



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 28, 2018

206 E 3rd Street

1. Approval Of Previous Minutes

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

Documents:

[MINPZC20181114.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. Approval Of Reasoned Statement Of Relevant Criteria And Standards For Property 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: Review the draft Relevant Criteria and Standards document and approve the document; or approve the document with corrections; or provide Staff further

direction as deemed necessary.

Documents:

[LUP2018-0030 - 2350 TRAIL RD RZ PZ - 11-14-18.PDF](#)

6. Review Of Comments Received From Comprehensive Plan Public Comment Period
[ACTION ITEM]

The Comprehensive Plan public comment period ended on November 23, 2018. The next steps will be to review the comments that were received and proceed to public hearing on January 9, 2019.

ACTION: Review the public comments that were received and tentatively schedule the public hearing for the Comprehensive Plan on January 9, 2019; or provide Staff further direction as deemed necessary.

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.

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](#)

9. Continuing Education

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~
November 14, 2018

Mike Ray
Staff Liaison

p&z@ci.moscow.id.us

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

208.883.7008

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

MEMBERS PRESENT: Wendy McClure, Chair; Scott Gropp, Joel Hamilton, Mike Nelsen, Robb Parish, Nels Reese, Victoria Seever

MEMBERS ABSENT: Kurt Obermayr, Dennis Wilson

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

1. Approval of minutes from September 26, 2018

RESULT:	ACCEPTED BY ACCLAMATION
MOVER:	Parish
SECONDER:	Gropp

2. Correspondence

None.

3. Transportation Commission Meeting Report

Last week's discussion included crosswalk issues on South Jackson (between Gritman and their parking lot as well as the S.H. 8 intersection), and recently added bike paths. Hamilton said the Commission recommended staff and ITD conduct a study. McClure asked Hamilton to pass on her recommendation that they also study North Jackson at First and Second Streets.

4. Public Comment

None.

5. Public Hearing: Proposal for Rezone at 2350 Trail Road in the Area of City Impact: LUP2018-0030 [ACTION ITEM]

Ray presented the application by describing the subject property, surrounding uses and the nearby roads. The proposal complies with the Comprehensive Plan and the existing barn on the property meets all setbacks. Staff recommended approval of the rezone with one condition recommended by 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.

McClure opened the public hearing at 7:12 pm with testimony from the applicant.

Aaron Roepke, 530 S Asbury, applicant's representative, stated the purpose of the rezone is to allow construction of a single family home on the parcel. The current five-acre size makes it difficult to actively farm anyway, and the change would be consistent with other rural residences in the area.

The public hearing closed at 7:16pm.

Gropp thought the request seemed fitting with the neighboring parcels. Hearing no further discussion, Parish moved to recommend approval of the rezone with the condition recommended by Public Works.

RESULT:	APPROVED UNANIMOUSLY BY ACCLAMATION
MOVER:	Parish
SECONDER:	Nelsen

Parish moved to direct staff to prepare RCS for Commission approval.

RESULT:	APPROVED UNANIMOUSLY BY ACCLAMATION
MOVER:	Parish
SECONDER:	Nelsen

6. Comprehensive Plan Open House Recap

Ray was impressed with Commissioner and citizen attendance. The public comment period remains open through November 23rd, 2018. The Commission will then conduct a public hearing and make a recommendation to Council, who will conduct a second public hearing. Ray is targeting the first January meeting for the Commission public hearing. Zabala suggested the draft document and opportunity for comment should be more visible on the website.

7. Subdivision Code Review [ACTION ITEM]

Ray continued with review of the subdivision code update initiated last month. Suggested areas of discussion included the establishment of a minimum number of access points to arterials, maximum cul-de-sac lengths, required pedestrian walkways, parkland dedication, and adding various Public Works code requirements to the Subdivision Code. McClure thought the number of access points seemed low and Hamilton assumed neighborhoods always had two outlets. Commissioners thought one access point would never be a good idea for safety reasons. McClure wondered if the proposed numbers achieved the street connectivity goals within the Comprehensive Plan. Ray asked Commissioners to think on it for continued conversation. Hamilton said the final language should take into consideration the phasing of subdivisions that will provide additional access points in the future. Gropp suggested it would be helpful to see some existing examples of subdivision size and the number of access points. Parish recommended inviting the Parks & Rec staff when the parkland dedication conversation is scheduled. Ray said he thought Council will also be discussing the fee-in-lieu of rate. Ray also reviewed some of the pros and cons of the current subdivision process and suggested possible changes that would allow for alternate development methods. Commissioners applauded staff's examples which could inspire more creative development.

8. Area of City Impact Agreement [ACTION ITEM]

Ray explained that governing boards are required by Idaho Code to review ACI agreements every 10 years. In 2015 the County requested the City enter into renegotiations but the City requested holding off until its zoning code update was completed. ACI discussions began in 1979 but the first ACI agreement wasn't established until 1993 which granted the City the decision-making authority within the ACI. Based on the Blaha vs. Eagle City Council case in 2000, an interim agreement was executed in 2003, and a renegotiated agreement in 2004 limited City authority to recommendation-only within the ACI. The existing ACI agreement was approved in 2006, and joint City-County proposed changes include:

- Adoption of the City's "Animals and Fowl" regulations for use in all zoning designations except AF;
- Adoption of the County's AG Forest Zone with the deletion of salvage, wrecking and junk yards outside of a fully enclosed building; allowing animal husbandry as a permitted use but reducing the animal units from 250 to 50; keeping the City's 40-acre parcel size with one division permitted of at

least 1 acre; and maintain the County's non-conforming use ordinance, floodplain ordinance, and design standards for driveways.

Ray said Commissioners could discuss further at the next meeting and the public hearing will be noticed for December 12.

9. Future Continuing Education Discussions

The meeting adjourned at 8:50 p.m.

Wendy McClure, Chair

**BEFORE THE PLANNING AND ZONING COMMISSION
OF THE CITY OF MOSCOW, COUNTY OF LATAH,
STATE OF IDAHO**

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS REGARDING A REQUEST FOR THE REZONE OF A FOUR POINT SEVEN (4.7) ACRE AREA OF LAND LOCATED AT 2350 TRAIL ROAD WITHIN THE AREA OF CITY IMPACT OF THE CITY OF MOSCOW, IDAHO.

WHEREAS, the applicant filed an application for a Rezone in the Moscow Area of City Impact on September 24, 2018; and

WHEREAS, this matter came before the Moscow Planning and Zoning Commission during a duly noticed public hearing on November 14, 2018; and

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

THE PLANNING AND ZONING COMMISSION OF THE CITY OF MOSCOW, IDAHO, AFTER DUE DELIBERATION AND CONSIDERATION, HEREBY CONCLUDES:

I. RELEVANT FACTS AND CONCLUSIONS

1. The Planning and Zoning Commission considered the request pursuant to the City of Moscow 1999 Comprehensive Plan, City of Moscow Zoning Ordinance, the Local Land Use Planning Act, the Moscow Area of City Impact Agreement, and other applicable development regulations.
2. Per the Moscow Area of City Impact Agreement with Latah County, the Moscow Planning and Zoning Commission is to conduct one hearing and forward a recommendation on to Latah County.
3. The subject property is a four point seven (4.7) acre area of land generally located at 2350 Trail Road within the Area of City Impact.
4. The subject property is currently being used as hay and pasture ground and includes a large barn that is used for storage.
5. The subject property is primarily surrounded by agricultural lands and rural single family dwellings that are within the Area of City Impact.
6. The subject property is currently designated as Agricultural (A) upon the 1999 City of Moscow Comprehensive Plan Land Use Map.
7. According to the 1999 Comprehensive Plan, the Agricultural (A) designated areas,
“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."

8. 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.
9. The subject property and all surrounding properties are currently zoned Agriculture/Forestry (AF).
10. According to the City of Moscow Zoning Code, the purpose of the FR Zoning District is 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."
12. 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.
13. 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.
14. The current collector standard requires a 70 foot right-of-way to accommodate the street section and there is currently a 50 foot roadway easement dedicated for Trail Road. The subject property currently extends to the centerline of Trail Road and contains a 25 foot roadway easement for half of Trail Road. In order to accommodate the collector street standard, the Commission finds that a condition be placed upon the rezone request that the applicant 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.

BASED ON THE ABOVE RELEVANT FACTS AND CONCLUSIONS, THE PLANNING AND ZONING COMMISSION OF THE CITY OF MOSCOW HEREBY FINDS THE FOLLOWING RELEVANT CRITERIA AND STANDARDS:

II. RELEVANT CRITERIA AND STANDARDS

1. **1. The proposed rezone is consistent with Comprehensive Plan goals, objectives, and implementation actions.** The proposed preliminary plat is consistent with the underlying 1999 Comprehensive Plan Land Use Designation of Agricultural (A).
2. **The proposed rezone would provide for the logical and orderly location of land uses and community services and facilities.** The proposed Farm, Ranch, and Outdoor Recreation (FR) Zone provides a continuation in large lot single-family development along the Trail Road corridor while preserving adjacent agricultural uses.
3. **The uses expected to occur as a result of the rezone will be compatible with the surrounding area.** The proposed zoning is consistent with adjacent zoning districts and will create a logical and orderly zoning configuration for the subject area. The adjacent properties in all directions are primarily agricultural, with some single family homes constructed on large lots.
4. **The size, type, and density of development expected to occur as a result of the rezone will not place an undue burden upon delivery of services provided by any political subdivision within the planning jurisdiction.** The proposed zoning and uses are suitable for the area and with the recommended condition of increasing the width of Trail Road to accommodate a future collector street standard, will not unduly burden the neighborhood of public infrastructure.
5. **The size, type, and density of development expected to occur as a result of the rezone can be adequately served by the existing transportation network, public facilities and services.** The subject property has street access via Trail Road which is currently designated as a collector street. Allowed uses within the FR Zone can be accommodated by a well and septic system.

III. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the Planning and Zoning Commission of the City of Moscow recommends approval of the rezone request for the four point seven (4.7) acre property to Latah County with the following condition:

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.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF MOSCOW this
____ day of _____, 2018.

Wendy McClure, Chair
Planning and Zoning Commission

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

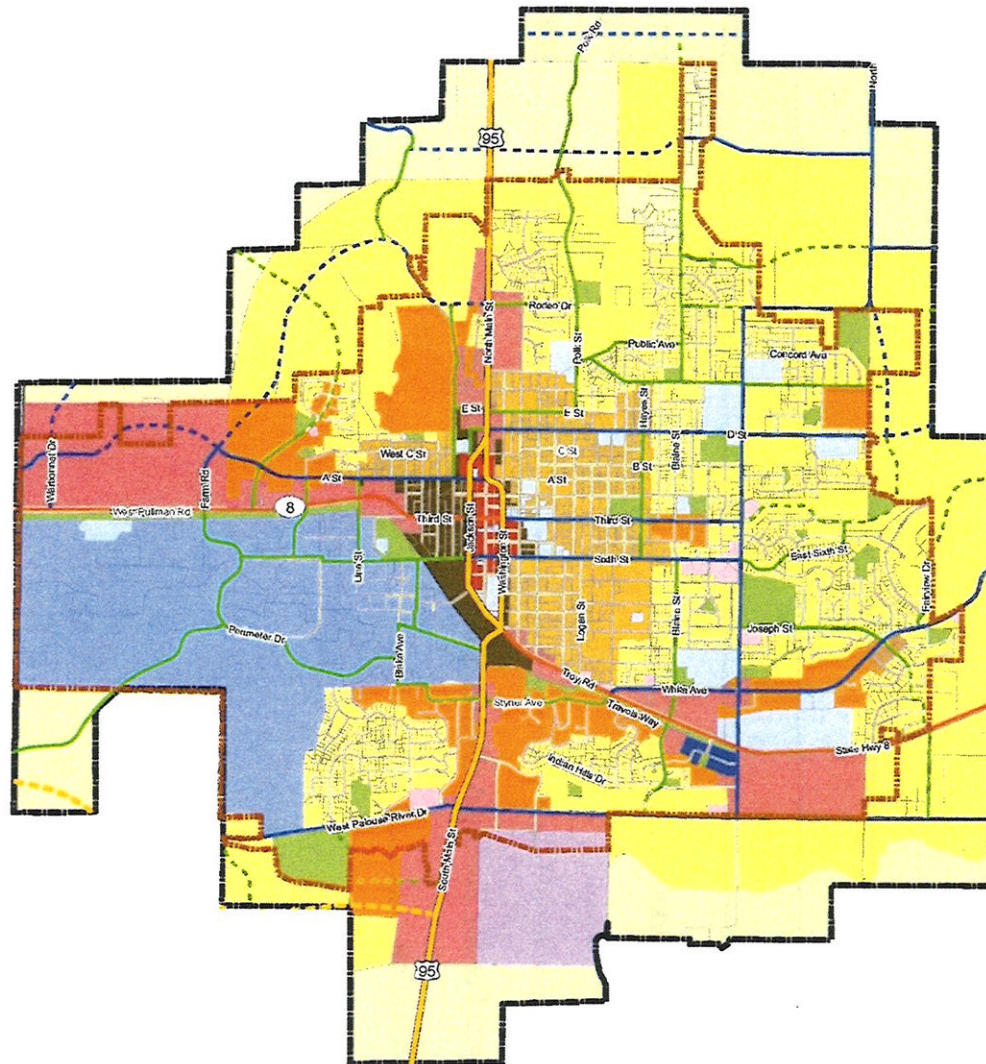
FEE SCHEDULE

<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

