

Moscow City Council



Regular Meeting ~Minutes~

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Laurie M. Hopkins
City Clerk

208.883.7015

Monday, May 17, 2021

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, Sandra Kelly, Maureen Laflin, Brandy Sullivan, Gina Taruscio, Anne Zabala

STAFF: Gary J. Riedner, Mia Bautista (virtual), Bill Belknap, Mike Ray, Laurie M. Hopkins

PLEDGE OF ALLEGIANCE

Mayor Lambert led the Pledge of Allegiance.

PROCLAMATION - MEMORIAL DAY

Mayor Lambert read the Memorial Day proclamation.

CONSENT AGENDA

1. All Consent Items (ACTION ITEM)

A. Approval of Moscow City Council May 3, 2021 Minutes - Laurie M. Hopkins

B. Disbursement Report for April 2021 - Sarah Banks

Staff presented the April 2021 Accounts Payable Report to Public Works / Finance Committee on May 10, 2021. The Committee received the report and approved the disbursements as presented.

ACTION: Receive the Disbursements Report for the month of April 2021.

C. Almon Asbury Alley Paving Bid Results and Contract Award - Bob Buvel

The Almon Asbury Alley Paving Project consists of grading and paving of the alley between Almon Street and Asbury Street from Third Street to Sixth Street. The project also includes the replacement of the existing sanitary sewer main prior to paving and expansion of storm water collection and conveyance system serving the alley. The City published an advertisement for bids on April 3rd and 10th, 2021 and the budget for construction in the Capital Improvement Plan is \$293,000.00. Bids were opened on Tuesday, April 27, 2021. One responsive bid was received with a bid of \$371,223.20 by J7 Contracting. A complete Bid Tabulation is included in the Council packet. This was reviewed by the Public Works/Finance Committee on May 10, 2021 and the Committee recommended rejection of the bids.

ACTION: Reject all bids.

D. Third Street Undergrounding Bid Results and Contract Award - Nate Suhr

On April 17, 2021 the City of Moscow advertised for bid the Third Street Utility Undergrounding Project. This project consists of the installation of approximately 3,300 linear feet of 2" conduit, 4,460 linear feet of 4" conduit, 11 vault boxes and the various sweeps, couplings, and other fittings necessary to create a continuous, underground pathway for communications utilities on Third Street

between Jackson Street and Lieuallen Street. Completion of this project will allow the undergrounding of the overhead utilities and the removal of the utility poles on the corridor between Jackson Street and Lieuallen Street, removing obstructions and clearing the area for pedestrian facilities to come as part of the Third Street Local Highway Safety Improvement Project (LHSIP) that will begin construction later in the year. This was reviewed by the Public Works/Finance Committee on May 10, 2021 and recommended for approval.

ACTION: Accept the Base Bid and Additional Alternative from M & L Construction, Inc., award the contract in the amount of \$270,653.00, and authorize staff approval for construction change orders in an amount not to exceed 10% (\$27,065.30) of the contract amount.

E. Remand Decision Regarding the Appeal of Conditional Use Permit at 1400 E Seventh Street – Aimee Hennrich

On February 19, 2021, PI Tower Development LLC applied for a Conditional Use Permit (CUP) to construct an 80' Wireless Communication Facility (WCF) that would accommodate three carriers within a fully enclosed 800 sf lease area and would resemble a church tower, located at 1400 E Seventh Street. The Board of Adjustment conducted a public hearing for the proposed conditional use on March 29, 2021, and subsequently voted to deny the CUP application. On April 16, 2021, the Community Planning and Design Department received an appeal letter from Wireless Policy Group on behalf of Parallel Infrastructure, stating that they wished to appeal the Board of Adjustment's decision to City Council. On May 3, 2021, City Council considered the appeal during a public meeting and remanded the matter to the Zoning Board of Adjustment and directed staff to prepare a written decision based on the Council's action. The written decision was reviewed by the Administrative Committee on May 10, 2021 and recommended for approval.

ACTION: Approve the written decision.

F. Ghormley Pickleball Courts Project Bid Results and Contract Award - Nate Suhr

The 2021 Ghormley Pickleball Courts Project consists of the construction of HMA asphalt pickleball courts, including lighting, net post footings, surfacing, line painting, the construction of sidewalk, site amenities and landscape site work north of the Ghormley Park parking lot. An electronic bid solicitation for the Pickleball Court Project was issued in a Public bid solicitation on April 16, giving bidders two weeks to respond. The project was advertised with a Base Bid to install four (4) Pickleball courts to the West of the Ghormley Park bathrooms and a single Additional Alternative to remove a majority of the old tennis court to the South of the Softball fields and restore the area with topsoil and seed. This was reviewed by the Public Works/Finance Committee on May 10, 2021 and recommended for approval.

ACTION: Accept the Base Bid from Motley-Motley, Inc. and award the contract in the amount of \$188,820.50, and authorize staff approval of construction change orders in an amount not to exceed 10% of the contract amount (\$18,882.00).

G. Seventh to Sixth Street Sanitary Replacement Project Bid Results and Contract Award - Nate Suhr

The City published an advertisement for bids on April 17th, 2021 for Seventh to Sixth Street Sanitary Replacement Project. The bid for the project includes the replacement of three hundred and eighty-three (383) linear feet of sanitary sewer pipe, two hundred and sixty-nine (269) linear feet of storm sewer pipe, seven hundred and seven (707) square yards of asphalt, four (4) storm catch basins, a storm manhole, and a sanitary manhole. This was reviewed by the Public Works/Finance Committee on May 10, 2021 and recommended for approval.

ACTION: Accept the low bid from Germer Construction, Inc. for Base Bid, award the contract in

the amount of \$342,824.50, and authorize staff approval for construction change orders in an amount not to exceed 10% (\$34,282.45) of the contract amount.

H. Gateway on Sixth Monumentation Agreement - Todd Drage

James Stephens, on behalf of J & S Holding Company LLC, has submitted to the City a final plat for the development of the property east of Ghormley Park on Sixth Street. On September 8, 2020 The City Council approved the preliminary plat for this property. The final plat is titled Gateway on Sixth and will be presented for City Council approval on May 17th. If Council approves the final plat, the interior property corners will not be set until after the final plat has been filed, the earthwork has been completed, and the utilities have been installed. In such instances, an agreement obligating the establishment of these interior corners is required by Idaho Code. This item was reviewed by the Public Works Finance Committee on May 10, 2021 and was recommended for approval.

ACTION: Approve the monumentation agreement with J & S Holding Company LLC for Gateway on Sixth.

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

REGULAR AGENDA

2. COVID-19 Update and Request for Direction (ACTION ITEM) - Gary J. Riedner

On December 7, 2020, the City Council adopted Resolution 2020-27, extending the Mayor's Amended Public Health Emergency Order 20-03 (APHEO 20-03), to June 9, 2021, and adopting metrics to consider in making decisions regarding early termination of APHEO 20-03. At the time the Center for Disease Control (CDC) recommended that persons maintain at least 6 feet of social distance and facial coverings to prevent the spread of the COVID-19 virus, and Idaho Governor Brad Little had designated that Idaho was in a modified Stage 2 of the Idaho Rebounds Plan. City Council has been monitoring the status of the City of Moscow and Latah County, as well as the state of Idaho regarding the pandemic. On April 27, 2021, the CDC issued revised recommendations stating that fully vaccinated persons may engage in outdoor activities without facial coverings. On May 11, 2021, Governor Little moved the state of Idaho from Stage 3 to Stage 4 of the Idaho Rebounds Plan. On May 13, the CDC again revised its recommendations to state that fully vaccinated people may engage in both outdoor and indoor activities without facial coverings or staying 6 feet apart. Public Health-Idaho North Central District (PHINCD) has indicated that approximately 46% of Latah County residents are vaccinated. The seven-day moving average of newly diagnosed COVID-19 cases in Latah County has been averaging between 4-4.6. Washington State University has recessed to summer break, and the University of Idaho will do the same after graduations on May 15-16, 2021. Staff will provide an updated COVID-19 status report to Council, and has included a draft Resolution should City Council wish to take some action regarding termination of APHEO 20-03.

PROPOSED ACTIONS:

Receive COVID-19 status report update and consider the draft resolution, or provide staff further direction.

Riedner went through the metrics which included average cases per week of 4 on May 10 and 4.14 on May 17. The test results and hospitalizations metrics have also met for May 10 and 17. The Governor upgraded the State to Stage 4. Institutional partners supported removal of the Public Health Emergency if the Council desired to do so. Mayor Lambert stated he will not issue another emergency order with vaccines readily available. He strongly encouraged the Council to rescind the resolution.

Bettge stated last March Moscow was flying blind but think the Council did quite well. An email from Toni Broyles, University of Idaho stated Latah County's deaths per capita was the 3rd lowest in the State

of Idaho among the 44 counties. Only the state's two least populated counties in the 2019 census, Camas (pop 1,048) and Clark (pop 913) had a lower rate with zero deaths recorded. Latah's average deaths per capita was nearly 5 times lower than the average of Idaho's 25 largest counties. Latah County and Benton County in Oregon, home of Oregon State University, shared the lowest average COVID-19 deaths per capita, with both counties being nearly 5 times lower than the average deaths per capita of counties across the country with land grant universities.

Taruscio said it was a perfect storm of ugly at a national level. She doesn't want to look backwards but we can carry the lessons forward. She feels Moscow is better than the negativity and it took all of us to get where we are.

Sullivan felt the Council's actions were very consistent from the start and all based on recommendations based on scientific data. The new CDC recommendation of no mask if fully vaccinated conflicts with the Moscow emergency order which requires a mask for everyone.

Kelly felt Moscow did a good job as a whole and is in favor of moving along with the science. The more people vaccinated the more safe our community will be. She encouraged everyone to be kind to the businesses that want to continue to require masks.

Zabala said she is excited to be at a pivot point and feels the results are from vaccinations. She is eager to connect people to the resources to help make a decision on the vaccine and to help get the numbers lower every week.

Laflin said she is thrilled the evidence regarding the vaccine is positive and we are taking a new direction. She was disappointed there are still fights at airports and hopes the new recommendations will help mend fences. She is glad the science is moving along.

Bettge moved to terminate Resolution 2020-03 and replace with 2021-08. Taruscio seconded the motion. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

3. Staff Recognition Report - Gary J. Riedner

Riedner said there were three promotions with the retirement of Will Krasselt who was with the City of Moscow Police Department for 30 years. Anthony Dahlinger was promoted to Captain, Shane Gunderson to Sergeant, Brett Payne to Corporal.

4. Mayors Appointments (ACTION ITEM)

None offered.

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

Dan Schoenberg (Moscow) said he appreciates the termination of the emergency order. He had a lady and daughter come to town and look at an apartment and they were amazed how kind people were in Moscow. This last year, even though we didn't see fires and protests, Moscow had our own issues. Selective respect reigns true. He feels the Moscow community needs to accept everyone won't agree and needs to get back to looking after each other. Mayor Lambert said the entire United States was a mess. The pandemic was the enemy, not people. It is time to move forward. Sullivan agreed COVID has been difficult on every community. The report Bettge mentioned how well we have done, despite differences, we can agree it was hard but we did well and it can unite us. Mayor thanked the council for standing behind him with the emergency order.

Danny Bradley (Moscow) thanked the council for their decision. The community put their best foot forward but he felt the reason Latah County did so well was not because we did anything, it was because of the Lord being merciful to our community.

Carol Hughes (Moscow) applauded the Mayor and Council for the job they did during the pandemic. She feels it is naive to think those who refused to wear masks and who boldly said they would not be vaccinated, is not easily forgotten. She has lived here more than five decades and never loved a place more. She has been part of community by contributing in every way possible but truly concerned of what she feels now. She read the vision of Moscow from the Comprehensive Plan which says it creates a quality of place. Moscow has worked together to create a community and has been in favor of all the change but is not in favor of being left out of the procedure.

Walter Hesford (Moscow) spoke on approving new developments and how relates to older neighborhoods.

Jean Elliott (Moscow) asked about commenting on water rights. Mayor Lambert said during the public hearing if specific to a development.

6. Public Hearing: Harvest Hills Planned Unit Development and Replat of Lot 1, Block 1 of Harvest Hills 1st Addition (ACTION ITEM) - Mike Ray

The applicant, Phil Rheingans, is proposing a Planned Unit Development (PUD) and Replat of a 2.16-acre parcel to create ten (10) twin-home parcels ranging from 2,643 to 6,602 square feet in size; four (4) townhouse parcels ranging from 2,592 to 3,852 square feet in size; and one (1) Neighborhood Business (NB) parcel of 17,905 square feet in size, referred to as the Replat of Lot 1, Block 1 of Harvest Hills 1st Addition and the Harvest Hills PUD. The Planning and Zoning Commission conducted a public hearing for this matter on April 28, 2021 and recommended approval of the proposed PUD with no conditions and recommended approval of the preliminary plat with two (2) conditions.

PROPOSED ACTIONS:

After conducting the public hearing and upon consideration of testimony received:

1. Approve the PUD for Harvest Hills; or approve the PUD with conditions; or reject the PUD; or take other such action deemed appropriate.
2. In accordance with the decision upon the PUD, adopt the Planning and Zoning Commission's Reasoned Statement of Relevant Criteria and Standards; or direct Staff to prepare a Reasoned Statement of Relevant Criteria and Standards for the Council's consideration at a future meeting.
3. Approve the preliminary plat with the two (2) conditions recommended by the Planning and Zoning Commission; or approve the preliminary plat with no conditions; or reject the preliminary plat; or take other such action 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 as written above and gave a background of the property which began in 2013. The neighborhood was described including information on flood plain, Comprehensive Plan designation and the zoning designation of Neighborhood Business. Illustrations of the plat, lots, and houses were presented. The applicant is requesting a reduction in exterior side yard setbacks and Third Street side due to the tightness of a few lots. A 10-foot-wide Type A landscape buffer is typically required along the exterior property lines of NB Zoned property when adjacent to property zoned R-2 or R-3. Since the proposed use of the twinhomes and townhouses is residential and similar to the surrounding land uses, staff is recommending that a Type A buffer not be required except for the 17,905 square foot parcel which will be developed with a commercial component. The 9 parking spaces in the PUD are for the residents, such as visitor parking. Should stormwater runoff increase, the depth of the pond would need to be increased. Staff doesn't have and concern about the reduction of the exterior side yard setback.

Mayor Lambert opened the public hearing at 7:56 p.m.

Scott Becker (Hodge and Associates) represents the applicant. He analyzed the stormwater detention pond and it is sufficient for the entire development. The swale isn't necessary but thought it would provide another level for stormwater and snow removal if a parking lot is built for the commercial lot.

Mayor Lambert asked for testimony in favor of the application.

Phil Rheingans (applicant) explained the setbacks are there to balance design parameters on the difficult lots and allow the houses to fit on the pie-shaped lots. By developing the area, there should be improvement for runoff as the proposed berm will differ the water to the detention pond.

Dan Schoenberg (Palouse Properties) said development of housing has a cascading impact on the community. The number of available housing units in Moscow for various demographics in the community and the affect it has on the overall housing is why he is in support of the development

Rusty Olps (Moscow) said there are different kinds of developments and this is a quality set of homes. He looks forward to what else Rheingans has to offer.

Mayor Lambert asked for testimony in opposition of the application or general comments.

Fitz Hadley (Moscow) asked why the proposal is still zoned Neighborhood Business when there is residential in the development. His concern is the residential units transform into commercial.

Walter Hesford (Moscow) said it looks like a nice development but Third Street is not a through street which means Third Street and D Street will have increased traffic. Has the developer looked at the impact of traffic on existing developments and the City as a whole?

Patricia Taylor (Moscow) said she overlooks this development and thinks they are doing a nice job. She does have a concern about the business lot. She is opposed because it is on one of the busiest intersections She doesn't think it is a good situation as it will create noise and congestion, a large amount of foot traffic, potential to offer inappropriate items appealing to young kids, too close to the street and too busy.

David Hall (Moscow) said Moscow is trying to reduce water use from declining aquifers yet the city allows unfettered developments which creates more usage. The City should have a plan which includes a water use budget, a plan of how to decide how much use for water application, balance other uses, pay for offsite toilet replacements and similar options.

Carol Hughes (Moscow) said in reading the Comprehensive Plan, she found a section that stated rapid population growth may strain infrastructure and cause service capacity issues among other issues. She doesn't like hasty development. She does not support Harvest Hills First Addition because from the pool to the ballfields on Mountain View, it lures those seeking recreation and young people which creates an abundant amount of traffic and a dangerous situation.

Leonard Koepke (Moscow) lives directly north from this development. Previously P&Z denied it. The townhouses don't belong in an all house neighborhood. The 100-year flood plain was modified because this area was elevated and caused flooding onto his property. There is a traffic issue and Third Street needs to have a bridge to help with traffic. He doesn't feel the townhouses fit and don't need to be there. There are already vacant motor business property throughout town. Safeway and the gas station is less than 9/10 of a mile.

Jean Elliott (rural Latah County) said her comments are regarding all the upcoming developments. People want to move away from places with problems to Moscow because of what we have here, but Moscow could then turn into the places they left. We need to have careful and knowledgeable planning, not hasty planning. Does Council have to approve all the developments if they approve one? Can a developer change what was planned? For instance, planning for a grocery store but building a gas station. Water rights is a huge issue. There may be chemicals that are needed to purify the water. An article she found says water contains aluminum naturally but it is also added. She feels there are a number of people in these meetings that will profit from these new developments.

Belknap said the Comprehensive Plan section referenced by Ms. Hughes is out of a American Planning Association Policy Guide on Planning and Climate Change. It wasn't a statement of the Comprehensive Plan but was quoting as a point of a separate study.

Mayor Lambert closed the public hearing at 8:29 p.m.

Becker said housing in NB Zone with PUD is to allow housing to enhance the area. What business will be built has yet to be determined but it would have to fit into NB and would be something that could serve that community. Third Street is planned to go through eventually. The development has been in the works for 16 years. This development doesn't have an impact on flooding. A neighborhood business in this area has always been the idea and doesn't think it would be detrimental to the neighborhood.

Belknap explained residential lots are by right in an NB Zone but they wouldn't have a restriction of use. A PUD would be limited to residential and restricted to that use. Bettge mentioned the addition of residential reduces the potential of more business and a traffic circle at Sixth and Mountain View may help with traffic. Sullivan added infill is the priority rather than sprawl.

Taruscio moved to approve the PUD for Harvest Hills. Bettge seconded the motion. Zabala explained she sat on the Palouse Basin Aquifer Committee as Council representative and rather than putting conditions on developments individually, should look at an alternative. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Bettge moved to adopt the Planning and Zoning Commission's Reasoned Statement of Relevant Criteria and Standards. Kelly seconded the motion. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Bettge moved and Taruscio seconded to approve the preliminary plat with the two engineering considerations and the condition of the Type A landscape buffer for the NB lot. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

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

7. Public Hearing: Harvest Hills 2nd Addition Preliminary Plat (ACTION ITEM) - Mike Ray

The applicant, Phil Rheingans, is proposing to subdivide a 17.2-acre area to create fifty-six (56) single-family parcels ranging from 7,219 to 24,075 square feet in size, referred to as Harvest Hills 2nd Addition. The Planning and Zoning Commission conducted a public hearing for this matter on April 28, 2021 and recommended approval of the proposed preliminary plat with no conditions.

PROPOSED ACTIONS:

1. After conducting the public hearing and upon consideration of testimony received, approve the preliminary plat; or approve the preliminary plat with conditions; or reject the preliminary plat; or take other such action deemed appropriate.

2. 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 providing background information beginning in 2005 whereas the final plat expired in 2013. February 1, 2016 City Council approved the proposed Rezone and Comprehensive Plan amendment. On April 18, 2016 the City Council approved the preliminary subdivision plat for Harvest Hills 1st Addition with three conditions. Ray continued the presentation by describing the Comprehensive Plan designation, zoning and utilities for the area. Two pedestrian easements are proposed in the plat. Janson Street connection will come along with the infrastructure and before any building permits are issued.

Mayor Lambert opened the public hearing at 9:05 p.m.

Scott Becker (Hodge and Associates) represents the applicant. Stormwater will run down to the detention pond. Housing will be on the north side and house footprints will collect water and run it to the street. There should be a marked improvement once developed. Silt fencing and berm/swale will be created and will help to mitigate any issues during construction.

Mayor Lambert asked for testimony in support of the application.

Phil Rheingans (applicant) is in support. He has owned the property for some time and wrested with how to design something that fits with the property, compatible with the neighborhood.

Mayor Lambert asked for testimony in opposition of the application or general comments.

David Hall (Moscow) said Moscow is trying to reduce water and trying to come up with alternative water supply. The City needs a plan to include a water use budget. City Council had a goal for a water use budget approximately 10 years ago but has disappeared from the Council goals. PBAC pumping entities are supposed to limit pumping to only a 1% annual increase. In 2020, Moscow pumped 747 million gallons and the 5.24 million gallons annually proposed for this development is a good portion of the 1% increase.

Jean Elliott (rural Latah County) suggested a requirement for all these developments to require low flow toilets and other water saving measures. Perhaps there could be ongoing town hall meetings regarding the community. There are frogs on the property. Maybe the developer can reach out to PCEI to relocate the frogs. New residents could turn Moscow into something else. She is concerned about one development after another and how discern on which ones to curtail. Do we have to have infinite growth? Water rights are not without drawbacks. She is concerned about chemicals added to water and predominance of people profiting from the development. She hopes this is not a rubberstamp group.

Carol Hughes (Moscow) said we talk about need for more housing but she wonders why there isn't better housing for seniors such as smaller single-family houses. She would advocate members of a commission or committee that stands to benefit from the outcome of a vote to recuse themselves. Mayor Lambert said they do.

Mayor Lambert closed the public hearing at 9:21 p.m.

Rheingans said the anticipated timeframe depends on contractors as they are busy but he is hoping for grading this year. Laflin encouraged that houses built are consistent with the city priorities which are water, climate and conservation issues. Rheingans responded his house are insulated to a higher standard than code and also low flow requirements are incorporated. Sullivan suggested speaking with the City

conservation program employees regarding features that can benefit the buyers and make lots more desirable. Rheingans didn't think a permeable driveway was allowed by code. He doesn't provide landscaping in his construction but does refer landscaping companies to the home buyers. Riedner reminded the Council these ideas go beyond the standards of review of the preliminary plat.

Zabala asked what the recourse would be if a commissioner did not recuse themselves. Bautista said procedurally is to have the item put back on the agenda and address the conflict, recuse themselves and have a revote on the matter. Belknap added that if a party feels there was a conflict of interest, they could talk to the City Attorney. Riedner added the inquiry needs to be done as soon as the appearance of conflict is discovered. Not everything is a conflict of interest.

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

Mayor Lambert called a recess at 9:29 p.m. The meeting resumed at 9:37 p.m.

8. Gateway on Sixth Development Agreement (ACTION ITEM) - Todd Drage

James Stephens, on behalf of J & S Holding Company LLC, has submitted to the City a final plat for the development of the property East of Ghormley Park on Sixth Street. On September 8, 2020 The City Council approved the preliminary plat for this property. The final plat is titled Gateway on Sixth and will be presented for City Council approval on May 17th. If the final plat is approved by City Council, a development agreement is necessary to address construction of public improvements, parkland dedication, and as-constructed drawings. The attached agreement covers these items.

Item was reviewed by the Public Works Finance Committee on 5/10/2021 and was forwarded to the City Council as a regular agenda item with no recommendation.

PROPOSED ACTIONS:

Approve the Development Agreement with J & S Holding LLC for Gateway on Sixth, or take such other action deemed appropriate.

This item heard as item 9.

Belknap introduced the item as written above and explaining this development agreement includes the standard language that dictates the developer is responsible for all necessary public improvements including but not limited to utilities, duration of time to complete the improvements, warranty, parkland dedication, phasing of project.

Bettge moved to approve the development agreement with J&S Holding LLC for Gateway on Sixth. Laflin seconded the motion. Discussion ensued regarding options for parking issues. Roll Call Vote: Ayes: Five (5). Nays: One (Zabala). Abstentions: None. Motion carried.

9. University Gateway on Sixth Final Planned Unit Development and Final Plat (ACTION ITEM) - Mike Ray

On September 8, 2020, Moscow City Council approved the University Gateway on Sixth Addition rezone and preliminary Planned Unit Development (PUD) with no conditions, and approved the preliminary plat with three conditions. On April 9, 2021 the applicant submitted the final subdivision plat and final PUD to be reviewed by the Planning and Zoning Commission and City Council. The Planning and Zoning Commission reviewed the final subdivision plat and final PUD at their meeting

on April 28, 2021 and recommend approval to City Council.

PROPOSED ACTIONS:

Approve the University Gateway on Sixth Final PUD and Final Plat; or take such other action deemed appropriate.

This item was heard as item 8.

Ray introduced the item by going over the history of the property, description of the PUD, zoning, and the three conditions included on the preliminary plat. Lots 1-20 had a minor adjustment to the floor plans to fit on the parcels but are virtually the same size from the preliminary plat. The parking lots will now be exclusively parking for the residents of this development.

Taruscio moved to approve the University Gateway on Sixth Final PUD and Final Plat. Bettge seconded the motion. Roll Call Vote: Ayes: Five (5). Nays: One (Zabala). Abstentions: None. Motion carried.

10. BBC LLC Developer Participation Request (ACTION ITEM) - Bill Belknap

On April 8th of this year, City Staff received a request from Rich Beebe, representative of BBC LLC, owner of 232 acres located to the south of the City's playfield property located on W. Palouse River Drive, requesting the City's financial participation in the construction of the extension of Conestoga Street and the accompanying bridge construction as it provides mutual benefit to both parties. The total cost of the construction of the roadway, bridge and attendant utilities to the southerly boundary of the City's property is estimated at \$2,372,062. At the City Council meeting of May 3, 2021, staff presented information on the history of the City's property and prior proposed playfield development of the property to be considered in the Council's deliberations regarding the City's participation in the costs of extension of Conestoga Street. Council directed staff to negotiate an agreement with BBC LLC for further City Council consideration. A draft Memorandum of Agreement is attached.

PROPOSED ACTIONS: Review draft Memorandum of Agreement and recommend approval, or provide staff further direction.

Belknap introduced the item as written above and included a background of the City Palouse River Drive property. Belknap confirmed City involvement would only be related to Conestoga Drive extending to the southerly border of the City property.

Richie Beebe, BBC LLC, said they have had conversations with Moscow Afford Housing Trust (MAHT) are have something in writing and close to getting something signed.

Nils Peterson, said they have a proposal from BBC LLC and took it to the MAHT executive committee. The executive committee was interested and asked Peterson to research whether this is a credible option to proceed with and give a recommendation to the executive committee at their next meeting.

Bettge moved to approve the memorandum of agreement. Taruscio seconded the motion.

Zabala thanked both parties and said this is in line with Council intentions. She felt it is a high price tag for something that is not in the capital plan but appreciates the infrastructure improvements. Kelly liked the process that we went through.

Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

11. Consideration of Mayor and City Council Salary Adjustments (ACTION ITEM) - Jen Piffner

Per City of Moscow Code Title 1, Chapter 8 according to Idaho Code, § 50-203: "The salary for elective officers shall be fixed by ordinance. Salary adjustments for such elective officers shall be made every two (2) years from the date of the previous adjustment in accordance and in proportion with adjustments in the Consumer Price Index (CPI) as published by the United States Department of Labor.

Such adjustments must be specifically approved by ordinance at least six (6) months prior to the effective date of such adjustments."

The proposed Ordinance amends the Mayor and City Council salaries by the CPI adjustment of the past 24 months: January 1, 2019 to December 31, 2020. The reported CPI values were 2.1% and 2.4% for 2019 and 2020, respectively. Proposed increases to monthly salaries would be effective January 1, 2022, and are as follows:

Mayor - From \$2028.50 per month to \$2,119.78 per month

Council - From \$703.28 per month to \$734.93 per month

PROPOSED ACTIONS: Approve the Ordinance making salary adjustments for Mayor and City Council effective January 1, 2022 under suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary; or consider the Ordinance on first reading and that it be read by title; or reject the Ordinance; or take such other action deemed appropriate.

Riedner introduced the item as written above. Bettge moved to approve the Ordinance making salary adjustments for Mayor and City Council effective January 1, 2022 under suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary. Sullivan seconded the motion. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Mayor Lambert read Ordinance 2021-05:

AN ORDINANCE AMENDING TITLE 1, CHAPTER 8 OF THE MOSCOW CITY CODE; PROVIDING FOR INCREASES IN THE SALARIES OF CITY ELECTIVE OFFICERS; 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.

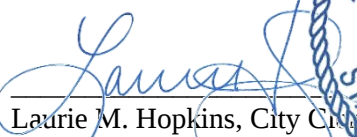
REPORTS

Reports were postponed.

ADJOURN

The meeting adjourned at 10:24 p.m.

ATTEST:


Laurie M. Hopkins, City Clerk




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 (PUD) OF A TWO POINT ONE SIX (2.16) ACRE AREA OF LAND LOCATED AT 1606 EAST THIRD STREET, KNOWN AS THE HARVEST HILLS PUD WITHIN THE CITY OF MOSCOW, IDAHO.

WHEREAS, the applicant filed an application for a Preliminary Subdivision Plat on April 8, 2021; and

WHEREAS, this matter came before the Moscow Planning and Zoning Commission during a duly noticed public hearing on April 28, 2021; and

WHEREAS, this matter came before the Moscow City Council during a duly noticed public hearing on May 17, 2021; 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 2019 Comprehensive Plan, City of Moscow Zoning Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The subject property is currently a vacant lot identified as Lot 1, Block 1 of the Harvest Hills 1st Addition. The subject property was platted in 2016 as a 2.16-acre parcel in the Harvest Hills 1st Addition.
3. The property is adjacent to single family residential developments (Damen's Addition, Skyview Estates Addition, Moser Estates Addition) to the north and the Rolling Hills Additions to the south. The remainder of the lots within the Harvest Hills 1st Addition to the south and east are currently developed as twinhome lots.
4. The subject property has already been pre-graded as part of the grading of Harvest Hills 1st Addition. The property averages around a 6% slope, with the exception of the area along the north property lines which contains a relatively steep slope down to the stormwater detention pond and Paradise Creek.
5. The subject property is currently designated as Suburban Commercial (SC). SC designated areas are,

“intended to provide local and neighborhood commercial services in a manner that is compatible within a residential neighborhood environment. Lands appropriate for this

designation include areas in close proximity to higher-density residential development and intersections of designated collector or arterial streets near residential development. Developments within these designated areas should include additional building scale and design standards (e.g., roof shape and materials, building height, setbacks, lighting, signage, etc., coupled with increased buffer yard requirements would better ensure compatibility). Developments within Suburban Commercial designated areas should limit the floor area ratios and require greater landscaping. Suburban Commercial designated areas are most appropriately zoned Neighborhood Business (NB)."

6. All of the surrounding subdivisions are designated as Auto-Urban Residential, except for the park pathway property to the west which is designated as Parks and Open Space.
7. The Comprehensive Plan designates Mountain View Road as a minor arterial and Third Street as a collector. All other surrounding streets are designated as local neighborhood streets.
8. The subject property is currently designated as the Neighborhood Business (NB) Zoning District. The properties directly adjacent to the south and east are designated as Medium Density Residential (R-3). All other surrounding properties are within the Moderate Density Residential (R-2) Zoning District.
9. The NB Zoning District is appropriately applied in the following circumstances:
 1. Where local commercial facilities will serve the everyday needs of a limited neighborhood area;
 2. Where activity levels associated with small scale office development can be accommodated or tolerated by surrounding land uses and existing public services;
 3. Where a neighborhood core is identified which is easily accessible by pedestrian or vehicular circulation; and
 4. Where such commercial development will result in minimal interference with residential uses in the vicinity of the NB Zoning District.
10. Uses permitted within the NB Zone include residential uses above or behind a commercial use on the property, community and market gardens, fitness centers, veterinary services, professional offices, restaurants, coffee and espresso stands, child care facilities, community/neighborhood centers, health care services, museums and art galleries, religious facilities, retail and personal services, off-street parking areas, and bed and breakfast inns.
11. The applicant is concurrently proposing to subdivide the existing 2.16-acre parcel to create ten (10) twinhome parcels ranging from 2,643 to 6,602 square feet in size; four (4) townhouse parcels ranging from 2,592 to 3,852 square feet in size; and one (1) Neighborhood Business (NB) parcel of 17,905 square feet in size.
12. The applicant is proposing to construct 10 twinhome dwellings, 4 townhouse dwellings, and create a 17,905 square foot parcel on the northeast corner of Mountain View Road and Sixth Street.
13. The primary reason for the PUD request is to allow a private street which serves the proposed lots. The private street is proposed to be a 20-foot paved width with curb and a 4-foot sidewalk on one side of the street. Contained within the center of the private drive is an open space island that contains 9 angled common parking spaces.
14. The proposed twinhome lots range from 2,643 to 6,602 square feet in size and the buildings are the same design as the twinhomes that have been constructed on the south side of Third Street in Harvest Hills 1st Addition. The buildings are two stories in height, have covered front porches, recessed garages, and rear patios. The exterior building materials include Hardi Board siding,

glulam posts and beams, and a 6:12 roof pitch with asphalt shingles. A larger single car garage, living room, dining room, kitchen, and bathroom are on the first floor. The second floor contains four bedrooms, two bathrooms, and a laundry room. The total square footage of the floor plans are approximately 2,100 square feet.

15. The applicant is requesting a slight reduction in the exterior side yard setbacks because of the pie shape of the lots as they surround the looped private street. The required twinhome exterior side setback is 8 feet and the applicant is requesting a 7 foot setback. The front setbacks adjacent to the private street range between 8 to 25 feet, depending on the location of the lot. The setback to all garage doors will all be at least 20 feet to allow the parking of a single vehicle in the driveway. The rear setbacks are all proposed to meet the 20-foot setback requirement, but the street side setback along Third Street is proposed to be reduced from 10 feet to 5 feet.
16. The proposed townhouse lots range from 2,592 to 3,852 square feet in size and the buildings are of a similar design to the twinhomes constructed on the south side of Third Street in the Harvest Hills 1st Addition. The exterior building materials and floor plans are similar to the proposed twinhome design. The applicant is requesting a reduction in the exterior side yard setback for the townhouse on Lot 2, adjacent to the Neighborhood Business parcel. The townhouse exterior setbacks are required to be 8 feet and the applicant is requesting 3 feet on Lot 2. The other exterior side setback on Lot 5 meets the required setback.
17. The proposed 17,905 square foot Neighborhood Business (NB) lot is intended to be a vacant lot that would be developed in the future. Any use currently allowed in the NB Zone would be permitted, but per the PUD code, the property must incorporate at least one commercial use located along the primary street frontage. Any development would need to meet all of the typical requirements of the NB Zone.
18. A 10-foot-wide Type A landscape buffer is typically required along the exterior property lines of NB Zoned property when adjacent to property zoned R-2 or R-3. Since the proposed use of the twinhomes and townhouses is residential and similar to the surrounding land uses, the Council determines that the Type A buffer shall not be required except for the 17,905 square foot parcel which will be developed with a commercial component.
19. Water service is proposed to be extended via an existing water main that is located Third Street. A new water main will be looped around the private street in order to serve all of the proposed lots.
20. It is anticipated that under commonly observed household water use within the City (114 gallons per day per occupant) that the proposed 14 lots could be reasonably anticipated to use approximately 1.31 million gallons of water per year ($14 \text{ du} \times 2.25 \text{ occupants/du} \times 114 \text{ gallons/occupant} \times 365 \text{ days/year} = 1.31 \text{ M gallons/year}$).
21. The property is considered developable in the City's Comprehensive Water System Plan dated January 2012. Engineering has determined that the existing system has adequate potable and fire flows to serve the proposed subdivision.
22. Sanitary sewer currently exists within Third Street, as well as Mountain View Road. A new main will be constructed within the center of the private street and extended through a 10-foot-wide sewer easement between Lots 5 and 6 to the existing main in Mountain View Road.
23. The Engineering Department 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.

24. Storm Sewer will be conveyed through a new main in the private street that ultimately is conveyed to the stormwater detention ponds within Harvest Hills 1st Addition. There is a proposed swale shown on the east side of the park property along Mountain View Road. Engineering is recommending that the applicant relocate the stormwater facility outside of the park property.
25. The subject property is located adjacent to Third Street to the west which is designated as a collector street. The section of Third Street adjacent to the subject property is developed as a 34-foot-wide roadway with two travel lanes, bike lanes on both sides of the street, and curbing and gutters on both sides of the street. A portion of the north side of Third Street within Harvest Hills 1st Addition is widened to provide nine (9) on-street parking spaces per a City Council condition for the Harvest Hills 1st Addition plat. Third Street has also been widened near the intersection of Third Street and Mountain View Road to accommodate a left turn lane.
26. The proposed private street which loops through the development is proposed to be a 20-foot paved width with curb and a 4-foot sidewalk on one side of the street. This proposed street meets the City's standard for private streets and there will be no on-street parking, but the applicant has provided 9 angled parking spaces within the center open space island.
27. The applicant has previously dedicated two parkland tracts within Harvest Hills 1st Addition which has satisfied the parkland dedication requirement for the subject property. Since the zoning designation is remaining the same, there is no change in the parkland dedication requirement.

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 Suburban Commercial (SC) designation is intended to provide local and neighborhood commercial services in a manner that is compatible within a residential neighborhood environment. Lands appropriate for this designation include areas in close proximity to higher-density residential development and intersections of designated collector or arterial streets near residential development, which describes the subject property. The proposed PUD also furthers a goal of the Comprehensive Plan to provide a mix of housing that meets the economic and lifestyle needs of the diverse population of Moscow. 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 is an efficient development which utilizes a private street to access all portions of the oddly-shaped property. The proposed PUD creates ten twinhomes and four townhouses while leaving a 17,905 sf Neighborhood Business Parcel. Since the purpose of the Neighborhood Business (NB) Zoning District is to provide commercial services which serve adjacent residential neighborhoods, any PUD proposed within the NB Zone shall incorporate at least one (1) commercial use located along the primary

street frontage. The 17,905 sf parcel reserves the opportunity to meet the intent of the NB Zone and the PUD code.

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 developments. The proposed PUD provides for development of the subject property at a similar density as already exists within Harvest Hills 1st Addition.
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.
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 ten townhomes and four townhouses on smaller lots provides an efficient and economical home ownership opportunity which is currently limited in the City. The proposed townhouses and townhomes have a design which 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 2.16-acre parcel located at 1606 E Third Street with no conditions.

PASSED BY THE CITY COUNCIL OF THE CITY OF MOSCOW this 17th day of May, 2021.



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 PRELIMINARY SUBDIVISION PLAT OF A TWO POINT ONE SIX (2.16) ACRE AREA OF LAND LOCATED AT 1606 EAST THIRD STREET, KNOWN AS THE REPLAT OF LOT 1, BLOCK 1 OF HARVEST HILLS 1ST ADDITION TO THE CITY OF MOSCOW, IDAHO.

WHEREAS, the applicant filed an application for a Preliminary Subdivision Plat on April 8, 2021; and

WHEREAS, this matter came before the Moscow Planning and Zoning Commission during a duly noticed public hearing on April 28, 2021; and

WHEREAS, this matter came before the Moscow City Council during a duly noticed public hearing on May 17, 2021; 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 2019 Comprehensive Plan, City of Moscow Zoning Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The subject property is currently a vacant lot identified as Lot 1, Block 1 of the Harvest Hills 1st Addition. The subject property was platted in 2016 as a 2.16-acre parcel in the Harvest Hills 1st Addition.
3. The property is adjacent to single family residential developments (Damen's Addition, Skyview Estates Addition, Moser Estates Addition) to the north and the Rolling Hills Additions to the south. The remainder of the lots within the Harvest Hills 1st Addition to the south and east are currently developed as twinhome lots.
4. The subject property has already been pre-graded as part of the grading of Harvest Hills 1st Addition. The property averages around a 6% slope, with the exception of the area along the north property lines which contains a relatively steep slope down to the stormwater detention pond and Paradise Creek.
5. The subject property is currently designated as Suburban Commercial (SC). SC designated areas are,

“intended to provide local and neighborhood commercial services in a manner that is compatible within a residential neighborhood environment. Lands appropriate for this

designation include areas in close proximity to higher-density residential development and intersections of designated collector or arterial streets near residential development. Developments within these designated areas should include additional building scale and design standards (e.g., roof shape and materials, building height, setbacks, lighting, signage, etc., coupled with increased buffer yard requirements would better ensure compatibility). Developments within Suburban Commercial designated areas should limit the floor area ratios and require greater landscaping. Suburban Commercial designated areas are most appropriately zoned Neighborhood Business (NB)."

6. All of the surrounding subdivisions are designated as Auto-Urban Residential, except for the park pathway property to the west which is designated as Parks and Open Space.
7. The Comprehensive Plan designates Mountain View Road as a minor arterial and Third Street as a collector. All other surrounding streets are designated as local neighborhood streets.
8. The subject property is currently designated as the Neighborhood Business (NB) Zoning District. The properties directly adjacent to the south and east are designated as Medium Density Residential (R-3). All other surrounding properties are within the Moderate Density Residential (R-2) Zoning District.
9. The NB Zoning District is appropriately applied in the following circumstances:
 1. Where local commercial facilities will serve the everyday needs of a limited neighborhood area;
 2. Where activity levels associated with small scale office development can be accommodated or tolerated by surrounding land uses and existing public services;
 3. Where a neighborhood core is identified which is easily accessible by pedestrian or vehicular circulation; and
 4. Where such commercial development will result in minimal interference with residential uses in the vicinity of the NB Zoning District.
10. Uses permitted within the NB Zone include residential uses above or behind a commercial use on the property, community and market gardens, fitness centers, veterinary services, professional offices, restaurants, coffee and espresso stands, child care facilities, community/neighborhood centers, health care services, museums and art galleries, religious facilities, retail and personal services, off-street parking areas, and bed and breakfast inns.
11. The applicant is proposing to subdivide the existing 2.16-acre parcel to create ten (10) twinhome parcels ranging from 2,643 to 6,602 square feet in size; four (4) townhouse parcels ranging from 2,592 to 3,852 square feet in size; and one (1) Neighborhood Business (NB) parcel of 17,905 square feet in size.
12. All of the proposed lots meet the minimum lot size of 5,000 sf for standard lots, 2,250 sf for twinhome lots, and 1,800 sf for townhouse lots within the NB Zoning District. Additionally, all of the proposed lots meet the minimum lot width of 50 ft for standard lots, 25 feet for twinhome lots, and 18 feet for townhouse lots.
13. Water service is proposed to be extended via an existing water main that is located Third Street. A new water main will be looped around the private street in order to serve all of the proposed lots.
14. It is anticipated that under commonly observed household water use within the City (114 gallons per day per occupant) that the proposed 14 lots could be reasonably anticipated to use approximately 1.31 million gallons of water per year (14 du x 2.25 occupants/du x 114 gallons/occupant x 365 days/year = 1.31 M gallons/year).

15. The property is considered developable in the City's Comprehensive Water System Plan dated January 2012. Engineering has determined that the existing system has adequate potable and fire flows to serve the proposed subdivision.
16. Sanitary sewer currently exists within Third Street, as well as Mountain View Road. A new main will be constructed within the center of the private street and extended through a 10-foot-wide sewer easement between Lots 5 and 6 to the existing main in Mountain View Road.
17. The Engineering Department 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.
18. Storm Sewer will be conveyed through a new main in the private street that ultimately is conveyed to the stormwater detention ponds within Harvest Hills 1st Addition. There is a proposed swale shown on the east side of the park property along Mountain View Road. Engineering is recommending that the applicant relocate the stormwater facility outside of the park property.
19. The subject property is located adjacent to Third Street to the south which is designated as a collector street. The section of Third Street adjacent to the subject property is developed as a 34-foot-wide roadway with two travel lanes, bike lanes on both sides of the street, and curbing and gutters on both sides of the street. A portion of the north side of Third Street within Harvest Hills 1st Addition is widened to provide nine (9) on-street parking spaces per a City Council condition for the Harvest Hills 1st Addition plat. Third Street has also been widened near the intersection of Third Street and Mountain View Road to accommodate a left turn lane.
20. The proposed private street which loops through the development is proposed to be a 20-foot paved width with curb and a 4-foot sidewalk on one side of the street. This proposed street meets the City's standard for private streets and there will be no on-street parking, but the applicant has provided 9 angled parking spaces within the center open space island.
21. The applicant has previously dedicated two parkland tracts within Harvest Hills 1st Addition which has satisfied the parkland dedication requirement for the subject property. Since the zoning designation is remaining the same, there is no change in the parkland dedication requirement.

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 proposed preliminary plat is consistent with and in conformance with the requirements and provisions of the Neighborhood Business (NB) Zoning District, including lot area, dimensions and other relevant provisions. The applicant is concurrently proposing a Planned Unit Development (PUD) to allow the private street access, a reduction in certain setback requirements, and the elimination of the Type A landscape buffer for the proposed residential portion of the project. The proposed preliminary plat is also in conformance with the general requirements of the Moscow Subdivision Ordinance including, but not limited to, the provision of the logical and orderly connection to the City's street network, public utilities, and the provision of public parkland.

2. **The proposed subdivision is in general conformance with the Comprehensive Plan.** The proposed preliminary plat is consistent with the underlying Comprehensive Plan land use designation of Suburban Commercial, and provides for the logical and orderly development and extension of the City's street system. The proposed project is in close proximity to higher-density residential development and is at the intersection of Third Street which is designated as a collector and Mountain View Road which is designated as a minor arterial.
3. **Public Services and utilities are available or can be made available and are adequate to accommodate the proposed subdivision.** The subject property has direct access to Third Street which is designated as a collector street. Water and Sewer connections are currently extended to the subject property and the Engineering Department has determined that the existing system has adequate potable and fire flows and sewer 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 for the extension of a private street which affords sufficient emergency services access and the project will not be detrimental to the public health, safety, or 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 2.16-acre parcel located at 1606 E Third Street with the following two conditions:

1. The stormwater runoff control facility design shall be evaluated to verify that there will be zero net increase in the rate of stormwater runoff from the development as a result of design changes.
2. The proposed stormwater swale running north to south along the east side of the parkland parcel shall be relocated so that it will not be on property previously dedicated as parkland for the development.
3. The Type A Landscape Buffer shall only be required along the west and south property lines of the 17,905 square foot Neighborhood Business lot, and no other lots within the subdivision shall be required to install a Type A Landscape Buffer.

PASSED BY THE CITY COUNCIL OF THE CITY OF MOSCOW this 17th day of May, 2021.



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 PRELIMINARY SUBDIVISION PLAT OF A SEVENTEEN POINT TWO (17.2) ACRE AREA OF LAND GENERALLY LOCATED EAST OF THE CURRENT TERMINUS OF EAST THIRD STREET, KNOWN AS HARVEST HILLS 2ND ADDITION TO THE CITY OF MOSCOW, IDAHO.

WHEREAS, the applicant filed an application for a Preliminary Subdivision Plat on April 8, 2021; and

WHEREAS, this matter came before the Moscow Planning and Zoning Commission during a duly noticed public hearing on April 28, 2021; and

WHEREAS, this matter came before the Moscow City Council during a duly noticed public hearing on May 17, 2021; 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 2019 Comprehensive Plan, City of Moscow Zoning Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The subject property is a seventeen-point two (17.2) acre area of land generally located east of the current terminus of East Third Street.
3. The subject property has historically been utilized for agricultural purposes and is currently vacant. The property is adjacent to single family residential developments (Damen's Addition, Skyview Estates Addition, Moser Estates Addition) to the north, the Rolling Hills Additions to the south, and the Harvest Hills 1st Addition directly to the west. Moser Park is directly adjacent to the east and is currently undeveloped.
4. The subject property contains areas of moderate to steeply sloping topography as the land slopes down from the southeast portion of the property in a northwesterly direction with slopes up to 20%.
5. The subject property is currently designated as Auto-Urban Residential (AU-R). AU-R designated areas,

“designated areas contain predominantly single-family detached homes on lots ranging from 7,000 to 11,000 square feet in size and are more isolated from surrounding uses which may

require residents to rely more on automobile transportation. This designation includes those areas generally anticipated to be developed for low- to moderate-density residential uses at densities between three to six units per acre which could include a mix of detached single-family, twinhome, and townhome residential dwellings. Appropriate current zoning for Auto-Urban Residential designated areas include Low Density Residential (R-1), Moderate Density Single Family Residential (R-2) and Medium Density Residential (R-3) in order to include a mixture of attached and detached dwellings where appropriate.”

6. All of the surrounding subdivisions are also designated as Auto-Urban Residential, with the exception of the 2.16-acre Neighborhood Business parcel in Harvest Hills 1st Addition which is designated as Suburban Commercial. All parks and open space within the area including the Moser Park property located directly to the east of the subject property are designated as Parks and Open Space.
7. The Comprehensive Plan designates Mountain View Road as a minor arterial and the proposed extension of Third Street as a collector. All other surrounding streets are designated as local neighborhood streets.
8. The subject property is currently designated as the Moderate Density Residential (R-2) Zoning District. The properties to the north, east, and south of the subject property are also zoned R-2. Harvest Hills 1st Addition to the west is zoned a combination of the Neighborhood Business (NB) and Medium Density Residential (R-3) Zones.
9. The R-2 zoning district is a moderate density residential zone appropriate where the following circumstances are present:
 1. Single family dwellings predominate.
 2. The terrain is not harshly irregular and smaller lot sizes can be accommodated without extensive earthwork.
 3. Utilities and other public facilities are adequate for the densities allowed.
 4. Existing lot development patterns and policies embodied in the Plan will also guide application of this zoning district.
10. Uses permitted within the R-2 Zone include single-family residential dwellings, market and community gardens, group child care facilities, and public parks and recreational facilities.
11. The applicant is proposing to subdivide the existing 17.2-acre area to create fifty-six (56) single-family parcels ranging from 7,219 to 24,075 square feet in size. All of the proposed lots meet the minimum lot size of 7,000 sf and minimum lot width of 60 feet for the R-2 Zoning District.
12. Water service is proposed to be extended via existing water mains that have been extended to the current terminus of Third Street at the far east end of Harvest Hills 1st Addition. A new water main will be extended off of the existing and will extend along the Third Street alignment to the eastern subdivision boundary.
13. It is anticipated that under commonly observed household water use within the City (114 gallons per day per occupant) that the proposed 56 lots could be reasonably anticipated to use approximately 5.24 million gallons of water per year (56 du x 2.25 occupants/du x 114 gallons/occupant x 365 days/year = 5.24 M gallons/year).
14. The property is considered developable in the City’s Comprehensive Water System Plan dated January 2012. Engineering has determined that the existing system has adequate potable and fire flows to serve the proposed subdivision.
15. Sanitary sewer currently exists within the Third Street alignment on the subject property and is currently connected to Rolling Hills 8th Addition. This 8 inch sanitary sewer main was installed

a few years ago as part of an agreement between the previous Windfall Hills developer and the developer of the Rolling Hills Additions. Sanitary sewer mains will be extended through Janson Street and Amber Court to the eastern subdivision boundary.

16. The Engineering Department 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. Storm Sewer will be conveyed through the subdivision through a new main in Third Street that connects with the main in Harvest Hills 1st Addition and the storm main extending from Rolling Hills 8th Addition. The stormwater will ultimately be conveyed to stormwater detention ponds in Harvest Hills 1st Addition. The stormwater detention ponds then drain to Paradise Creek.
18. The subject property is located adjacent to Third Street to the west which is designated as a collector street. The section of Third Street adjacent to the subject property is developed as a 34-foot-wide roadway with two travel lanes, and bike lanes, curbing, gutter, and sidewalks on both sides of the street. A portion of the north side of Third Street within Harvest Hills 1st Addition is widened to provide nine (9) on-street parking spaces per a City Council condition for the Harvest Hills 1st Addition plat.
19. The proposed preliminary plat includes the continuation of Third Street to the east. Third Street through the subject property is also considered a collector street and will be developed to the same standard as Harvest Hills 1st Addition, with bike lanes and no on-street parking permitted.
20. There are two pedestrian pathway connections provided on the preliminary plat. At the far east end of the development there is a right-of-way dedication that provides a ten-foot-wide connection from Amber Court to Moser Park. Additionally, between Lots 8 and 9 of Block 4 there is a proposed ten-foot-wide pedestrian easement which allows for the connection of the pedestrian pathway which extends to the property from Third Street to the south.
21. The subject property contains approximately 13.32 acres of net developable land. Since the entire property is within the R-2 Zoning District, the developer is required to dedicate 5%, which equates to 29,031 square feet. There is an excess balance of 11,265 square feet that was dedicated and banked as part of Harvest Hills 1st Addition, which results in a total parkland dedication requirement of 17,747 square feet. The developer has proposed a 19,083 square foot island at the center of the cul-de-sac and a 10-foot-wide, 1,525 square foot tract that provides pedestrian access from Amber Court to Moser Park. The sum of the two proposed dedications meets the parkland dedication requirement of the proposed subdivision. David Schott, Assistant Parks and Recreation Director, has indicated within the attached April 19, 2021 memo that he is in support of the proposed dedication.
22. The applicant conducted a neighborhood meeting with affected property owners within 600 feet of the subject property on February 26, 2021 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 proposed preliminary plat is consistent with and in conformance with the requirements and provisions of the Moderate Density Residential (R-2) Zoning District, including lot area,

dimensions and other relevant provisions. The proposed preliminary plat is also in conformance with the general requirements of the Moscow Subdivision Ordinance including, but not limited to, the provision of the logical and orderly connection to the City's street network, public utilities, and the provision of public parkland

2. **The proposed subdivision is in general conformance with the Comprehensive Plan.** The proposed preliminary plat is consistent with the City of Moscow Comprehensive Plan and provides for the logical and orderly development and extension of the City's street system. The extension of Third Street is consistent with the Thoroughfare Plan to ultimately connect to the segment of Third Street that continues through the Rolling Hills 8th Addition. The proposed lots sizes and densities are consistent with the Comprehensive Plan Land Use designation of Auto-Urban Residential.
3. **Public Services and utilities are available or can be made available and are adequate to accommodate the proposed subdivision.** The subject property has direct access to Mountain View Road which is a minor arterial, and includes the extension of Third Street which is designated as a collector street. Water and Sewer connections are readily available in the area and a sanitary sewer main has already been installed on the Third Street alignment to connect with Rolling Hills 8th Addition to the southeast. The Engineering Department has determined that the existing system has adequate potable and fire flows and sewer 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 for the extension of City streets and services and will not be detrimental to the public health, safety, or 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 seventeen-point two (17.2) acre area of land generally located east of the current terminus of East Third Street with no conditions.

PASSED BY THE CITY COUNCIL OF THE CITY OF MOSCOW this 17th day of May, 2021.



Bill Lambert, Mayor