

Moscow City Council



Regular Meeting ~Minutes~

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Laurie M. Hopkins
City Clerk

208.883.7015

**Monday
October 18, 2021**

7:00 PM

**Council Chambers
206 E. Third St.**

The meeting was called to order at 7:00 p.m.

PRESENT: Mayor Bill Lambert, Art Bettge, Sandra Kelly, Maureen Laflin, Brandy Sullivan, Gina Taruscio

ABSENT: Anne Zabala

STAFF: Gary J. Riedner, Mia Bautista, Bill Belknap, James Fry, Brian Nickerson, Mike Ray, Greg Morrison, Anthony Nunes, Jay Waters, Caleb Struble, Aimee Hennrich, David Schott, Laurie M. Hopkins

PLEDGE OF ALLEGIANCE

Mayor Lambert led the Pledge of Allegiance.

CONSENT AGENDA

1. All Consent Items (ACTION ITEM)

A. Approval of Moscow City Council October 4, 2021 Minutes - Laurie M. Hopkins

B. Disbursement Report for September 2021 - Sarah Banks

Staff presented the September 2021 Accounts Payable Report to Public Works / Finance Committee on October 11, 2021. The Committee received the report and approved the disbursements as presented.

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

C. Well House No. 6 Bid Results - Scott Bontrager

The City published an advertisement for bids on September 4 and 11, 2021 for the Well House No. 6 project. The project included the reconstruction of Well House No. 6, electrical improvements, an on-site chlorine generation system, and the installation of a new generator. The Engineer's Estimate for the project was \$641,019. Bid opening for the project took place on October 1st, 2021, at which time one (1) bid was received. The bid received was in the amount of \$987,630 and was submitted by Quality Contractors, LLC. A bid tabulation is included in the Council packet. This was reviewed by the Public Works/Finance Committee on October 11, 2021 and recommended for approval.

ACTION: Reject the low bid from Quality Contractors, LLC.

D. Memorandum of Understanding with Moscow School District for SRO Program – Gary J. Riedner / James Fry

The City of Moscow, through the Moscow Police Department, has been employing a School Resource Officer (SRO) position for over 18 years to provide a law enforcement presence and additional resources to the Moscow School District to assist in providing and maintaining a safe and healthy student environment. Previously, the MSD and City had agreed to have two SRO positions, with the costs of the two positions to be evenly divided between the MSD and City. However, with the advent of COVID-19, MSD requested that one of the positions be eliminated for budgetary reasons, and that we return to one SRO, with the costs of the position to be evenly divided between the City and the MSD. The Memorandum of Understanding contemplates one SRO position. This was reviewed by the Public Works/Finance Committee on October 11, 2021 and recommended for approval.

ACTION: Approve the MOU with Moscow School District for the School Resource Officer program.

E. Comprehensive Mutual Aid Agreements for Fire Assistance – Brian Nickerson

The City of Moscow benefits significantly from having mutual and automatic aid agreements with our fire and EMS partners in the quad counties. This type of agreement provides the opportunity to give and receive assistance in the event the need should arise from an emergency situation including both fire and EMS. This updated agreement also enhances the opportunity to possibly receive credit for Insurance Service Office (ISO) Rating system for fire classification for the city. This update provides the ability to create a Response Plan / Card system for response on an automatic basis with no need to special request mutual aid from our partners. The Moscow Fire Department would like to enter into this Mutual and Automatic Aid Agreement with the following agencies; Moscow Rural Fire District, City of Lewiston, City of Pullman, City of Clarkston, City of Asotin, Asotin County Fire District, Potlatch Corporation Rural Fire Protection District, City of Troy, Troy Rural Volunteer Fire Department, Deary Rural Fire District, City of Genesee, Genesee Rural Fire District, Genesee Community Firemen Inc., City of Julietta, City of Kendrick, Bovill Fire Protection District, City of Palouse, Whitman County Rural Fire District No. 4, Whitman County Fire District No. 12, Whitman County Fire District 14, The City of Colfax, J-K Ambulance, Bennett Lumber Products, and Clearwater Paper. All partners receive assistance as necessary to help our surrounding agencies. This was reviewed by the Public Works/Finance Committee on October 11, 2021 and recommended for approval.

ACTION: Approve the mutual and automatic aid agreement.

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

REGULAR AGENDA

2. Staff Recognition Report - Gary J. Riedner

Chief Fry introduced Officer Nunes and Officer Waters. In September, the Pullman Police located two gunshot victims on College Hill. MPD provided assistance with the incident. Waters provided security while Nunes worked on the victim with life threatening injuries. The event was complex and intense and the officers were calm and professional. Once the victim was secure in the ambulance, the officers went back looking for the suspect clearing buildings and cars. Fry recognized both officers with the life-saving award for playing a vital role in the victim being alive today.

David Schott and Greg Morrison honored Damon Burton, P&R commission member for 30 years. He had a passion and knowledge in the parks and recreation world and coached 36 years of youth sports. He helped with the Hamilton Lowe Aquatic Center, Hamilton Indoor Recreation Center, and the MSD playfields all coming to fruition. Mayor Lambert presented a key to the city to Damon Burton. Morrison said when he moved here in 1990 and met Damon who helped build the intramural program. Morrison was hired by the City in 2004 and Damon was always helping him with whatever was needed.

Mayor Lambert said a key to the city is a rare honor and what Damon has accomplished in Moscow is recognizable.

3. Mayor's Appointments (ACTION ITEM)

Mayor Lambert proposed the following appointments for Council consideration: Richard Gayler to the Parks & Recreation Commission; Alan Poplawsky to the Sustainable Environment Commission; Jenine Estlick to the Moscow Pathways Commission; and Jackson Landis to the Parks & Recreation Commission. Bettge moved and Laflin seconded approval of the appointments. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Al Poplawsky moved to Moscow in 1998 and has been involved in environmental issues both locally and state wide. He is looking forward to the opportunity to work on climate change and the aquifer. Jenine Eslick is new to Moscow, is in a masters program at U of I, and passionate about cycling and getting involved with the City. She was involved in Americorp at the City and looking forward to being more involved with more pathway projects. Jackson Landis thanked the city for having high school seats on commissions. He has played sports and enjoyed parks and thought it would be good to have someone who uses the parks to be on the commission.

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

Thomas Carpenter (Moscow), student at New St. Andrews College. NSA is hosting a candidate forum October 22 and wanted to thank the candidates for RSVPing. He invited the Mayor, City Council and staff to attend as well.

5. Final Decision for Appeal of Conditional Use Permit at 1400 E Seventh Street (ACTION ITEM) - Aimee Hennrich

On February 19, 2021, PI Tower Development LLC applied for a Conditional Use Permit (CUP) to construct an 80-foot-tall Wireless Communication Facility (WCF) that would resemble a church tower, located at 1400 E Seventh Street. The Board of Adjustment conducted a public hearing for the proposed CUP on March 29, 2021, and subsequently voted to deny the application. On April 16, 2021, the Community Planning and Design Department received an appeal letter from Wireless Policy Group on behalf of Parallel Infrastructure, stating that they wish to appeal the Board of Adjustment's decision to City Council.

On May 3, 2021, Council heard the appeal and remanded the matter back to the Board of Adjustment with the instruction to develop additional material information. Specifically, to determine whether the horizontal footprint and width of the proposed Wireless Communication Facility can be reduced in order to be less intrusive to the neighborhood and surrounding land uses and ultimately satisfy Criterion #2.

The Board of Adjustment conducted a public hearing to consider the Council's instructions and accept additional information on August 24, 2021, and subsequently voted to deny the application. On September 8, 2021, the Community Planning and Design Department received an appeal letter from Wireless Policy Group on behalf of Parallel Infrastructure, stating that they would like to appeal the Board of Adjustment's August 24, 2021, decision to deny the application to City Council.

On October 4, 2021, Council heard the appeal and reversed the decision by the Zoning Board of Adjustment to deny the application for a Conditional Use Permit for a Wireless Communication Facility and approved the three-legged tower design (Design Alternative 2) with the condition that the applicant remove all religious insignias from the design of the structure. City Council then directed staff to prepare a written decision based on the Council's action.

PROPOSED ACTIONS: Approve the proposed written decision; or approve the proposed written decision with modifications; or provide staff with further direction.

Hennrich introduced the item as written above. Laflin asked for assurance that the structure will hold three carriers and Hennrich confirmed. Bettge moved to approve the proposed written decision. Taruscio seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

6. Public Hearing: Southgate 3rd Addition Proposed Rezone (ACTION ITEM) - Mike Ray

The applicant, Mike Salisbury, is proposing a rezone for a 7.56-acre property within Phase III of Southgate 3rd Addition and located east of the current terminuses of Granville Street and Castleford Street. The zoning of the subject property is currently a combination of Low-Density Single Family Residential (R-1), Moderate Density Residential (R-2), and Medium Density Residential (R-3) and the proposal is to rezone the entire property to the Medium Density Residential (R-3) Zone. The Planning and Zoning Commission

conducted a public hearing on August 11, 2021 and recommended approval of the rezone request with one condition.

PROPOSED ACTIONS: Conduct the public hearing and upon consideration of any testimony received, approve the proposed Zoning Ordinance under suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary and adopt the Planning and Zoning Commission Reasoned Statement of Relevant Criteria; or consider the Zoning Ordinance on first reading; or reject the Zoning Ordinance and direct staff to prepare a Reasoned Statement of Relevant Criteria; or take such other action deemed appropriate.

Ray introduced the item as written above and also described the neighborhood.

Mayor Lambert opened the public hearing at 7:29 p.m.

Scott Becker (Hodge and Associates) represents the applicants. The goal of this rezone is to make the zone consistent with one zone.

Hearing no more testimony, Mayor Lambert closed the public hearing at 7:30 p.m.

Bettge moved, Kelly seconded, to approve the proposed Zoning Ordinance under suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary and adopt the Planning and Zoning Commission Reasoned Statement of Relevant Criteria. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Mayor Lambert read Ordinance 2021-19 by title:

AN ORDINANCE OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ZONING OF A SEVEN POINT FIVE SIX (7.56) ACRE PROPERTY, DESCRIBED IN SECTION 1 OF THIS ORDINANCE, AS MEDIUM DENSITY RESIDENTIAL (R-3); PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE BE DEEMED SEVERABLE; PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

7. Public Hearing: Park Valley Addition Preliminary Plat (ACTION ITEM) - Mike Ray

The applicant, Mike Salisbury, is requesting a preliminary plat of a 4.59-acre to create 12 lots ranging from 7,207 to 59,241 square feet in size, referred to as Park Valley Subdivision. The subject property was originally platted as Phase III of the Southgate 3rd Addition and the applicant is requesting a rezone and re-plat of the property. The Planning and Zoning Commission conducted a public hearing on August 11, 2021 and recommended approval of the preliminary plat request.

PROPOSED ACTIONS:

1. After conducting the public hearing and upon consideration of testimony received, approve the preliminary plat with conditions; or approve the preliminary plat without conditions; or reject the preliminary plat; or take other such action deemed appropriate.
2. In accordance with the decision upon the preliminary plat, adopt the Planning and Zoning Commission's Reasoned Statement of Relevant Criteria; or direct Staff to prepare a Reasoned Statement of Relevant Criteria for the Council's consideration at a future meeting.

Ray introduced the item as written above. The large lot at the northeast corner is one of the 12 lots and a temporary cul-de-sac is proposed as a fire truck turnaround is required if a city street is longer than 150 feet.

Mayor Lambert opened the public hearing at 7:40 p.m.

Mike Salisbury (applicant) would like to sell the larger northeast lot to pay for this subdivision. The owner

could build a home or subdivide the property.

Hearing no more testimony, Mayor Lambert closed the public hearing at 7:42 p.m.

Bettge said the topography is difficult and moved to approve the preliminary plat with the condition that the right-of-way be abandoned before the final plat. Taruscio seconded the motion. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

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

8. Public Hearing: Sierra Vista Planned Unit Development and Preliminary Plat (ACTION ITEM) - Mike Ray

The applicant, Mike Salisbury, is requesting a proposed preliminary subdivision plat and Planned Unit Development (PUD) of a 2.97-acre area to create 8 lots ranging from 9,189 to 19,589 square feet in size, referred to as Sierra Vista Subdivision. The subject property was originally platted as Phase III of the Southgate 3rd Addition and the applicant is requesting a rezone, re-plat, and Planned Unit Development (PUD) on the property. The Planning and Zoning Commission conducted a public hearing on August 11, 2021 and recommended approval of the PUD and preliminary plat request with 4 conditions.

PROPOSED ACTIONS:

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

1. Approve the PUD for Sierra Vista; or approve the PUD with conditions; or reject the PUD; or take other such action deemed appropriate.
2. In accordance with the decision upon the PUD, adopt the Planning and Zoning Commission's Reasoned Statement of Relevant Criteria and Standards; or direct Staff to prepare a Reasoned Statement of Relevant Criteria and Standards for the Council's consideration at a future meeting.
3. Approve the preliminary plat with the four (4) conditions recommended by the Planning and Zoning Commission and the additional condition recommended by Staff; or approve the preliminary plat with no conditions; or reject the preliminary plat; or take other such action deemed appropriate.
4. In accordance with the decision upon the preliminary plat, adopt the Planning and Zoning Commission's Reasoned Statement of Relevant Criteria; or direct Staff to prepare a Reasoned Statement of Relevant Criteria for the Council's consideration at a future meeting.

Ray introduced the item as written above. Private streets are almost exclusively associated with PUD's and could be proposed due to topography. Stormwater would go to the detention pond on Granville Street.

Mayor Lambert opened the public hearing at 7:54 p.m.

Scott Becker (Hodge and Associates) represents the applicant. He said this plan has less impervious surface than the prior plan. A private street can be narrowed to 24 feet. Topography is why there is the dead-end street.

Hearing no testimony, Mayor Lambert closed the public hearing at 7:58 p.m.

Bettge moved to approve the PUD for Sierra Vista. Taruscio seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Bettge moved, Taruscio seconded, to adopt the Planning and Zoning Commissions Relevant Criteria and Standards. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Bettge moved to approve the preliminary plat with the four (4) conditions recommended by the Planning and

Zoning Commission and the additional condition recommended by staff in regards to the vacation. Taruscio seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

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

9. First Amendment to Agreement to Purchase Real Property Between the City and University of Idaho for 118 E. 4th Street (ACTION ITEM) - Gary J. Riedner

On September 7, 2021, the City Council approved the sale of the current Moscow Police facility, located at 118 E. 4th Street, to the University of Idaho, with the closing date no later than November 15, 2021. It was anticipated that the Moscow Police Department would be able to relocate prior to that date to the new police facility located at Southview and US 95. Recently, the City was informed that because of delays due to COVID-19 and scarce supply sources, the furnishings for the new facility would be delayed until early December 2021. It is anticipated that after delivery, it will take two weeks to install the furnishings and prepare the facility for occupancy. Since this delay prevents the Moscow Police Department from moving into the new facility, staff approached the University of Idaho to inquire about a delayed move-out from the current facility. The University of Idaho has agreed to extend the closing date for the Purchase Agreement until no later than January 10, 2022. An amendment to the original purchase agreement is included in the packet. This item was not reviewed by City Council Committee and is being presented on the regular City Council agenda for consideration.

PROPOSED ACTIONS: Approve the First Amendment to Agreement to Purchase Real Property Between the City of Moscow and the University of Idaho, or take such other action deemed appropriate.

Riedner introduced the item as written above adding there is a provision that if the City can get into the building earlier, closing can take place early. Taruscio moved to approve the First Amendment to Agreement to Purchase Real Property Between the City of Moscow and the University of Idaho. Seconded by Laflin. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

REPORTS

City Council

Moscow Volunteer Fire Department – Bettge said the Department tabled the Lexipole program review and discussed requirements for signups and trainings.

Moscow Arts Commission – Sullivan said the Commission discussed the MACtivities toolbox and the expanded Artwalk which will be the third Thursday of every month.

1912 Center Development – Kelly said the second floor is functional and smaller events are already taking place; game room is almost done.

SMART Transit Subcommittee – Taruscio said the State is not interested in funding a Pullman Moscow route; completing a survey to see if there is interest.

Fair and Affordable Housing Commission – Taruscio said the Commission is working on a survey for fair housing.

Mayor

Mayor Lambert said the water summit is October 21; homecoming and the ribbon cutting at the arena is October 23 and the ribbon cutting for Target is tomorrow.

Staff

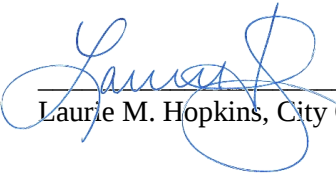
No report.

ADJOURN

It was moved, seconded and mutually agreed upon to adjourn at 8:15 p.m.


Bill Lambert, Mayor

ATTEST:


Laurie M. Hopkins, City Clerk

**BEFORE THE CITY COUNCIL
OF THE CITY OF MOSCOW, COUNTY OF LATAH,
STATE OF IDAHO**

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS REGARDING A REQUEST FOR THE REZONE OF A SEVEN POINT FIVE SIX (7.56) ACRE PROPERTY LOCATED EAST OF THE CURRENT TERMINUSES OF GRANVILLE STREET AND CASTLEFORD STREET WITHIN THE CITY OF MOSCOW FROM THE LOW-DENSITY SINGLE FAMILY RESIDENTIAL (R-1), MODERATE DENSITY RESIDENTIAL (R-2), AND MEDIUM DENSITY RESIDENTIAL (R-3) ZONING DISTRICTS TO THE MEDIUM DENSITY RESIDENTIAL (R-3) ZONE.

WHEREAS, the applicant filed an application for Annexation, Comprehensive Plan Land Use Designation, and Rezone on June 25, 2021; and

WHEREAS, this matter came before the Moscow Planning and Zoning Commission during a duly noticed public hearing on August 11, 2021; and

WHEREAS, this matter came before the City Council during a duly noticed public hearing on October 18, 2021; and

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

THE CITY COUNCIL OF THE CITY OF MOSCOW, IDAHO, AFTER DUE DELIBERATION AND CONSIDERATION, HEREBY CONCLUDES:

I. RELEVANT FACTS AND CONCLUSIONS

1. The City Council considered the request pursuant to the City of Moscow 2019 Comprehensive Plan, City of Moscow Zoning Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The subject property is a 7.56-acre parcel that is currently vacant and is platted as Phase III of Southgate 3rd Addition. The subject property is surrounded by University of Idaho's Parker Farm to the east, prior Southgate Additions to the west, Milton Arthur Park and residential properties to the north, and residential properties within the Area of City Impact to the south.
3. Within the 2019 Moscow Comprehensive Plan, the subject property is currently designated as Auto-Urban Residential.
4. According to the 2019 Comprehensive Plan, Auto-Urban Residential designated areas are intended to,

"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."

5. The subject property is currently zoned a combination of Low-Density Single Family Residential (R-1), Moderate Density Residential (R-2), and Medium Density Residential (R-3).
6. The applicant is proposing to rezone the entire property to the Medium Density Residential (R-3) Zone.
7. According to the City of Moscow Zoning Code, the purpose of the R-3 Zoning District is to:
"Provide for an increase over the density allowed by the R-2 zoning district by permitting different types of housing construction. It is appropriate where activity levels are moderate, terrain permits construction of somewhat larger structures, and where public systems and neighborhood facilities can accommodate a greater intensity of land use as guided by the Comprehensive Plan."
12. Uses permitted within the R-3 Zone include single-family dwellings, two family dwellings, twinhomes, townhouses, market and community gardens, group and small child care facilities, and public parks and recreation facilities.
13. As part of the original Southgate 3rd Addition rezone that occurred in 2008, there was a condition that was placed upon the current R-3 designation by Ordinance 2008-04. The condition was that the R-3 Zoning District be limited to no more than detached single-family dwellings with the exception of Lots 6, 7, and 8 of Block 2 on Southgate 3rd Addition Plat. Those three lots are located within Chelsea Court which is within Phase II of the development.
14. The subject property has access via Granville Street and Castleford Street, which are currently platted to be extended to the east. Granville and Castleford Streets are both currently designated as local neighborhood streets which are developed to the 28-foot-wide street section with curb, gutter, and sidewalks on both sides of the street and on-street parking on one side of the street.
15. The applicant conducted a neighborhood meeting with affected property owners within 600 feet of the subject property on April 9, 2021 to discuss the proposal.

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

II. RELEVANT CRITERIA AND STANDARDS

1. **The proposed rezone is consistent with Comprehensive Plan goals, objectives, and implementation actions.** The proposed rezone is consistent with the existing 2019 Comprehensive Plan Land Use Designation of Auto-Urban Residential.

2. **The proposed rezone would provide for the logical and orderly location of land uses and community services and facilities.** The proposed R-3 Zone provides a continuation of the existing R-3 Zone to the west. The proposed zoning and uses are consistent with the surrounding area and will not unduly burden the neighborhood of public infrastructure.
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.
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 will not unduly burden the area 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 Granville Street and Castleford Street, which can adequately serve any proposed development allowed in the R-3 Zone. City water, sanitary sewer, and storm sewer mains are currently extended to the subject property.

III. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City Council of the City of Moscow approves the rezone request for the seven point five six (7.56) acre property from the combination of Low-Density Single Family Residential (R-1), Moderate Density Residential (R-2), and Medium Density Residential (R-3) to the Medium Density Residential (R-3) Zone with one condition:

1. That the proposed R-3 Zone be limited to no more than detached single-family dwellings.

PASSED BY THE CITY COUNCIL OF THE CITY OF MOSCOW this 18th day of October, 2021.



Bill Lambert, Mayor

**BEFORE THE CITY COUNCIL
OF THE CITY OF MOSCOW, COUNTY OF LATAH,
STATE OF IDAHO**

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS REGARDING A REQUEST FOR A PRELIMINARY SUBDIVISION PLAT OF A FOUR POINT FIVE NINE (4.59) ACRE AREA OF LAND GENERALLY LOCATED EAST OF THE CURRENT TERMINUSES OF GRANVILLE STREET AND CASTLEFORD STREET, KNOWN AS PARK VALLEY ADDITION TO THE CITY OF MOSCOW, IDAHO.

WHEREAS, the applicant filed an application for a Preliminary Subdivision Plat on June 25, 2021; and

WHEREAS, this matter came before the Moscow Planning and Zoning Commission during a duly noticed public hearing on August 11, 2021; and

WHEREAS, this matter came before the City Council during a duly noticed public hearing on October 18, 2021; and

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

THE CITY COUNCIL OF THE CITY OF MOSCOW, IDAHO, AFTER DUE DELIBERATION AND CONSIDERATION, HEREBY CONCLUDES:

I. RELEVANT FACTS AND CONCLUSIONS

1. The City Council considered the request pursuant to the City of Moscow 2019 Comprehensive Plan, City of Moscow Zoning Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The subject property is a 7.56-acre parcel that is currently vacant and is platted as Phase III of Southgate 3rd Addition. The subject property is surrounded by University of Idaho's Parker Farm to the east, prior Southgate Additions to the west, Milton Arthur Park and residential properties to the north, and residential properties within the Area of City Impact to the south.
3. The subject property is currently designated as Auto-Urban Residential (AU-R). AU-R designated areas,

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

4. All of the surrounding properties are also designated as Auto-Urban Residential, with the exception of Milton Arthur Park to the north which is designated as Parks and Open Space.
5. The subject property is currently designated as a combination of Low-Density Single Family Residential (R-1), Moderate Density Residential (R-2), and Medium Density Residential (R-3). The applicant has submitted a rezone proposal concurrently with the proposed preliminary plat to rezone the subject property to the Medium Density Residential (R-3) Zone.
6. According to the City of Moscow Zoning Code, the purpose of the R-3 Zoning District is to:

“Provide for an increase over the density allowed by the R-2 zoning district by permitting different types of housing construction. It is appropriate where activity levels are moderate, terrain permits construction of somewhat larger structures, and where public systems and neighborhood facilities can accommodate a greater intensity of land use as guided by the Comprehensive Plan.”
7. Uses permitted within the R-3 Zone include single-family dwellings, two family dwellings, twinhomes, townhouses, market and community gardens, group and small child care facilities, and public parks and recreation facilities.
8. As part of the original Southgate 3rd Addition rezone that occurred in 2008, there was a condition that was placed upon the current R-3 designation by Ordinance 2008-04. The condition was that the R-3 Zoning District be limited to no more than detached single-family dwellings with the exception of Lots 6, 7, and 8 of Block 2 on Southgate 3rd Addition Plat. Those three lots are located within Chelsea Court which is within Phase II of the development.
9. The applicant is proposing to subdivide the existing 4.59-acre area to create 12 lots ranging from 7,207 to 59,241 square feet in size, referred to as Park Valley Subdivision. All of the proposed lots meet the minimum lot size of 6,000 sf and minimum lot width of 60 feet for the R-3 Zoning District.
10. Water service is proposed to be extended via existing water mains that have been extended to the current terminus of Granville Street and Castleford Street in Southgate 3rd Addition Phase II. A new water main will be extended off of the existing and will extend along the Castleford Street alignment to serve the proposed subdivision.
11. It is anticipated that under commonly observed household water use within the City (114 gallons per day per occupant) that the proposed 12 lots could be reasonably anticipated to use approximately 5.24 million gallons of water per year (12 du x 2.25 occupants/du x 114 gallons/occupant x 365 days/year = 1.12 M gallons/year).
12. Sanitary sewer currently exists within the Granville Street alignment and currently terminates at the Phase II boundary of Southgate 3rd. Sanitary sewer mains will be extended through Granville and Castleford Streets to the eastern subdivision boundary.
13. Storm Sewer will be conveyed through the subdivision through a main in Granville and Castleford Streets which will connect to the existing stormwater system in Southgate 3rd Addition.
14. The subject property is located adjacent to Granville Street and Castleford Street which are designated as local neighborhood streets. The sections Granville Street and Castleford Street adjacent to the subject property are developed as a 28-foot-wide roadway with curb, gutter, and sidewalks on both sides of the street. On-street parking is only permitted on one side of the street.
15. The proposed continuation of Granville Street is also proposed to utilize the 28-foot-wide local neighborhood street section until the “T” intersection with Castleford Street. Castleford Street is

proposed to transition into the 36-foot-wide local neighborhood street section which includes parking on both sides of the street.

16. The applicant is proposing a pedestrian path which would connect Castleford Street with Milton Arthur Park at the common property line of Lots 3 and 4 of Block 1.

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

II. RELEVANT CRITERIA AND STANDARDS

1. **The proposed subdivision is in conformance with all applicable City Code requirements.** The proposed preliminary plat is consistent with and in conformance with the requirements and provisions of the Medium Density Residential (R-3) Zoning District, including lot area, dimensions and other relevant provisions. The proposed preliminary plat is also in conformance with the general requirements of the Moscow Subdivision Ordinance including, but not limited to, the provision of the logical and orderly connection to the City's street network, public utilities, and the provision of public parkland.
2. **The proposed subdivision is in general conformance with the Comprehensive Plan.** The proposed preliminary plat is consistent with the City of Moscow Comprehensive Plan and provides for the logical and orderly development and extension of the City's street system. The proposed lots sizes and densities are consistent with the Comprehensive Plan Land Use designation of Auto-Urban Residential.
3. **Public Services and utilities are available or can be made available and are adequate to accommodate the proposed subdivision.** The subject property has direct access to Granville Street and Castleford Street. Water and sewer services are proposed to be extended throughout the subdivision from the existing mains at the current terminuses of Granville Street and Castleford Street. The Engineering Department has determined that the existing system has adequate potable and fire flows and sewer capacity to serve the proposed subdivision.
4. **The proposed subdivision will not be detrimental to the public health, safety, or general welfare.** The proposed preliminary plat provides for the extension of City streets and services and will not be detrimental to the public health, safety, or general welfare.

III. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City Council of the City of Moscow approves the preliminary subdivision plat request for the four point five nine (4.59) acre area of land generally located east of the current terminuses of Granville Street and Castleford Street with one condition:

1. A right-of-way vacation request shall be approved by City Council prior to final plat.

PASSED BY THE CITY COUNCIL OF THE CITY OF MOSCOW this 18th day of October, 2021.



Bill Lambert, Mayor

**BEFORE THE CITY COUNCIL
OF THE CITY OF MOSCOW, COUNTY OF LATAH,
STATE OF IDAHO**

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS REGARDING A REQUEST FOR A PLANNED UNIT DEVELOPMENT (PUD) OF A TWO POINT NINE SEVEN (2.97) ACRE AREA OF LAND GENERALLY LOCATED EAST OF THE CURRENT TERMINUSES OF GRANVILLE STREET AND CASTLEFORD STREET, KNOWN AS SIERRA VISTA ADDITION TO THE CITY OF MOSCOW, IDAHO.

WHEREAS, the applicant filed an application for a Preliminary Subdivision Plat on June 25, 2021; and

WHEREAS, this matter came before the Moscow Planning and Zoning Commission during a duly noticed public hearing on August 11, 2021; and

WHEREAS, this matter came before the City Council during a duly noticed public hearing on October 18, 2021; and

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

THE CITY COUNCIL OF THE CITY OF MOSCOW, IDAHO, AFTER DUE DELIBERATION AND CONSIDERATION, HEREBY CONCLUDES:

I. RELEVANT FACTS AND CONCLUSIONS

1. The City Council considered the request pursuant to the City of Moscow 2019 Comprehensive Plan, City of Moscow Zoning Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The subject property is a 2.97-acre parcel that is currently vacant and is platted as Phase III of Southgate 3rd Addition. The subject property is surrounded by University of Idaho's Parker Farm to the east, prior Southgate Additions to the west, Milton Arthur Park and residential properties to the north, and residential properties within the Area of City Impact to the south.
3. The subject property is currently designated as Auto-Urban Residential (AU-R). AU-R designated areas,

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

4. All of the surrounding properties are also designated as Auto-Urban Residential, with the exception of Milton Arthur Park to the north which is designated as Parks and Open Space.
5. The subject property is currently designated as a combination of Low-Density Single Family Residential (R-1), Moderate Density Residential (R-2), and Medium Density Residential (R-3). The applicant has submitted a rezone proposal concurrently with the proposed preliminary plat to rezone the subject property to the Medium Density Residential (R-3) Zone.
6. According to the City of Moscow Zoning Code, the purpose of the R-3 Zoning District is to:

“Provide for an increase over the density allowed by the R-2 zoning district by permitting different types of housing construction. It is appropriate where activity levels are moderate, terrain permits construction of somewhat larger structures, and where public systems and neighborhood facilities can accommodate a greater intensity of land use as guided by the Comprehensive Plan.”
7. Uses permitted within the R-3 Zone include single-family dwellings, two family dwellings, twinhomes, townhouses, market and community gardens, group and small child care facilities, and public parks and recreation facilities.
8. As part of the original Southgate 3rd Addition rezone that occurred in 2008, there was a condition that was placed upon the current R-3 designation by Ordinance 2008-04. The condition was that the R-3 Zoning District be limited to no more than detached single-family dwellings with the exception of Lots 6, 7, and 8 of Block 2 on Southgate 3rd Addition Plat. Those three lots are located within Chelsea Court which is within Phase II of the development.
9. The applicant is proposing to subdivide the existing 2.97-acre area to create 8 lots ranging from 9,189 to 19,589 square feet in size, referred to as Sierra Vista Subdivision. All of the proposed lots meet the minimum lot size of 6,000 sf and minimum lot width of 60 feet for the R-3 Zoning District.
10. The applicant is proposing to construct 8 single family dwellings that will be on separately platted lots and will be accessed via a private street. The primary reason for the PUD request is to allow a private street which serves the proposed lots and also a reduction in front setbacks because of challenging topography.
11. The proposed single family lots range from 9,189 to 19,589 square feet in size and the buildings are of similar design as the homes that have already been constructed within Southgate 3rd Addition. There are six building plans that have been chosen to fit within the design of each lot. The houses range between one story and three stories with the square footage ranging between 860 to 4,319 square feet.
12. The setback requirements for the R-3 Zone are a minimum of 15 feet in the front, with the exception of the garage door which is required to be 20 feet if facing the street; a minimum of 5 feet on the side, but both sides are required to equal 15 feet; and 20 feet at the rear yard. The applicant is proposing a 10-foot setback at the front to accommodate for the challenging topography of the site.
13. The base density requirement of the R-3 Zone 9.5 dwelling units per acre. With 8 dwelling units being proposed on 2.97 acres, the proposed density is 2.7 dwelling units per acre which is under the base density requirement. Therefore, no density bonuses are required as part of the PUD.
14. Water service is proposed to be extended via water mains that will be extended along the Castleford Street extension. A water main will then be extended along the proposed private street to serve the proposed lots.

15. It is anticipated that under commonly observed household water use within the City (114 gallons per day per occupant) that the proposed 8 lots could be reasonably anticipated to use approximately 0.74 million gallons of water per year (8 du x 2.25 occupants/du x 114 gallons/occupant x 365 days/year = 0.74 M gallons/year).
16. Sanitary sewer will be extended to the future main within Castleford Street via an easement on Lot 1 and an easement on Lot 1 Block 2 of the proposed Park Valley Addition to the north. Storm Sewer will be conveyed along the same alignment as the sanitary, through sewer easements on individual lots.
17. Storm Sewer will be conveyed through the subdivision through a main in Granville and Castleford Streets which will connect to the existing stormwater system in Southgate 3rd Addition.
18. The subject property is located to the east of Castleford Street which is proposed to be extended with the Park Valley Addition. A private street is proposed to connect to Castleford Street and serve the 8 lots. The private street will meet the City's private street standard which includes a 20-foot-wide paved surface, curbing, and a sidewalk on the north side of the street. The applicant is proposing that the private street terminate with a hammerhead turnaround which will meet fire code requirements.
19. Parkland dedication requirements have previously been satisfied with the dedication, grading, and hydroseeding of Milton Arthur Park, so no further dedication is required.

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

II. RELEVANT CRITERIA AND STANDARDS

1. **The proposed PUD is consistent with the Comprehensive Plan.** The proposed PUD is consistent with the uses and densities designated within the 2019 Comprehensive Plan. The PUD allows for the construction of single-family dwellings that fit within the challenging topography of the site. Therefore, the Council finds that the proposed PUD is consistent with the Comprehensive Plan.
2. **The proposed PUD is consistent with the intents and purposes of this Chapter.** The proposed PUD meets the intent of the PUD chapter to permit and encourage innovative, economical, and attractive development; which includes land uses which harmonize with natural features and constraints; which promotes efficient, innovative, economical, attractive, and environmentally sensitive development; and which efficiently phases and locates public and private services and facilities. The proposed PUD is an efficient development which utilizes a private street to access all portions of the topographically-challenged property.
3. **The proposed PUD is compatible with the character and uses in the surrounding area.** The PUD is consistent with the surrounding area which is primarily a mixture of residential developments. The proposed PUD provides for development of the subject property at a similar density as already exists within Southgate 3rd Addition.
4. **Public services and utilities are available or can be made available and are adequate to accommodate the proposed PUD.** Public Works has indicated that water, sanitary sewer, and storm sewer systems are readily available in the area and can accommodate the proposed PUD.

The subject property has been determined to be developable in the 2012 Comprehensive Water System Plan and the 2011 Comprehensive Sewer System Plan.

5. **The proposed PUD will not endanger the public health or safety.** There is no evidence that the proposed PUD would have an impact on the public health and safety. The proposed PUD will help serve the need of providing a range of sizes of single-family homes.
6. **The residential densities, proposed land uses, and design proposed within the PUD promote the innovative, efficient, economic and attractive development of the subject property.** The proposed design of the eight single family dwellings utilizes the challenging topography with a private street to provide addition single-family homes in the City. The proposed homes have a design which is attractive and will provide a quality product that fits in with the area.

III. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City Council of the City of Moscow approves the Planned Unit Development (PUD) request for the two point nine seven (2.97) acre area of land generally located east of the current terminuses of Granville Street and Castleford Street with no conditions.

PASSED BY THE CITY COUNCIL OF THE CITY OF MOSCOW this 18th day of October, 2021.



Bill Lambert, Mayor

**BEFORE THE CITY COUNCIL
OF THE CITY OF MOSCOW, COUNTY OF LATAH,
STATE OF IDAHO**

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS REGARDING A REQUEST FOR A PRELIMINARY SUBDIVISION PLAT OF A TWO POINT NINE SEVEN (2.97) ACRE AREA OF LAND GENERALLY LOCATED EAST OF THE CURRENT TERMINUSES OF GRANVILLE STREET AND CASTLEFORD STREET, KNOWN AS SIERRA VISTA ADDITION TO THE CITY OF MOSCOW, IDAHO.

WHEREAS, the applicant filed an application for a Preliminary Subdivision Plat on June 25, 2021; and

WHEREAS, this matter came before the Moscow Planning and Zoning Commission during a duly noticed public hearing on August 11, 2021; and

WHEREAS, this matter came before the City Council during a duly noticed public hearing on October 18, 2021; and

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

THE CITY COUNCIL OF THE CITY OF MOSCOW, IDAHO, AFTER DUE DELIBERATION AND CONSIDERATION, HEREBY CONCLUDES:

I. RELEVANT FACTS AND CONCLUSIONS

1. The City Council considered the request pursuant to the City of Moscow 2019 Comprehensive Plan, City of Moscow Zoning Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The subject property is a 2.97-acre parcel that is currently vacant and is platted as Phase III of Southgate 3rd Addition. The subject property is surrounded by University of Idaho's Parker Farm to the east, prior Southgate Additions to the west, Milton Arthur Park and residential properties to the north, and residential properties within the Area of City Impact to the south.
3. The subject property is currently designated as Auto-Urban Residential (AU-R). AU-R designated areas,

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

4. All of the surrounding properties are also designated as Auto-Urban Residential, with the exception of Milton Arthur Park to the north which is designated as Parks and Open Space.
5. The subject property is currently designated as a combination of Low-Density Single Family Residential (R-1), Moderate Density Residential (R-2), and Medium Density Residential (R-3). The applicant has submitted a rezone proposal concurrently with the proposed preliminary plat to rezone the subject property to the Medium Density Residential (R-3) Zone.
6. According to the City of Moscow Zoning Code, the purpose of the R-3 Zoning District is to:

“Provide for an increase over the density allowed by the R-2 zoning district by permitting different types of housing construction. It is appropriate where activity levels are moderate, terrain permits construction of somewhat larger structures, and where public systems and neighborhood facilities can accommodate a greater intensity of land use as guided by the Comprehensive Plan.”
7. Uses permitted within the R-3 Zone include single-family dwellings, two family dwellings, townhomes, townhouses, market and community gardens, group and small child care facilities, and public parks and recreation facilities.
8. As part of the original Southgate 3rd Addition rezone that occurred in 2008, there was a condition that was placed upon the current R-3 designation by Ordinance 2008-04. The condition was that the R-3 Zoning District be limited to no more than detached single-family dwellings with the exception of Lots 6, 7, and 8 of Block 2 on Southgate 3rd Addition Plat. Those three lots are located within Chelsea Court which is within Phase II of the development.
9. The applicant is proposing to subdivide the existing 2.97-acre area to create 8 lots ranging from 9,189 to 19,589 square feet in size, referred to as Sierra Vista Subdivision. All of the proposed lots meet the minimum lot size of 6,000 sf and minimum lot width of 60 feet for the R-3 Zoning District.
10. The applicant has concurrently applied for a Planned Unit Development (PUD) on the subject property to allow a private street which serves the proposed lots as well as a reduction in front yard setbacks.
11. Water service is proposed to be extended via water mains that will be extended along the Castleford Street extension. A water main will then be extended along the proposed private street to serve the proposed lots.
12. It is anticipated that under commonly observed household water use within the City (114 gallons per day per occupant) that the proposed 8 lots could be reasonably anticipated to use approximately 0.74 million gallons of water per year ($8 \text{ du} \times 2.25 \text{ occupants/du} \times 114 \text{ gallons/occupant} \times 365 \text{ days/year} = 0.74 \text{ M gallons/year}$).
13. Sanitary sewer will be extended to the future main within Castleford Street via an easement on Lot 1 and an easement on Lot 1 Block 2 of the proposed Park Valley Addition to the north. Storm Sewer will be conveyed along the same alignment as the sanitary, through sewer easements on individual lots.
14. Storm Sewer will be conveyed through the subdivision through a main in Granville and Castleford Streets which will connect to the existing stormwater system in Southgate 3rd Addition.
15. The subject property is located to the east of Castleford Street which is proposed to be extended with the Park Valley Addition. A private street is proposed to connect to Castleford Street and serve the 8 lots. The private street will meet the City's private street standard which includes a

20-foot-wide paved surface, curbing, and a sidewalk on the north side of the street. The applicant is proposing that the private street terminate with a hammerhead turnaround which will meet fire code requirements.

16. Parkland dedication requirements have previously been satisfied with the dedication, grading, and hydroseeding of Milton Arthur Park, so no further dedication is required.

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

II. RELEVANT CRITERIA AND STANDARDS

1. **The proposed subdivision is in conformance with all applicable City Code requirements.** The proposed preliminary plat is consistent with and in conformance with the requirements and provisions of the Medium Density Residential (R-3) Zoning District, including lot area, dimensions and other relevant provisions. The proposed preliminary plat is also in conformance with the general requirements of the Moscow Subdivision Ordinance including, but not limited to, the provision of the logical and orderly connection to the City's street network, public utilities, and the provision of public parkland.
2. **The proposed subdivision is in general conformance with the Comprehensive Plan.** The proposed preliminary plat is consistent with the City of Moscow Comprehensive Plan and provides for the logical and orderly development and extension of the City's street system. The proposed lots sizes and densities are consistent with the Comprehensive Plan Land Use designation of Auto-Urban Residential.
3. **Public Services and utilities are available or can be made available and are adequate to accommodate the proposed subdivision.** The subject property has direct access to Castleford Street. Water and sewer services are proposed to be extended throughout the subdivision from the existing mains at the current terminuses of Granville Street and Castleford Street. The Engineering Department has determined that the existing system has adequate potable and fire flows and sewer capacity to serve the proposed subdivision.
4. **The proposed subdivision will not be detrimental to the public health, safety, or general welfare.** The proposed preliminary plat provides for the extension of City streets and services and will not be detrimental to the public health, safety, or general welfare.

III. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City Council of the City of Moscow approves the preliminary subdivision plat request for the two point nine seven (2.97) acre area of land generally located east of the current terminuses of Granville Street and Castleford Street with five conditions:

1. The public utility easements adjacent to the private street shall connect to public utility easements in the proposed Park Valley Addition.
2. The proposed easements that contain storm and sanitary sewer lines shall be increased to 30 feet in width to provide adequate access and separation.
3. Vehicular access shall be provided to every other manhole, which is currently not possible for the manholes at the rear of Lot 1.

4. The proposed private street shall meet the requirements on City Standard Drawing No. 3, including but not limited to vertical and horizontal alignments requirements, fire hydrant access width requirements, and shoulder slope requirements.
5. A right-of-way vacation request shall be approved by City Council prior to final plat.

PASSED BY THE CITY COUNCIL OF THE CITY OF MOSCOW this 18th day of October, 2021.



Bill Lambert, Mayor

**BEFORE THE CITY COUNCIL
OF THE CITY OF MOSCOW, COUNTY OF LATAH,
STATE OF IDAHO**

WRITTEN DECISION OF THE MOSCOW CITY COUNCIL REGARDING AN APPEAL OF THE DENIAL OF A CONDITIONAL USE PERMIT BY THE MOSCOW ZONING BOARD OF ADJUSTMENT FOR A DECISION REGARDING A CONDITIONAL USE PERMIT APPLICATION TO CONSTRUCT AN 80-FOOT-TALL WIRELESS COMMUNICATION FACILITY (WCF) LOCATED AT 1400 EAST SEVENTH STREET IN THE CITY OF MOSCOW, IDAHO WITHIN THE NEIGHBORHOOD BUSINESS (NB) ZONING DISTRICT PER MOSCOW CITY CODE 4-3-4.

WHEREAS, PI Tower Development, the applicant, filed an application for a Conditional Use Permit (LUP2021-0004) to construct an 80-foot-tall Wireless Communication Facility (WCF) on February 19, 2021; and

WHEREAS, the Moscow Board of Adjustment conducted a duly noticed public hearing upon the subject Conditional Use Permit application on March 29, 2021; and

WHEREAS, having considered the matter including all materials presented and testimony received, the Moscow Zoning Board of Adjustment denied the proposed Conditional Use Permit, based on Criterion #2, finding the WCF was not consistent with the existing character of the uses within the surrounding neighborhood and instructed Staff to prepare the Reasoned Statement of Relevant Criteria for the Board's review and approval; and

WHEREAS, on April 7, 2021, the Moscow Zoning Board of Adjustment met and approved the Reasoned Statement of Relevant Criteria and Standards establishing the Board's written decision upon the request and serving as the Board's final action upon the matter; and

WHEREAS, on April 16, 2021, Wireless Policy Group, filed a timely appeal to the decision of the Moscow Zoning Board of Adjustment in accordance with the requirements of Moscow City Code Section 4-8-5; and

WHEREAS, the Moscow City Council considered the appeal during a public meeting conducted on May 3, 2021; and

WHEREAS, the Moscow City Council reviewed the record established by the Board of Adjustment, did not consider any new or additional evidence, and heard appellant's argument on the appeal; and

WHEREAS, having considered the record established by the Board of Adjustment, and having considered the issues presented by the appellant and the applicant, the Council decided to remand the matter in part to the Zoning Board of Adjustment with instructions to develop additional material information. Specifically, to determine whether the horizontal footprint and width of the proposed WCF can be reduced in order to be less intrusive to the neighborhood and surrounding land uses and ultimately satisfy Criterion #2; and

WHEREAS, the remanded matter came before the Moscow Board of Adjustment during a duly noticed public hearing on August 24, 2021; and

WHEREAS, the Board of Adjustment considered the Council's remand instructions, received additional public testimony, and received additional information from the applicant who presented the following three alternative designs:

- A. Design Alternative 1: The current tower, as designed, with additional architectural features such as cut outs or windows sized forty (40) feet tall from the ground, to reduce the visual bulk of the structure.
- B. Design Alternative 2: Three-legged tower design, that reduces the actual bulk of the support structure by 1280 square feet.
- C. Design Alternative 3: A standard monopole design. The diameter of the proposed platform would be consistent with the original design. However, the pole would be much smaller in diameter (22 inches at the top, tapering to approximately 35 inches at the bottom) with all the antennas exposed and viewable to the public; and

WHEREAS, having considered the matter including all new information and testimony received, the Moscow Zoning Board of Adjustment denied the proposed Conditional Use Permit, based on Criterion #2, finding the WCF was not consistent with the existing character of the uses within the surrounding neighborhood. Additionally, the Board found that the cell tower looked out of place and would not be in harmony with land uses surrounding the subject property, including the Nazarene Church and instructed Staff to prepare the Reasoned Statement of Relevant Criteria for the Board's review and approval; and

WHEREAS, on August 30, 2021, the Moscow Zoning Board of Adjustment met and approved the Reasoned Statement of Relevant Criteria and Standards establishing the Board's written decision upon the request and serving as the Board's final action upon the matter; and

WHEREAS, on September 8, 2021, Wireless Policy Group, filed a timely appeal of the decision of the Moscow Zoning Board of Adjustment in accordance with the requirements of Moscow City Code Section 4-8-5; and

WHEREAS, the Moscow City Council considered the appeal during a public meeting conducted on October 4, 2021; and

WHEREAS, the Moscow City Council reviewed the record established by the Board of Adjustment, did not consider any new or additional evidence, and heard appellant's argument on the appeal; and

WHEREAS, having considered the record established by the Board of Adjustment, and having considered the issues presented by the appellant and the applicant including the three alternate designs, the Council reversed the decision of the Zoning Board of Adjustment and approved alternate tower design number two with the condition that all religious insignias be removed from the structure's design.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOSCOW, IDAHO, AFTER DUE DELIBERATION AND CONSIDERATION OF THE RECORD ESTABLISHED BY THE MOSCOW ZONING BOARD OF ADJUSTMENT AND HAVING CONSIDERED THE ISSUES PRESENTED BY THE APPELLANT AND THE APPLICANT, HEREBY CONCLUDES:

DECISION

The Moscow City Council hereby **REVERSES** the decision of the Zoning Board of Adjustment to deny the application for a Conditional Use Permit for a Wireless Communication Facility located at 1400 East 7th Street, Moscow, Idaho, finds the additional new material information presented on remand does now meet Criterion #2 of the Relevant Criteria and Standards, which is that the character of the proposed use will be in harmony with the neighborhood and surrounding land uses, and approves the three-legged tower design (Design Alternative 2) with the following condition:

1. The applicant shall remove all religious insignias from the design of the structure.

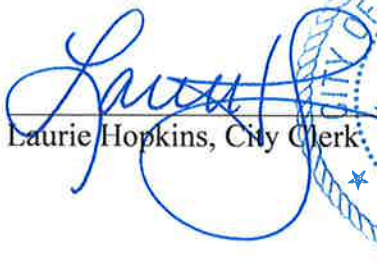
PASSED BY THE CITY COUNCIL OF THE CITY OF MOSCOW THE 18TH DAY OF OCTOBER, 2021.



Bill Lambert, Mayor

CERTIFICATION. I hereby certify that the above is a true copy of the Council decision passed at a regular meeting of the City Council, City of Moscow, held on October 18, 2021.

ATTEST:



Laurie Hopkins, City Clerk

