

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>

Monday
November 4, 2024

5:30 PM

Council Chambers
206 E Third Street

WELCOME AND ATTENDANCE

REGULAR AGENDA

1. **Approval of Minutes from October 28, 2024 (ACTION ITEM)**

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

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.

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

Conditional Use Permit amendment to expand an existing RV Storage Facility at 1346 Harden Road within the Agriculture/Forestry (AF) Zoning District in the Area of City Impact, per Moscow City Code 4-3-4. Permit Application LUP2024-0034.

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
Board Chair
BOA@ci.moscow.id.us

Public Hearing
~ Minutes~

Aimee Hennrich
Staff Liaison
208.883.7095

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

Monday
October 28, 2024

7:00 PM

Council Chambers
206 E Third Street

Bazzoli called the meeting to order at 6:59 PM

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

REGULAR AGENDA

1. Approval of October 22, 2024, Minutes (ACTION ITEM)

Schutz moved for approval of the minutes as written, seconded by Comstock. Vote by Acclamation; Ayes: Unanimous (7) 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: Proposal to Amend an Existing Conditional Use Permit at 1346 Harden Road, Within the Area of City Impact. Permit Application LUP2024-0034 (ACTION ITEM)

Conditional Use Permit amendment application to expand an existing RV Storage Facility that was approved on February 19, 2020 and located at 1346 Harden Road within the Agriculture/Forestry (AF) Zoning District in the Area of City Impact, per Moscow City Code 4-3-4. The applicant is proposing to add additional RV storage spaces.

Hennrich presented the Conditional Use Permit (CUP) amendment request as described above, and recommended forwarding approval with four (4) conditions to Latah County. The City is recommending a Type A landscape buffer because it would provide a visual buffer for the single-family homes residing around the property. The requested right-of-way (ROW) dedication would be on the north side of the subject property. There was a discussion about the applicant potentially rezoning if they eventually get annexed into the City.

Because the property is in the Area of City Impact and Agriculture-Forest zoning district of the County, the proposed use is conditionally permitted. The land had been originally used as farmland, but not in recent years. The County does not have many requirements for RV Storage Facilities. University of Idaho owned property stormwater retention regulations are managed at the state level. The conversation continued regarding stormwater retention requirements in the City. Any dust-abatement or air quality permits would be managed by the County.

The Public Hearing opened at 7:19 PM

Scott Becker (applicant's representative), Moscow, talked about the four recommended conditions and addressed weed control and the gate alarm noise. There was a conversation about the proposed ROW dedication and steps needed to widen the road if the property was eventually annexed into the City. The property does not utilize City water, so if a landscape buffer was required, it would need to be hand watered. The applicant is interested in establishing a landscape buffer but has concerns about maintaining it.

George Durrin, Moscow, lives to the southwest and pointed out a seasonal pond and stream that is on the west side of the subject property. He is concerned about discharge from vehicles into the pond, and possibly making it into Paradise Creek. He recommends using an impervious surface for the lot instead of gravel. He talked about how homeowner's associations do not allow RV's and that pushes the vehicles into the County for storage. Because there is no security fence around the RV facility, he is worried about people drawn to the site for nefarious reasons and then possibly stealing from the neighbors as well. He requested a fence be installed around the property and a solution for catching discharge from vehicles.

Josh Clark, Moscow, lives to the west of the subject property, which they bought from the applicant, and that the surrounding property was farmed for many years. He struggled with the construction noise and disturbances while the first phase of the RV Storage Facility was being built in 2020. He also talked about the loss of natural wildlife and the traffic safety concerns on Mix Road. He reported that some people were living in the storage facility, and some were making major repairs on vehicles. There was a conversation about the topography of the landscape. From the eastern property line to the proposed last row of RV spaces is approximately 300 feet. The applicant lives directly to the north of the subject property. There has already been some grading work done for the proposed expansion of the RV Storage Facility.

George Durrin, Moscow, had a conversation with the Commissioners about filling in the pond for the expansion. Comstock mentioned that the pond was man-made by owners in the 70s. The stream has not been identified as an official waterway by the US Corp of Engineers. Preventing discharge from vehicles is the responsibility of the property owner and then would be up to the County for enforcement. Stormwater retention requirements are also for preventing runoff into local streams.

Scott Becker, Moscow, addressed the questions regarding stormwater retention and the study the applicant will conduct for it. The lease agreements have restrictions for vehicle discharge and the current stormwater retention plan is for both treatment and retention. The City Zoning Administrator is responsible for handling unapproved developments, but grading is allowed up to a certain size without a permit. The site plan is based on possible future growth and is helpful for planning and stormwater study purposes.

George Durrin, Moscow, disagreed with the number of RV spaces on the proposed site plan and encouraged the Board to prohibit RV spaces along the west side of the property.

The Public Hearing closed at 8:01 PM

The Board talked about the Relevant Criteria and how the proposal might fit within those standards for approval. There is another self-storage facility to the west of the property, across Farm Road. Staff reminded the Board that they are making a recommendation to the County. The landscape buffer condition was recommended to prevent nuisance during construction as well as after. The County's code does not have specific requirements for the proposed use. The applicant has provided several forms of mitigation for many of the concerns mentioned in the public comments.

The Board discussed lease agreement conditions for the RV Storage Facility use in relation to prevent vehicle discharge, mechanical repairs, and limiting time spent on the property. It was mentioned that a parking lot of this size would normally require beautification if it was within City limits. Mix Road is maintained by the North Latah County Highway District. There are no setbacks requirements because there are no buildings proposed.

Comstock moved for approval of the CUP for the expansion of the RV Storage Facility with the four (4) conditions recommended by Staff, and an additional condition that no major vehicle repairs be done on-site. Comstock directed Staff to prepare the draft Relevant Criteria and Standards document.

Comstock amended his motion about the fifth condition to include language about repairs that would require an oil water separator. The landscape buffer condition was talked about, which would be on the south and east sides of the subject property.

The motion was seconded by Kinkeade. A Board member mentioned that a security fence requirement was discussed earlier. The condition for a landscape buffer continued to be discussed.

Roll Call Vote; Ayes: Kinkeade, Marshall, Schutz (3). Nays: Bazzoli, Bush, Dickinson, Thomson (4). Abstentions: None. Motion failed.

The Board continued to talk about a landscape buffer and the proposed RV spaces along the southwest side of the property. The security fence was brought up again, as well as stormwater retention strategies. There was a discussion about the purpose of the alarm at the front gate. Fences are required for storage facilities within the City of Moscow.

Schutz moved for approval of the CUP for the expansion of the RV Storage Facility with the four (4) conditions recommended by Staff, and with the addition of two more conditions; that no major vehicle repairs be done on-site that would require an oil water separator, and that a six-foot security fence be built around the perimeter. Schutz directed Staff to prepare the draft Relevant Criteria and Standards document. The motion was seconded by Thomson. Roll Call Vote; Ayes: Unanimous (7). Nays: None. Abstentions: None. Motion carried.

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

Variance to reduce the rear yard setback for a single-family dwelling located at 1906 Nursery Street within the Multiple Family Residential (R-4) Zoning District, per Moscow City Code 4-4-2. Permit Application LUP2024-0033.

Thomson moved for approval of the Reasoned Statement of Relevant Criteria and Standards for the Variance as written, seconded by Schutz. Roll Call Vote; Ayes: Unanimous (7). Nays: None. Abstentions: None. Motion carried.

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

Conditional Use Permit for a proposed large daycare located at 110 S Jackson Street within the Central Business (CB) Zoning District, per Moscow City Code 4-3-4. Permit Application 2024-0029.

Schutz moved for approval of the Reasoned Statement of Relevant Criteria and Standards for the CUP as written, seconded by Dickinson. Roll Call Vote; Ayes: Unanimous (7). Nays: None. Abstentions: None. Motion carried.

REPORTS

ANNOUNCEMENTS

UPCOMING EVENTS/MEETINGS

The next Board of Adjustment meeting is scheduled for 5:30 PM on November 4, 2024.

The meeting adjourned at 8:43 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 THE AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT
APPLICATION FOR THE EXPANSION OF A RECREATIONAL VEHICLE (RV)
STORAGE FACILITY LOCATED AT 1346 HARDEN ROAD WITHIN THE AREA OF
CITY IMPACT OF THE CITY OF MOSCOW, IDAHO.**

WHEREAS, the applicant filed an application for a Conditional Use Permit on September 2, 2024; and

WHEREAS, this matter came before the Moscow Board of Adjustment during a duly noticed public hearing on October 28, 2024; 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 subject property is a 16.64-acre parcel located just outside the City limits located east of the intersection of Harden Road and Farm Road within Moscow Area of City Impact.
4. The subject property is located within the Agriculture/Forestry (AF) Zoning District in the Area of City Impact where RV Storage Facilities are permitted as a Conditional Use.
5. In January of 2020, the City of Moscow received an application to construct a Recreational Vehicle Storage Facility on a 3-acre portion of the 16.64-acre parcel located at 1346 Harden Road within the Area of City Impact. The Board of Adjustment of the City of Moscow put forth a recommendation of approval to construct the RV Storage Facility to the Latah County Commissioners. The application was approved by the Latah County Commissioners and construction of the RV Storage Facility was completed in 2020. The area is graveled, partially fenced, and accessible via a gate. The facility contains various sizes of RV storage spaces ranging from 10 feet by 20 feet to 15 feet by 50 feet in size.

6. The applicant is proposing to expand an existing RV Storage Facility to include an additional approximately six (6) acres that will contain 154 Recreational Vehicle storage spaces located at 1346 Harden Road surrounding the existing 3-acre area that is already developed. These new spaces would be accessible via the existing entrance along Harden Road. All travel aisles within the proposed facility will be 24 feet wide.
7. All parcels directly north of the subject property are also owned by the applicant. Avista Utilities owns a small parcel to the northwest of the subject property. The property directly to the east is 3.5-acre residential property containing a single-family home. There are three properties adjacent to the south. The first is a 15.5-acre undeveloped parcel owned by the University of Idaho. The second is a parcel owned by KRPL Radio and contains an antenna tower. The last is a vacant parcel. The parcel to the west across Farm Road is a self-storage facility.
8. The site has approximately 900 feet of frontage along Harden Road and has approximately 390 feet of frontage along Farm Road.
9. The subject property is accessed via Harden Road which is a 25-foot-wide paved road with no sidewalks, curbs, or gutters.
10. The subject property is located in Agriculture/Forestry Zoning District, which requires a Conditional Use Permit (CUP) for RV Storage Facilities per Latah County Zoning Code.
11. 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."
12. The 2019 City of Moscow Comprehensive Plan Land Future Use and Growth Plan Map designates the subject property and surrounding properties as Auto-Urban Residential (AU-R).
13. According to Chapter 2 of the Comprehensive Plan, Community Character and Land Use, AU-R 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, twin home, 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."

14. Since the stormwater that is generated from the proposed development is conveyed along Farm Road to the southwest and eventually is captured in the City of Moscow's stormwater system near the 'A' Street intersection, the Engineering Department is recommending that the applicant be required to detain the stormwater generated upon the subject property to City stormwater detention standards. City stormwater detention standards require that the stormwater be detained and conveyed at the predevelopment rate.
15. The City of Moscow Engineering Department is recommending that additional street right-of-way (ROW) be dedicated along with the south side of Harden Road adjacent to the subject property. This dedication would help facilitate the construction of a minor arterial street standard in the future and would extend the ROW south an additional 10 feet to allow 35 feet from the centerline of the street on the south side of the ROW.
16. The Board heard public testimony from two individuals in opposition, citing storm water and pollutant runoff, security, and aesthetic concerns.
17. Upon review of the submitted materials, it is the Board's determination that the proposal conforms to the zoning requirements, but conditions are recommended to mitigate the impact of the use upon the adjacent properties.

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:** RV Storage Facilities 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 RV Storage Facility is consistent with the existing use of the subject property. Additionally, there are currently existing self-storage facilities to the west and an electrical substation to the northwest.
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 RV Storage facility is not expected to generate a significant amount of additional traffic since most users of the facility will access their RVs during the day. The Board finds that in order to mitigate noise and nuisance concerns that the applicant install a fence around the entire facility as well as a Type A landscape buffer on the east and south sides of the subject property adjacent to the proposed RV Storage Facility area.
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 RV Storage Facility is via Harden Road, a designated minor arterial road. The City of Moscow Engineering Department has recommended that additional street right-of-way (ROW) be dedicated along with the south side of Harden Road adjacent to the subject property. This dedication would help facilitate the construction of a minor arterial street standard in the future and would extend the ROW south

an additional 10 feet to allow 35 feet from the centerline of the street on the south side of the ROW.

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. With the addition of the fence surrounding the subject property the Board finds that safety concerns will be addressed. Additionally, the Board finds that the applicant shall prohibit tenants from performing any general repair or maintenance of vehicles which would require the installation of an oil and water separator.
6. **Proposed use meets all applicable development standards of the Zoning Code:** The proposed use meets all applicable development standards of the Zoning Code. The City of Moscow Engineering Department is recommending that the applicant be required to detain the stormwater generated upon the subject property to City stormwater detention standards. City stormwater detention standards require that the stormwater be detained and conveyed at the predevelopment rate.
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 RV Storage Facility located at 1346 Harden Road to Latah County with six conditions:

1. The applicant shall dedicate sufficient right-of-way along the full frontage of the property adjacent to Harden Road to provide 35 feet of width south of the existing centerline of Harden Road to meet the existing minor arterial street standard.
2. The applicant shall provide a grading plan prepared by a professionally licensed Engineer to be reviewed by the Latah County Planning and Building Department prior to any development occurring on the subject property.
3. The applicant shall be required to detain the stormwater generated upon the subject property to City stormwater detention standards.
4. The applicant shall install a Type A landscape buffer on the south and east side of the subject property.
5. The applicant shall install a six (6) foot security fence at the perimeter of the area of development.
6. No general repair or maintenance of vehicles which would require the installation of an oil and water separator shall be permitted.

PASSED BY THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW THE ____ DAY
OF _____ 2024.

Joe Bazzoli, Chair
Board of Adjustment