uses included Bonkers Indoor Playcenter and the Intersect Community Church.
9. The lot is relatively flat and currently has five (5) structures, the proposed new Logos School, two single family residential homes and two residential mobile homes.
10. The property adjacent to the north contains Dale's Boat Works and residential homes. To the east, across Main Street, is a heavy equipment sales lot and auto detailing business. CHS Primeland is located adjacent to the south. The parcel to the west is vacant and is under the same ownership as the subject property. To the northwest is the location of the old Dairy Gold building which is currently vacant.
11. The subject property is located within the Motor Business (MB) Zoning District. Properties to the north and west of the subject property are also located within the MB Zoning District. The property to the south contains CHS Primeland and is zoned Industrial (I). The properties located to the east of the subject property, across Main Street, are designated as Motor Business (MB).
12. There is no minimum or maximum lot area or lot width within the MB Zoning District.
13. The purpose of the MB Zoning District is to, *"provide for the location and grouping of compatible uses having similar operation as they involve enterprises which depend primarily on the transient motor vehicle-based trade. By concentrating such uses the City intends to increase public convenience when utilizing such services and with the regulation, to allow such activities to render the maximum service."*
14. Chapter 2 of the 2019 Comprehensive Plan, Community Character and Land Use, designates the subject property as Auto-Urban Commercial (AUC). Auto-Urban Commercial designated areas, *"provide for commercial services and developments that are motor vehicle oriented or those which require large amounts of land. These areas should be located adjacent to existing commercial developments and along major arterials where the vehicle traffic can be accommodated. Developments within these designations should be required to provide significant landscaping which would be applied to enhance areas along the street edge, screening parking lots and buffering adjacent uses. Such areas are most appropriately zoned Motor Business (MB)."*
15. The property is accessed via Main Street (HWY 95) and has one permitted approach on the north end of the parcel. The site plan shows ingress and egress from this approach.
16. Idaho Department of Transportation has reviewed the proposed application and approves continued use of the existing approach.
17. The proposed site plan shows ingress at the north approach, with an access travel aisle circulating around the building. The northern, western and eastern portions of the travel aisle are paved. The southern portion is not paved and is currently grass and gravel

18. Moscow City Code 4-3-5(E)(2) requires educational services to have two (2) on site loading spaces. The spaces must be located on the same side of the street as the school and must be at least thirty feet (30') from any street intersection. Additionally, the location of the spaces must ensure that there are no backing movements by vehicles.
19. The applicant is proposing to provide two loading spaces directly in front of the building. This location is more than 30 feet from any street intersection and does not require backing movements by vehicles.
20. Per Moscow City Code 4-6-2, Kindergarten, Elementary and Middle Schools require two (2) parking spaces per classroom. High Schools require five (5) parking spaces per classroom.
21. The applicant is proposing to have (6) elementary classrooms for a total parking requirement of 12 spaces for the school.
22. The site plan shows parking for 14 parking stalls. Therefore, there is sufficient parking to provide for the operation of the proposed K- 12 School.

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:** Educational Services are conditionally permitted in the Motor Business (MB) Zoning District per MCC 4-3-4.
2. **The character of the proposed use will be in harmony with the neighborhood and surrounding land uses:** The proposed school is consistent with the surrounding land uses which include residential and commercial uses.
3. **The proposed use as approved, or 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 use will not generate nuisances to the adjoining properties or the neighborhood through noise, dust, glare, vibrations, or odors. The Board finds that the applicant shall pave the new travel lane to reduce noise, dust, and vibrations for the adjacent residential uses.
4. **The location, design, and size of the proposed use will be adequately served by existing streets, public facilities and services:** The proposed use will be adequately served by the existing street, one approved approach and existing facilities and services.
5. **The proposed use will not endanger the public health or safety if located where proposed:** The proposed use will not endanger the public health or safety on the proposed site since proper safety measures are being taken to ensure children's safety. Loading zone spaces are being designated where the children will be dropped off in front of the building.

6. **Proposed use meets all applicable development standards of the Zoning Code:** The use meets all applicable development standards of the zoning code including but not limited to off-street parking and loading zones requirements.
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 Conditional Use Permit for a Private K-12 School at 2305 S Main Street with one condition:

- 1). The applicant shall pave the southern portion of the access drive in order to reduce the impact of traffic to the residential properties on the western portion of the site.

PASSED BY THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW THE ____ DAY
OF _____, 2021.

Joe Bazzoli, Chair
Board of Adjustment