

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>

**Tuesday
December 13, 2022**

5:30 PM

**First Floor Conference
504 S Washington Street**

WELCOME AND ATTENDANCE

REGULAR AGENDA

- 1. Approval of November 29, 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 temporary Recreational Vehicle Park located at 2805 S Highway 95 within the Agricultural/Forestry Zoning District (AF) in the Area of City Impact, per Latah County Code 09-3A-4(C).
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)**
Conditional Use Permit application for an accessory cottage in excess of 900 square feet located at 2730 S Highway 95 within the Agricultural/Forestry Zoning District (AF) in the Area of City Impact, per Latah County Code 9-3A-4(A).
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: It is the policy of the City of Moscow that all City-sponsored public meetings and events are accessible to all people. If you need assistance in participating in this meeting or event due to a disability under the ADA, please contact the City's ADA Coordinator by phone at (208) 883-7600, TDD (208) 883-7019, or by email at adacoordinator@ci.moscow.id.us at least 48 hours prior to the scheduled meeting or event to request an accommodation. The City of Moscow is committed to ensuring that all reasonable accommodation requests are fulfilled.

BOARD of ADJUSTMENT



Joe Bazzoli
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Public Hearing
~ Minutes ~

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

Tuesday
November 29, 2022

7:00 PM

Council Chambers
206 E Third Street

Bazzoli called the meeting to order at 7:03 PM

MEMBERS PRESENT: Joe Bazzoli, Chair; Steve Bush, Marshall Comstock, Tim Kinkeade, Jerry Schutz, Tim Thomson
STAFF: Jennifer Fleischman, Aimee Hennrich

REGULAR AGENDA

1. Approval of June 8, 2022 Minutes (ACTION ITEM)

Thomson moved for approval of the minutes as presented, seconded by Bush. Roll Call Vote; Ayes: Bazzoli, Bush, Thomson (3). Nays: None. Abstentions: Comstock, Schutz (2). Motion carried.

Kinkeade arrived at 7:05 PM.

2. Public Comment

Time limit 15 minutes. Members of the Public may speak to the Board regarding matters NOT on the Agenda nor currently pending before the Board of Adjustment. Please state your name and resident city for the record and limit your remarks to three (3) minutes.

None.

3. Public Hearing: Conditional Use Permit Application for a Temporary Recreational Vehicle Park Located at 2805 S Highway 95 (ACTION ITEM)

Conditional Use Permit application for a temporary Recreational Vehicle Park located at 2805 S Highway 95 within the Agricultural/Forestry Zoning District (AF) in the Area of City Impact, per Latah County Code 09-3A-4(C).

This was discussed as Agenda Item No. 4.

Hennrich presented the Conditional Use Permit (CUP) application as described above, and recommended approval with the condition that the driveway be constructed to support the weight of fire apparatus in all weather conditions. Because the temporary permit would be for three years, the fire department wanted to make sure they would have safe and consistent access to the subject property year-round. Latah County will insure the road compaction meets their standards at the time of issuing their permits. The RV park would be used as temporary housing for construction personnel working on the S Highway 95 Thorn Creek Project. The driveway surface condition in discussion is the entire loop through the RV park for emergency service access to all spaces.

The Board's recommendation would go to the Latah County Zoning Commission or the Board of Commissioners, depending on which meeting occurs first. An appeal to the decision would be processed through the Latah County Board of Commissioners. The land surrounding the subject property that is zoned Motor-Business has all been annexed into the City. The property on the other side of the road from the

subject property is not within the City. Latah County Planning Department has waived the requirement for engineering design for the roadway surface because it is a temporary use permit. The CUP would expire after three years regardless of when the highway project is completed, but the applicant could request an extension. If the property was annexed into the City with the CUP, it would probably be accepted as is at that time. An annexation would be processed through the Planning and Zoning Commission.

The Public Hearing opened at 7:45 PM

Neil Marzolf (applicant), Moscow, talked about his motivation behind providing housing for construction workers for the new highway. DeAtley Construction installed power and water systems for their employee use. He was offering the RV spaces for free but after developing the park according to Latah County and City of Moscow standards, will probably charge a minimal fee to make back the setup costs.

The Public Hearing closed at 7:50 PM

The Board talked about the lack of RV parks around the Moscow community and the difficulties of creating one within the City. In the County, a single RV is allowed to stay on a residential property for 6 out of 12 months, if it is owner-occupied. County design standards do not require a paved surface for RV parks, but it would need to be a compacted rock surface.

Schutz moved to recommend approval of the CUP for a temporary RV park at 2805 South Highway 95 to Latah County, with the condition as recommended by Staff for the driveway surface requirement, and directed Staff to prepare the Relevant Criteria and Standards. Motion seconded by Thomson. Roll Call Vote; Ayes: Bazzoli, Bush, Comstock, Schutz, Thomson (5). Nays: None. Abstentions: Kinkeade (1). Motion carried.

4. Public Hearing: Conditional Use Permit Application for an Accessory Cottage in Excess of 900 Square Feet Located at 2730 S Highway 95 (ACTION ITEM)

Conditional Use Permit application for an accessory cottage in excess of 900 square feet located at 2730 S Highway 95 within the Agricultural/Forestry Zoning District (AF) in the Area of City Impact, per Latah County Code 9-3A-4(A).

This was discussed as Agenda Item No. 3.

Hennrich presented the CUP application as described above, and recommended approval with no conditions. The proposed accessory cottage would be 1200 sq ft and anything over 900 sq ft is required to get have a CUP, according to Latah County code. The accessory cottage is the house that is currently already on the property, and the applicant intends to add a new house to the property that would become the primary dwelling. The proposed accessory cottage is currently 600 sq ft, but it would have an addition built to make it 1200 sq ft.

There is not a code requirement that an accessory cottage be occupied by relatives of the primary residence. The City requires that at least one of the buildings be owner occupied, but the County operates off of a different code. There is normally a requirement of a certain amount of distance between the primary and accessory dwellings, but the County has opted to administratively waive that in this circumstance. There is not a variance request with the application, but the County can provide waivers for certain standards as they deem appropriate.

The Public Hearing opened at 7:18 PM

Doug Wasankari (applicant), Moscow, talked through his family's history of purchasing and moving onto the subject property with a plan to eventually build a larger home. The house they intend to place on the property as the primary residence was built in the 1800s. He will take the next couple of years to place it

on a foundation, fix it up, and then will move his family in. Went over the details about adding onto the current residence, which would become the accessory cottage, and also talked about water access.

There was a discussion about emergency service access points and the joint easement with the adjacent property to access the self-storage units. The request is to increase the size of the current residence, after making it into an accessory cottage, to greater than 900 sq ft which would require a CUP according to Latah County code. The Board and applicant talked about what the addition to the accessory cottage would look like.

The Public Hearing closed at 7:27 PM

The Board acknowledged that the County has referred the CUP application to the City with its Staff recommendations, and there was a general consensus that repurposing historic buildings should be done more often.

Comstock moved to recommend approval of the CUP for an accessory cottage at 2730 South Highway 95 to Latah County, with no conditions. The motion was seconded by Schutz. Roll Call Vote; Ayes: Unanimous (6). Nays: None. Abstentions: None. Motion carried.

Comstock moved to direct Staff to prepare the Relevant Criteria and Standards, seconded by Schutz. Roll Call Vote; Ayes: Unanimous (6). Nays: None. Abstentions: None. Motion carried.

REPORTS

The Board asked some questions of Mauri Knott regarding the County's relevant criteria and standards process.

ANNOUNCEMENTS

UPCOMING EVENTS/MEETINGS

The next Board of Adjustment meeting is scheduled for 5:30 PM on December 8, 2022.

The next meeting will need to be rescheduled for lack of a quorum on the 8th of December.

The meeting adjourned at 7:57 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 TEMPORARY
RECREATIONAL VEHICLE PARK LOCATED AT 2805 S 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 October 19, 2022;
and

WHEREAS, this matter came before the Moscow Board of Adjustment during a duly noticed
public hearing on November 29, 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 a temporary Recreational Vehicle Park (under 10 RV's) located at 2805 South Highway 95.
4. The subject property is located within the Agriculture/Forestry (AF) Zoning District in the Area of City Impact where Recreational Vehicle Parks require a Conditional Use Permit, per Latah County Code 09.3A.4(C).
5. The subject property is a 2-2-acre parcel located just outside the City limits at 2805 South Highway 95. The subject property currently contains a single-family home and three accessory structures.
6. The adjacent property to the east of the subject property, across highway 95, is vacant land. Property owned by Schweitzer Engineering Laboratories is located to the north, south and to the west of the subject property.

7. The subject property and adjacent property to the east, across highway 95, is also zoned Agriculture/Forestry (AF) and within the Area of City Impact. The property to the north, south and west is zoned Motor Business (MB) and is within the City of Moscow.
8. 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."
9. The 2019 City of Moscow Comprehensive Plan Land Future Use and Growth Plan Map designates the subject property and surrounding properties as Rural and Agriculture. According to Chapter 2 of the Comprehensive Plan, Community Character and Land Use, Agriculture designated areas,

"is intended to allow continued use for agricultural purposes with allowances for limited residential development at very low densities. Lands with this designation should be preserved for agricultural use and development should be directed to areas in closer proximity to the City where municipal utilities are available and land can be efficiently developed and serviced. Areas shown as Agriculture on the Future Land Use Plan are outside of the 10-year growth area (refer to Chapter 5, Growth Management and Capacity), and beyond the area for which the City is prepared to provide adequate facilities and services during the horizon of this Plan. Generally, these are found around the periphery of the City and throughout the Area of City Impact. The residential development options allow septic/well and septic/public water (where applicable and warranted) at very low densities, consistent with the intended agricultural character. Appropriate current zones for lands with this designation are Agriculture/Forestry (AF) and Farm, Ranch and Outdoor Recreation (FR)."
10. The subject property is accessed via Highway 95 which is a 24-foot-wide paved road with two travel lanes and minimal gravel shoulders on both sides.
11. Chapter 3 of the Comprehensive Plan, Community Mobility, identifies Highway 95 as National Highway. Highway 95 is anticipated to become the jurisdiction of the City of Moscow with the completion of Idaho Transportation Department's Thorn Creek Project.
12. The proposed plan meets pertinent Latah County Planning and Zoning requirements.
13. The Latah County Planning Department has waived the requirement for engineering since the park is small enough and is a temporary use.
14. Latah County will verify remaining requirements at the time of permitting.
15. Upon review of the temporary Recreational Vehicle Park, the City of Moscow Fire Department recommended that the applicant be required to install a driveway surface that would support the weight of fire apparatus in all weather conditions. Latah County will verify gravel type and compaction requirements at the time of permitting.

16. Upon review of the submitted materials, it is the Board's determination that the proposal conforms to the proper zoning requirements.

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:** Recreational Vehicle Parks are a conditionally permitted use within the Agriculture/Forest Zoning District per Latah County Zoning Code and the Area of City Impact Agreement.
2. **The character of the proposed use will be in harmony with the neighborhood and surrounding land uses:** The temporary RV Park will not change the existing character of the uses within the surrounding area. The RV Park is proposed to be a temporary location to address the need for temporary housing for those working on Idaho Department of Transportation's Thorn Creek Project.
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.
4. **The location, design, and size of the proposed use will be adequately served by existing streets, public facilities and services:** The proposed temporary RV Park will adequately be served by existing streets, public facilities, and services. All RV's are proposed as self-contained units. The City of Moscow Fire Department is recommending that the applicant be required to install a driveway surface that would support the weight of fire apparatus in all weather conditions. Latah County will verify gravel type and compaction requirements at the time of permitting.
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 City of Moscow Fire Department recommended that the applicant be required to install a driveway surface that would support the weight of fire apparatus in all weather conditions.
6. **Proposed use meets all applicable development standards of the Zoning Code:** The proposed use meets pertinent applicable development standards of the zoning code. Latah County to verify remaining requirements at the time of permitting.
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 temporary Recreational Vehicle Park located at 2805 S Highway 95 for a term no longer than three (3) years to the Latah County Zoning Commission with one condition:

1. The driveway surface should be constructed to support the weight of fire apparatus in all weather conditions.

PASSED BY THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW THE ____ DAY
OF DECEMBER 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 A CONDITIONAL USE PERMIT APPLICATION FOR AN ACCESSORY
COTTAGE HOUSE IN EXCESS OF 900 SQUARE FEET LOCATED 2730 S 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 October 14, 2022;
and

WHEREAS, this matter came before the Moscow Board of Adjustment during a duly noticed
public hearing on November 29, 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 relocate an existing 2,400 sf home which has been moved onto the site, and will be installed upon a newly constructed foundation. The applicant is proposing that this home will become the primary home and the current primary single-family home would become a 1,200 square foot accessory cottage.
4. 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 03.01.02(14)(H).
5. The site is 13 acres in size and contains an existing one bedroom, one-bathroom single-family home, numerous accessory structures, and a portion of Wasankari Construction.
6. Adjacent properties to the west of the subject property include Wasankari Construction (owned by the applicant), Germer Construction, and a new storage unit facility currently under construction. Adjacent properties to the north and east are owned by the State of Idaho

and are currently under construction for the realignment of Highway 95. The property to the south is vacant land.

7. The subject property and adjacent properties to the north, east, and south are currently zoned Agriculture/Forestry (AF) and in Latah County and within the Moscow Area of City Impact. The parcels to the west are zoned Motor Business (MB) and Industrial (I) and are also located in Latah County within the Moscow Area of City Impact.
8. 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."
9. The 2019 City of Moscow Comprehensive Plan Land Future Use and Growth Plan Map designates the subject property and surrounding properties as Rural and Agriculture. According to Chapter 2 of the Comprehensive Plan, Community Character and Land Use, Agriculture designated areas,
"is intended to allow continued use for agricultural purposes with allowances for limited residential development at very low densities. Lands with this designation should be preserved for agricultural use and development should be directed to areas in closer proximity to the City where municipal utilities are available and land can be efficiently developed and serviced. Areas shown as Agriculture on the Future Land Use Plan are outside of the 10-year growth area (refer to Chapter 5, Growth Management and Capacity), and beyond the area for which the City is prepared to provide adequate facilities and services during the horizon of this Plan. Generally, these are found around the periphery of the City and throughout the Area of City Impact. The residential development options allow septic/well and septic/public water (where applicable and warranted) at very low densities, consistent with the intended agricultural character. Appropriate current zones for lands with this designation are Agriculture/Forestry (AF) and Farm, Ranch and Outdoor Recreation (FR)."
10. The subject property is accessed via Highway 95 which is a 24-foot-wide paved road with two travel lanes and minimal gravel shoulders on both sides.
11. Chapter 3 of the Comprehensive Plan, Community Mobility, identifies Highway 95 as National Highway. Highway 95 is anticipated to become the jurisdiction of the City of Moscow with the completion of Idaho Transportation Department's Thorn Creek Project.
12. The proposed plan meets pertinent Latah County Planning and Zoning requirements and the County will verify remaining requirements at the time of permitting.
13. Upon review of the submitted materials, it is the Board's determination that the proposal conforms to the proper zoning requirements.

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:** Accessory Cottage Houses in excess of 900 square feet are conditionally permitted in the Agriculture/Forest Zoning District per Latah County Zoning Code and the Area of City Impact Agreement.
2. **The character of the proposed use will be in harmony with the neighborhood and surrounding land uses:** The proposed accessory cottage house 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.
4. **The location, design, and size of the proposed use will be adequately served by existing streets, public facilities and services:** The proposed accessory cottage will adequately be served by existing streets, public facilities, and services.
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.
6. **Proposed use meets all applicable development standards of the Zoning Code:** The proposed use meets pertinent applicable development standards of the zoning code. Latah County will verify remaining requirements at the time of permitting.
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 an accessory cottage house in excess of 900 square feet located at 2730 S Highway 95 to Latah County with no conditions.

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

Joe Bazzoli, Chair
Board of Adjustment