



Wendy McClure

~Agenda~

Mike Ray

Commission Chair

Staff Liaison

<http://www.ci.moscow.id.us/457/Planning-Zoning-Commission>

Wednesday

Council Chambers

7:00 PM

November 14, 2018

206 E 3rd Street

1. Approval Of Minutes From September 26, 2018

ACTION: Approve minutes as presented, with amendments, or provide staff further direction.

Documents:

[MINPZC20180926.PDF](#)

2. Correspondence

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

3. Transportation Commission Meeting Report

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

4. Public Comment

Time limit 15 minutes. Members of the Public may speak to the Commission regarding matters NOT on the Agenda nor currently pending before the Planning and Zoning Commission. Please state your name and address for the record and limit your remarks to three minutes.

5. Public Hearing: Proposal For Rezone At 2350 Trail Road In The Area Of City Impact: LUP2018-0030 [ACTION ITEM]

Proposed rezone of a 4.7 acre parcel of land located at 2350 Trail Road within the Area of City Impact from the Agriculture/Forestry (AF) Zone to the Farm, Ranch, and Outdoor Recreation (FR) Zone.

ACTION: Conduct the public hearing upon the proposed rezone request and upon consideration of any testimony presented, recommend approval of the rezone request to

Latah County and direct Staff to prepare a reasoned statement of relevant criteria and standards; or recommend approval of the rezone request to Latah County with conditions and direct Staff to prepare a reasoned statement of relevant criteria and standards; or recommend denial of the rezone request to Latah County and direct Staff to prepare a reasoned statement of relevant criteria and standards; or take other action as deemed appropriate.

Documents:

[REZONE PACKET.PDF](#)

6. Comprehensive Plan Open House Recap
7. Subdivision Code Review [ACTION ITEM]

Staff has prepared a working draft of the updated subdivision code for the Commission's review.

ACTION: Review the subdivision code and lot division/lot line adjustment process and provide Staff further direction as deemed necessary.

Documents:

[SUBDIVISION CODE.PDF](#)

8. Area Of City Impact Agreement [ACTION ITEM]

Now that the major amendments to the Zoning Code have been completed and the Comprehensive Plan Update is nearing completion, City and County Staff have been working on updating the Area of City Impact Agreement. The last time the ACI Agreement was updated was 2006.

ACTION: Review the proposed Area of City Impact Agreement and provide Staff further direction as deemed necessary.

Documents:

[ACI AGREEMENT.PDF](#)

NOTICE: Moscow City Council Commission meetings can be televised, videotaped and/or recorded. Individuals attending the meeting who require special assistance to accommodate physical, hearing, or other impairments, please contact the City Clerk, at (208) 883-7015 or TDD 883-7019, as soon as possible so that arrangements may be made.

PLANNING & ZONING COMMISSION



Wendy McClure
Commission Chair

~Meeting Minutes~
September 26, 2018

Mike Ray
Staff Liaison

p&z@ci.moscow.id.us

208.883.7008

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

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

MEMBERS PRESENT: Robb Parish, Vice Chair; Scott Gropp, Joel Hamilton, Wendy McClure (via phone), Mike Nelsen, Victoria Seever, Dennis Wilson

MEMBERS ABSENT: Kurt Obermayr, Nels Reese

ALSO IN ATTENDANCE: Mike Ray, Anne Zabala, Anne Peterson

1. Approval of minutes from August 22, 2018

RESULT:	ACCEPTED BY ACCLAMATION
MOVER:	Wilson
SECONDER:	Seever
ABSTENTIONS:	Hamilton

2. Correspondence

None.

3. Transportation Commission Meeting Report

No report.

4. Public Comment

None.

5. Comprehensive Plan Open House Schedule

Ray reminded Commissioners the Comp Plan Update Review concluded last spring just as students and faculty were leaving for the summer, so the open house and hearings were postponed until fall. He suggested scheduling the open house on October 24 from 5:30-7pm in place of the regular meeting. Commissioners concurred. Ray explained the open house session would include poster stations for each chapter, with Commissioners and staff present to informally respond to any questions or discussion. A 30-day period will follow the open house to allow citizens time to submit comments. The open house and comment period will both be well publicized.

Ray mentioned he will be gone to a planning conference during the first meeting of October so Commissioners agreed to cancel the October 12 meeting as well.

6. Subdivision Code Review

Ray reviewed the current subdivision code in preparation for update discussions. The lot division process is currently not codified but Ray described how Moscow handles them and provided examples from other jurisdictions. Staff proposed revising Moscow's process to provide notice to everyone within 300 feet and

a 15-day written comment period followed by the Zoning Administrator approval. Public Works Finance Committee and Council would no longer be part of the process unless the Zoning Administrator's decision was appealed to City Council. The lot line adjustment process would change in a similar manner. Seever asked why 300 feet instead of 600; she thought the only concern with many lot divisions is parking and that impacts residents in a proximity beyond just 300 feet. She predicted written comments will impact staff's time commitment, but will also provide citizens a better opportunity for comment. Ray said the PWFC meetings are not official hearings and have always been awkward. The proposed process would allow staff better opportunity to explain details to the public. Currently the subdivision code is in Title 5 but staff recommend moving it to the rest of the Zoning Code (Title 4) and include lot divisions, lot line adjustments, and the re-platting process. Parish said he was particularly interested tackling some of their identified goals by discussing parkland dedication and development securities first.

7. Goal Setting Recap

McClure said she understood some people misunderstood the purpose of the recent goal-setting conversation. She clarified the Comp Plan is the strategic plan for city planning purposes, whereas last meeting's conversation was simply to list topics of interest for Commissioners' continuing education.

The meeting adjourned at 8:27 p.m.

Wendy McClure, Chair

COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

HEARING DATE: November 14, 2018

GENERAL INFORMATION

Hearing Body: Planning and Zoning Commission

Subject: Proposed rezone of a 4.7 acre parcel of land located at 2350 Trail Road within the Area of City Impact from the Agriculture/Forestry (AF) Zone to the Farm, Ranch, and Outdoor Recreation (FR) Zone.

Attachments:

1. Notice of Public Hearing
2. Application for Rezone
3. Legal Description
4. Site Plan
5. Memo from Bob Buvel, Staff Engineer

Prepared by: Mike Ray, AICP – Planning Manager

STAFF REVIEW

Proposal: The applicant, Darrel Paul, is proposing to rezone a 4.7-acre parcel located at 2350 Trail Road from the Agriculture/Forestry (AF) Zone to the Farm, Ranch, and Outdoor Recreation (FR) Zone.

Since the subject property is located within the Area of City Impact, per the City of Moscow's ACI agreement with Latah County, Moscow's Planning and Zoning Commission is to conduct one hearing and forward a recommendation on to Latah County.

Site and Area Land Use: The subject property is an existing 4.7-acre parcel that is currently being used as hay and pasture ground and includes a large barn that is used for storage. The subject property is primarily surrounded by agricultural lands and rural single family dwellings that are within the Area of City Impact. Access is provided via Trail Road which is currently designated as a collector street within the 1999 Comprehensive Plan. The 1999 Comprehensive Plan is the adopted plan within the 2006 ACI agreement.



Vicinity Map



Aerial of Subject Property

Comprehensive Plan: Since Latah County has not adopted Moscow's 2009 Comprehensive Plan, the 1999 Comprehensive Plan would still be in effect for the Area of City Impact. The subject property is designated as Agricultural (A) upon the 1999 City of Moscow Comprehensive Plan Land Use Map. Surrounding properties on all sides are also designated as Agricultural (A).

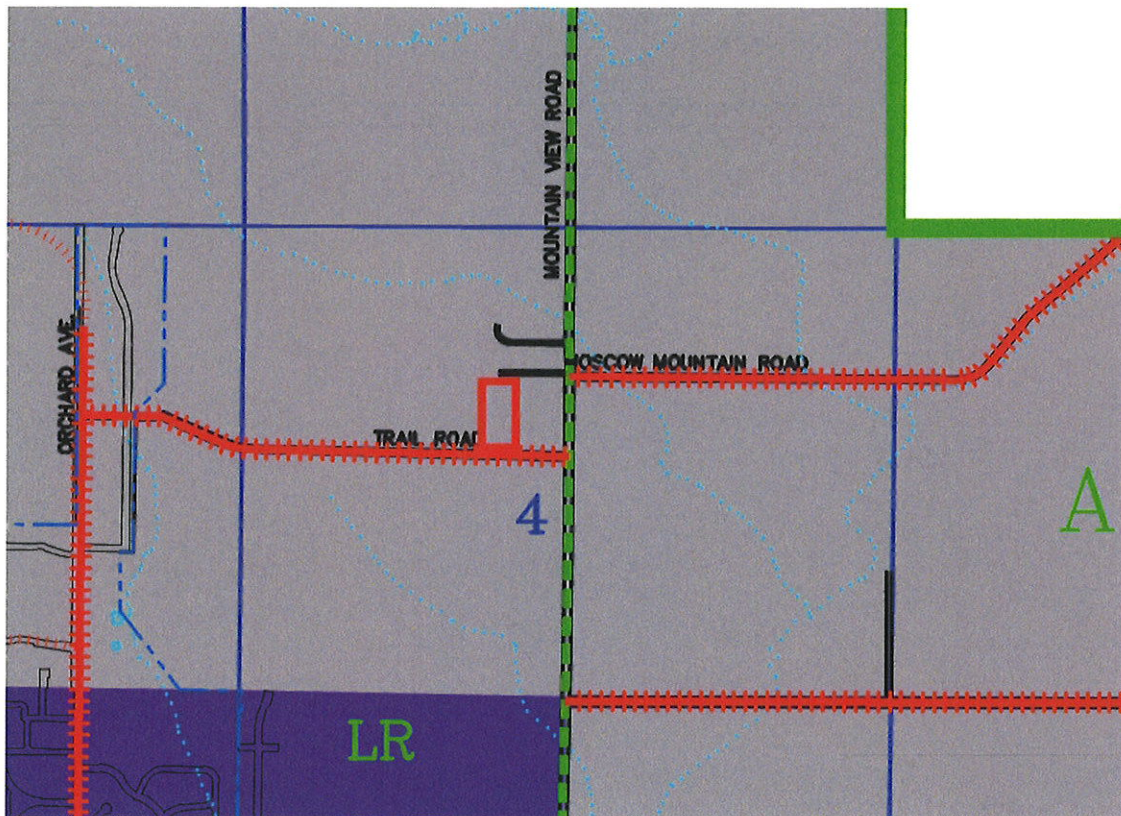
According to the 1999 Comprehensive Plan,

"Agricultural areas are farming, ranching, or forestry activity areas, or lands suited best thereto, located either within or adjacent to the city boundary or outside the city boundary but within the Area of City Impact. Lands with this designation shall remain primarily undeveloped except for single-family dwellings and accessory buildings on large lots, and except for buildings related to agricultural, ranching, or forestry uses or other uses which do not conflict with the rural aspects of the uses previously specified."

"The majority of lands outside the urban area and the area of expansion have been designated for agriculture. Both the city and Latah County recognize that every attempt should be made to keep other development out of these agricultural areas in order to maintain acreage large enough for agricultural utilization. Available lands within the city should all be developed before development occurs outside of the present city limits. As lands designated for low-density residential use are developed, areas designated for agricultural use within the Area of City Impact may be gradually reclassified for low-density residential use."

Within the 2009 Moscow Comprehensive Plan the subject property is currently designated as Agricultural. According to the 2009 Comprehensive Plan, Agricultural designated areas,

"are 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)."



1999 Comprehensive Plan Land Use Map

Zoning: The subject property and all surrounding properties are currently zoned Agriculture/Forestry (AF). The subject property is located in Latah County within the Area of City Impact and the applicant is proposing to rezone the property to the Farm, Ranch, and Outdoor Recreation (FR) Zone.

According to the City of Moscow Zoning Code, the FR Zone is intended to,

“permit current agricultural, outdoor recreation and other open land uses to be maintained and at the same time to set minimum standards for the development of similar new uses in order that this open zoning district be protected against spasmodic, disorderly and indiscriminate development until such time as another appropriate use of the land in this zoning district has been determined. It is also intended that newly annexed areas of the City be placed in this classification until land use studies determine the character and appropriate use of such areas.”

Uses permitted within the FR Zone include single family dwellings, urban agriculture, child care services, and bed and breakfast inns. Conditionally permitted uses include golf courses, veterinary services, pet care services, antenna towers, cemeteries, community centers, fairgrounds, government office buildings, religious facilities, self-storage facilities, and RV parks and campgrounds.



Existing Zoning



Proposed Zoning

Access, Streets, Traffic: The subject property has access via Trail Road, which is designated as a collector street within the 1999 Comprehensive Plan. Trail Road is developed as an approximately 22 foot wide gravel roadway with ditches on both sides.

RECOMMENDATIONS:

Staff recommends that the City of Moscow Planning and Zoning Commission conduct the public hearing and put forth a recommendation of approval of the proposed rezone from the Agriculture/Forestry (AF) Zone to the Farm, Ranch, and Outdoor Recreation (FR) Zone with the following condition:

Public Works

1. The applicant shall dedicate sufficient right-of-way along the full frontage of the property to provide 35 feet of width north of the existing centerline of Trail Road to meet the existing collector street standard.

NOTICE OF PUBLIC HEARING

Proposal for Rezone at 2350 Trail Road in the Area of City Impact
Permit Application LUP2018-0030

A public hearing at which you may be present and speak will be conducted by the Moscow Planning and Zoning Commission at which time the following proposition will be discussed for land generally shown on the vicinity map below:

- Public Hearing: Proposed rezone of a 4.7 acre parcel of land located at 2350 Trail Road within the Area of City Impact from the Agriculture/Forestry (AF) Zone to the Farm, Ranch, and Outdoor Recreation (FR) Zone.

The subject property is within the Moscow Area of City Impact. The City of Moscow Planning and Zoning Commission will make a recommendation to the Latah County Board of County Commissioners regarding this matter.

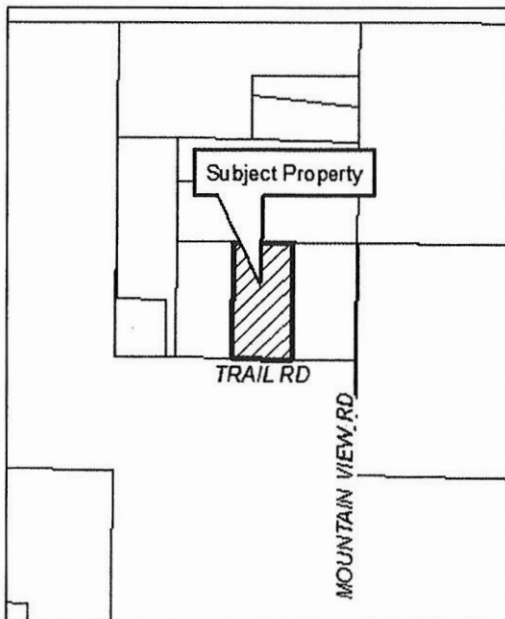
MEETING DATE: Wednesday, November 14, 2018

HEARING LOCATION: Council Chambers, Second Floor, Moscow City Hall
206 East Third Street, Moscow, Idaho

MEETING TIME: 7:00 p.m.

Note: Meeting start time is not necessarily indicative of the start time for review of the application advertised in this notice. Multiple hearings and/or agenda items may make it difficult to determine start time for review of application advertised in this notice, which could occur late in the meeting.

The file containing information on this matter is available for public review (an appointment may be necessary) at the Community Development Department located in the Paul Mann Building, 221 East Second Street, Moscow, Idaho. You may also call 883-7035 to get a meeting agenda, further information about the application, the public meeting process and/or to request a meeting with City Staff. Public participants desiring to submit textual materials (excluding petitions) to the decision-making board shall do so at least five (5) calendar working days in advance of the scheduled meeting to the Community Development Department. Additionally, you may obtain further information about the public hearing process and procedures on the City's Website at: <http://id-moscow.civicplus.com/593/Public-Hearing-Notices>



Laurie M. Hopkins, Moscow City Clerk


Anne Peterson, Deputy Clerk

Publish: Saturday, October 27, 2018

SEP 25 2018

**Application for Rezone in the Moscow Area of City Impact****Instructions**

Please complete the application and required attachments. Incomplete applications or applications without all required attachments will not be accepted. A public hearing will be scheduled only after Staff has determined the application is technically complete. Please type or print plainly with dark ink.

Please submit to: **Latah County Department of Planning & Building**
Latah County Courthouse 522 S Adams, Room 205, (208) 883-7220

City of Moscow

1. Applicant Information

a. Applicant Name Darrel Paul	b. Home Phone (208) 882-7514	c. Work Phone (509) 595-1407
d. Mailing Address 2350 Trail Rd.	e. City Moscow	f. State ID
g. Zip code 83843	h. Property Owner (if different than applicant)	
i. Home Phone	j. Work Phone	
k. Mailing Address	l. City	m. State
n. Zip code		

2. General Site Information

a. Assessor's Parcel Number(s) RP39N05W044213	b. Site Address (if applicable)
c. Road Used to Access Site Trail Road	d. Floodplain designation(s)
e. FEMA Panel #	

f. Existing Uses

Pasture Ground/Barn for Storage

3. Service Provider Information (please attach additional information if requested)

a. Source of Potable Water (i.e. city, private well, water district) Plan to drill well	b. Sewage Disposal (i.e. city, sewer district or private septic system) Plan to install private septic system
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4. Adjacent Properties Information

a. Zoning of Adjacent Properties Rural Residential	b. Existing Uses of Adjacent Properties Single family residential/agriculture
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5. Rezone Information

a. Proposed Zoning District(s) ☐ Agriculture/Forestry (AF) ☒ Farm, Ranch, and Outdoor Recreation (FR) ☐ Suburban Residential (SR) ☐ Low Density, Single Family Residential (R-1)	☐ Moderate Density, Single Family Residential (R-2) ☐ Moderate Density Residential (R-3) ☐ Multiple Family Residential (R-4) ☐ Residential/Office (RO) ☐ Neighborhood Business (NB)	☐ Research, Technology and Office (RTO) ☐ Central Business (CB) ☐ General Business (GB) ☐ Motor Business (MB) ☐ Industrial (I)
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Note: If you would like to change different sections of your property to different zoning designations, please provide a map depicting which zoning designations will be located on the corresponding sections of your property.

6. Authorization

The applicant does hereby certify that all of the above statements and information in any attachments transmitted herewith are true, and further acknowledges that approval of this application may be revoked if it is found that any such statements are false.

a. Signature of Applicant Darrel Paul	b. Date 9-6-18
c. Signature of Property Owner (if different than applicant)	d. Date

7. Attachments

All attachments should be reproducible in black and white at 8½" x 11"

☒ **Fee:** (\$550.00) Make checks payable to Latah County.

☒ **Legal Description:** Must describe only that property which the applicant proposes to rezone

☒ **Completed Narrative Worksheet:** See instructions on the Rezone Narrative Worksheet.

☒ **Site Plan:** The site plan should include a north arrow, location of roads and rights-of-way, existing buildings, improvements and features; the location and dimensions of proposed facilities, improvements and operations; as well as any other details necessary for the Planning and Zoning Commission to make a decision.

☒ **Vicinity Map:** The map should show the site location in relation to the City of Moscow, outlying neighborhoods, highways and roads, and natural features.

☐ **Other Attachments:** The Planning and Zoning Commission shall have the authority to require any additional information it feels is necessary to make a fair recommendation on the rezone request.

Office Use Only

Date Received by County 9/11/18	Fee Amount \$550.00	Receipt No. 1767	By C.L.
RZ # 1072	Date Determined Technically Complete 9/24/18	By [Signature]	
Date Forwarded	Date Received by City	By	
P&Z Hearing Date	Date Returned to County	By	



Rezone Narrative Worksheet (Moscow Area of City Impact)

Application Information

Applicant's Name

Darrel Paul

Phone Number

(509) 595-1407

Purpose: To assist the Planning and Zoning Commission in making an informed decision regarding the applicant pursuant to the requirements of Moscow City Code.

Instructions: Please respond to each section of this form. If you need more space, you may attach additional sheets to the worksheet.

Description of Proposal

Describe your proposal in detail. Include all aspects of your proposal.

I would like to rezone from Ag/Forest to Farm/Ranch so that I can build a single family residence, 1800-2000 square feet, for use as my residence. I would like to keep the existing barn for storage.

Existing Uses of Property

Please describe what uses, structures and features currently occupy the property.

There is a large barn that is used for storage and the land is currently being used as hay and pasture ground.

General Conformance with the Comprehensive Plan

Please explain how your proposal generally conforms to the Moscow Comprehensive Plan.

The proposal will allow for the property to be used in the same way as the adjoining parcels and therefore it conforms with an existing pattern of development. The proposal is also for rural, low density, residential use within the City Area of Impact, which allows for orderly future development while at the same time presenting the scenic and rural value of the surrounding land.

In addition to your response above, please explain your proposal's conformance with the proceeding elements of the Comprehensive Plan. If a certain element is not applicable to your proposal, please explain why. Please refer to the Moscow Comprehensive Plan for specific goals and policies of the particular elements.

a. Natural Resources and Hazards Element

The proposal will not hinder access to public land and will not significantly alter the current use of the surrounding land. The proposal does not present any significant risk of natural hazard as it is not in a floodplain or in an area susceptible to wildfire.

b. Historic Resources and Special Sites Element

The proposal does not affect a historical site, nor does it significantly affect a site with special archaeological, architectural, geological, biological, or scenic significance.

c. Central Business District Element

The proposal does not call for commercial or industrial use.

The proposal does not hinder recreational opportunities and is compatible with existing land use and its impact on nearby recreational/park areas.

The proposal allows for a small agricultural parcel to be brought into a surrounding pattern of low density, rural residential, development, which increases the value of the property and the surrounding area.

The proposal encourages growth with the Area of City Impact in accordance with an existing pattern of development.

The proposal will not highly depend on public facilities, except for waste removal. Public services are already being provided to adjoining land owners that would be similar to the services required under this proposal.

The proposal will not significantly affect traffic flow and will not affect any school facility any more than they are already affected by the existing use of the adjoining properties.

The proposal allows for the development of a rural residential lot which will be in unity with the surrounding properties.

Again, the proposal allows for a pattern of future development of rural residential lots within the City Area of Impact.

The property is of a size that makes it difficult for productive agriculture. Thus, the proposal seeks to bring the property use into conformance with the existing use of adjacent property owners.

The proposal does not present a significant risk of violating a private property right.

2. What are potential threats to the public health or safety resulting from the rezone and how does the applicant propose to mitigate these threats?

None.

3. Are there any nuisances such as noise, dust, glare, vibrations, visual blight, odor, etc. that the proposed use may generate and how does the applicant propose to mitigate these threats?

No.

4. Specify the impact the proposed use resulting from the rezone will have on schools, utility services, streets and the character of the neighborhood in the vicinity of the rezone.

The proposed use will unify the character of the neighborhood and will therefore not significantly impact schools and utility services.

2. List any negative impacts to adjoining property, the surrounding neighborhood, or the community in general that will be caused by the proposed use resulting the rezone.

None.

3. List any positive impacts on adjoining property, the surrounding neighborhood, or the community in general that will be caused by the proposed use resulting from the rezone.

LEGAL DESCRIPTION

Parcel 2

A parcel of land located in a portion of the North Half of the Southeast Quarter of the Northwest Quarter (N1/2SE1/4NW1/4) of Section 4, Township 39 North, Range 5 West, of the Boise Meridian, Latah County, Idaho being more particularly described as follows:

Commencing at the Northeast Corner of the Northwest Quarter (NW1/4), said Section 4, Township 39 North, Range 5 West, of the Boise Meridian, thence along the easterly line of said NW1/4, S0°36'46"W, 1221.05 feet, to the Northeast Corner of said N1/2SE1/4NW1/4, thence along the easterly line of said N1/2SE1/4NW1/4, S0°36'46"W, 633.64 feet, to the Southeast Corner of said N1/2SE1/4NW1/4, thence along the southerly line of said N1/2SE1/4NW1/4, N88°59'08"W, 340.09 feet, to the POINT OF BEGINNING;

Thence departing said southerly line, N0°36'46"E, 632.74 feet, to the intersection with the northerly line of said N1/2SE1/4NW1/4; Thence along said northerly line, N89°08'12"W, 323.70 feet, to the Northwest Corner of the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (NE1/4SE1/4NW1/4) of said Section 4; Thence along the westerly line of said NE1/4SE1/4NW1/4, S0°38'57"W, 631.89 feet, to the Southwest Corner of said NE1/4SE1/4NW1/4; Thence along the southerly line of said NE1/4SE1/4NW1/4, S88°59'08"E, 324.10 feet, to the POINT OF BEGINNING.

Subject to a county road right-of-way for Trail Road.

Parcel 3

A parcel of land situated in Government Lot 3 of Section 4, T39N R5W and being more particularly described as follows:

Beginning at the SE corner of said Government Lot 3, as shown on the survey filed under Latah County Records Instrument No. 393887 on January 7, 1993, and being the TRUE POINT OF BEGINNING:

Thence N 89°09'02" W, 692.47 feet along the south line of said Government Lot 3; Thence N 0°12'01" E, 7.55 feet; Thence S 89°49'55" E, 692.47 feet to the east line of said Government Lot 3; Thence S 0°36'49" W, 15.79 feet along said east line to the TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM a parcel of land situated in Government Lot 3 of Section 4, T39N R5W BM and being more particularly described as the E 340.08' of the following-described parcel, to-wit:

Beginning at the SE corner of said Government Lot 3, as shown on the survey filed under Latah County Records Instrument No. 393887 on January 7, 1993, and being the TRUE POINT OF BEGINNING:

Thence N 89°09'02" W, 692.47 feet along the south line of said Government Lot 3; Thence N 0°12'01" E, 7.55 feet; Thence S 89°49'55" E, 692.47 feet to the east line of said Government Lot 3; Thence S 0°36'49" W, 15.79 feet along said east line to the TRUE POINT OF BEGINNING.

PARCEL 3
PER RECORD OF SURVEY
INSTRUMENT #393887

SEE ADJACENT RECORD OF SURVEY
FOR DON NELSON

BY L. HODGE PE/LS #3003 IN 1992
INSTRUMENT #393887

PARCEL 2
PER RECORD OF SURVEY
INSTRUMENT #393887

PARCEL 4
RECORD OF SURVEY
INSTRUMENT #393887

PARCEL 1
PER RECORD OF SURVEY
INSTRUMENT #393887

SEE DETAIL "B"

SEE DETAIL "C"

4.70 ACRES±

4.94 ACRES±

BARN

BARN

HOUSE

LANDS OF TRAIL - QUIT CLAIM DEED
INSTRUMENT #460076 (PARCEL 6)

SEE DETAIL "A"

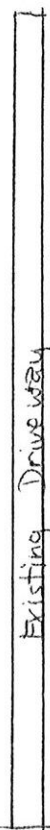
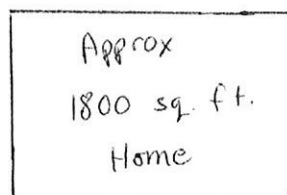
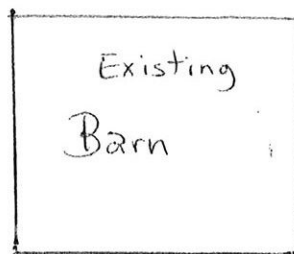
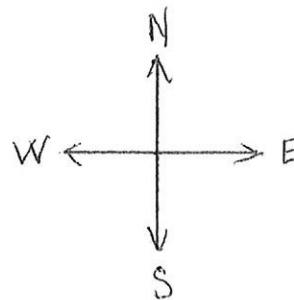
TRAIL ROAD

MOUNTAIN VIEW ROAD

FOUND BRAS
SET BY L.
PE/LS #3003, IN
CP&F INSTRUMENT #3

FOUND IRON PIN
PER RECORD OF SURVEY
INSTRUMENT #393887

TW ROAD



Memo

To: Mike Ray, AICP
Planning Manager, Asst. CD Director - City of Moscow

From: Bob Buvel, PE.
Staff Engineer - City of Moscow

CC:

Date: 11/6/2018

Re: Paul Re-Zone Application

Mr. Ray,

I have reviewed the Application for Re-zoning of the above property. Trail Road has been designated as a collector street in the City of Moscow Comprehensive Plan – 1999. Public Works recommends that the developer be required to dedicate sufficient right of way along the full frontage of the property to provide 35 ft. of width north of the existing centerline of Trail Road. This will facilitate the eventual 70 ft. right of way required for a standard collector section.

Thank you for the opportunity to comment.

Lot Line Adjustment, Lot Division and Subdivision Plats

Sec. 1-1 Lot Line Adjustments.

- A. General. Lot line adjustments provide for a change in the location, configuration or alignment of a lot line or lot lines common between two (2) or more lots and do not create an additional lot or lots.
- B. City Approval Required. City approval must be obtained prior to the conveyance of land for the intended purpose of changing the location, configuration or alignment of a lot line or lot lines common between two (2) or more lots. Such City review and approval provides the opportunity to ensure that any such lot line adjustments are in accordance with applicable City Code requirements and will not create any violations to required lot area, width, yards and other provisions of this Code.
- C. Submittal. Requests for lot line adjustments shall be submitted to the Zoning Administrator. Such request shall include one (1) paper copy along with one digital copy (in PDF format) of a preliminary lot line adjustment plan drawn to an engineer's scale not smaller than one inch equals fifty feet (1"= 50') and not larger than one inch equals twenty feet (1"= 20') and shall include existing plat and tax parcel numbers and ownership information for the subject properties. Plan shall clearly and accurately depict all existing and proposed lot line configurations, including dimensions and lot areas and shall include a north arrow and depiction of any easement or right-of-way within or adjacent to the subject land. Where the subject lots contain private improvements, including but not limited to buildings, structures, driveways, sidewalks, fences, or walls, etc. or is adjacent to any improved public right-of-way, such improvements shall be clearly and accurately depicted on a separate site plan of the same scale and dimension. Any proposal or requirement to grant or adjust any easement(s) to accommodate any private or public improvements or access resulting from the proposal shall be clearly depicted on the lot line adjustment plan.
- D. Review. Upon receipt of a lot line adjustment request, the Zoning Administrator shall forward the request to the City Engineer, Fire Marshal, and Building Official for review and comment. After consideration of all comments received, the Zoning Administrator may approve the proposed lot line adjustment as requested, approve with conditions or required revisions, or deny the proposed lot line adjustment. Upon determination of decision, the Zoning Administrator shall mail notice of the decision to the applicant. Such notice shall provide a summary of the Administrator's decision and the process and deadline for submission of an appeal.
- E. Appeal. The applicant may appeal the Zoning Administrator's decision to the City Council within fifteen (15) days of the date of notice of the Zoning Administrator's decision. Such appeals shall be processed in accordance with this Code.

Sec. 1-2 Lot Divisions.

- A. General. Lot Divisions provide for the division of a parcel land or a platted lot to create no more than one (1) additional lot for sale, use or development. Conveyance or acquisition of land resulting from legal condemnation procedures or acquisition of street rights-of-way by a public agency shall not be deemed lot division for purposes of this Code.

- B. City Approval Required. City approval must be obtained prior to the conveyance of land for the intended purpose of creating a new building lot, and no such new lot shall be eligible for a building permit until such City approval has been obtained.
- C. Submittal. Requests for lot divisions shall be submitted to the Zoning Administrator. Such request shall include one (1) paper copy along with one digital copy (in PDF format) of a preliminary lot division plan drawn to an engineer's scale not smaller than one inch equals fifty feet (1"= 50') and not larger than one inch equals twenty feet (1" = 20') and shall include existing plat and tax parcel numbers and property ownership for the subject property. Plan shall clearly and accurately depict all existing and proposed lot line configurations, including dimensions and lot areas, and shall include a north arrow and depiction of any easement or right-of-way within or adjacent to the subject land. Where the subject land contains private improvements, including but not limited to buildings, structures, driveways, sidewalks, fences, or walls, etc. or is adjacent to any improved public right-of-way, such improvements shall be clearly and accurately depicted on a separate site plan of the same scale and dimension. Any proposal or requirement to grant or to adjust any easement(s) to accommodate any private or public improvements or access resulting from the proposal shall be clearly depicted on the preliminary lot division plan.
- D. Review. Upon receipt of a preliminary lot division request, the Zoning Administrator shall forward the request to the City Engineer, Fire Marshall and Building Official for review and comment. Notice of the proposed request shall also be mailed to property owners within six hundred feet (600') of the subject property. Such notice shall provide fifteen (15) days for the submission of written comments upon the proposed lot division.
- E. Preliminary Approval. After consideration of all comments received, the Zoning Administrator may approve the proposed lot division as requested, approve with conditions or required revisions, or deny the proposed lot division. Upon determination of decision, the Zoning Administrator shall mail notice of the lot division decision to the applicant and all property owners within six hundred feet (600') of the subject property. Such notice shall provide a summary of the Administrator's decision and the process and deadline for submission of an appeal.
- F. Appeals. Any affected party may appeal the Zoning Administrator's decision to the City Council within fifteen (15) days of the date of notice of the Zoning Administrator's decision. Such appeals shall be processed in accordance with this Code.
- G. Final Approval. The Zoning Administrator's decision shall not be final until the expiration of the preliminary lot division appeal period and the submission of a Record of Survey map based upon a land survey of the subject property and drawn by a professional surveyor or engineer licensed to conduct such work in the State of Idaho drawn to an engineer's scale not smaller than one inch equals fifty feet (1" = 50') and not larger than one inch equals twenty feet (1" = 20') and prepared and recorded in accordance with Idaho Code Title 55, Chapter 19. Such Record of Survey shall depict the new boundary lines and location of property boundary monuments in accordance with the approved preliminary lot division and any conditions of approval. Upon review of the Record of Survey, and determination of conformance and/or completion of any required conditions of approval, the Zoning Administrator shall issue a letter of final approval and the new lot shall be eligible for a building permit.

Sec. 1-3 Subdivisions.

- A. General. Subdivisions are the division of land that results in the creation of more than one (1) additional lot for sale, use or development.
- B. City Approval Required. No subdivision plat shall be recorded, or offered for record, nor shall any land be offered for sale with reference to such plat, until the said plat has been approved in writing by the City Council, which shall ascertain, before approving it, that the said plat has satisfied all of the requirements of this Code.
- C. Subdivision Parkland Dedication Required. All subdivisions administered and approved under this Code shall include lands dedicated, or fee paid in lieu subject to City approval, to the City in accordance with this Code so that adequate sites for public parks may be properly located and preserved as the City develops, and in order that the cost of providing additional public parkland may be equitably apportioned on the basis of the additional need created by the individual development.
- D. Subdivision Public Improvements Required.
 - 1. Requirements of this Code are authorized by Article XII, Section 2 of the Idaho Constitution; Title 50, Chapter 13 of the Idaho Code; Title 67, Chapter 65 of the Idaho Code and by any and all other delegation of State authority relevant to this Code, as amended or subsequently codified.
 - 2. Standards for subdivisions required by this Code are imposed pursuant to authority in Idaho Code Section 67-6518, as amended or subsequently codified.
 - 3. No public improvement(s) required by this Code pursuant to Idaho Code Section 67-6513 shall be greater than necessary to mitigate the effects of such subdivision development on the ability of the City to deliver services without compromising quality of service delivery or imposing substantial additional costs upon City residents to accommodate the proposed subdivision, at the time of the application for subdivision development. Such improvements may include the extension of streets, sidewalks, utilities or similar improvements outside the subject property where such improvements are deemed necessary to maintain the quality of service delivery to the proposed subdivision without imposing substantial additional cost upon City residents.
 - 4. All costs of public improvements required by this Code shall be borne by the owner or subdivider, unless oversize costs are appropriate and applicable due to anticipated City growth, as determined by the City Engineer. When determining whether oversize costs are appropriate and applicable, the City Engineer shall take into consideration present and anticipated community needs and any relevant plans and policies adopted by the City.
 - 5. No permits shall be issued by the City for the construction of any building or other improvement requiring a permit, upon any land for which a plat is required by this Code unless and until the requirements hereof have been fully met.
- E. Preliminary Plat Submittal. Every subdivision applicant shall conduct a pre-application conference and neighborhood meeting in accordance with this Code. Subdivision applications shall include one (1) digital copy in AutoCAD dwg file format and one (1) digital copy in PDF file format of the preliminary plat drawings, three (3) twenty four inch by thirty six inch (24"

x 36") paper copies of the preliminary plat and associated grading plan drawn to an appropriate engineering scale of an even ten foot increment no smaller than one inch equals fifty feet (1" = 50') and no larger than one inch equals one hundred feet (1" = 100'). The grading plan shall show clearly labeled existing and proposed contour lines of a five foot (5') or lesser contour interval. The content of the preliminary plat drawing shall including the following elements and comply with the Subdivision Design Standards of this Code.

1. Plat name and the name of any subdivision being replatted;
2. Name, mailing address, and phone number of the land owner;
3. Name, mailing address, phone number and signed stamp of the registered land surveyor preparing the plat;
4. Metes and bounds legal description of property to be platted;
5. Plat location by section, township, and range;
6. Plat preparation date;
7. North arrow and drawing scale;
8. Vicinity map showing location of proposed plat in relation to surrounding neighborhoods or larger area;
9. Gross acreage contained within the plat boundary;
10. Existing and proposed topography of the land indicated by clearly labeled contours at five (5') feet intervals or less, except where a slope is in excess of fifty percent (50%), then the interval may be ten (10') feet. All elevation data shall be based on current City of Moscow datum. Topography data shall extend a minimum of fifty (50') feet outside the plat boundary;
11. Boundary lines of the preliminary plat;
12. City limits lines, if applicable;
13. Section lines and section corners used to locate the plat;
14. Ownership of all unplatted adjacent lands;
15. Names of any and all adjacent plats;
16. All adjacent property and right-of-way lines which intersect with or are shared in common with the preliminary plat boundary;
17. Proposed lot, block, street, and alley layout, labeled and dimensioned, and including street names, right-of-way widths, and lot sizes;
18. All existing and proposed easements both on and immediately adjacent to the preliminary plat;
19. Location, width, and names of existing or prior platted and proposed streets, alleys, railroad, or utility rights-of-way or easements, parks or other public spaces, pedestrian walkways, and existing permanent structures to be retained within and adjacent to the proposed plat. (In a replat, the original lots, blocks, streets, and easements shall be shown in dotted lines in scale with the proposed replat);

20. Net acreage of preliminary plat, exclusive of dedicated right-of-way or other public lands;
 21. Any proposed dedicated parkland;
 22. Location and boundaries of stormwater detention and treatment tract(s);
 23. Lot and block numbering;
 24. Existing and proposed zoning district(s) and any related zoning district boundary lines;
 25. Datum used to determine ground elevations;
 26. Location of any flood way and/or flood plain boundaries;
 27. Location and boundary lines of any delineated wetlands, lake, pond, or other significant natural resource land feature;
 28. Existing tax assessor parcel number(s) within the preliminary plat boundary;
 29. Existing and proposed water and sewer lines and utilities on, under, or over the land showing approximate size, grades, and locations; and
 30. Location of all ditches, culverts, catch basins, and other parts of the preliminary design for the control of surface water drainage.
- F. Preliminary Plat Review. Upon receipt of a preliminary plat application, the Zoning Administrator shall distribute copies of the preliminary plat to the City Engineer, Parks and Recreation Director, and Fire Marshal for review, comment or recommendation. Upon determination that the application is complete, the subdivision request shall be scheduled and noticed for public hearing as a Type 2 Quasi-Judicial Hearing, before the Planning and Zoning Commission and City Council pursuant to this Code.
- G. Relevant Criteria and Standards. Approval or denial of preliminary plats shall be based upon the following criteria:
1. The proposed subdivision is in conformance with all applicable City Code requirements;
 2. The proposed subdivision is in general conformance with the Comprehensive Plan;
 3. Public Services and utilities are available or can be made available and are adequate to accommodate the proposed subdivision; and
 4. The proposed subdivision will not be detrimental to the public health, safety, or general welfare. Names of all proposed
- H. Subdivision Phasing. Subdivision development may be phased subject to City approval. Such approval shall be made in consideration of required development access, access to proposed public parks and other facilities, and other similar considerations. Phasing plans approved as part of the subdivision approval shall not be modified without prior City Council approval.
- I. Preliminary Plat Approval. Approval of the preliminary plat shall be valid for a period of twelve (12) months from the date of approval of the preliminary plat by the City Council. Before the expiration of the initial twelve (12) month period after approval, the applicant may request of the Council a one- (1) time extension of the preliminary plat approval for an additional period not to exceed six (6) months (i.e., for a total time period not to exceed eighteen (18) months from the date of the City Council preliminary plat approval).

- J. Final Plat Submittal. Final subdivision applications shall include one digital copy in AutoCAD dwg format and one digital copy in PDF format and three (3) eighteen inch by twenty seven inch (18" x 27") paper copies of the final plat and drawn to a scale of no less than one inch equals one hundred feet (1" = 100'). The final plat shall be drawn to such a scale and contain lettering of such size as to insure the clarity of all lines, bearings, dimensions and all other text and symbols. The final plat shall be in accordance with any conditions of preliminary plat approval, comply with all provisions of Idaho State Code Title 50, Chapter 13, and the Subdivision Design Standards of this Code, and shall include the following:
1. The title under which the subdivision is to be recorded, including the County, State, Section and Township and Range in which the subdivision is located. The name and title of the subdivision shall not duplicate the name of any existing subdivision in Moscow or the surrounding area.
 2. The name and certification of the surveyor preparing the plat to the accuracy of the field survey and plat and that all work was done under their direct supervision. The surveyor shall in every case have a valid certificate of registration with the Idaho Board of Registration of Professional Engineers and Professional Land Surveyors.
 3. A description of the boundary of the subdivision in bearings and distances with a certification by the property owner or owners verifying ownership and dedicating all rights-of-way and any other appropriate sites and easements for public use.
 4. Date, north point, scale.
 5. Certification of approval by the City of Moscow Planning and Zoning Commission, including approval date.
 6. Certification of approval of the plat and acceptance of the dedications by the Moscow City Council, including approval date, and approval of connection to City public water system.
 7. Certification shall be signed by the Mayor and attested by the City Clerk.
 8. Certification of approval by the City Engineer.
 9. Certification of approval by the County Surveyor.
 10. Certification of filing by the County Recorder.
 11. Certification of satisfaction of the sanitary restrictions, to be endorsed by the county recorder at the time of filing, of subsequent thereto, when the sanitary restrictions shall have been satisfied.
 12. Certification of approval by the Latah County Treasurer.
 13. Initial point and tie to at least two (2) government corners. If any portion of the plat boundary is congruent with, parallel with, adjoining, adjacent to, or including a section line, quarter section line, or quarter quarter section line, ties to said section lines and corners shall be shown by bearing and distance, along with bearings and distances between the corners.
 14. Bearing reference based on nearest section line.
 15. Boundary of subdivision shown in bold lines with bearings, distances, and curve data for each segment in concurrence with the legal description.

16. Adjacent plats showing subdivision name, lots, blocks, streets, easements, pathways, and all pertinent information including widths and names of abutting streets and alleys, recording numbers, dimensions and labels. Adjoining unplatted property shall be labeled "Unplatted" and show the name of the owner.
 17. Show exact location, widths, exact length and bearing of the center lines of all streets, alleys, pedestrian walkways, and easements with centerlines shown for streets and alleys. Include names of all streets.
 18. Location and description of all monuments. City of Moscow standard street monuments shall be placed along street centerlines at all intersections, angle points, points of curvature, and points of tangency created by the plat. Street monuments may be placed at the point of intersection ("P1") of curves in lieu of placement at the "PC" and "PI" if the point falls within the street surface, and at the discretion of the City Engineer.
 19. Lots, Blocks, and other tracts or parcels. Blocks shall be numbered consecutively throughout the subdivision and shall not be divided by streets. Blocks may be divided by alleys. Lots shall be numbered consecutively throughout each block.
 20. All lots, tracts, parcels, or other areas created by the plat shall show all bearings, distances, curve data, and areas. Lot areas shall be shown in square feet for all lots less than one acre in size. Areas of lots one acre or larger shall be shown in acres.
 21. Dimensions for each segment of all lots, streets, easements, tracts, parcels, and any other element created by the plat. Linear dimensions shall be shown in decimal feet, rounded to the nearest one hundredth of a foot. Angular dimensions shall be shown in degrees, minutes, and seconds rounded to the nearest second. Curves shall include curve data consisting of radius, interior angle, tangent, chord distance, and chord bearing for each curve. Curves may be numbered for inclusion into a curve table to provide clarity to the plat. Short lines may also be numbered for inclusion into a line table if necessary.
 22. Street profiles showing continuity to adjoining property shall be required where the contour of the surface warrants such consideration.
- K. Final Plat Review and Approval. Upon receipt of a final plat submittal, the Zoning Administrator shall distribute copies of the final plat to the City Engineer, Parks and Recreation Director, and Fire Marshal for review, comment or recommendation. The final plat shall be reviewed for conformance to the approved preliminary plat, and conditions or modifications required by preliminary plat approval, and for final plat standards of Idaho Code and this Code. Upon determination that the final plat is in conformance with the requirements of this code and any conditions of approval of the preliminary plat, the Zoning Administrator shall schedule consideration of the final plat by the City Council as a regular agenda item.
- L. Duration of Final Plat Approval. The City Council approval of the final plat shall be void unless the original tracing, bearing the endorsements of the City Engineer and the Council, is offered to the Latah County Clerk and Recorder for filing within one hundred eighty (180) days from the date of the City Council's approval. Proof of recordation shall be provided to the City Engineer. Upon written request by the applicant, the City Council may grant a single one hundred eighty (180) day extension if the City Council finds conditions in the area have not significantly changed since the Council's original approval.

- M. Development and Monumentation Agreements. The Mayor shall not sign the approved final plat until the required public improvements are completed and monumentation is set, or agreements to provide for the completion of said public improvements and monumentation have been entered into in accordance with this Code.

Sec. 1-4 Replatting.

- A. General. Replatting of all or a portion of an existing plat shall be processed as a subdivision plat in accordance with the requirements of this Code.

Sec 1-5 Subdivision Design Standards.

- A. Purpose. The purposes of these Subdivision Design Standards is to promote the public health, safety, and welfare, the goals, objectives and policies of the City's Comprehensive Plan, Parks and Recreation Master Plan, Multimodal Transportation Plan and Comprehensive Utility plans, and to promote the orderly and functional development of lots, neighborhoods, and the community. The standards contained herein are intended to provide efficient circulation through coordinated and connected street, bike and pedestrian path systems, secure adequate infrastructure for streets, emergency services, parks, recreation facilities, and utilities necessary to serve proposed subdivisions. The standards contained herein are also intended to ensure that subdivision development mitigates its impact upon service delivery within the community and does not place an undue financial burden upon the public to provide the public services required by subdivision developments.
- B. Applicability. These Subdivision Design Standards shall apply to all subdivision applications received by the City.

Sec. 1-5-1 Subdivision or Development Name.

- A. To facilitate wayfinding and the provision of emergency response services, the name of a subdivision or development shall not be the same or substantially similar to the name of an existing subdivision development, or street, which is located within the City or the Area of City Impact.

Sec. 1-5-2 Street Standards and Access.

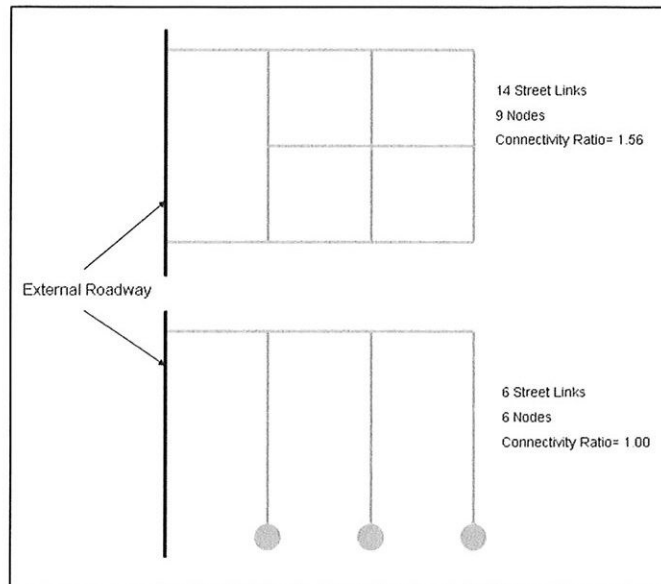
- A. Street Standards.
 - 1. Streets, alleys, sidewalks and pathways shall be constructed in accordance with City of Moscow Street Standards adopted by resolution of the Council. Requirements for public improvements may be less than those specified in the most current City Standard Construction and Specification Drawings, subject to approval by the City Engineer and based upon consistency with the nature and status of the existing street along the entire block length and considerate of changes to required City Street Standards since the existing street was constructed.
 - 2. Streetlights shall be installed by the developer at locations designated by the City Engineer.
 - 3. Prior to installation, the developer shall pay the City for the cost of the street name signs and for the installation in the subdivision.
 - 4. Regulatory traffic signage, (i.e. no parking signs, stop signs, one-way signs, etc.) shall be installed by the developer in a manner consistent with City installation procedures and methodology and in conformance with the approved construction drawings and the current edition of the Manual of Uniform Traffic Control Devices (MUTCD).
 - 5. Horizontal and vertical alignment of City streets shall generally conform to American Association of state Highway and Transportation Officials (ASHTO) standards unless otherwise approved by the City Engineer.

- B. Number of Access Points. Access to subdivisions shall conform to the public street and alley right-of-way standards and shall provide for general traffic circulation, shall support the delivery of City services, and shall meet the requirements of emergency service providers.
- a. All residential development shall provide a minimum number of access points as follows:
 - i. Less than 60 dwelling units: 1 access point
 - ii. 60 to 120 dwelling units: 2 access points
 - iii. More than 120 dwelling units: no less than 3 access points
 - b. The number of required access points may be reduced if it is demonstrated to the City Engineer and Council that the access that is provided:
 - i. Is adequate to ensure delivery of City services and emergency response; and
 - ii. Provides for safe and efficient traffic circulation.
 - c. The City Engineer may require an increased number of access points if, due to unusual characteristics of a site or adjacent streets, such additional access is necessary to ensure safe and adequate vehicular circulation for the general public, delivery of sanitation services, public school transportation, and emergency response.

Sec. 1-5-3 Street Layout and Connectivity

- A. General. Street alignments within subdivisions shall provide for logical and orderly movement of persons and goods within the community, shall provide for the continuation and extension of existing streets, and shall provide a well-connected street system that facilitates navigation, use by all modes of transportation, and delivery of emergency and vehicle-based services.
- B. Street Alignments. All subdivisions shall include the continuation of existing adjacent streets through the proposed subdivision and their projection and continuation to adjacent subdivisions or undivided property. Arterial and collector street alignments shall generally conform to their alignments as shown in the City's adopted Comprehensive Plan and Multimodal Transportation Plan.
- C. Offset Intersections. In all cases where it is feasible, opposing streets shall align at street intersections to provide for safe and efficient use of the roadways. Where site conditions prohibit the proper alignment of street intersections the City Engineer shall determine the necessary street intersection offset distance to protect the safety of the public.
- D. Gated Streets Prohibited. Gated public or private street entryways into residential developments are prohibited.
- E. Street Connectivity.
 - 1. To provide adequate connectivity within a subdivision or planned development, the street network shall have a minimum connectivity index of 1.40, unless specific, unique site conditions prohibit the achievement of such minimum index rating as approved by the City. The connectivity index is defined as the number of street links divided by the number of nodes and link ends. A link is defined as a segment of road between two intersections or from an intersection to a cul-de-sac/stub-out. This includes road segments leading from the adjoining highway network or adjacent development. Nodes are defined

as intersections and cul-de-sacs. They do not include the end of a stub-out at the property line or intersection with the adjoining roadway network.



- F. **Maximum Block Length.** Blocks shall not be longer than six hundred and sixty feet (660'). Longer blocks may be approved by the City where specific, unique conditions such as topography, the street network in the subject area, or other such conditions dictate that a longer block length is necessary and will not adversely impact circulation and street network connectivity. Where block lengths exceed six hundred and sixty feet (660'), pedestrian and bicycle walkway connections shall be provided to mitigate the impact upon pedestrians and cyclists in accordance with this Code. Such pedestrian walkway connections shall be located along desirable pedestrian routes to nearby parks, schools, commercial services and other similar pedestrian destinations in accordance with the standards of this Code.
- G. **Cul-de-sac Allowance.** Cul-de-sacs, or other dead-end street configurations, shall only be allowed in limited situations where the street cannot be continued or extended due to extreme topography, existing development, or a natural or manmade physical barrier that precludes such street extension.
- H. **Maximum Cul-de-sac Length.** Streets terminating in a cul-de-sac shall not exceed six hundred and sixty feet (660') in length, measured from the center point of the nearest intersection to the center point of the cul-de-sac. Longer cul-de-sac street lengths may be approved by the City where specific, unique conditions such as topography, the street network in the subject area, or other such conditions dictate that a longer cul-de-sac length is necessary and will not adversely impact circulation and street network connectivity. All cul-de-sacs shall include pedestrian walkways that provide pedestrian connections to adjacent streets and neighborhoods, parks, or other pedestrian routes or destinations unless specifically waived by the Council.

Sec. 1-5-4 Pedestrian Walkways.

- A. **General.** Pedestrian walkways may be required within subdivisions where necessary to mitigate long block lengths and in other locations as necessary to provide convenient and direct

access to adjacent schools, parks, shopping and employment centers where the existing or proposed street and sidewalk system does not provide such access. In consideration of where such walkways may be required, travel distances shall be compared between existing and proposed public street sidewalk routes and the travel distance of a potential pedestrian walkway. Pedestrian walkways shall generally be required where the pedestrian walkway would reduce the average travel distance of pedestrians by more than fifty percent (50%) or where otherwise required by the Council to mitigate potential safety hazards.

- B. Pedestrian Walkway Standards. Public pedestrian walkways shall be located within a dedicated public right-of-way of a minimum width of ten feet (10'). Such pedestrian walkways shall be constructed by the developer in accordance with adopted City standards. Where the pedestrian walkway is anticipated to have high bicycle use, such as walkways that provide access to bike routes or separated pathway facilities, the minimum constructed width shall be eight feet (8').

Sec. 1-5-5 Lots.

- A. Lot Arrangement. The arrangement of lots shall be logical and orderly and shall be considerate of designated floodplains or wetlands that may be present within the subdivision development. Alternative development options, such as clustered or Planned Use Developments, should be utilized when such natural features are present to provide design flexibility and reduce the development impact upon these areas.
- B. Lot Lines. Side lines of lots shall be at right angles or radial to the street lines, unless a variation from the rule will give a better street and lot layout. Such variation must be approved by the Planning and Zoning Commission.
- C. Through Lots. Through lots shall be avoided where practicable through the use of rear alley or private drive access, alternate street layout or other means. Corner Lots. Corner lots in residential zoning districts shall be at least 10 percent (10%) greater than the minimum lot size of the applicable zoning district to ensure adequate building opportunities upon the lot.
- D. Flag Lots. Flag lots may be allowed, subject to the requirements in MCC Section 4-4-5.

Sec. 1-5-6 Parkland Dedication

- A. Dedication of Parkland. With any subdivision, re-subdivision or lot division filed or applied for after December 15, 1985, lands shall be dedicated, or payment in lieu of dedication shall be paid, to the City in order that adequate sites for public parks may be properly located and preserved as the City develops, and in order that the cost of providing additional public parkland may be most equitably apportioned on the basis of the additional need created by individual development. This provision shall not apply to any subdivision or lot division that would result in the creation of no more than one additional single family residential lot; nor shall it apply to land for which parkland had previously been dedicated to satisfy the requirements of this Section. It is the intention of the City to develop each parcel of land dedicated to meet this requirement for park purposes when the area is occupied by residents.
- B. Amount of land to be dedicated.

1. The amount of land to be dedicated shall be a portion of the net developable area. The net developable area will be determined by calculating, from the plat or site plan, the land area exclusive of proposed or existing streets and other public lands.
2. The amount of land to be dedicated shall be a percentage of the net developable area, as follows:

AF and FR Zoning Districts	0%
SR Zoning District	1%
R-1 Zoning District	5%
R-2 Zoning District	6%
R-3 Zoning District	8%
R-4 Zoning District	12%

3. If the zoning district classification for a parcel of land is subsequently changed at the request of an owner to a zoning district requiring a higher proportion of land for parkland purposes, or from a zoning district not requiring dedication to one that does, then dedication of the parkland or additional parkland required for the subdivision by this Section, or payment in lieu of dedication, becomes due before the zoning district change becomes effective.
4. Land Suitability. Land is acceptable for dedication to meet the requirements of this Section if in the judgment of the Council the land is suitable for beneficial park and open space use considering its location, size, configuration, public access, topography, surroundings, compliance with standards for parks established in the Moscow Parks and Recreation Plan and the Moscow Comprehensive Plan, and the needs of the public in that area. Land acceptable for dedication is not necessarily required to be located within a proposed subdivision; however, the land must conveniently serve parkland needs of residents of the subdivision. The Council shall consider recommendations received from the Parks and Recreation Commission on the suitability of a particular parcel of land proposed for dedication.
5. Payment in Lieu of Dedication. In the event that the City determines in good faith that proposed dedication does not meet land suitability standards and that there are no alternative proposals which satisfy the conditions of land suitability, then payment in lieu of the land dedication shall be required for all or any portion of land necessary to meet the requirements of this Section.
 - a. The amount of payment in lieu of dedication shall be the current fair market value of land suitable to meet the parkland dedication requirement of this Section. The payment in lieu of dedication shall be computed by averaging the value of the land exclusive of improvements, (both public and private), and multiplying by the percent required for park dedication. This value shall be determined prior to granting final approval of the subdivision, or lot division. If the value of such land cannot be determined satisfactorily by the City and the developer, the following procedure shall determine value:

- i. The parties shall each submit an offer of value to the other, in writing. For ten (10) days thereafter either party may accept the other's offer of value.
 - ii. If neither offer is accepted, an appraiser, selected jointly by the City and the developer shall determine the value.
 - iii. If the parties cannot agree on selection of an appraiser, the names of two (2) Member Appraisal Institute appraisers, one designated by each party, shall be placed in a container, and one appraiser's name shall be picked at random by the Mayor. This appraiser shall then proceed to determine value.
 - iv. The party who has submitted the value closest to that ultimately determined to be fair market value by the appraiser shall be considered the prevailing party. The party not prevailing shall pay for the appraisal related expenses. Either party may appeal the decision of the appraiser to the district court. The court shall consider the matter as a review consistent with the administrative procedures act. The prevailing party shall be paid court costs and reasonable attorney fees by the party not prevailing.
- b. Payment in lieu of dedication shall be held by the City in a secure account until it is spent. Payment in lieu of dedication shall be spent for the acquisition of those new parklands that in the judgment of the Council will most conveniently serve the people who will use the development for which payment in lieu of dedication was collected. If the Council finds that the development is served by an adequate amount of parkland, then the payment in lieu of dedication may be used to purchase landscaping materials or for other capital improvements to develop the parklands most conveniently serving the needs of those who will be users of the development.
 - c. The Council may make such arrangements with a subdivider through a contract to permit the payment in lieu of dedication over a period of time. Payment in lieu of dedication shall be expended as provided herein within ten (10) years of the last receipt of such payment in lieu of dedication in the development unless such expenditure is impractical or would result in waste.
 - d. Dedicated parkland may be sold or traded only if the proceeds are used to acquire other parklands which in the judgment of the Council will better serve those who would be users of the parkland sold.
 - e. Where Council determines it to be in the best interest of the City, the applicant or developer may execute and file an agreement specifying the period of time and the conditions pursuant to which a combination of parkland dedication and development of such parkland shall occur.

Sec. 1-5-7 Stormwater Management and Conveyance.

A. General.

- B. Stormwater Standards. Surface drainage from the subdivision shall be collected, conveyed, and discharged through an approved system of gutters, catch basins, storm sewers, detention ponds, culverts, and/or swales and shall conform to the stormwater runoff control requirements contained in this Code and any additional stormwater runoff control

requirements and standards established from time to time by resolution duly passed and adopted by the Council.

- C. Preservation of Natural Drainage Courses. To the greatest extent possible, existing natural drainage courses should be preserved and incorporated within the development to allow greater opportunities for natural stormwater conveyance and treatment.
- D. Stormwater Detention Facilities. Residential subdivision stormwater detention and treatment facilities shall be constructed by the development and thereafter owned, operated, and maintained by the City in accordance with the Stormwater Runoff Control Standards of this Code. The site of such detention and treatment facilities shall be dedicated to the City in the form of a separate tract of land identified on the face of the plat. The size, dimensions, purpose of, and access route to said tract shall be clearly shown on the final plat document.

Sec. 1-5-8 Utilities and Easements.

A. General.

- B. Utilities. All public and private water, sanitary sewer, and storm sewer system improvements shall conform to the design and construction requirements set forth in the Standard Construction Specifications, Standard Drawings, other Chapters of this Code, Idaho Code, and as shown in an adopted Comprehensive Land Use or Utility Plans, and as deemed appropriate by the City Engineer.

- 1. Sanitary sewer and storm sewer facilities connecting to the existing City sewer system shall be installed to serve each lot and shall be installed with grade, location, design, material, and size approved by the City Engineer.
 - 2. A potable water distribution system, including fire hydrants, shall be installed to serve each lot and shall be installed with grade, location, design, material, and size approved by the City Engineer.
 - 3. Where it is anticipated that multiple structures may be placed upon a single lot, the City Engineer may require that multiple utility services, in a quantity that is deemed to be adequate to serve the anticipated number of structures upon such lot, be installed so as to reduce the likelihood of the necessity of future street cuts to serve such future development.

- C. In certain instances, as determined by the City Engineer, sanitary sewer lift stations and/or potable water booster stations and water storage reservoirs may be necessary to adequately serve a proposed subdivision. In such cases, the developer shall design and construct such facilities to a size and standard deemed appropriate by the City Engineer. Oversizing costs for such facilities may be applicable and shall be determined based upon present and anticipated community needs and any relevant plans and policies adopted by the City.

D. Utility Easements.

- 1. Public utility easements shall be granted for all public water, sanitary sewer, and storm sewer mains and facilities, either as part of the final subdivision plat document or by separate conveyance. Easements granted by separate conveyance shall be recorded at the Latah County Recorder's office prior to approval of the final plat by the City Engineer. For utility mains, the minimum width of the easement shall be twenty feet (20') with the main

centered in the easement. Where two (2) public mains are proposed for the same easement, the minimum width shall be thirty feet (30') with the mains generally set five feet (5') off the centerline of the easement. Minimum width requirements may be expanded where topographic or other conditions warrant a wider easement to accommodate access or maintenance needs, as deemed appropriate by the City Engineer.

2. Utility easements shall include a minimum twelve feet (12') wide all weather driving surface (pavement, gravel, pavers, etc.) on an adequate base section to accommodate utility maintenance access as deemed necessary by the City Engineer. Where such easements provide access to water booster stations, sewer lift stations, and similar facilities, the minimum driving surface width shall be twenty feet (20'). Maximum slope of the driving surface shall not exceed fifteen percent (15%). Where topography and/or alignment of the utilities/easements warrant, a wider easement and/or driving surface may be required by the City Engineer.
3. Encroachment into public utility or access easements with the installation of sheds, fences, walls, buildings, trees, or other significant surface features is prohibited, unless approved by the City Engineer. Landscaping of public utility easements and public access easements outside the area of the all-weather driving surface is permitted as long as such landscaping does not interfere with the use of the easement or the maintenance and/or operations of the public facilities contained therein. A statement summarizing these conditions shall be included on the face of the final plat and shall be included in all separate conveyance documents.

Sec. 1-5-9 Flood Hazard Areas

A. General.

B. Flood Hazard Areas. All subdivision and lot division proposals in areas of special flood hazard shall:

1. Be designed to be considerate of the need to minimize flooding, including layout of streets and lots and the related desire to avoid construction in the one hundred (100) year flood plain, whenever possible, and avoid unnecessary construction in the floodway;
2. Design, locate and construct all public utilities and facilities such as sewer, gas, electrical, and water systems to prevent infiltration and flood damage and the potential for discharges from such utility systems into flood waters;
3. Provide adequate drainage to reduce exposure to flood damage; and

C. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated by the subdivider for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five (5) acres (whichever is less).

Sec. 1-6 Required Improvements

A. Design and installation of improvements.

1. All subdivision improvements required by this Code shall be designed and installed in accordance with the City's adopted Construction Specification Standard Drawings, Erosion and Sediment Control Standards, Stormwater Runoff Control Standards and other applicable improvement standards duly adopted by the City which are in force and affect at the time of the installation of such improvements. The City Engineer may allow exceptions to application to the current improvement standards in affect at the time of the installation of such improvements where such standards have substantively changed since the approval of the subdivision plat and the width of the previously dedicated right-of-way prohibits the ability to fully comply with the current improvement standards. In Addition, the City Engineer may specify additional requirements is unusual conditions warrant such requirements to ensure the public health, safety and welfare.
2. All subdivision improvements shall be furnished, installed, and constructed by the developer at no cost to the City. The City may, at the City's sole discretion, accept a suitable form of financial security in lieu of the completion of required public improvements where the City Council determines that such is in the best interest of the City in consideration of the specific conditions of the site and surrounding area or planned future public improvements.
3. Plans and specifications for subdivision improvements herein set forth shall be prepared by a registered professional engineer licensed to practice within the State of Idaho.

B. Public Improvements Required

1. Except as provided herein, all required subdivision public improvements shall be completed prior to the Mayor's signature on the related final subdivision plat and prior to issuance of a building permit for development or redevelopment of a lot created by a lot division or of a lot having gained the necessary minimum lot area for the applicable zoning district by way of the lot line adjustment or lot consolidation. No building permit shall be issued for development or redevelopment prior to City acceptance of compliance with the public improvement requirements of this Chapter.
2. All public improvement construction documents shall be prepared by a professional engineer licensed by the State of Idaho. Plans shall include extensions necessary to connect with existing and proposed streets, alleys, and utilities. Plans shall show sufficient information to indicate that streets, alleys, and utilities can be logically extended into future adjoining subdivisions or parcels. The capacity and dimensions of water, sewerage, drainage, and street infrastructure shall be adequate to provide for future needs of other undeveloped properties in the general vicinity. Where undeveloped properties exist in the general vicinity of the subdivision, all relevant public utilities shall be extended to the boundary of the subdivision to allow for their logical and orderly extension. The City Engineer may specify additional requirements where conditions warrant such requirements.
3. Construction of public improvements shall not commence until engineered construction documents for such work have been approved by the City Engineer.

4. The applicant or developer shall dedicate the required public improvements and any related land required to the City free and clear of all liens and encumbrances. Following completion of the construction of the public improvements required by this Code, acceptance of said improvements by the City in writing, and approval and filing of the final plat; ownership of said improvements shall transfer from the developer to City.
5. Upon completion of the construction of public improvements required by this Code, the developer shall submit to the City a set of as-constructed plans prepared by an engineer licensed in the State of Idaho attesting that the drawings accurately depict the improvements as actually constructed in ink on mylar. Submittal of said plans shall be completed before the City accepts the public improvements as complete. The subdivision developer shall also include an electronic version of the as-constructed plans in a format acceptable to the City.

C. Development Agreements

1. In lieu of completion of required public improvements prior to the Mayor's signature on the final subdivision plat, the applicant or developer and the City may execute and file a Development Agreement specifying the period of time within which the applicant or developer shall complete all required public improvements, granting of easements, and dedications required under this Chapter.
2. The Development Agreement shall provide that, if the applicant or developer shall fail to complete such public improvements, granting of easements, and/or dedications within the specified period, or shall fail to correct deficiencies therein as may be directed by the City Engineer during a period of two (2) years following completion and acceptance of such public improvements, granting of easements, and/or dedications, the City may, at its option, direct the completion of such public improvements, granting of easements, and/or dedications, and shall recover the full cost and expense thereof from the applicant or developer. The Development Agreement may also provide for any of the following:
 - a. Construction of the improvements in phases;
 - b. An extension of time under conditions therein specified;
 - c. The termination of the Development Agreement upon the completion of proceedings under a Local Improvement District for the construction of public improvements deemed by the Council to be at least the equivalent of the improvements specified in said Development Agreement and required to be constructed by the applicant or developer;
 - d. Proportional refund or release of security, which has been set in accordance with this Chapter and filed with the Development Agreement. Such refund or release shall only occur for the portion of the required public improvements which have been completed and accepted;
 - e. Conditions of parkland dedication;
 - f. Traffic mitigation participation;
 - g. No protest of LID agreements;
 - h. Street tree obligation;

- i. Any other provisions designed to ensure construction of required public improvements;
- j. And/or any contractual agreement allow by Idaho law.

D. Security

1. To assure such applicant or developer's full and faithful performance of the Development Agreement set forth in this Chapter, the applicant or developer shall also file with the Development Agreement at least one of the following forms of security:
 - a. Certified check to be cashed;
 - b. Cashier's check to be cashed;
 - c. Cash;
 - d. Irrevocable letter of credit from a certified bank or financial institution;
 - e. Bond; or
 - f. Any other form of security which is specifically approved by the City Finance Director.
2. Any form of security required by this Chapter shall be in an amount as determined by the City Engineer, sufficient to cover the cost of required public improvements including the construction, maintenance, correction, inspection, engineering, and administration thereof. The amount of the security shall be the City Engineer's estimated cost of the required public improvements to be completed plus ten percent (10%) contingency plus twelve percent (12%) engineering and administration costs.
3. In the event the applicant or developer fails to complete all public improvements in accordance with the provisions of the Subdivision Code, this Code, or a Development Agreement, the City may use the security to pay the costs of completing said public improvements, including construction, engineering inspection, and administration.
4. No releases of any form of security required herein shall be made except upon certification by the City Engineer that the required public improvements have been satisfactorily completed.

E. Payment in Lieu of Public Improvements Construction

1. If, in the opinion of the City Council, it is in the best interest of the City, the City may accept cash in lieu of construction of required public improvements. Such cash payment made to the City pursuant to this Subsection shall be used to pay the cost of completing said public improvements and, when used, shall relieve the applicant or developer from any further payment and/or expense regarding said public improvements. Neither the applicant nor the developer shall have claim against the cash payment, or any interest generated therefrom, regardless of the eventual use of said payment. The amount of the cash payment shall be equal to that specified for security in this Chapter.

F. Warranty Period for Public Improvements

1. Term. Following completion of the construction of the required public improvements and following acceptance of said improvements by the City, the applicant and developer shall provide a one (1) year warranty for said improvements. Such warranty shall ensure that the constructed improvements shall, at the end of one (1) year period, remain in an

operational condition meeting the City design standards and shall be free of any defects or failures identified during such warranty period.

2. **Warranty Repairs.** In the event that the City identifies any defect or failure of the public improvements installed by the developer as a requirement of this Code within one (1) year of the acceptance of said improvements, the City shall notify the developer in writing of the noted defect or failure. Upon such notification, the developer shall repair said defect and/or failure to the satisfaction of the City Engineer within ninety (90) days of notice to developer of said defect or failure.
3. **Security.** To ensure that the repair of defect or failure in the required public improvements shall be remedied by the developer, security for the warranty period shall be required. The amount of the security shall be equal to at least twenty percent (20%) of the documented construction cost of said public improvements. The form of the security shall be at least one of the following:
 - a. Certified check to be cashed;
 - b. Cashier's check to be cashed;
 - c. Cash;
 - d. Irrevocable letter of credit from a certified bank or financial institution;
 - e. Bond;
 - f. Any other form of security which is approved by the City Finance Director.
4. In the event that that the developer fails to make the necessary repairs to remedy the defect or failure of the public improvements, the City may utilize the security to pay the costs of completing said repairs, including construction, engineering, inspection, and administration and may pursue placement of a lien on the subject property, if necessary to pay such costs.

Sec. 1-7 Monumentation

- A. **General.** Monumentation shall be in accordance with this Code, the Idaho Code and shall comply with all requirements herein.
- B. **Street Monuments.** City standard street monuments shall be set at all exterior corners of the subdivision; at all points where street lines intersect the exterior boundaries of the subdivision; at all points of curvature in each street or at point of intersection, in lieu of points of curvature, when point of intersection are situated within street pavement; at all street intersections; and at centers of cul-de-sacs.
- C. **Lot Corners.** All lot corners shall be marked with five-eighths (5/8") inch steel bar, two (2') feet long and driven flush with the finished grade.
- D. **Witness Corners.** In the event an interior monument cannot be placed at the location shown on the plat, the professional land surveyor shall place a witness corner or reference monument and shall file a record of survey as provided in Chapter 19, Title 55, Idaho Code, to show the location of any witness corner or reference monument in relation to the platted location of the corner.

- E. Recording of Plat with Only Exterior Monumentation. Where interior monumentation security has been provided in accordance with this Code, the professional land surveyor may prepare the plat of the subdivision indicating that only the exterior monuments have been set at the time of recording. There shall be a certification on the plat by the Idaho professional land surveyor that the interior monuments for the subdivision will be set in accordance with Section 50-1303 Idaho Code on, or before, a specified date, and the said interior monuments will be referenced on the plat with a unique symbol. The time for setting of the interior monuments shall not exceed two (2) calendar years from the date the plat is recorded, unless otherwise approved by the City Engineer.

Sec. 1-7-1 Monumentation Security

- A. Interior Monumentation Security. Where the subdivider wishes to defer the setting of interior monuments for a subdivision, the subdivider shall furnish to the City, prior to recording the plat, security in the form of a bond or cash deposit in an amount equal to one hundred twenty percent (120%) of the estimated cost of performing the work for the interior monumentation. The estimated cost of performing such work shall be determined by the Idaho professional land surveyor signing the plat and verified and approved by the City Engineer.
- B. Upon receipt of notification of the setting of the interior monuments within the subject subdivision, the City shall inspect such monuments to ensure their proper placement and installation. Upon determination the monument placement has been satisfactorily completed, the City shall release the security to the subdivider.
- C. In the event that the person subdividing the land fails or refuses to authorize the payment for interior monumentation, the Idaho professional land surveyor may request payment from the City, and upon inspection by the City Engineer of the interior monumentation, the City shall pay the professional land surveyor from the interior monumentation security established in accordance with this Subsection.
- D. In the event that the Idaho professional land surveyor charged with the responsibility for setting interior monumentation for the subdivision does not set such monuments, the City may contract with an Idaho professional land surveyor in private practice to set such monuments for recording as required herein. Payment of the fees for these services shall be made from the security established in accordance with this Chapter.

MOSCOW AREA OF CITY IMPACT AGREEMENT

This AGREEMENT, by and between LATAH COUNTY, a political subdivision of the State of Idaho, and the CITY OF MOSCOW, a municipal corporation of the State of Idaho, provides for an Area of City Impact around the City of Moscow, Idaho.

WHEREAS, the Local Land Use Planning Act as enacted by the Idaho Legislature, I.C. 67-6501 *et seq*, requires adoption of an “Area of City Impact” around each city; and

WHEREAS, Latah County and the City of Moscow adopted an Area of City Impact in January, 1993, and have coordinated land use planning since that date, as provided by that Agreement, including modifications in 2003, 2004, 2006, and 2016; and

WHEREAS, in 2018, City and County agreed to modify the Agreement and the Comprehensive Plan and Zoning Codes to apply within the Area of City Impact as specified herein;

NOW THEREFORE, City of Moscow and Latah County hereby agree as follows:

SECTION 1: AREA

This AGREEMENT shall affect the unincorporated area of Latah County within the following Sections: Sections 4, 5, 6, 7, 9, 16, 19, 20, and 21, Township 39 North, Range 5 West, B.M.; Sections 12 and 13, Township 39 North, Range 6 West, B.M.; and Section 32, Township 40 North, Range 5 West, B.M., as depicted on the attached map, and as provided in Latah County Ordinance 246 and Moscow City Ordinance No. 2004-02, which have been adopted pursuant to the provisions of I.C. § 67-6526(a).

SECTION 2: DEFINITIONS

For purposes of this Agreement, the following words when used herein shall have these meanings:

- 2.1 ADMINISTRATIVE REQUESTS shall mean applications, requests, determinations, or interpretations other than quasi-judicial and legislative actions as defined herein, such as land or lot divisions, zoning determinations, floodplain determinations, zoning interpretations of the Zoning Administrator or designee, recreational vehicle design reviews, mobile home park design reviews and other administrative actions.
- 2.2 AGREEMENT shall mean this Agreement as adopted by Ordinance by the Latah County Board of Commissioners.
- 2.3 AREA shall mean the City of Moscow’s Area of City Impact as legally described within Section 1 of this AGREEMENT.
- 2.4 BOARD shall mean the Board of Latah County Commissioners.
- 2.5 CITY shall mean the City of Moscow.

- 2.6 COMPLAINTS shall mean written requests for enforcement under the ordinances adopted pursuant to Section 3 of this AGREEMENT.
- 2.7 COUNTY shall mean Latah County.
- 2.8 LEGISLATIVE ACTIONS shall mean amendments to the zoning map or ordinances, and other similar decisions by a governing board sitting in a legislative capacity, where its decision produces a general rule or policy applicable to an open class of individuals, interests, or situations.
- 2.9 NON-AREA COUNTY ORDINANCES shall mean all other Latah County Ordinances, such as the Latah County Land Use Ordinance, the Latah County Hearing Procedures Ordinance, and any other ordinance hereafter adopted which supersedes or replaces any of those Ordinances, but not such Ordinances specifically adopted by this AGREEMENT for the AREA.
- 2.10 QUASI-JUDICIAL APPLICATIONS shall mean applications for decisions or determinations regarding property located within the AREA, which are made by a governing board or its designee sitting in a quasi-judicial capacity, where its decision involves the application of a general rule or policy to specific individuals, interests, or situations, including, but not limited to, conditional use permits, special use permits, planned unit developments, subdivisions, variances, rezones, and other quasi-judicial proceedings.

SECTION 3: GOVERNING PLAN AND ORDINANCES

- 3.1 The following ordinances and plans shall be adopted, as set forth herein, for the AREA:
- A. CITY's Comprehensive Plan as adopted on December 7, 2009, excepting the land use map; adopting the land use map attached hereto and incorporated herein as Attachment 1.
 - B. CITY's Subdivision, and Mobile Home and RV Park Ordinances as modified herein:

No fee-in-lieu provisions shall be available in the AREA.
 - C. CITY's Zoning Ordinance, under Title 4 of the Moscow City Code, as modified herein:
 - 1. Title 4, Chapter 1, Section 7 "Nonconformities" is hereby deleted.
 - 2. Title 4, Chapter 5 "Flood Hazard Areas" is hereby deleted.
 - 3. Title 4, Chapter 7 "Planned Unit Development" is hereby deleted.
 - 4. Title 4, Chapter 6, Section 7 "Moscow Sign Code" is amended as follows:

In Title 4, Chapter 6, Section 7, Delete subsections A.5; A.6.; C.2.; D.1.a through d and replace all with “Signs installed by the Idaho Transportation Department, local highway district, or other governmental agency for purpose of directing the safe and convenient flow of traffic are exempt from these restrictions”; the phrase “noticing the lot on which the sign is posted for sale or lease” in all subsections D; G; H; I; K; L; N.1; and, in subsections N and O, replace the phrase “permitted institutional, public service, or utility facility” with the phrase “permitted use”.

- D. CITY’s “Animals and Fowl” regulations, Title 10, Chapter 4, Section 12, for use in all of the zoning designations, except for the Agriculture Forest zone.
- E. COUNTY’s Land Use Ordinance Sections 3.01, 4.01, 5.01, 8.01.11, 9.01, 9.03, as modified herein:
 - 1. Section 3.01.03.15 is hereby deleted.
 - 2. Section 3.01.01.2 and Section 3.01.03.2 are modified to fifty (50) animal units.
 - 3. Delete the current language under Section 3.01.04 “Size and Setback Requirements”, and replace with the following:
 - a. The minimum parcel size for all existing parcels, defined as all parcels of land recorded or approved by the Latah County Planning Department or the Moscow City Council on or before January 1, 1997 (and as further defined within the Latah County Land Use Ordinance), shall be one (1) acre. The minimum parcel size for any new parcels shall be forty (40) acres subject to the following small parcel division exception as described herein.
 - b. Small parcel division exception. No more than one (1) parcel of land may be divided from an existing parcel of forty (40) acres or more in accordance with the standards contained herein. Any small parcel division shall be submitted to the Latah County Planning Department who shall forward the proposed small parcel division to the City of Moscow Community Development Department to provide any recommendations upon the request. The City of Moscow Community Development Department shall provide any comments within ten (10) days of receipt of the request. Upon receipt of the any recommendations from the City of Moscow Community Development Department, or the expiration of the ten (10) day comment period if no comments are received, the Latah County Planning Department shall proceed to take final action upon the request in accordance with the standards contained herein and the Latah County Land Use Ordinance, including:
 - i. The small parcel shall be at least one (1) acre in area.
 - ii. The small parcel and remnant parcel shall have a designated building site that is no larger than two (2) acres where all residential structures shall be placed. The building site and all structures shall

be placed in a manner to preserve productive farm land, streams, riparian areas, and other unique natural features, allow for the logical extension of existing and planned roadways, to ensure that natural resources are protected and the City of Moscow can grow in an efficient, logical and orderly manner.

iii. The applicant shall submit a site plan for each parcel, drawn to scale. The site plan shall include the size, dimensions, and location of each parcel and building site, the potential or actual location and plans for the wells or water system, septic systems, residences, other structures, easements, driveways and regulatory setbacks. Each two (2) acre building site shall be placed so it will accommodate all regulatory setbacks, the septic system, a residence, any accessory structures related to the residential use.

iv. All properties, access roads, and driveways shall comply with all applicable COUNTY standards.

c. All accessory structures shall be a minimum of ten feet (10') from any property line. All other structures shall be a minimum of thirty-five feet (35') from any property line not abutting a public right-of-way. All structures shall be a minimum of twenty feet (20') from the boundaries of any public right-of-way or sixty feet (60') from the center line of any road placed within the boundaries of a public right-of-way, whichever is greater. When the setback distance is disputed, the Latah County Planning Department may require the property owner to have the property line established by a professional surveyor licensed in the State of Idaho. A detached accessory building may be built to the side or rear lot lines provided a written mutual agreement of the abutting property owners on the property lines affected be recorded in the Latah County Recorder's Office. Fences, bridges, retaining walls, roads, driveways, in-ground scales, poles, signs, access ramps, and mailboxes (respecting rights-of-way and easements) are exempt from setback requirements.

4. Section 8.01.11 "NON-CONTIGUOUS SAME OWNERSHIP PARCELS" shall apply as written, but shall only allow transfers of eligibilites as specified from eligible parcels within the AREA to eligible parcels outside of the AREA. This section shall not allow any transfers into the AREA or within the AREA.

3.2 The ordinance and plans adopted above shall be applied in the following manner:

- A. All ordinances and plans shall be applied as adopted and as further clarified in this Section.
- B. The design standards set forth by CITY and COUNTY ordinances shall apply, but may sometimes be duplicative, as determined by staff. COUNTY shall ensure that when the regulations are duplicative, that the most relevant regulation applies.

- C. COUNTY's Agriculture/Forest zoning designation and ordinance, as adopted above (Latah County Land Use Ordinance Section 3.01), shall apply in the sections of the AREA that are zoned Agriculture/Forest. When referenced, any uses in this zoning designation shall be further subject to regulations, policies and definitions as stated in the Latah County Land Use Ordinance. CITY's zoning designations and associated ordinance shall apply in all other zoning districts within the AREA. All other sections of CITY's Code, as adopted, shall apply within the AREA, other than as specified herein.
 - D. COUNTY's non-conforming uses as described in Section 4.01, and flood hazard areas as defined in Section 5.01 of the Latah County Land Use Ordinance, shall apply within the AREA.
 - E. Processes for applications and hearings are as specified herein. Additionally, processes as set forth in Moscow City Code Title 4, Chapter 10, Sections 3, 4, and 5, and in the Latah County Hearings Procedures Ordinance, [cite], shall also apply as required.
 - F. CITY's "Animals and Fowl" regulations, pursuant to Title 10, Chapter 4, Section 12, shall be used in all of the zoning designations except Agriculture/Forest, which shall use COUNTY's Agriculture/Forest animal limits as amended by this AGREEMENT.
- 3.3 No amendments to the Comprehensive Plan or the Zoning, Subdivision, Mobile Home and RV Park Ordinances, shall be effective in the AREA until such amendments are adopted by CITY and, thereafter, adopted by COUNTY.
- 3.4 COUNTY has adopted this AGREEMENT via Latah County Ordinance.

SECTION 4: ADMINISTRATION OF THE AREA OF CITY IMPACT

- 4.1 BOARD authorizes CITY to administer the Comprehensive Plan and Ordinances for the AREA, as identified in Section 3.1 of this AGREEMENT, and to initially review and make recommendations regarding applications, requests for permits, and inquiries made regarding property within the AREA.
- 4.2 All applications and requests for quasi-judicial permits within three quarters ($\frac{3}{4}$) mile of the boundaries of CITY at the time of application, but not located within the AREA, shall be forwarded to CITY no less than fifteen (15) days prior to COUNTY's hearing to consider the application or request to allow CITY the opportunity to provide comment upon the matter to COUNTY. For variances, the time period shall be seven (7) days. COUNTY shall consider any comment or reply from CITY as part of its hearing process.
- 4.3 All applications, requests for permits, and inquiries regarding property located within the AREA, which are made pursuant to the ordinances adopted under Section 3 of this AGREEMENT, shall be made to COUNTY. COUNTY shall charge and collect a fee based upon the attached fee schedule. The completed application, request, or inquiry shall

be forwarded to CITY within seven (7) days of receipt. COUNTY shall also forward fifty percent (50%) of each collected fee to CITY without unreasonable delay.

- 4.4 Following the receipt by COUNTY of an application, request, or inquiry for property in the AREA, a joint application conference may be held with the applicant and staff from CITY and COUNTY to review and discuss the application, request or inquiry.

4.5 Applications, requests, and inquiries shall be processed as follows:

A. Administrative Requests.

1. Within fifteen (15) days of receipt of an administrative request, CITY shall make a recommendation and shall forward that recommendation, along with all relevant supporting documentation, to the COUNTY, which shall render a final determination.
2. CITY and COUNTY recognize that some administrative requests are informal and can be addressed by CITY without the need of the referral procedure described in Section 4.2 and 4.4.A.1 of this AGREEMENT. In such situations, CITY agrees that it will advise the requestor that CITY's interpretation is not final and that, if the person wishes to receive a final determination, CITY will refer the matter to COUNTY.

B. Quasi-judicial applications.

1. Quasi-judicial applications shall be reviewed by CITY and scheduled for a single public hearing before CITY's Board of Adjustment, Planning and Zoning Commission, or Council.
2. CITY's public hearing shall be video-recorded. Any failure of the recording shall not require that the public hearing be repeated, provided that a transcribable record has been otherwise preserved as required by law.
3. The hearing body shall provide a written recommendation which shall be forwarded, with the record and all supporting materials, to COUNTY within twenty-three (23) days of the close of the hearing.
4. COUNTY may accept, reject, or modify CITY's recommendation in whole or in part. In doing so, COUNTY may rely on the record of CITY's public hearing, or may hold its own public hearing before COUNTY's Zoning Commission or Board of Commissioners. No new testimony will be taken unless a duly noticed public hearing is held. Any public hearing before COUNTY shall be conducted in accordance with the applicable NON-AREA COUNTY Ordinance and other relevant legal provisions. [cite or define what relevant legal provisions?] In the event COUNTY intends to modify CITY's recommended conditions, COUNTY agrees that it will hold a public hearing before doing so, unless the BOARD or COUNTY Zoning Commission unanimously agrees that a public hearing is not necessary.
5. Appeals of final decisions by COUNTY Zoning Commission, regarding conditional and special use permits, may be made to the BOARD pursuant to the appeal procedures contained within Section 5 of this AGREEMENT.

C. Inspections. Development or establishment of a land use, resulting from approval of a permit application in the AREA, shall be inspected. CITY and COUNTY shall work cooperatively in performing inspections to verify compliance with applicable development standards and special conditions of approval. Unless otherwise mutually agreed, COUNTY shall inspect, as part of the building permit inspection process, compliance with building related standards of the Zoning and Mobile

Home Codes, such as setbacks, building height, and building size. Further, unless otherwise mutually agreed, CITY shall inspect for compliance with other standards of the Zoning, Subdivision, Mobile Home, and Recreational Vehicle Park Codes, or any conditions of approval of an associated quasi-judicial permit application that are not directly related to building construction. Examples of such standards include, but are not limited to, landscaping, open space, fencing, parking, paving, outdoor lighting, curbing, sidewalks, flood plain, and trash dumpsters. When a technical inspection of such improvement is needed, CITY may conduct the inspection or require the applicant to provide a written statement of compliance from an engineer certified in the State of Idaho. Public improvements shall be inspected by the respective public agency which permits or oversees such improvements. COUNTY retains authority over recognizing the approval of all inspections and certificates of occupancy.

- D. Complaints. Complaints shall be received in writing by COUNTY. COUNTY shall forward the complaint to CITY within seven (7) days of receipt. CITY shall conduct an initial investigation and forward the relevant information collected, with an enforcement recommendation, to COUNTY within thirty (30) days of receipt of the complaint from COUNTY. All recommendations regarding complaints shall be forwarded to COUNTY, even if CITY recommends no enforcement.
- 4.6 COUNTY shall issue building permits and mobile home installation permits in the AREA and shall forward copies of these applications to CITY prior to issuance. CITY shall review these applications for compliance with the applicable Ordinances. CITY shall indicate compliance or non-compliance to COUNTY within seven (7) days from receipt of the permit application.
- 4.7 If an application for a Zoning District Amendment, Comprehensive Plan Amendment, or Subdivision Plat for land located within in the AREA is received in conjunction with a request for annexation, the application shall be presented, by the applicant, directly to CITY. CITY shall collect the current applicable CITY fee as adopted within CITY Fee Resolution in effect at the time of receipt of the application. Once CITY approves annexation of the subject property, CITY may proceed to take final action upon the associated application as though the property had been within the City at the time the application was made. In the event that the annexation is not approved by CITY, CITY shall take no further action upon the associated applications and such applications shall be considered null and void.

SECTION 5: APPEALS PROCESS

- 5.1 There shall be no appeal of CITY recommendations, determinations, or interpretations, because such recommendations are not final determinations. Appeals from COUNTY actions shall be governed by the appeal provisions of NON-AREA County Ordinances. Appeals from Special Use Permits shall follow the same appeal process and procedures contained in NON-AREA County Ordinances related to Conditional Use Permits.
- 5.2 Final decisions by COUNTY made under this AGREEMENT may be subject to judicial review.

SECTION 6: ENFORCEMENT

The County Prosecuting Attorney may take legal action to enforce land use regulations within the AREA. CITY will make its staff available and will fully cooperate with COUNTY's enforcement efforts. In certain circumstances, the County Prosecuting Attorney may, upon consent of the City Attorney, appoint the City Attorney to take enforcement action in the AREA. Any enforcement action taken by the City Attorney shall be on behalf of, and pursuant to the direction of, COUNTY.

SECTION 7: CONFLICT WITH OTHER ORDINANCES

To the extent that the processes contained in this AGREEMENT conflict with processes contained in CITY Ordinances or in NON-AREA COUNTY Ordinances, the processes contained in this AGREEMENT shall control. To the extent that the adopted codes have duplicate regulations, other than as specified in a different section of this AGREEMENT, whichever is more restrictive shall control.

SECTION 8: RENEGOTIATION

- 8.1 This AGREEMENT shall be renegotiated at any time upon written request of either Party in accordance with Idaho Code § 67-6526(d).
- 8.2 It is the intent of the Parties that the governing boards shall, at least every ten (10) years, undertake a review of this AGREEMENT to determine whether renegotiations are in the best interests of the citizenry.

IN WITNESS WHEREOF, CITY, by and through its Mayor and City Clerk, and COUNTY, by and through the Board of County Commissioners, have executed this AGREEMENT to be effective as dated.

LATAH COUNTY:

Thomas C. Lamar, Chair

David McGraw, Commissioner

Richard Walser, Commissioner

ATTEST:

DATE:

Clerk/Deputy Clerk

CITY OF MOSCOW:

Bill Lambert, Mayor

ATTEST:

DATE:

Laurie M. Hopkins, City Clerk

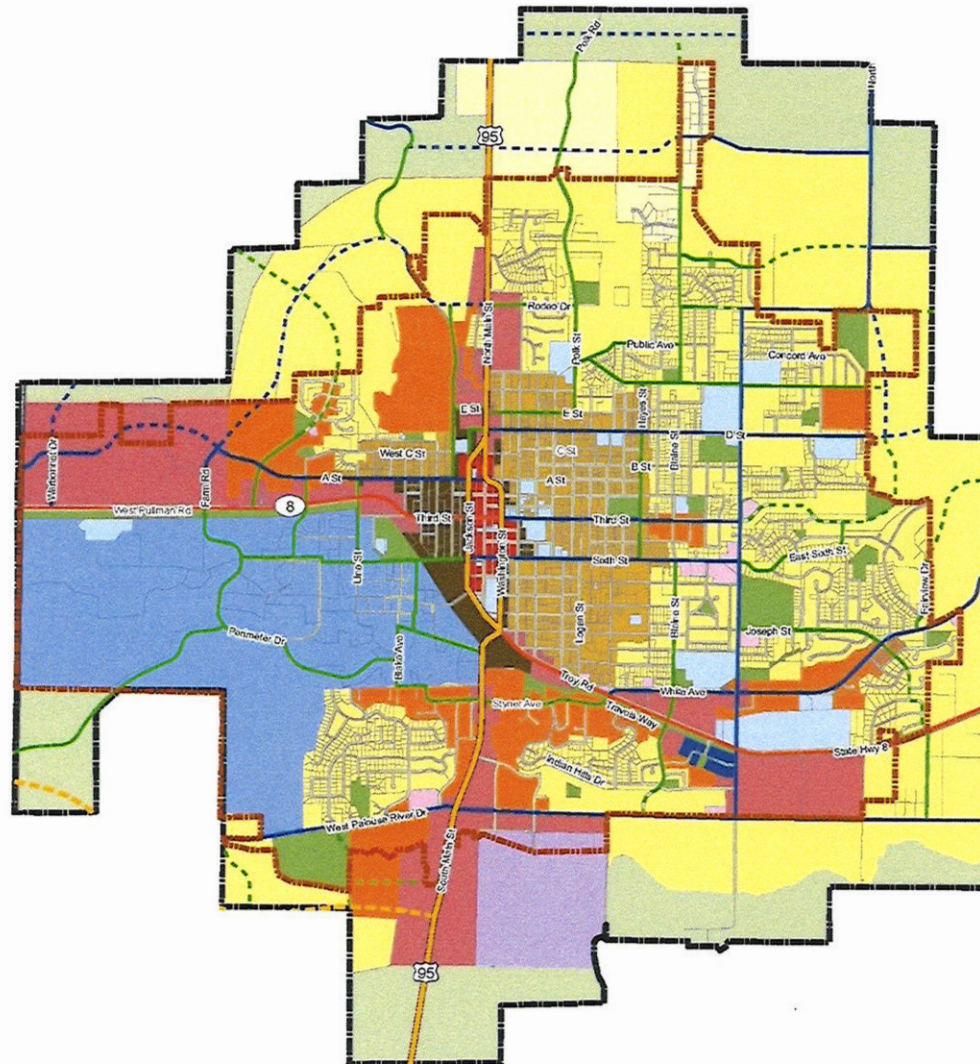
FEE SCHEDULE

<u>ITEM</u>	<u>FEE</u>
Development Permit	\$40
Administrative Zoning Permit	\$300
Conditional Use Permit/Special Use Permit.....	\$300
Rezone	\$550
Variance	\$200
Co-Location	\$50
Comprehensive Plan Amendment	\$1,000
Land or Lot Division	\$250 plus \$50 for each additional lot
Vacations	\$500
Subdivision	\$1,000
Appeals	\$200
Mobile Home Parks	\$375 plus \$5 per lot
RV Parks.....	\$300
Additional Fee for Zoning Activities Started Prior to Issuance	\$300
Reconsideration	\$200

Future Land Use and Growth Plan

Moscow Area of City Impact

comprehensive PLAN



FUTURE LAND USE

- Rural and Agriculture
- Neighborhood Conservation
- Suburban Residential
- Auto-Urban Residential
- Urban Residential
- High-Density Residential
- Urban Mixed
- Suburban Commercial
- Auto-Urban Commercial
- Urban Commercial
- Business Park
- Industrial
- Civic/Institutional
- University
- Parks and Open Space

THOROUGHFARE PLAN

- National Highway
- Alt Highway 8 Align
- Alt Highway 95 Align
- Principal Arterial
- Minor Arterial
- Proposed Minor Arterial
- Collector
- Proposed Collector

BOUNDARIES, WATER, & INFRASTRUCTURE

- City Limits
- State Border
- Area of City Impact

Note: Proposed future roadway locations are approximate and ultimate roadway locations will be determined at the time of development based upon topography, existing development, property boundaries and proposed development needs.

0 0.15 0.3 0.6 Miles

