

BOARD of ADJUSTMENT



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

Public Meeting
~ Agenda ~

Aimee Hennrich
Staff Liaison
208.883.7095

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

Wednesday
June 8, 2022

5:30 PM

Council Chambers
206 E Third Street

WELCOME AND ATTENDANCE

REGULAR AGENDA

1. Approval of June 2, 2022 Minutes (ACTION ITEM)

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

2. Approval of Reasoned Statement of Relevant Criteria and Standards (ACTION ITEM)

Conditional Use Permit application for a Self-Storage Facility generally located in the 2700 block of South Highway 95 within the Motor Business (MB) Zoning District in the Area of City Impact per Moscow City Code 4-3-4.

PROPOSED ACTIONS: Review the draft Relevant Criteria and Standards document and approve the document; or approve the document with modifications; or provide Staff further direction as deemed necessary.

3. Approval of Reasoned Statement of Relevant Criteria and Standards (ACTION ITEM)

Amendment to the Conditional Use Permit at the Latah County Fairgrounds located at 1021 Harold Street to include seven additional (electricity only) Recreational Vehicle spaces within the Medium Density Residential (R-3) Zoning District per Moscow City Code 4-3-4.

PROPOSED ACTIONS: Review the draft Relevant Criteria and Standards document and approve the document; or approve the document with modifications; or provide Staff further direction as deemed necessary.

REPORTS

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



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Public Hearing
~ Minutes ~

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

Thursday
June 2, 2022

7:00 PM

Council Chambers
206 E Third Street

Thomson called the meeting to order at 7:00 PM

MEMBERS PRESENT: Tim Thomson, Acting Chair; Annette Bieghler, Steve Bush, Tim Kinkeade
MEMBERS ABSENT: Joe Bazzoli, Marshall Comstock, Cole Mize
STAFF: Jennifer Fleischman, Aimee Hennrich

REGULAR AGENDA

1. Approval of May 2, 2022 Minutes (ACTION ITEM)

Bush moved for approval of the minutes as presented, seconded by Kinkeade. Vote by Acclamation; Ayes: Unanimous (4). Nays: None. Abstentions: None. Motion carried.

2. Public Hearing: Proposal for a Conditional Use Permit Self-Storage Facility generally located in the 2700 block of South Highway 95 - LUP2022-0012 (ACTION ITEM)

Conditional Use Permit application for a Self-Storage Facility generally located in the 2700 block of South Highway 95 within the Motor Business (MB) Zoning District in the Area of City Impact per Moscow City Code 4-3-4.

Hennrich presented the Conditional Use Permit (CUP) application as described above, and recommended approval with the condition that a Development Agreement be completed regarding frontage improvement requirements. There was also another condition that the property owner consult with Idaho Department of Transportation (ITD) about a right-a-way approach, which is standard and required for all property development on a Highway. The two (2) acres on the west side of the property would remain undeveloped.

The Public Hearing opened at 7:10 PM

Jeramie Terzulli (representing applicant William Felsted) Houser, Idaho, talked about the realignment of Highway 95 and wanting to get ahead of future commercial developments in that corridor. They are holding off on doing frontage improvements now, in anticipation of utilizing City water and sewer in the future. Latah County is planning on adopting the Ordinance that allows self-storage facilities in Motor Business districts. The subject property will have continuous on-site management after the Second or Third Phase. The First Phase would be two (2) buildings, which would have approximately 100-110 storage units.

Doug Wasankari, Moscow, owns the land adjacent to the north and is supportive of the project. Had a concern about address used on the initial application, but it was corrected before the hearing. Wanted to also express worry about the speed limit on Highway 95 and would like to see it reduced, as well as a no-passing zone added. He also mentioned that his business signage was not approved by the City and wants to be part of the conversation when the self-storage facility signage is considered.

Jeramie Terzulli (representing applicant William Felsted) Houser, Idaho, was agreeable to include Wasankari's concerns when setting up pre-development meetings with the County and other agencies.

The Public Hearing closed at 7:24 PM

Bush moved to recommend approval of a Conditional Use Permit for a self-storage facility on South Highway 95, with the condition as recommended by Engineering. Motion seconded by Bieghler. Vote by Acclamation; Ayes: Unanimous (4). Nays: None. Abstentions: None. Motion carried.

Bush moved to direct Staff to draft the Relevant Criteria and Standards, seconded by Bieghler. Vote by Acclamation; Ayes: Unanimous (4). Nays: None. Abstentions: None. Motion carried.

3. Public Hearing: Proposal for the Amendment to the Conditional Use Permit at the Latah County Fairgrounds located at 1021 Harold Street – LUP2022-0010 (ACTION ITEM)

Amendment to the Conditional Use Permit at the Latah County Fairgrounds located at 1021 Harold Street to include seven additional (electricity only) Recreational Vehicle spaces within the Medium Density Residential (R-3) Zoning District per Moscow City Code 4-3-4.

Hennrich presented the CUP amendment request as described above, and recommended approval with no conditions. The original application asked for eight (8) RV spaces, but was reduced to seven (7) after a conversation with City Staff. The proposed fire access road meets the street standards for a RV private access road. Applicant will provide more information about what other uses would be impacted by changing this portion of the parcel to RV spaces.

The Public Hearing opened at 7:40 PM

Mauri Knott (applicant), Moscow, gave a brief overview of the history of the Latah County Fairgrounds, including a recent updated strategic plan. The current electric-only RV spaces often conflict with parking availability for private events, and there is a prominent need in the community for more RV spots. Floodplain designation limits development for other things, and the future use of land where the ice rink is now is currently unknown. RV spaces are in demand from the public and the Fairgrounds has to frequently turn people away. The Idaho Parks and Recreation grant that is paying for the proposal requires the spots have a 14-day maximum stay. The Fairgrounds have fiber internet access, but only has WiFi in some of the buildings. There has not been complaints from local residents about the noise from the RVs. They do not plan on adding more lighting and the RV spaces will not be available during September. The RV spaces are first come/first serve but would create an online reservation system if the need arose and another full-time staff member was hired. The Board asked if there was any issues preventing sex offenders from using the RV spaces, which the Fairgrounds depends on felony restrictions and regulation by local law enforcement.

Thomson submitted one (1) emailed citizen comment for the record.

Joe Cloud, Moscow, asked some questions regarding government entities competing with the private sector and does not think that there is a need for more RV spaces.

Mauri Knott (applicant), Moscow, talked about several RV parks that have recently closed and subsequently created more need. The Fairgrounds is not looking to profit from RV spaces, but wants to reduce tax payer dollars by providing maintenance of fairgrounds with the revenue. Continued discussion about the other RV spaces that are all typically full and how people are now asking to stay through the winter. Construction workers are becoming more common users, as opposed to just visiting family.

The Public Hearing closed at 8:00 PM

The Board talked briefly about private versus public sector providing services and discussed the community need for more RV spaces that are not being fulfilled by the private sector. Board members also agreed with bringing in revenue, so as to not depend on the local tax payers for park maintenance and instead becoming self-sufficient.

Kinkeade moved for approval of the Conditional Use Permit Amendment for 1021 Harold Street, with no conditions as recommended by Staff. Motion seconded by Bush. Vote by Acclamation; Ayes: Unanimous (4). Nays: None. Abstentions: None. Motion carried.

Bush moved to direct Staff to prepare the Relevant Criteria and Standards, seconded by Bieghler. Vote by Acclamation; Ayes: Unanimous (4). Nays: None. Abstentions: None. Motion carried.

REPORTS

ANNOUNCEMENTS

UPCOMING EVENTS/MEETINGS

The meeting adjourned at 8:07 PM

Joe Bazzoli, Chair

Date

**BEFORE THE BOARD OF ADJUSTMENT
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 CONDITIONAL USE PERMIT APPLICATION FOR A SELF
STORAGE FACILITY LOCATED NEAR THE 2700 BLOCK OF SOUTH HIGHWAY 95
WITHIN THE AREA OF CITY IMPACT OF THE CITY OF MOSCOW, IDAHO.**

WHEREAS, the applicant filed an application for a Conditional Use Permit on April 12, 2022; and

WHEREAS, this matter came before the Moscow Board of Adjustment during a duly noticed public hearing on June 2, 2022; and

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

**THE MOSCOW BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW, IDAHO,
AFTER DUE DELIBERATION AND CONSIDERATION, HEREBY CONCLUDES:**

I. RELEVANT FACTS AND CONCLUSIONS

1. The Board of Adjustment considered the request pursuant to the City of Moscow Zoning Code, City of Moscow 2019 Comprehensive Plan, 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 Board of Adjustment is to conduct one hearing and forward a recommendation on to Latah County.
3. The applicant is proposing to construct a Self-Storage Facility generally located in the 2700 block of South Highway 95 within the Area of City Impact. The facility is proposed to be located on a 195,000 square foot (4.5 acre) portion of a 6.5-acre parcel, and would be developed in phases based upon market demand.
4. The subject property is currently undeveloped. The property located to the north and east of the subject property is also vacant land. Early Bird Construction is located to the south and to the west of the subject property, across Highway 95, is a parcel owned by Schweitzer Engineering Laboratories.
5. The portion of the property in which the applicant is proposing to develop is a 4.52-acre area at the eastern side of the parcel.

6. The subject property is located in Motor Business zoning district within the Moscow Area of City Impact. Within the Area of City Impact, the City's MB has been adopted According to the City of Moscow Zoning Code, the MB Zone is intended to,
"provide for the location and grouping of compatible uses having similar operation as they involve enterprises which depend primarily on the transient motor vehicle-based trade. By concentrating such uses the City intends to increase public convenience when utilizing such services and, within the regulation, to allow such activities to render the maximum service."
- 7.
8. The 2019 City of Moscow Comprehensive Plan Land Future Use and Growth Plan Map designates the subject property and surrounding properties as Rural and Agricultural.
9. According to Chapter 2 of the Comprehensive Plan, Community Character and Land Use, Rural and Agricultural designated areas,
"allow continued use for agricultural purposes with allowances for limited residential development at very low densities. Lands with this designation should be preserved for agricultural use and development should be directed to areas in closer proximity to the City where municipal utilities are available and land can be efficiently developed and serviced. Areas shown as Agriculture on the Future Land Use Plan are outside of the 10-year growth area (refer to Chapter 5, Public Utilities, Services, and Growth Capacity) and beyond the area for which the City is prepared to provide adequate facilities and services during the horizon of this Plan. Generally, these are found around the periphery of the City and throughout the Area of City Impact. The residential development options allow septic/well and septic/public water (where applicable and warranted) at very low densities, consistent with the intended agricultural character. Appropriate current zones for lands with this designation are Agriculture/ Forestry (AF) and Farm, Ranch, and Outdoor Recreation (FR)."
10. The proposed facility will contain seven (7) buildings of various sizes and will have between 250 and 300 storage units. The applicant intends to develop based on market demand.
11. The portion of the parcel, to the west, adjacent to Highway 95 will remain vacant and be reserved for future commercial development.
12. The subject property is accessed from Highway 95 via the adjacent parcel to the north. The applicant has provided a fully executed access agreement with the property owner to the north.
13. The subject property has property frontage along Highway 95. Highway 95 is designated as a National Highway and is developed as a 24-foot-wide paved roadway with northbound and southbound travel lanes and minimal gravel shoulders on both sides.
14. Highway 95 is anticipated to become the jurisdiction of the City of Moscow with the completion of Idaho Transportation Department's Thorncreek Project.
15. A new principal structure on an undeveloped property would normally require the construction of street frontage improvements per the City's Minor Arterial Standard.
16. The applicant is proposing to develop the eastern portion of the property and leave the western portion that is adjacent to Highway 95 vacant to be developed at a later date. The

City of Moscow Engineering Department recommends the completion of a Development Agreement stating that any additional development will require frontage improvements including curbing, sidewalk, and roadway widening in accordance with the City's Minor Arterial Standard

17. Upon review of the submitted materials, it is the Board's determination that the proposal conforms to the proper zoning requirements.
18. Testimony was heard by one individual in favor of the project.

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

II. RELEVANT CRITERIA AND STANDARDS

1. **The proposed use is a conditionally permitted use within the Zoning District:** Within the adopted codes of the Area of City Impact Agreement, Self-Storage Facilities are a conditionally permitted use.
2. **The character of the proposed use will be in harmony with the neighborhood and surrounding land uses:** The proposed Self-Storage Facility is consistent with the existing character of the uses within the surrounding area.
3. **The proposed use as approved, or as approved with conditions, 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):** The proposed use will not generate nuisances to the adjoining properties or the neighborhood through noise, dust, glare, vibrations, or odors. The facility will be fenced with a locked gate that will require a key code for entry, ensuring privacy and safety in and around the facility.
4. **The location, design, and size of the proposed use will be adequately served by existing streets, public facilities and services:** Primary access to the Self-Storage Facility is via the adjoining property to the north. The applicant has provided a fully executed access agreement.
5. **The proposed use will not endanger the public health or safety if located where proposed:** The proposed use will not endanger the public health or safety on the proposed site. The facility will be fenced and will require a key code for entry.
6. **Proposed use meets all applicable development standards of the Zoning Code:** The proposed use meets all applicable development standards of the zoning code. City of Moscow Engineering Department is recommending that the applicant complete a Development Agreement stating that any additional development will require frontage improvements including curbing, sidewalk, and roadway widening in accordance with the City's Minor Arterial Standard.
7. **The proposed use will not be in conflict with the Comprehensive Plan:** The use is consistent with the Comprehensive Plan as it supports the goals and strategies of multiple chapters and does not conflict with other sections of the Plan.

III. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City of Moscow Board of Adjustment recommends approval of the proposed Conditional Use Permit for a Self-Storage Facility generally located in the 2700 block of South Highway 95 to Latah Country with one condition:

1. The applicant enters into a Development Agreement stating that any additional development will require frontage improvements including curbing, sidewalk, and roadway widening in accordance with the City's Minor Arterial Standard.

PASSED BY THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW THE ____ DAY
OF _____ 2022.

Joe Bazzoli, Chair
Board of Adjustment

**BEFORE THE BOARD OF ADJUSTMENT
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 AN AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT APPLICATION TO ALLOW SEVEN (7) ADDITIONAL (ELECTRICITY ONLY) RECREATIONAL VEHICLE SPACES AT THE LATAH COUNTY FAIRGROUNDS LOCATED AT 1021 HAROLD STREET WITHIN THE MEDIUM DENSITY RESIDENTIAL (R-3) ZONING DISTRICT PER MOSCOW CITY CODE 4-3-4.

WHEREAS, the applicant filed an application for a conditional use permit on March 29, 2022; and

WHEREAS, this matter came before the Moscow Board of Adjustment during a duly noticed public hearing on June 2, 2022; and

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

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

I. RELEVANT FACTS AND CONCLUSIONS

1. The Board of Adjustment considered the request pursuant to the City of Moscow Zoning Code, Comprehensive Plan, and Moscow City Code.
2. The subject property is located within the Medium Density Residential (R-3) Zoning District, where public service and utility facilities, specifically fairgrounds use is a conditionally permitted use.
3. Since the approval of the previous SUP in April 2008, the City of Moscow's Use Table has changed the term Special Use Permit (SUP) to Conditional Use Permit (CUP).
4. Correspondence from 1982 indicates that certain uses existing on the fairgrounds from before 1971 are considered to be nonconforming uses and are allowed to continue provided they do not cease. The use of recreational vehicles is included as one of the nonconforming uses.
5. Documents from 1989 indicate that consideration was given at that time for an application to allow uses of the fairground property that did not exist prior to 1971. Application was not made until 1992.
6. The most recent review of the uses at the fairgrounds was conducted in April of 2008 by the Board of Adjustment. Latah County and the Latah County Fair Board applied for a Special Use Permit (SUP) to extend the approval for uses of the Latah County Fairgrounds. The first request was that the Latah County Fairgrounds and the associated uses be approved indefinitely. The second request was to allow uses within the zoning district be allowed on the fairgrounds site without requiring an amendment to the SUP. The third request was to allow an expansion to the exhibit building for County office uses.
7. The existing RV spaces have been operating under a SUP since 1992 and most recently approved indefinitely in 2008.

8. The current application is to add additional seven (7) electricity only recreational vehicle spaces to the southeast portion on the fairgrounds. All other uses that were included as part of the prior approvals will remain the same as shown on Exhibit A and B from the Relevant Criteria and Standards dated May 13, 2008.
9. Properties immediately adjacent to the subject property to the north, south and west are mostly zoned R-3 with the majority of the parcels consisting of residential uses. To the northeast, across Mountain View Road are residential uses located in the Low Density Single Family Residential (R-1) Zone. Further south across White Avenue are commercial uses located within the Motor Business (MB) Zone.
10. Similar public service and utility facilities are located adjacent to the subject property and in the R-3 Zone, the National Guard Armory to the northwest, the Latah County Highway District and Fire Station II Training Facility to the south.
11. The subject property is approximately 14.5 acres, with approximately 1,100 feet of frontage on Harold Street, 427 feet of frontage on Mountain View Road, and the property is partially bounded by South Blaine Street and White Avenue on the southwest corner.
12. Primary access to the subject property and the additional RV spaces use is from White Avenue, with a service road providing access from Mountain View Road and another vehicle access point off of Harold Street which has been restricted to vehicle access to the ice rink by previous SUP conditions of approval.
13. The site plan provided meets all RV Park Standards set forth by City of Moscow Code 6-3-9.
14. The Board heard public testimony in opposition by one individual stating concerns over the public sector competing with the private sector.

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

II. RELEVANT CRITERIA AND STANDARDS

1. **Is the proposed use a conditionally permitted use within the Zoning District?** The use of RV spaces was included in the list of approved uses at the fairground's property in the 2008 special use permit approval. Fairgrounds are now a conditional use permit, with RV spaces being an ancillary use permitted under a prior determination and approval.
2. **Is the proposed use in harmony with the neighborhood and surrounding land uses?** The proposed use is in harmony with the neighborhood and surrounding land uses. The use has existed on the subject property and is in harmony with the other nearby public service and utility facilities including the Fairgrounds buildings and exhibit halls, the National Guard Armory, Latah County Highway District and Fire Station II Training Facility.
3. **Will the proposed use as approved, or as approved with conditions, 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)?** The proposed use, as approved will

not generate nuisances that would be injurious or detrimental to the adjoining properties or the neighborhood.

4. **Will the location, design, and size of the proposed use be adequately served by existing streets, public facilities and services?** The proposed use is adequately designed to comply and be serviced by existing streets, public facilities and services.
5. **Will the proposed use endanger the public health or safety if located where proposed?** The additional RV spaces will not endanger the public health or safety. RV spaces have been permitted to operate on Latah County Fairgrounds since the initial SUP application in 1992 with no issue.
6. **Does the proposed use meet all applicable development standards of the Zoning Code?** The site plan provided complies with all Zoning Code requirements as well as the Recreational Vehicle Park Standards.
7. **Will the proposed use be in conflict with the Comprehensive Plan?** The proposed use is not in conflict with the Comprehensive Plan.

III. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City of Moscow Board of Adjustment approves the amendment to the existing Conditional Use Permit to allow seven (7) additional (electricity only) Recreational Vehicle spaces at the Latah County Fairgrounds located at 1021 Harold Street.

PASSED BY THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW THE ____ DAY OF _____, 2022.

Joe Bazzoli, Chairman
Board of Adjustment