

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
July 5, 2023

5:30 PM

Mayor's Conf Room
206 E Third Street

WELCOME AND ATTENDANCE

REGULAR AGENDA

1. **Approval of June 29, 2023 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)**

Amendment to an existing Conditional Use Permit for a K-12 Private School and Small Child Care Facility to increase the size of the Child Care Facility to a Large Child Care Facility (21 or more children) located at 1410 S Blaine Street within the Motor Business Zone (MB) 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)**

A Conditional Use Permit application for an accessory structure up to 1,500 square feet located at 1006 Windmill Lane within the Farm, Ranch and Outdoor Recreation Zone (FR) within the Area of City Impact.

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.

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

A Conditional Use Permit application for a public service and utility facility at 2780 West A Street within the Multiple Family Residential (R-4) Zoning District.

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

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.

ANNOUNCEMENTS

UPCOMING EVENTS/MEETINGS

The next Board of Adjustment hearing is scheduled for 7:00 PM on July 13, 2023.

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~

Aimee Hennrich
Staff Liaison
208.883.7095

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

Thursday
June 29, 2023

7:00 PM

Council Chambers
206 E Third Street

The meeting was called to order at 7:06 PM

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

REGULAR AGENDA

The Board added an Agenda Item to elect a temporary Chair for the meeting.

Bush nominated Tim Thomson as Acting Chair and Schutz seconded the motion. Roll Call Vote; Ayes: Unanimous (4). Nays: None. Abstentions: None. Motion carried.

1. Approval of February 15, 2023 Minutes (ACTION ITEM)

Schutz moved for approval of the minutes as written, seconded by Kinkeade. Roll Call Vote; Ayes: Unanimous (4). Nays: None. Abstentions: None. Motion carried.

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: Proposed Amendment to an existing Conditional Use Permit for a K-12 Private School and Small Child Care Facility to increase the size of the Child Care Facility to a Large Child Care Facility (21 or more children) located at 1410 S Blaine Street (ACTION ITEM)

Proposed Amendment to an existing Conditional Use Permit for a K-12 Private School and Small Child Care Facility to increase the size of the Child Care Facility to a Large Child Care Facility (21 or more children) located at 1410 S Blaine Street within the Motor Business Zone (MB) per Moscow City Code 4-3-4.

Hennrich presented the Conditional Use Permit (CUP) amendment request as described above, and recommended approval with no conditions. Schools and daycares have different designations, but the original approved CUP was for both a school and a daycare. The available parking spaces at the Eastside Marketplace do not include occupancy levels for the vacant storefronts on the parcel, such as the empty restaurant on the corner of Blaine and Troy Highway. There have been no complaints from other businesses near the area regarding the subject school and daycare facility.

The Public Hearing opened at 7:20 PM

Malia Mason (applicant), Moscow, gave a brief explanation of why Jubilee wants to expand the number of children and the physical space addition. It was unknown if the Jubilee School provided a letter of support for Karma to get a liquor license. The school does not have any plans to expand further. The Montessori school would hire more staff and teachers to accommodate additional students. The Montessori school does not wish to have more than 30 students in total.

Merissa Marr, Moscow, spoke in support of the requested expansion, especially regarding the current demand for childcare and schooling for younger children in Moscow.

The Public Hearing closed at 7:28 PM

The Board discussed the complications of daycares and schools in predominantly commercial areas and how that could affect restaurants or other establishments obtaining a beer and wine or liquor license. There was also concern about having Motor Business zoning designations used as for a school or a daycare facility instead of commercial businesses. The requested expansion would be just for the daycare portion of the facility use, and not the school, according to the zoning definition of “daycare”. There was a conversation about expanding the proposed use to other parts of the building and how that might affect business owners in the area. The Board mentioned that parts of Eastside Marketplace have been vacant for quite some time.

Bush moved to approve the CUP amendment for the expansion of the Montessori school, with the condition that the daycare center be limited to 30 children. The motion was seconded by Thomson. Roll Call Vote; Ayes: Bush, Kinkeade, Thomson (3). Nays: Schutz (1). Abstentions: None. Motion carried.

Thomson moved to direct Staff to prepare the Relevant Criteria and Standards, seconded by Schutz. Roll Call Vote; Ayes: Unanimous (4). Nays: None. Abstentions: None. Motion carried.

4. Public Hearing: Conditional Use Permit application for an accessory structure in excess of 1,000 square feet located at 1006 Windmill Lane within the Farm, Ranch and Outdoor Recreation Zone (FR) in the Area of City Impact, per Moscow City Code 4-3-4. (ACTION ITEM)

Conditional Use Permit application for an accessory structure up to 1,500 square feet located at 1006 Windmill Lane within the Farm, Ranch and Outdoor Recreation Zone (FR) within the Area of City Impact.

Hennrich presented the Area of City Impact CUP application as described above, and recommended approval with no conditions to Latah County.

The Public Hearing opened at 7:49 PM

Mark Stewart (applicant), Moscow, introduced himself and offered to answer any questions.

Matthew Winckler, Moscow, as a neighbor of the property was in support of the proposed project.

Thomson entered a written comment from Luke Grauke into the public record (see attached).

Robert Clements, Moscow, had questions about the Area of City Impact and Hennrich gave a brief explanation about the process for a CUP application on the outer edge of Moscow. He was in support of the project but wanted to request that floodlights not be installed on the accessory structure.

The Public Hearing closed at 7:56 PM

Schutz moved to recommend approval of the proposed CUP with no conditions, and directed Staff to prepare the Relevant Criteria and Standards. The motion was seconded by Bush. Roll Call Vote; Ayes: Unanimous (4). Nays: None. Abstentions: None. Motion carried.

5. Public Hearing: A Conditional Use Permit application for a Public Service and Utility Facility at 2780 West A Street within the Multiple Family Residential (R-4) Zoning District per Moscow City Code 4-3-4. (ACTION ITEM)

A Conditional Use Permit application for a public service and utility facility at 2780 West A Street within the Multiple Family Residential (R-4) Zoning District.

Hennrich presented the CUP application as described above, and recommended approval with no conditions. The cell tower currently located at the Nazarene Church falls under a different use category than the proposed monopole. The closest residential homes to the proposed location are a significant distance to the east.

The Public Hearing opened at 8:05 PM

Tom Picarella (applicant representative), Moscow, provided a background on the need for more 911 fire and police communication towers, as well as a brief review of the updates the City plans on funding. He gave a short description of what the monopole would look like and the only utilities needed to support the tower would be from the Well House. There is already a generator currently located next to the Well House.

The Public Hearing closed at 8:16 PM

There was a discussion about the location of the proposed facility and the relationship between this application and the previously approved monopole at the Nazarene Church.

Schutz moved to approve the CUP for the Public Service and Utility Facility with no conditions, and directed Staff to prepare the Relevant Criteria and Standards. The motion was seconded by Bush. Roll Call Vote; Ayes: Unanimous (4). Nays: None. Abstentions: None. Motion carried.

REPORTS

ANNOUNCEMENTS

UPCOMING EVENTS/MEETINGS

The next Board of Adjustment meeting is scheduled for 5:30 PM on July 5, 2023.

Another hearing meeting has been scheduled for July 13, 2023 at 7:00 PM.

The meeting adjourned at 8:22 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 AN AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT APPLICATION FOR A K-12 PRIVATE SCHOOL AND SMALL CHILD CARE FACILITY TO INCREASE THE SIZE OF THE CHILD CARE FACILITY TO A LARGE CHILD CARE FACILITY LOCATED AT 1410 SOUTH BLAINE STREET IN THE CITY OF MOSCOW, IDAHO, WITHIN THE MOTOR BUSINESS (MB) ZONING DISTRICT PER MCC 4-3-4.

WHEREAS, the applicant filed an amendment to an existing Conditional Use Permit on May 19, 2023; and

WHEREAS, this matter came before the Moscow Board of Adjustment during a duly noticed public hearing on June 29, 2023; 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, State Statutes, and Moscow City Code.
2. On July 21, 2020 the applicant applied for a Conditional Use Permit operate a K-12 Private School and Small Child Care Facility at 1410 S Blaine St within Eastside Marketplace.
3. This matter came before the Moscow Board of Adjustment hearing on August 26, 2020 and was approved with one condition:
 1. The applicant shall be permitted to utilize either the proposed outdoor play area at the rear of the building or the outdoor play area at the front of the building that is currently used by Happy Horizons Childcare, so long as:
 - a. The size requirements of the Moscow Day Care Ordinance are satisfied; and
 - b. The applicant has received a waiver from City Council for the outdoor play area not being directly adjacent to the child care facility, in order to utilize the Happy Horizons outdoor play area; and
 - c. The applicant has received permission from Happy Horizons to utilize their outdoor play area.

4. On December 5, 2022, the applicant applied for a license to operate a large child care facility, increasing the number of children at the facility.
5. Moscow City Code Title 9, Section 10-19.A.2.a states, in part: “The Day Care Facility shall provide open space for outdoor play. A minimum of one hundred (100) square feet per child is required. This area shall be adjacent to the Day Care Facility and shall provide a safe area that can be easily maintained and is accessible for use by children.”
6. On December 30, 2022 Moscow City Clerk received a notice of appeal letter, from the applicant, requesting a waiver of the outdoor play area required for a large daycare facility for the Jubilee School.
7. On January 17, 2023, City Council voted to waive the requirement to provide an outdoor play area and directed staff to issue the day care license.
8. On May 19, 2023, requested an amendment to the existing Conditional Use Permit to increase the size of the child care facility from a small (13-20 children) to a large child care facility (21 or more children) and to increase the square footage of the facility by 1,560 square feet. No changes were proposed to the K-12 Private School.
9. The subject property is located within the Motor Business (MB) Zoning Districts which require a Conditional Use Permit (CUP) for Large Child Care Facilities per MCC 4-2-3.
10. The child care facility would operate from 8:00 a.m. to 3:00 p.m. local time, Monday through Friday.
11. The subject property is 2.31 acres in size and currently used for general retail purposes. The lot is relatively flat and currently has five (5) structures on the site including the Eastside Marketplace, U.S. Bank Branch, Taco Bell, KFC, and Wingers Restaurant. Other stores within the Eastside Marketplace include Safeway, Lavender & Thyme, Dollar Tree, Mongolian BBQ Express, and Pro Nails.
12. The Health & Welfare Department as well as Les Schwab is directly to the east of the subject property. Northwest River Supplies occupies the property directly south of the subject property across Troy Highway. Latah County Fairgrounds is located directly to the north of the subject property across White Avenue. Wells Fargo Bank is located directly to the west of the subject property across Blaine Street.
13. Properties to the east, and west of the subject property are also located within the MB Zoning District. Latah County Fairgrounds sits to the north of the subject property across White Avenue and is located within the Medium Density Residential (R-3) Zoning District. The property located directly to the south of the subject property is located within the Research Technology and Office (RTO) Zoning District.
14. There is no minimum or maximum lot area or lot width within the MB Zoning District.
15. The purpose of the MB Zoning District is 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 with the regulation, to allow such activities to render the maximum service.”

16. Chapter 2 of the 2019 Comprehensive Plan, Community Character and Land Use, designates the subject property as Auto-Urban Commercial (AUC). Auto-Urban Commercial designated areas provide for commercial services and developments that are motor vehicle oriented or those which require large amounts of land. These areas should be located adjacent to existing commercial developments and along major arterials where the vehicle traffic can be accommodated. Developments within these designations should be required to provide significant landscaping which would be applied to enhance areas along the street edge, screening parking lots and buffering adjacent uses. Such areas are most appropriately zoned Motor Business (MB).
17. The property is located within the Eastside Marketplace, which is bounded by Troy Highway to the south, White Avenue to the north, and Blaine Street to the west. There are primary access points from all three streets.
18. A large Child Care Facility is defined as a facility providing child care for 21 or more children.
19. The Zoning Code has specific use standards for large Child Care Facilities within MCC 4-3-5(C).
20. Moscow City Code 4-3-5(C)(1) requires large child care facilities to have two (2) on site loading spaces. The spaces must be located on the same side of the street as the child care facility and must be at least thirty feet (30') from any street intersection.
21. Moscow City Code 4-3-5(E)(2) requires educational services to have two (2) on site loading spaces. The spaces must be located on the same side of the street as the child care facility and must be at least thirty feet (30') from any street intersection. Additionally, the location of the spaces must ensure that there are no backing movements by vehicles.
22. The applicant is proposing to provide four loading spaces directly behind the building and utilize the rear entrance. This location is more than 30 feet from any street intersection and does not require backing movements by vehicles. This no change to the original Conditional Use Permit.
23. Per Moscow City Code 4-6-2, large childcare facilities require four (4) parking spaces on-site. Kindergarten, Elementary and Middle Schools require two (2) parking spaces per classroom. High Schools require five (5) parking spaces per classroom.
24. The facility will require a total of 28 parking spaces. There is a large parking lot that currently exists on the subject property that serves the entirety of the Eastside Marketplace. Overall, the parking lot contains 799 parking spaces. The total number of required parking spaces for the tenants within Eastside Marketplace place is 567. This leaves a surplus of 232 parking spaces than what is required. Therefore, there is sufficient parking to provide for the operation of the proposed K- 12 School and Child Care Facility. This is an increase in one (1) parking space from what was previously approved.
25. Child Care Facilities are required to provide a contained or fenced outdoor play area sufficient to comply with the spatial standards required by City Code. Sight-proof fencing or

sight-proof landscaping shall be provided on perimeters of such outdoor play areas where necessary to protect the privacy of neighbors' yards.

26. On January 17, 2023, City Council voted to grant the appeal and waive the requirement to provide an outdoor play area and directed staff to issue the day care license.
27. The proposed amendment meets all other applicable zoning development standards.

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:** Educational Services and large Child Care Facilities are conditionally permitted in the Motor Business (MB) Zoning District per MCC 4-3-4.
2. **The character of the proposed use will be in harmony with the neighborhood and surrounding land uses:** The proposed amendment to a large child care facility is consistent with the existing activity levels of the Eastside Marketplace and the surrounding area. The child care facility will be utilizing an additional 1,560 square feet existing tenant space within the Eastside Marketplace. City Council previously granted the applicant a waiver for the required outdoor play area, therefore, no outdoor play area is required.
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 Eastside Marketplace already is intended to accommodate large amounts of vehicle and pedestrian traffic and currently contains approximately 799 parking spaces.
4. **The location, design, and size of the proposed use will be adequately served by existing streets, public facilities and services:** The property is located within the Eastside Marketplace, which is bounded by Troy Highway to the south, White Avenue to the north, and Blaine Street to the west. There are primary access points from all three streets and adequate existing utilities to serve the proposed use.
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 since proper safety measures are being taken to ensure children's safety. Loading zone spaces are designated where the children will be dropped off behind the building. This is no change to the what was previously approved.
6. **Proposed use meets all applicable development standards of the Zoning Code:** The use meets all applicable development standards of the zoning code including but not limited to, off-street parking and loading zones requirements. City Council previously granted the

applicant a waiver for the required outdoor play area, therefore, no outdoor play area is required.

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 approves the amendment of an existing Conditional Use Permit to a Private K-12 School with a Large Child Care Facility at 1410 S Blaine Street with one condition:

- 1). The applicant limits the number of children in the child care facility to a maximum of 30 children.

PASSED BY THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW THE ____ DAY
OF _____, 2023.

Tim Thompson, Acting 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
STRUCTURE EXCEEDING 1,000 SQUARE FEET LOCATED AT 1006 WINDMILL
LANE WITHIN THE AREA OF CITY IMPACT OF THE CITY OF MOSCOW, IDAHO.**

WHEREAS, the applicant filed an application for a Conditional Use Permit on May 31, 2023; and

WHEREAS, this matter came before the Moscow Board of Adjustment during a duly noticed public hearing on June 29, 2023; 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 site is 166,655 square feet (3.82 acres) of land. The site currently contains a single-family home that is under construction.
4. The applicant is proposing to construct a 1,500 square foot accessory structure on the east side of the future home.
5. The subject property is located within the Farm Ranch, Outdoor Recreation (FR) Zoning District in the Area of City Impact where accessory structures above 1,000 square feet but 1,500 square feet or less require a Conditional Use Permit, per Moscow City Code 4-3-4.
6. The parcel has 135 feet of frontage along Windmill Lane and is 600 feet in depth
7. A building permit has been issued for a 3,508 square foot single-family home that is currently under construction on the property.
8. The adjacent property to the north also has a home under construction. The property to the south is vacant land. The property to the east is an old railway corridor remnant, owned by

Burlington Northern. The parcel directly west of the property is 65.23-acres of undeveloped agriculture land

9. Within the Area of City Impact, Latah County has adopted the City of Moscow FR Zoning Code. According to the City of Moscow Zoning Code, the purpose of the FR Zoning District is,

“intended to permit current agricultural, outdoor recreation and other open land uses to be maintained and at the same time to set minimum standards for the development of similar new uses in order that this open zoning district be protected against spasmodic, disorderly and indiscriminate development until such time as another appropriate use of the land in this zoning district has been determined. It is also intended that newly annexed areas of the City be placed in this classification until land use studies determine the character and appropriate use of such areas.”

10. 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.
11. According to Chapter 2 of the Comprehensive Plan, Community Character and Land Use, Rural and 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).”

12. The subject property is accessed via Mix Road which is a 25-foot-wide gravel road with two travel lanes, minimal gravel shoulders, no sidewalks, curbs, or gutters.
13. The proposed development meets all applicable zoning requirements. Latah County to verify for compliance of building 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 Structures in excess of 1,000 square feet, up to 1,500 square feet, are conditionally permitted in the Farm Ranch, Outdoor Recreational Zoning District.
2. **The character of the proposed use will be in harmony with the neighborhood and surrounding land uses:** The proposed accessory structure is consistent with the existing character of the uses within the surrounding area. The subject property is primarily surrounded by agricultural lands and rural single-family dwellings that are within the Area of City Impact.
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 structure will adequately be served by existing streets including the future construction of Windmill Lane, and private well and septic systems.
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 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 an accessory structure in excess of 1,000 square feet located at 1006 Windmill Lane to Latah County with no conditions.

PASSED BY THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW THE ____ DAY
OF _____, 2023.

Tim Thompson, Acting 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 TO ALLOW A PUBLIC
SERVICE AND UTILITY FACILITY WITHIN THE MULTIPLE FAMILY
RESIDENTIAL (R-4) ZONING DISTRICT PER MOSCOW CITY CODE 4-2-8(E)(1).**

WHEREAS, the applicant filed an application for a Conditional Use Permit on May 31, 2023; and

WHEREAS, this matter came before the Moscow Board of Adjustment during a duly noticed public hearing on June 29, 2023; 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, 2019 Comprehensive Plan, and Moscow City Code.
2. The applicant proposes to develop 85-foot monopole antenna tower for emergency response radio communications on the subject property.
3. The subject property is located within the Multiple Family Residential (R-4) Zoning District, where public service and utility facilities are listed as a conditionally permitted use within the zoning district.
4. Adjacent properties to the north and east are also located within the R-4 Zone. Properties to the south are located within the Motor Business (MB) Zone.
5. The west property line of the subject property also serves as the City limits border and the Idaho – Washington State border. The property across the state line in Washington is currently undeveloped agricultural land.
6. A special use permit was approved by the Board of Adjustment for the City of Moscow on August 20, 2015 to construct a high capacity municipal well and construct a new well house facility on the subject property. Construction of Well 10 and the associated well house is complete.

7. The lot area of the subject property is 33,459 square feet, and the lot width is approximately 232 feet.
8. The R-4 Zone permits public service and utility facilities with a Conditional Use Permit. Public Service and Utility Facilities are defined in 4-1-6(D)(116) as:

“Public facilities necessary to serve the neighborhood or community, including, but not limited to, fire stations, police stations, national guard armories, fire training facilities, pumping stations, electrical substations, and telephone switching facilities.”

The proposed monopole antenna is included in this category of public service facilities.
9. Maximum building height within the R-4 Zone is 40 feet, however, non-residential uses are permitted to exceed that limitation through the conditional use permit process.
10. Chapter 2, Land Use and Community Character, designates the subject property as Public and Semi-Public. Public and Semi-Public designated areas are for government buildings and properties, as well as semi-public or institutional uses such as churches, schools, and medical facilities.
11. The City of Moscow contracted with Hatfield and Dawson Consulting Engineers to conduct a, “Needs Assessment” of City of Moscow’s Fire, EMS, Law Enforcement and Public Works Public Safety Radio System. The proposed facility is filling a need identified within the assessment.

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:** The R-4 Zone permits public service and utility facilities with a Conditional Use Permit.
2. **The character of the proposed use will be in harmony with the neighborhood and surrounding land uses:** The proposed use will be in harmony with the surrounding area. Existing nearby uses include a church, hotel and retail uses. A single monopole will be placed north of the existing well house and will generate minimal additional traffic or activity to the site.
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 monopole will not generate nuisances or be injurious or detrimental to adjoining properties or the neighborhood in any way. No additional lighting is proposed at the site and the monopole will utilize existing utilities already located on-site.
4. **The location, design, and size of the proposed use will be adequately served by existing streets, public facilities and services:** The subject property contains the City’s high capacity well and ancillary equipment which was constructed in 2015. All streets and public services are existing on the subject property.

5. **The proposed use will not endanger the public health or safety if located where proposed:** The proposed facility will not endanger the public health or safety. Traffic to the site will be minimal and will not create any noise concerns for adjoining properties or the neighborhood. The construction of the 85-foot monopole antenna tower is a step in improving vital communication for first responders and is a public necessity as identified in the City's needs assessment.
6. **Proposed use meets all applicable development standards of the Zoning Code:** The proposed use will meet all applicable development standards. The monopole is proposed to be 85 feet in height, which exceeds building height in R-4. However, through the CUP process, non-residential structures are allowed to exceed minimum height requirements. The Board finds that the proposed height of the monopole is justified and is in the most suitable location given the surrounding area.
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 approves the application for a Conditional Use Permit for a public service and utility facility at 2780 West A Street with no conditions.

PASSED BY THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW THIS ____ DAY
OF _____, 2023.

Tim Thompson, Acting Chairman
Board of Adjustment