

BOARD of ADJUSTMENT



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

Public Hearing
~ Agenda ~

Aimee Hennrich
Staff Liaison
208.883.7095

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

Tuesday
October 26, 2021

7:00 PM

Council Chambers
206 E Third Street

WELCOME AND ATTENDANCE

REGULAR AGENDA

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

PROPOSED ACTIONS: Approve minutes as presented; approve minutes with amendments; or provide staff further direction.

2. Public Hearing: Proposal for a Conditional Use Permit at 2005 Orchard Avenue – LUP2021-0041 (ACTION ITEM)

Conditional Use Permit application for an accessory cottage in excess of 900 square feet located at 2005 Orchard Avenue within the Agricultural/Forestry Zoning District (AF) in the Area of City Impact, per Latah County Code 03.01.02(14)(H).

PROPOSED ACTIONS: Conduct the public hearing upon the proposed conditional use permit request and upon consideration of any testimony presented, recommend that the City of Moscow Board of Adjustment put forth a recommendation for approval to the Latah County Zoning Commission and direct Staff to prepare a reasoned statement of relevant criteria and standards; or recommend approval of with conditions and direct Staff to prepare a reasoned statement of relevant criteria and standards; or recommend denial the conditional use permit request and direct Staff to prepare a reasoned statement of relevant criteria and standards; or take other action as deemed appropriate.

ANNOUNCEMENTS

UPCOMING EVENTS/MEETINGS

ADJOURN

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

BOARD of ADJUSTMENT



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

Public Meeting
~ Minutes ~

Aimee Hennrich
Staff Liaison
208.883.7095

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

Tuesday
September 7, 2021

5:30 PM

Council Chambers
206 E Third Street

Monson called the meeting to order at 5:49 PM

MEMBERS PRESENT: Mark Monson, Vice Chair; Annette Bieghler, Tim Thomson
MEMBERS ABSENT: Joe Bazzoli, Steve Bush, Marshall Comstock
STAFF: Jennifer Fleischman, Aimee Hennrich

REGULAR AGENDA

1. Approval of August 30, 2021 Minutes

Thomson moved for approval of the minutes as corrected, seconded by Bieghler. Vote by Acclamation; Ayes: Unanimous (3). Nays: None. Abstentions: None. Motion carried.

2. Approval of Reasoned Statement of Relevant Criteria and Standards

A Conditional Use Permit application for an accessory cottage in excess of 900 square feet located at 3400 Robinson Park Road within the Agricultural/Forestry Zoning District (AF) in the Area of City Impact, per Latah County Code 03.01.02(14)(H).

Thomson moved to approve the Relevant Criteria and Standards as presented, seconded by Bieghler. Vote by Acclamation; Ayes: Unanimous (3). Nays: None. Abstentions: None. Motion carried.

REPORTS

ANNOUNCEMENTS

UPCOMING EVENTS/MEETINGS

The meeting adjourned at 5:50 PM

Joe Bazzoli, Chair

Date

**CITY OF MOSCOW
COMMUNITY PLANNING AND DESIGN
STAFF REPORT**

HEARING DATE: Tuesday, October 26, 2021.

GENERAL INFORMATION

Hearing Body: Board of Adjustment

Subject: Application for Conditional Use Permit for an accessory cottage exceeding 900 square feet located at 2005 Orchard Avenue within the Agriculture/Forestry (AF) Zoning District, in the Moscow Area of City Impact, per Latah County Code 03.01.03(14).

Attachments:

1. Conditional Use Permit Application.
2. Public Hearing Notice – published in the Moscow-Pullman Daily News October 9, 2021.
3. Site Plan and Application Materials
4. Relevant Criteria and Standards Worksheet

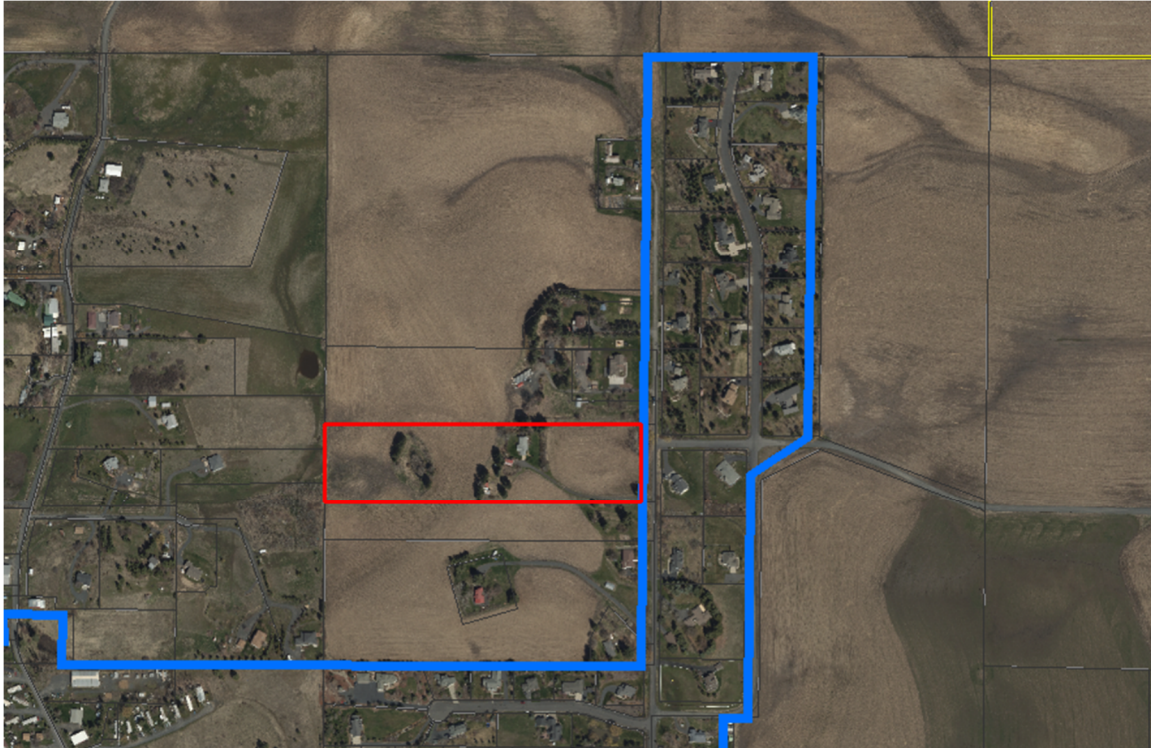
Prepared by: Aimee Hennrich

STAFF REVIEW

Proposal: The applicant, Clinton Hughes, has applied for a Conditional Use Permit (CUP) for an accessory cottage exceeding 900 square feet located at 2005 Orchard Road. The site has an existing single-family home and a detached garage and sits on 395,200 square feet (9 acres) of land. The applicant is proposing to construct a 1,277 square foot accessory cottage on the west side of the property. The subject property is located within the Agriculture/Forestry (AF) Zoning District in the Area of City Impact where accessory cottage houses above 900 square feet require a Conditional Use Permit, per Latah County Code 03.01.03(14).

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 Board of Adjustment is to conduct one hearing and forward a recommendation on to Latah County.

Site and Area Land Use: The subject property is a 9-acre parcel located outside the City limits, west of the Orchard Road within Moscow Area of City Impact. The parcel has 304 feet of frontage along Orchard Road. The subject property currently contains a 2,570 square foot single family home as well as a detached garage. Adjacent properties to the north, east, south and west also contain residential homes.



Vicinity Map



Aerial of Subject Property

Zoning: The subject property and adjacent properties to the north, east and west are currently zoned Agriculture/Forestry (AF) and located within the Moscow Area of Impact. The property adjacent to the east is zoned Suburban Residential (SR) Zone and is within Moscow city limits.

Within the Area of City Impact, the County's AF has been adopted. According to Latah County Zoning Code, the purpose of the AF Zoning District is,

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

Accessory cottages in excess of 900 square feet require a conditional use permit within the AF Zone. Per Latah County Zoning Code 03.01.03(14).

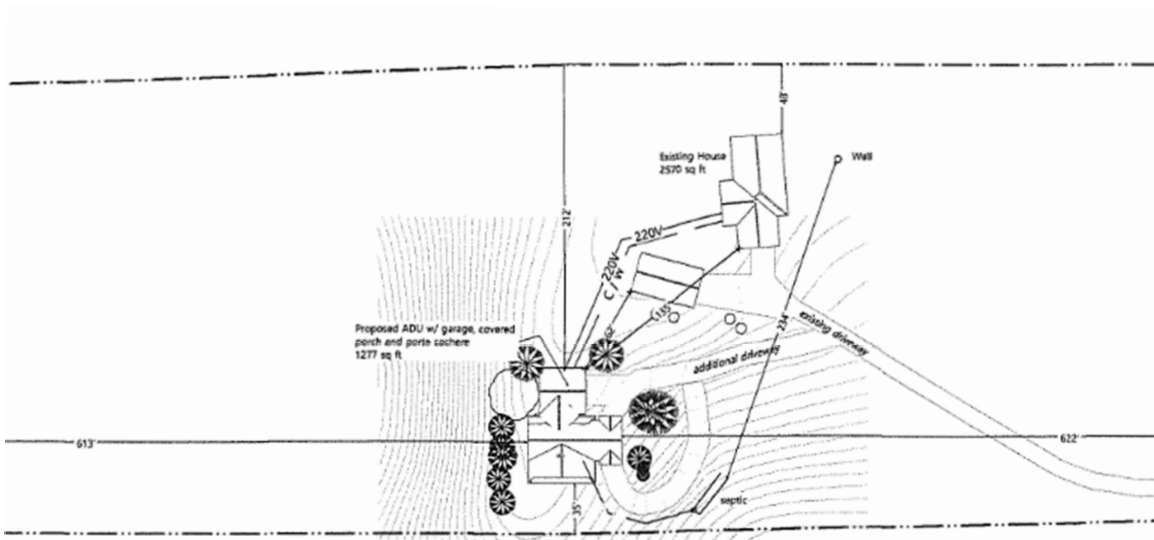


Zoning Map

Comprehensive Plan: The 2019 City of Moscow Comprehensive, Plan Land Future Use and Growth Plan Map designates the subject property and surrounding properties Auto-Urban Residential. According to Chapter 2 of the Comprehensive Plan, Community Character and Land Use, Auto-Urban Residential designated areas,

“contain predominantly single family detached homes on lots ranging from 7,000 to 11,000 square feet in size and are more isolated from surrounding uses which may require residents to rely more on automobile transportation. This designation includes those areas generally anticipated to be developed for low-to moderate-density residential uses at densities between three to six units per acre which could include a mix of detached single-family, twinhome, and townhome residential dwellings. Appropriate current zoning for Auto-Urban Residential designated areas include Low Density Residential (R-1), Moderate Density Single Family Residential (R-2) and Medium Density Residential (R-3) in order to include a mixture of attached and detached dwellings where appropriate.”

Chapter 3 of the Comprehensive Plan, Community Mobility, identifies Robinson Park Road as minor arterial road.



Proposed Site Plan

Proposed Development: The conceptual site plan shows the accessory cottage setback 622 feet from the eastern property line and 35 feet from the southern property line and 613 feet from the western property line. The accessory cottage is proposed to be 1,277 square feet and contains two bedrooms, two bathrooms, a living area, and a kitchen.

Streets and Access: The subject property is west of Orchard Road and Trail Road. The site is accessed via Orchard which is designated as a collector street and is developed as a 24-foot-wide paved roadway two travel lanes and minimal gravel shoulders on both sides.

Input from Other Departments/Entities: No comments were received from other departments/agencies upon review of the request for the Conditional Use Permit.

RELEVANT CRITERIA AND STANDARDS

The following are Staff's comments relating to the criteria required for approval of a Conditional Use Permit. See the attached worksheet for each of the criteria. The following statements may be used for the Relevant Criteria and Standards or changed to include or remove any statement deemed necessary or appropriate by the Board.

- 1. The proposed use (is/is not) a conditionally permitted use within the Zoning District.**
- 2. The character of the proposed use (will/will not) be in harmony with the neighborhood and surrounding land uses.**

- 3. The proposed use as approved, or as approved with conditions, (will/will not) generate nuisances that would be injurious or detrimental to the adjoining properties or the neighborhood (including, but not limited to, noise, dust, glare, vibrations, odors, and the like).**
- 4. The location, design, and size of the proposed use (will/will not) be adequately served by existing streets, public facilities and services.**
- 5. The proposed use (will/will not) endanger the public health or safety if located where proposed?**
- 6. Proposed use (meets/does not meet) all applicable development standards of the Zoning Code.**
- 7. The propose use (will/will not) be in conflict with the Comprehensive Plan.**

RECOMMENDATION

Staff recommends that the City of Moscow, Board of Adjustment put forth a recommendation of approval of the proposed conditional use permit for an Accessory Cottage located at 2005 Orchard Road to the Latah County Zoning Commission with no conditions.

NOTICE OF PUBLIC HEARING

Proposal for Conditional Use Permit located at 2005 Orchard Road within the Area of City Impact. Permit Application LUP2021-0041

A public hearing at which you may be present and speak will be conducted before the Board of Adjustment of the City of Moscow at which time the following proposal will be considered:

Conditional Use Permit application for an accessory cottage in excess of 900 square feet located at 2005 Orchard Road within the Agricultural/Forestry Zoning District (AF) in the Area of City Impact, per Latah County Code 03.01.03(14).

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

MEETING DATE: Tuesday, October 26, 2021

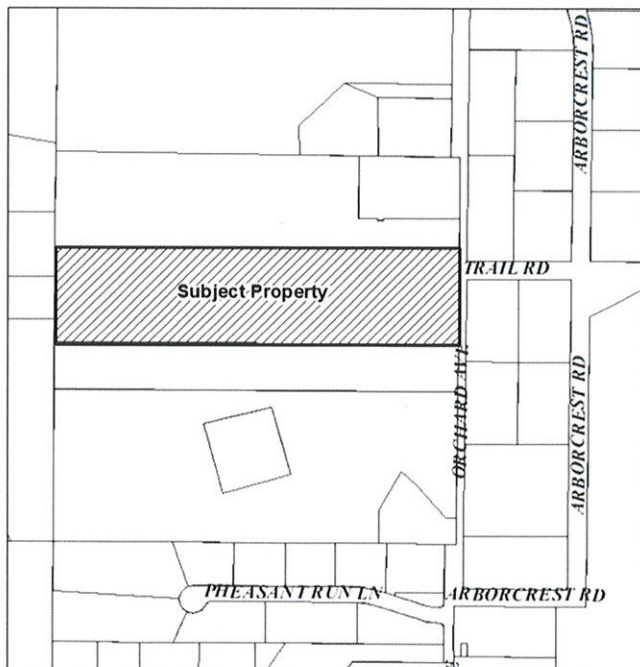
HEARING LOCATION: Council Chambers, Second Floor, Moscow City Hall
206 East Third Street, Moscow, Idaho

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 Planning & Design 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 Planning & Design Department. Additionally, you may obtain further information about the public hearing process and procedures on the City's Website at: <https://www.ci.moscow.id.us/593/Public-Hearing-Notices>



Laurie Hopkins, Moscow City Clerk


Jennifer Fleischman, Deputy City Clerk

Publish: Saturday, October 9, 2021


**LATAH COUNTY
PLANNING and BUILDING**

Ph: 208-883-7220
Fax: 208-883-7225
pb@latah.id.us


**CITY OF MOSCOW
COMMUNITY DEVELOPMENT**

Ph: 208-883-7035
Fax: 208-883-7033
apeterson@ci.moscow.id.us

For Office Use Only			
Date Received		9/27/21	
Dept	Fee Type	Fees	Paid
LC	Application Fee	\$500	3462
	Receipt Number		
	Forwarded to City		
CD	Hearing Date		

APPLICATION FOR CONDITIONAL USE PERMIT

(Please type or print plainly with blue ink.)

GENERAL INFORMATION

1. Applicant

Name: Clinton Hughes Telephone: _____
2005 Orchard Ave, Moscow ID 83843

 (home address)

Relationship to affected property (please check one):

Owner ☒ Purchaser ☐ Lessee ☐ Other ☐ (explain below)

2. Owner of Affected Property (if other than applicant)

Name: _____ Telephone: _____

 (mailing address)

3. Location of Affected Property: 2005 Orchard Ave, Moscow ID 83843

Acres: 8.95 Legal Description: RP39N05W051310

If described by Metes and Bounds, please attach deed on a separate sheet.

4. Proposal: The applicant proposes the following use and/or construction for the above-described property:

~~New 1,277 sf 2 bed/2 bath accessory cottage unit located at 2005 Orchard Ave, Moscow ID 83843. The cottage will be constructed 135' from the main residence in order to preserve existing trees. A new driveway will be constructed to add to main driveway to access the accessory dwelling unit. The unit will have a dedicated septic tank/drain field. Water and electrical will be run underground to the cottage from the existing residence.~~

The proposed activities and use shall be shown on an attached site plan drawn to a standard engineer's or architect's scale. The site plan shall show, label and dimension all property lines and easements, existing and proposed buildings, parking lot and driveway(s), fencing and landscaping. A site topography map shall be provided when appropriate.

5. Authorization: Section 3.01.03 of the Moscow Area Of Impact Ordinance authorizes the proposed use, subject to a Conditional Use Permit.

6. **Operating Characteristics:** Detail the operating characteristics of the proposed use. In other words, provide specific information which describes and defines how the proposed use will be conducted and what will be involved in the day to day operations of the proposed use. Applicable information may include hours of operation, number of people (employees, customers, students, etc.) involved, traffic and/or delivery information, services provided, equipment or machinery which may be involved, or any other information which helps describe and define the proposed use and impacts which it may have.

The proposed ADU will be used for residential purposes

7. *Before the City of Moscow and Latah County may issue a Conditional Use Permit, they must first make findings of compliance with the following seven relevant criteria and standards. Please indicate in the spaces provided below what you believe to be justification showing compliance with each of the relevant criteria and standards.*

Criteria #1. THE PROPOSED USE IS A CONDITIONALLY PERMITTED USE WITHIN THE ZONING DISTRICT.

Justification and compliance with criteria #1: _____

The cottage will be 1,277 sf, which is over the permitted 900 sf but under the 1,500 sf allowed as a variance in the Agriculture Forest Zone. The cottage will be located 135' from the primary residence in order to protect a grove of mature trees and avoid the worst of the slope on the property.

Criteria #2. THE CHARACTER OF THE PROPOSED USE WILL BE IN HARMONY WITH THE NEIGHBORHOOD AND SURROUNDING LAND USES.

Justification and compliance with criteria #2: _____

The accessory cottage unit will not obstruct views or activities of any adjacent or nearby properties. It will be nestled into an existing grove of trees on the site of an old tractor shed in order to create a minimal visual and environmental impact on its surrounding context. The accessory dwelling unit will have finishes and design features to compliment the existing

Criteria #3. THE PROPOSED USE AS APPROVED, OR AS APPROVED WITH CONDITIONS, WILL NOT GENERATE NUISANCES THAT WOULD BE INJURIOUS OR DETRIMENTAL TO ADJOINING PROPERTIES OR THE NEIGHBORHOOD (INCLUDING BUT NOT LIMITED TO NOISE, DUST, GLARE, VIBRATIONS, ODORS AND THE LIKE).

Justification and compliance with criteria #3: _____

The accessory cottage unit will not obstruct views or activities of any adjacent or nearby properties. Its site was selected to afford ample distance from houses on neighboring properties, to ensure no impact on privacy and avoid creating any nuisance, maintaining the 35'+ setback from the closest property line.

Criteria #4. THE LOCATION, DESIGN, AND SIZE OF THE PROPOSED USE WILL BE ADEQUATELY SERVED BY EXISTING STREETS, PUBLIC FACILITIES AND SERVICES.

Justification and compliance with criteria #4: _____

The accessory cottage unit will not require facilities or services with excessive cost to the public. Wastewater will be managed on site with a new septic tank and drain field. Electrical and water will be routed from the existing residence. The existing driveway will be extended to access the ADU, no new road will be added.

Criteria #5. THE PROPOSED USE WILL NOT ENDANGER THE PUBLIC HEALTH OR SAFETY IF LOCATED WHERE PROPOSED.

Justification and compliance with criteria #5: _____

The ADU in its proposed location will not endanger public health or safety in any way.

Criteria #6. THE PROPOSED USE MEETS ALL APPLICABLE DEVELOPMENT STANDARDS OF THE ZONING CODE.

Justification and compliance with criteria #6: _____

The accessory cottage unit and its road, electrical, water, and sewer access will be constructed in compliance with all development standards of the zoning code.

Criteria #7. THE PROPOSED USE WILL NOT BE IN CONFLICT WITH THE COMPREHENSIVE PLAN.

Justification and compliance with criteria #7: _____

The proposed site for the accessory cottage unit does not conflict with any established comprehensive plan.

CONDITIONS OF APPROVAL

The City of Moscow or Latah County may impose conditions including, but not limited to, those (1) minimizing adverse impact on other development; (2) controlling the sequence and timing of development; (3) controlling the duration of development; (4) assuring that development is maintained properly; (5) designating the exact location and nature of development; (6) requiring the provision for onsite or offsite public facilities or services; (7) requiring more restrictive standards than those generally required in an ordinance; and/or (8) requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction.

COMPLIANCE

1. In the event of failure to comply with the plans proof by the Board of Adjustment, or with any conditions imposed upon the Conditional Use Permit, the permit shall be immediately revoked and shall be automatically null and void.
2. Where plans are submitted and approved as part of the application for a Conditional Use Permit, modifications of the original plans may be required by the Board as a condition of approval.
3. Where plans approved by the Board of Adjustment are modified following such approval, such plan modifications must be submitted to and determined by City staff to be in substantial conformance with the plans approved by the Board. If plan modifications are not in substantial conformance, the plan modifications must be resubmitted to the Board for an additional public hearing as an amendment to the Conditional Use Permit application.

REVOCATIONS

If a Building Permit and/or Certificate of Occupancy pertaining to the Conditional Use Permit is not obtained for the subject property within one year from the date of the Board of Adjustment's final decision, the Conditional Use Permit shall be immediately revoked and shall be automatically null and void. If the use and/or occupancy for which the Conditional Use Permit is approved ceases for a period of twelve consecutive months, unless otherwise provided for in the Conditional Use Permit, then the Conditional Use Permit shall be immediately revoked and shall be automatically null and void.

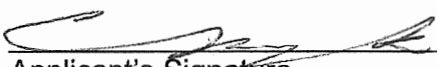
Application Submittal:

This application must be completed and submitted with the below described items to the Moscow Community Development Director at least twenty-one days prior to the hearing at which the application is to be considered by the Board or the application will not be processed.

The following items must be submitted with this application before it will be processed:

1. Application Fee
2. Site Plan, drawn to scale
3. Floor Plans, drawn to scale
4. Elevation Drawings, drawn to scale (for new construction only)

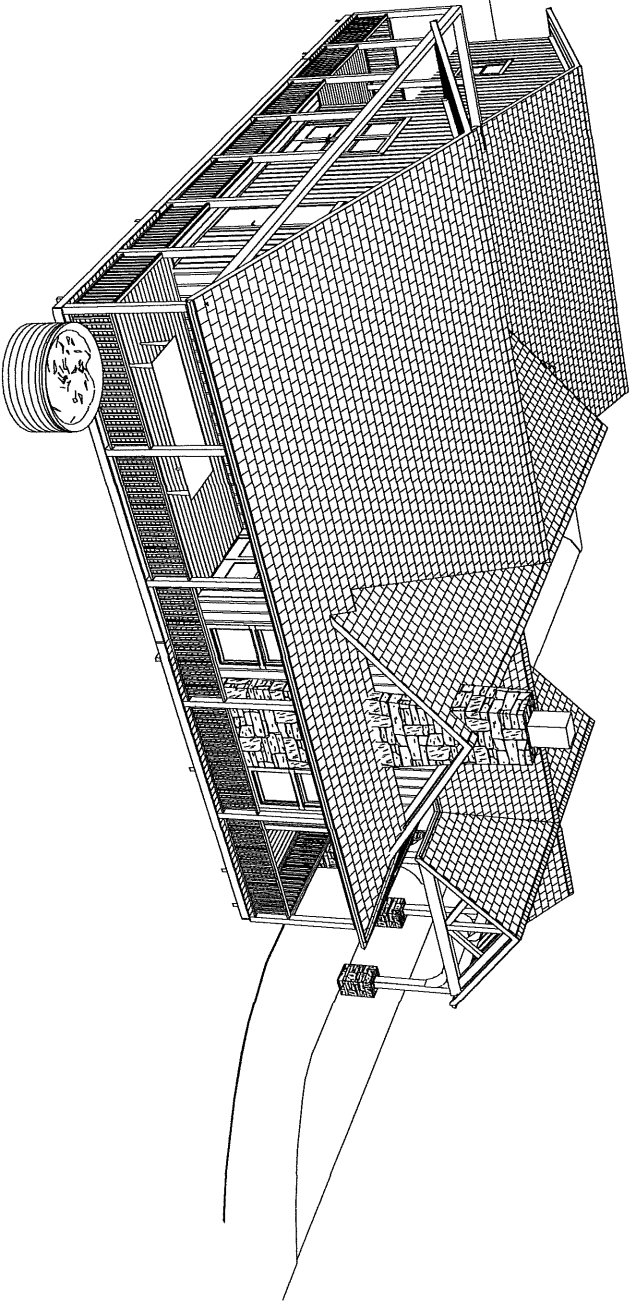
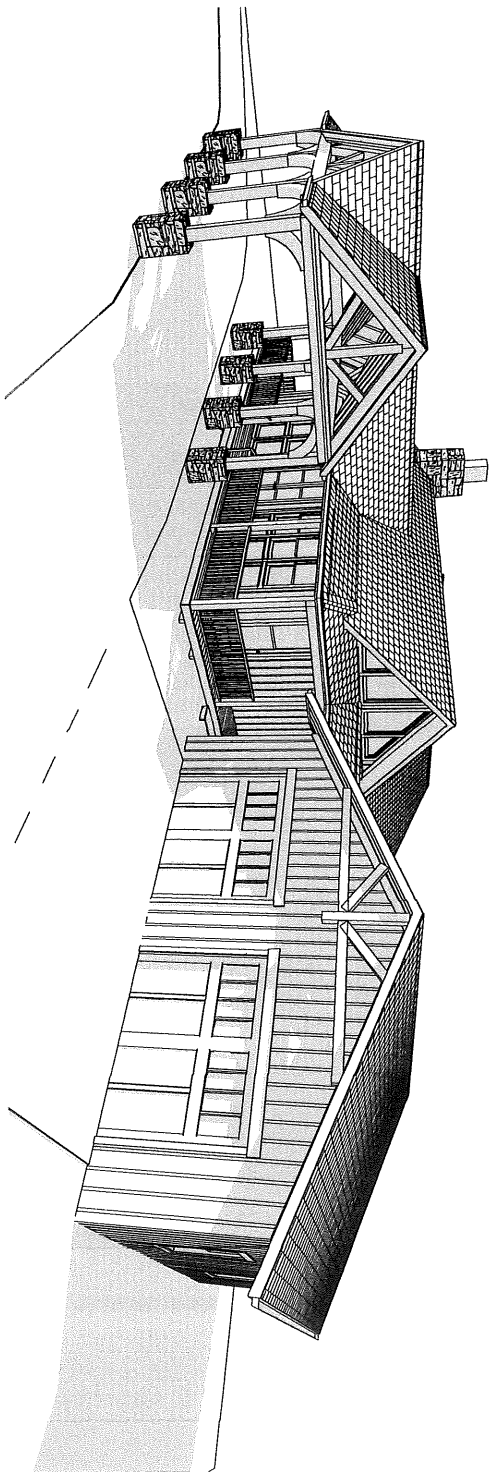
I understand this information is a public record and may be posted to a public website.


Applicant's Signature

9/27/21
Date


Owner's Signature

9/27/21
Date



**NORTH
HOUSE**

Drawn by
Lisa Ryan

Designed by
Lisa Ryan

Project
2005 Orchard Ave ADU

Date
10/24/2021

Printed by
NORTH HOUSE DRAFTING & DESIGN COMPANY
512 S Main, Moscow, ID 83843

PRELIMINARY

Client
Anderson Family Construction
1046 Wallen Rd
Moscow, ID 83843

Owner
Clint and Lisa Hughes
2005 Orchard Ave, Moscow ID

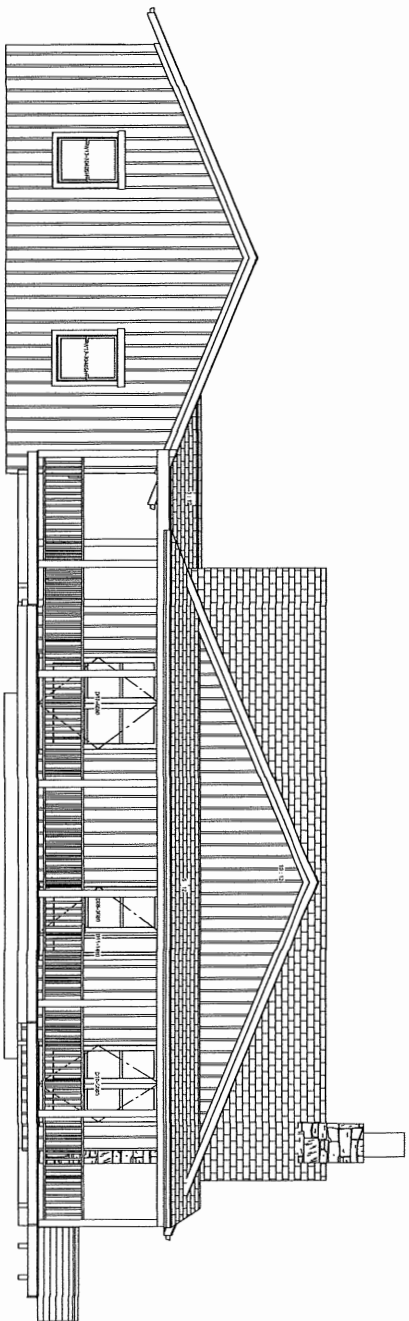
Project
2005 ORCHARD AVE ADU
MOSCOW ID

10/24/2021

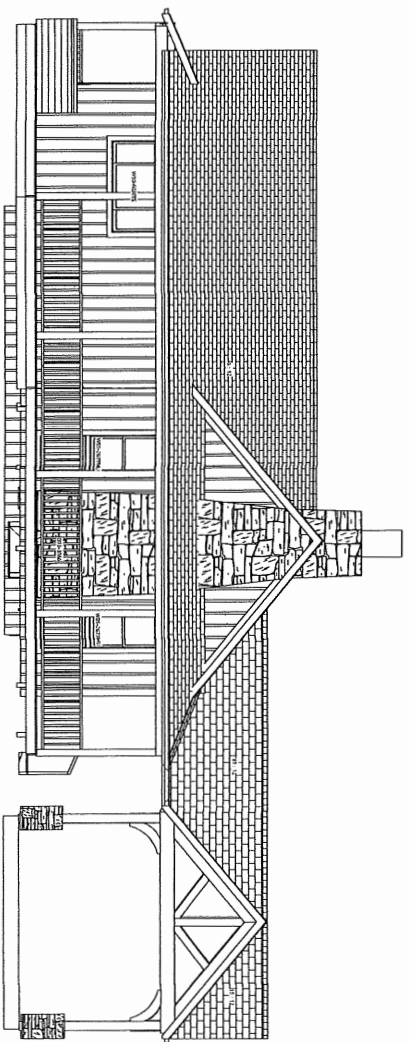
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LUP2021-0041

Received 09-27-2021



A4.2
West Elevation
Scale 1/4" = 1'



A4.1
South Elevation
Scale 1/4" = 1'

NORTH HOUSE

Project
Lisa Ryan
Architect

Client
Clint and Lisa Hughes

Date
09/27/2021

Sheet
A-4

Project
2005 ORCHARD AVE ADU
MOSCOW ID

Client
Clint and Lisa Hughes
2005 Orchard Ave, Moscow ID 83843

Architect
Anderson Family Construction
1046 Wallen Rd
Moscow, ID 83843

Project
NORTH HOUSE DRAFTING & DESIGN COMPANY
512 S Main, Moscow, ID 83843

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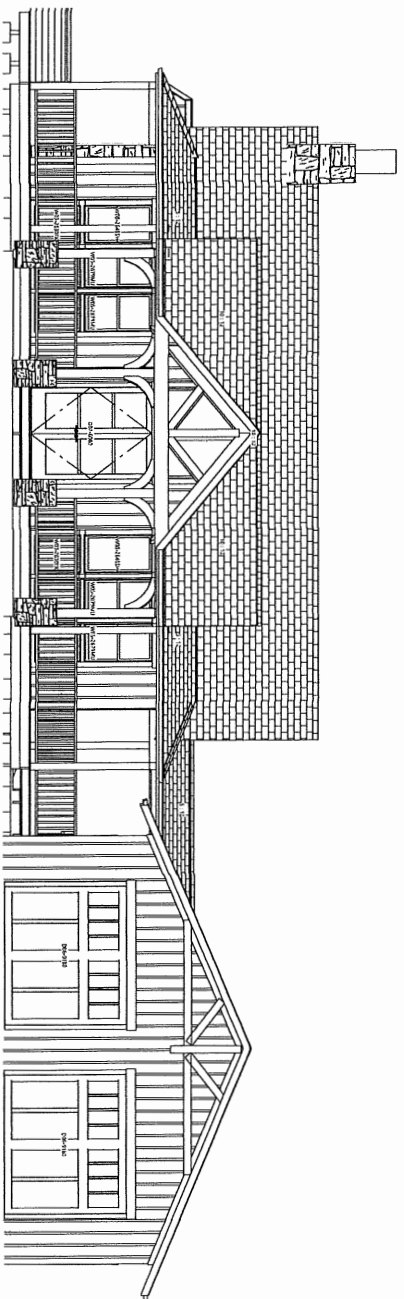
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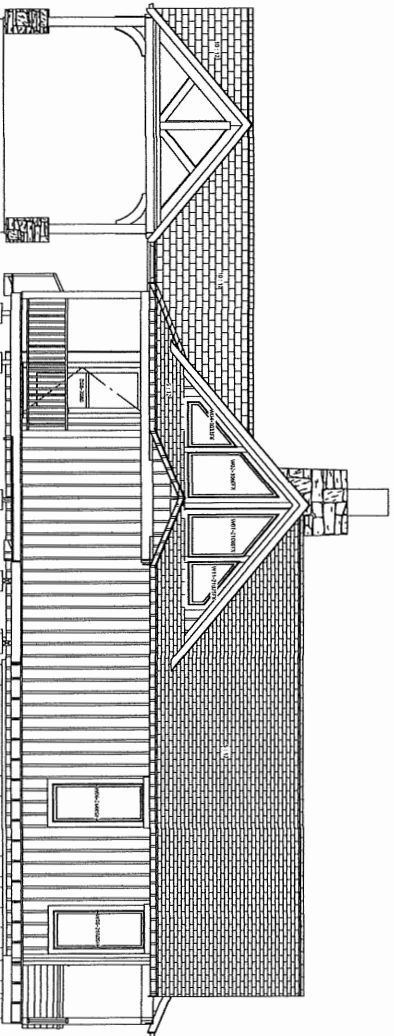
Architect
Anderson Family Construction
1046 Wallen Rd
Moscow, ID 83843



A3.1

East Elevation

Scale 1/4" = 1'



A3.3

North Elevation

Scale 1/4" = 1'

**NORTH
HOUSE**

Owner

Architect

Engineer

Interior Designer

Contractor

Photographer

Model Maker

Printer

Finisher

Assembler

Installer

Maintainer

Demolisher

Inspector

Inspector

Inspector

Inspector

Inspector

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PRELIMINARY

Project: 2005 ORCHARD AVE ADU
MOSCOW ID

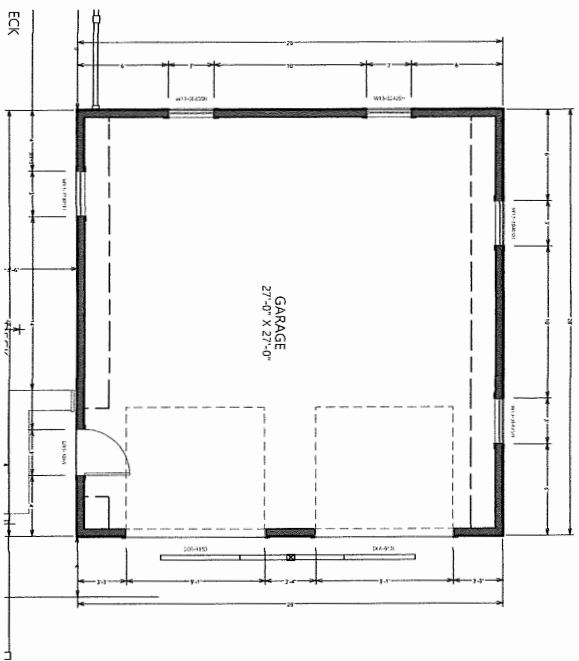
Date: Clint and Lisa Hughes
2005 Orchard Ave, Moscow ID 83843

Notes: Anderson Family Construction
1046 Wallen Rd
Moscow, ID 83843

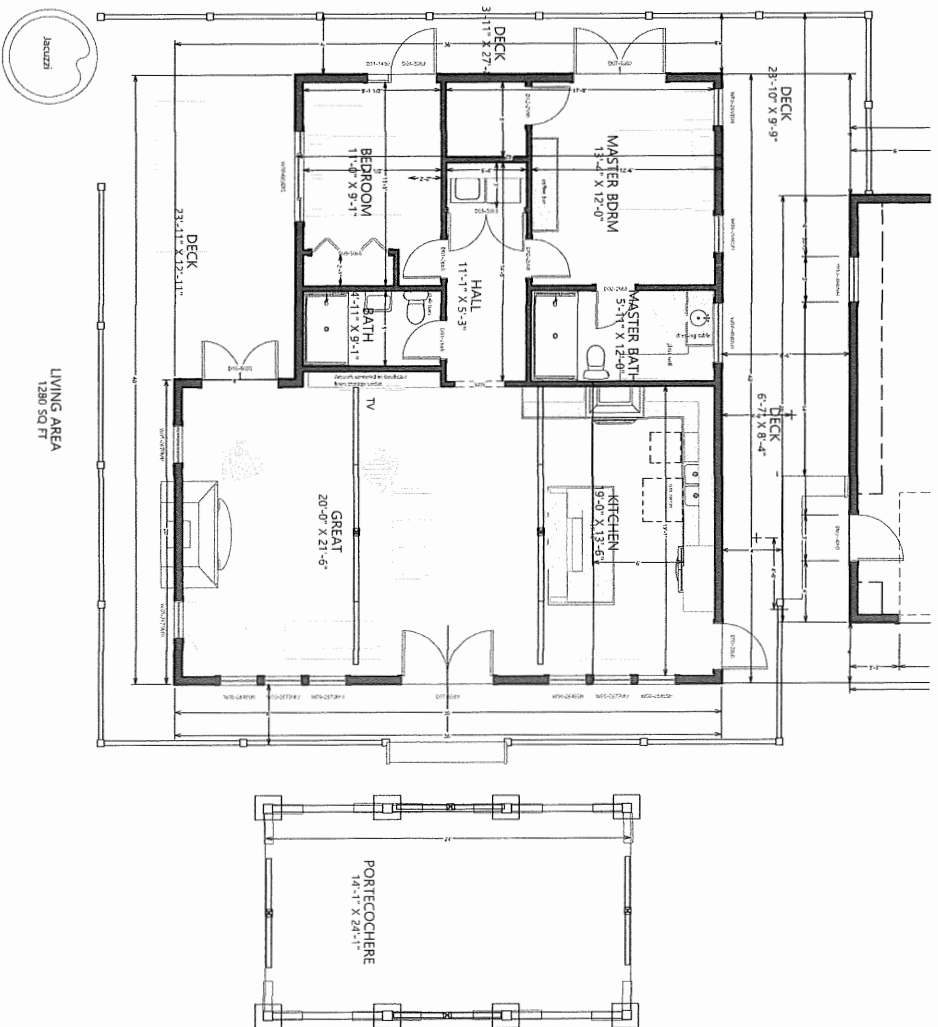
Project: 2005 ORCHARD AVE ADU
MOSCOW ID

Project: 2005 ORCHARD AVE ADU
MOSCOW ID

A-3

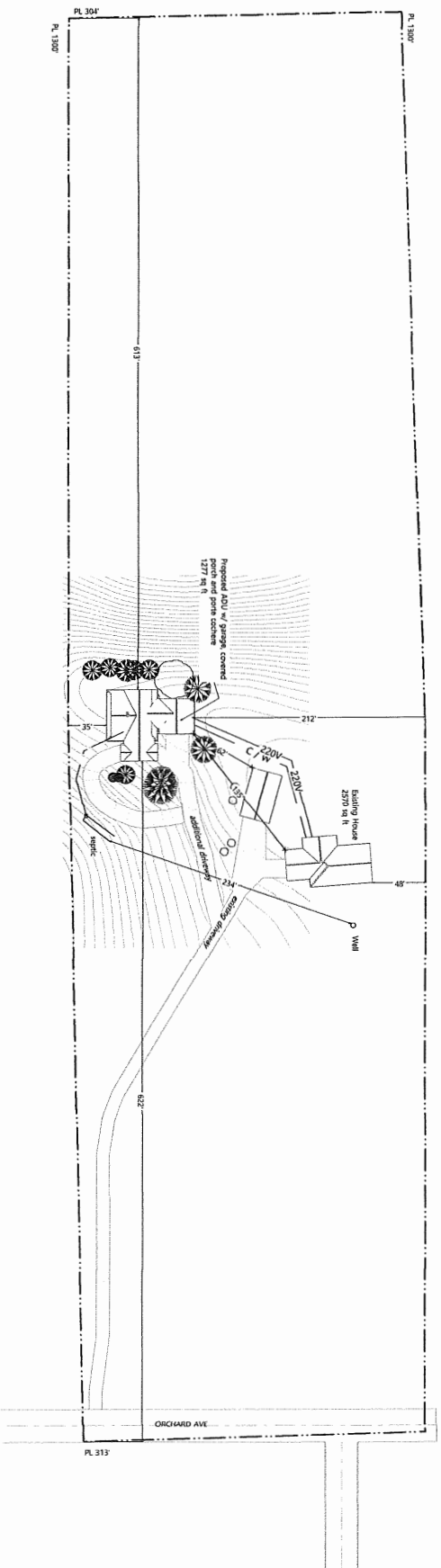


A2.1
Garage Plan
scale 1/4" = 1'



A2.2
Main Floor Plan
scale 1/4" = 1'

NORTH HOUSE	Title Date Author Check Scale	Drawn by NORTH HOUSE DRAFTING & DESIGN COMPANY 512 S Main, Moscow, ID 83843	Preliminary	Date 2005 Orchard Ave ADU Moscow ID	Client Clint and Lisa Hughes 2005 Orchard Ave, Moscow ID 1046 Wallen Rd Moscow, ID 83843	Project 2005 Orchard Ave ADU Moscow ID	A-2 COVER SHEET
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A1.1 Site Plan
Scale: 1" = 50'

NORTH HOUSE Title Lisa Ryan Designer Date 09/27/2021	Project 2005 ORCHARD AVE ADU MOSCOW ID Client Clint and Lisa Hughes 2005 Orchard Ave, Moscow ID 83843 Designer Anderson Family Construction 1046 Wallen Rd Moscow, ID 83843	Prepared by NORTH HOUSE DRAFTING & DESIGN COMPANY 512 S Main, Moscow, ID 83843 Date 09/27/2021 Scale 1" = 50' Sheet A-1	PRELIMINARY A-1
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Receipts

Planning and Building

Date Employee Receipt No.

Permittee/Owner: Payment Received From:

Payment For: More Specifically: Permit #

Payment To:

Report Information

Type

Account

☒ Check Check #

☐ Card Transaction #

☐ Cash

Notes

Amount

Sales Tax

If No Sales Tax Enter 0
If Sales Tax, Enter .06

Total Paid

Total Fee

Balance Due

* Please save before you close out!