

Moscow City Council



Regular Meeting ~Minutes~

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Laurie M. Hopkins
City Clerk

208.883.7015

Monday, October 7, 2024

7:00 PM

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

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

PRESENT: Mayor Art Bettge, Bryce Blankenship, Sandra Kelly, Hailey Lewis, Julia Parker, Gina Taruscio

ABSENT: Drew Davis

STAFF: Bill Belknap, Mia Bautista, David Schott, Mike Ray, Tyler Ochoa, Amanda Argona, Laura Perigo, Laurie M. Hopkins

PLEDGE OF ALLEGIANCE

Council Member Blankenship led the Pledge of Allegiance.

CONSENT AGENDA

1. All Consent Items (ACTION ITEM)

A. Approval of Moscow City Council September 16, 2024 Minutes - Laurie M. Hopkins

B. Idaho Outdoor Recreation Fund Grant Application - Alisa Anderson / Scott Bontrager

The City received notification of a grant opportunity through the Outdoor Recreation Fund Advisory Council (ORFAC) accepting applications to build projects that expand recreational opportunities. For 2024, ORFAC has been allocated \$5 million dollars to spend on capital projects (trails, bridges, campgrounds, etc.) that create or enhance outdoor access. City staff have identified two park projects to include the Mountain View Park Connector Pathway and Anderson Frontier Park Pathway Connection, which will provide ADA access to both locations. Staff are requesting to submit a grant application in an amount not to exceed \$160,000. Staff will include engineering, design, and construction management as an in-kind match. No cash match is required under this program. This was reviewed by the Administrative Committee on September 23, 2024, and recommended for approval.

ACTION: Ratify the approval to submit a grant application not to exceed \$160,000 to the Idaho Outdoor Recreation Fund.

C. Professional Services Agreement between the City of Moscow and Presnell Gage, PLLC - Sarah Decker

In June 2024, the City of Moscow issued a Request for Qualifications (RFQ) from certified public accounting firms to audit our respective financial statements for the fiscal year ending September 30, 2024, with the option of auditing for four subsequent fiscal years. Firms had to address the requirements of the RFQ and submit a sealed proposal to include pricing for the five-year period. The City received one response to the RFQ from Presnell Gage, PLLC. Staff reviewed the proposal and deemed that it met all requirements of the RFQ. This was reviewed by the Administrative Committee on September 23, 2024, and was recommended for approval.

ACTION: Approve the Professional Services Agreement between the City of Moscow and Presnell Gage, PLLC to audit our respective financial statements for the fiscal year ending September 30, 2024, and the four subsequent fiscal years with the ability for the City to terminate at any time.

D. City of Moscow Utility Billing Policy Update - Sarah Decker

In accordance with Moscow City Code, property owners are responsible for the cost of utility services delivered to their property(s), regardless of the user of the utility being provided. The City of Moscow has historically provided property owners with the convenience of billing a non-owner occupant (tenant) even though the City is under no legal obligation to do so. On February 16, 2021, the City formalized the Utility Billing process, Resolution 2021-01, by adopting the City of Moscow Utility Billing Policy, City of Moscow Utility Billing Application, and City of Moscow Utility Billing Directive. On August 19, 2024, the Idaho Supreme Court issued a decision that confirmed the City's ability to hold property owners responsible for the utility services provided to their property, but the Court found that the City did not provide enough detail within the Utility Billing Application regarding the means by which the City could pursue to collect unpaid balances through the use of liens. This decision necessitates an amendment to the City of Moscow's Utility Billing Policy, Utility Billing Application, and Tenant Utility Billing Directive to continue providing the convenience of tenant billing to property owners. This was reviewed by the Administrative Committee on September 23, 2024, and was recommended for approval.

ACTION: Approve the updated City of Moscow Utility Billing Policy, City of Moscow Utility Billing Application, and City of Moscow Tenant Utility Billing Directive.

E. Second Amendment to Franchise Agreement Exhibit G - Tim Davis

Fees from Exhibit G of the Solid Waste Franchise Agreement between the City of Moscow and Latah Sanitation, Inc., dba Inland North Waste, are adjusted upward or downward each fiscal year to reflect changes in the cost of operations, as reflected by fluctuations in the Consumer Price Index (CPI), as published by the U.S. Bureau of Labor Statistics. The statistics utilized are for a one-year period and are the end-adjusted figures for the annual change for the calendar year, as published in January of each year. The fee modification date is October 1 of each year. Every year the fees are increased or decreased for the coming year in a percentage of 100% of the net change of the CPI for the prior year period. The CPI adjustment for FY2025 is 3.82%. In addition to the CPI adjustment, staff updated Exhibit G to reflect the existing contract provisions as it pertains to the billing for biosolids composting. These updates have been reviewed and approved by Latah Sanitation, Inc.

ACTION: Approve the Second Amendment to Exhibit "G" of the Solid Waste Franchise Agreement.

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

REGULAR AGENDA

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

Kent Salisbury (Moscow) said he appreciated that the graffiti has been painted over. He does wish it could have been taken care of sooner.

3. Presentation of Mayor's Golf Tournament Proceeds

Argona said the tournament brought in just under \$2,000 and will go to Inland Oasis west side food bank. While ICCU and Mead and Hunt are our largest donors, Latah Credit Union and Corner Club have

consistently contributed to this event. Megan accepted the proceeds and said they are feeding approximately 650 families per month. She thanked the Mayor for the donation.

4. Citizen Commission Report - Parks and Recreation Commission - David Schott / Cat Harner

Schott introduced Harner, chair of the P&R Commission. She provided the purpose of the Commission and a list of the Commission members. The Bee City USA Subcommittee has been very active. Triangle Park was the 2024 pesticide free park. There was an installation of a Peace Pole in the plaza landscape area of the Jim Lyle Rotary Park. Pickleball courts are recommended for inclusion in the Capital Improvement Plan for future courts at Mountain View Park. The Commission is preparing a letter to Mayor and City Council regarding corporate sponsorships for parks capital improvement projects. They conducted the 2024 Parks and Recreation Commission Annual Tour.

5. Wildrose Court Final Plat and Final PUD (ACTION ITEM) - Mike Ray

On May 6, 2024, Moscow City Council approved the annexation, Comprehensive Plan land use designation, zoning designation, preliminary subdivision plat, and preliminary planned unit development (PUD) for the Wildrose Court Addition with six conditions. On August 13, 2024, the applicant submitted the final subdivision plat and final PUD to be reviewed by the Planning and Zoning Commission and City Council. The Planning and Zoning Commission reviewed the final subdivision plat and final PUD at their meeting on August 28, 2024 and recommended approval to City Council with no conditions. The Public Works/Finance Committee reviewed this item at their September 9, 2024 meeting and recommended approval.

PROPOSED ACTIONS: Approve the Wildrose Court Addition Final Plat and Final PUD, or take other action deemed appropriate.

Ray introduced the item by providing a description of the area and illustrations of the site including streets, lots, stormwater, and boundaries.

Blankenship said he voted no to the preliminary plat and he has appreciated seeing how the process works and is now supportive of the plat and PUD. He moved to approve the Wildrose Court Addition Final Plat and Final PUD. Parker seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

6. Public Hearing: SOMO Annexation, Comprehensive Plan Land Use Designation, Zoning Designation, and Preliminary Plat (ACTION ITEM) - Mike Ray

The applicant, 2-GM, LLC, is proposing a Comprehensive Plan land use designation, zoning designation, and a preliminary subdivision plat for a 51.53-acre property proposed to be annexed into the City of Moscow and generally located south of the South Fork of the Palouse River and East of Highway 95 within the City of Moscow. The current Comprehensive Plan Land Use Designation is a combination of Auto-Urban Commercial, Industrial, and Rural and Agricultural and the proposal is the Auto-Urban Commercial designation. The zoning of the subject property is currently a combination of the Motor Business (MB) and Agriculture Forestry (AF) Zone and the proposal is the Motor Business (MB) Zone. The proposed preliminary plat is a 29.46-acre area to create 15 lots ranging from 0.82 to 4.18 acres in size, referred to as SOMO Subdivision. The City of Moscow Planning and Zoning Commission conducted a public hearing for the proposed Comprehensive Plan Land Use Designation, Rezone, and Preliminary Plat on May 24, 2023, and recommended approval with two conditions.

PROPOSED ACTIONS: Conduct the public hearing upon the annexation, Comprehensive Plan land use designation, zoning designation, and preliminary plat and upon consideration of any testimony presented:

1. Approve the Annexation Ordinance under suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary; or consider the Annexation

Ordinance on first reading; or reject the Annexation Ordinance; or take other action as deemed appropriate.

2. If the Annexation Ordinance is approved, approve the proposed Comprehensive Plan Land Use Designation Resolution and adopt the Planning and Zoning Commission Reasoned Statement of Relevant Criteria; or reject the proposed Comprehensive Plan Land Use Designation Resolution and direct staff to prepare a Reasoned Statement of Relevant Criteria; or take other action as deemed appropriate.

3. If the Annexation Ordinance is approved and Comprehensive Plan Land Use Designation Resolution is approved, approve the proposed Zoning Ordinance under suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary and adopt the Planning and Zoning Commission Reasoned Statement of Relevant Criteria; or consider the Zoning Ordinance on first reading; or reject the Zoning Ordinance and direct staff to prepare a Reasoned Statement of Relevant Criteria; or take other action as deemed appropriate.

4. If the Annexation Ordinance is approved, the Comprehensive Plan Land Use Designation Resolution is approved, and the proposed Zoning Ordinance is approved, approve the preliminary plat for SOMO Addition with two (2) conditions and adopt the Planning and Zoning Commission Reasoned Statement of Relevant Criteria; or approve the preliminary plat with no conditions and direct staff to prepare a Reasoned Statement of Relevant Criteria; or reject the preliminary plat and direct staff to prepare a Reasoned Statement of Relevant Criteria; or take other such action deemed appropriate.

Mayor Bettge opened the public hearing at 7:28 p.m.

Ray introduced the item providing an illustration of the area and described the zoning and comprehensive plan. The area to be annexed is owned by multiple owners and includes the ITD right-of-way for the new highway. The subdivision is proposed with 15 lots ranging from 0.82 to 4.18 acres in size, two stormwater detention tracts and pedestrian connections to the north and south. The parkland requirement is provided on the north side of the subdivision next to the South Fork of the Palouse River. Lewis spoke about her concern of no on-street parking in a motor business area.

Jeff Motley, applicant, said he had the drawings for the new highway when he looked at the property. He feels it will be a nice exposure for motor business. There is a lot of interest and believes the development will do great things for south Moscow. No grading will take place in the flood area. He said he met with Avista shortly after the P&Z meeting and there is ample power coming from the west side of the highway.

Shelley Bennett, Kimley Haygood Company, said the city has needed a business park for years, one that focuses on small businesses.

Mayor Bettge asked for testimony in favor of the application. Hearing none he asked for opposition. Hearing none, he asked for general testimony.

David Hall (rural Moscow) said he is always worried about the declining aquifer. While the city has water now, the Council should be concerned about water usage for all the annexations. He believes the City needs to look at a water budget.

Mayor Bettge closed the public hearing at 7:53 p.m.

Ray said the goal of the council and the city is to transition those historical agricultural and industrial areas south of town. If this subdivision is approved, there are approximately 150 acres of industrial left in the area. Motor Business is similar to Industrial but doesn't allow heavy industrial. It allows the most flexibility while still allowing industrial. Lewis said she wants to meet the immediate needs and likes to hear that there is interest in the lots already. She doesn't want to be in a situation where an industrial

opportunity is missed and then fit where it shouldn't be. Taruscio responded with her experience in economic development, that it is a 5 to 1 ratio needing Motor Business versus Industrial. Industrial zoning is near but the limited factor in her opinion is power if it was developed as heavy industrial. Parker pointed out Schweitzer Engineering Labs is in Motor Business but is more like industrial. She feels this annexation is very logical and likes that Primeland is included.

Taruscio moved to approve the Annexation Ordinance under suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary. Kelly seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

Mayor Bettge read Ordinance 2024-18 by title:

AN ORDINANCE OF THE CITY OF MOSCOW, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING THAT LAND DESCRIBED IN SECTION 2 OF THIS ORDINANCE, AND GENERALLY SHOWN ON EXHIBIT "A" ATTACHED HERETO AND INCORPORATED BY THIS REFERENCE, BE ANNEXED TO THE CITY OF MOSCOW; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE BE DEEMED SEVERABLE; PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM AND AFTER PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

Taruscio moved to approve the proposed Comprehensive Plan Land Use Designation Resolution and adopt the Planning and Zoning Commission Reasoned Statement of Relevant Criteria. Blankenship seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

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

Mayor Bettge read Ordinance 2024-19 by title:

AN ORDINANCE OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE REZONING OF A FIFTY-ONE POINT FIVE THREE (51.53) ACRE PROPERTY, DESCRIBED IN SECTION 2, FROM MOTOR BUSINESS (MB) AND AGRICULTURE FORESTRY (AF) TO MOTOR BUSINESS (MB); PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE BE DEEMED SEVERABLE; PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

Taruscio moved to approve the preliminary plat for SOMO Addition with two (2) conditions and adopt the Planning and Zoning Commission Reasoned Statement of Relevant Criteria. Kelly seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

7. West Palouse River Drive Site Study Agreement (ACTION ITEM) - Bill Belknap

The Moscow School District anticipates the need to construct a new elementary school in the near future and is currently considering where it may be located. The District would like better distribution of elementary school locations in the community to serve surrounding neighborhoods. The City and District have discussed the potential of locating a future elementary school on the City's West Palouse River Drive Property in conjunction with the potential development of a city park and additional athletic fields. Earlier this year, the City and District entered into a Memorandum of Understanding to jointly fund a planning study to assess the feasibility of developing the West Palouse River Drive property for

a future elementary school, park, and athletic fields. It is anticipated the study will assess pedestrian access, vehicular access and circulation, site grading, building, parking, park, and athletic facility development to determine the suitability of the site for the proposed uses and help inform future decisions regarding the property. City Staff worked with Lombard Conrad Architects LLC., an architectural firm that was recently selected by the Moscow School District for District architectural services, to prepare a scope of work and professional services agreement to conduct the site study. The scope has been reviewed and approved by the Moscow School District. This was reviewed by the Administrative Committee on September 23, 2024 and recommended for approval.

PROPOSED ACTIONS: Approve the proposed Professional Services Agreement with Lombard Conrad Architects Inc.; or take other action deemed appropriate.

Belknap introduced the item as written above. Having no questions, Lewis moved to approve the proposed Professional Services Agreement with Lombard Conrad Architects Inc. Kelly seconded. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.

REPORTS 8:08

City Council

1912 Center Development Committee – Kelly said the third floor, bathrooms, walls, HVAC, are all looking good. Fundraising is being put together.

Farmers Market Commission – Parker said the last Saturday of October includes a costume contest at the Farmers Market. They are beginning planning for the 50th anniversary which is 2026.

Human Rights Commission – Blankenship said they debriefed on the Monday event.

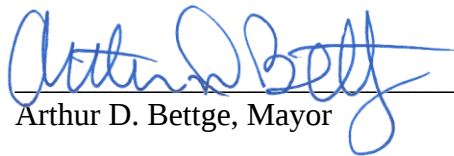
Council members spoke on other meetings and events including the Annual Water Summit.

Mayor

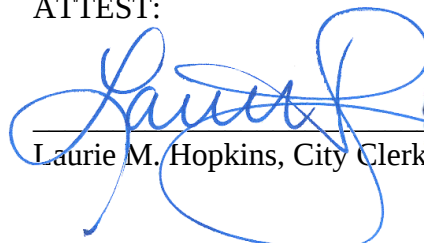
The Mayor went to Washington DC and visited the senators and representatives to thank them for the airport grants and prepared them for alternate water supplies. They lobbied to enhance flights. He met with a Korean economic team; attended the airport board meeting where they are going forward with finding a concessionaire; attended the water summit and a transportation review hosted by Ailene Clegg.

ADJOURN TO EXECUTIVE SESSION PER IDAHO CODE 74-206 (1)(B) AND (1)(F) - THE MEETING WILL NOT RECONVENE.

Lewis moved, Blankenship seconded to adjourn to executive session per Idaho Code 74-206 (1)(B) and (F) at 8:25 p.m. Roll Call Vote: Ayes: Unanimous. Nays: None. Abstentions: None. Motion carried.


Arthur D. Bettge, Mayor

ATTEST:


Laurie M. Hopkins, City Clerk



**CITY OF MOSCOW
MINUTES OF CITY COUNCIL EXECUTIVE SESSION
October 7, 2024**

Present: Mayor Bettge, Bryce Blankenship, Sandra Kelly, Hailey Lewis, Julia Parker, Gina Taruscio

Also Present: Bill Belknap, City Supervisor; Mia Bautista, City Attorney,

The executive session was called to order at 8:33 p.m.

- 1st item (74-206(1)(b) & (f)): 8:33 p.m. – 8:52 p.m.
- 2nd Item (74-206(1)(f) - pending litigation): 8:53 p.m. – 9:02 p.m.
- 3rd item (74-206(1)(f) - controversies not yet being litigated but imminently likely to be litigated) 9:02 p.m. – 9:17 p.m.
- 4th Item (74-206(1)(f) - controversies not yet being litigated but imminently likely to be litigated) 9:18 p.m. – 9:22 p.m.

The executive session was adjourned at 9:22 p.m.

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

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS REGARDING A REQUEST FOR THE REZONE OF AN APPROXIMATELY FIFTY-ONE POINT FIVE THREE (51.53) ACRE AREA OF LAND PROPOSED TO BE ANNEXED INTO THE CITY OF MOSCOW AND LOCATED SOUTH OF THE SOUTH FORK OF THE PALOUSE RIVER AND EAST OF HIGHWAY 95.

WHEREAS, the applicant filed an application for Annexation, Comprehensive Plan Land Use Designation, and Rezone on August 2, 2022; and

WHEREAS, this matter came before the Moscow Planning and Zoning Commission during a duly noticed public hearing on May 24, 2023; and

WHEREAS, this matter came before the Moscow City Council during a duly noticed public hearing on October 7, 2024; and

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

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

I. RELEVANT FACTS AND CONCLUSIONS

1. The City Council considered the request pursuant to the City of Moscow 2019 Comprehensive Plan, City of Moscow Zoning Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The subject property is an approximately 51.53-acre property proposed to be annexed into the City of Moscow and generally located south of the South Fork of the Palouse River and East of Highway 95.
3. The subject property contains a property currently used for agricultural production, a portion of Idaho Transportation Department's Highway 95 right-of-way, the southern half of the CHS Primeland property, a car detailing business, and a vacant property.
4. The applicant's original parcel is 29.46 acres in size and currently not adjacent to the City limits boundary. Consequently, the owner has worked with the City to expand the annexation area to include four (4) additional properties who would like to be annexed at this time, bringing the total annexation area to 51.53 acres.

5. Within the 2019 Moscow Comprehensive Plan, the subject property is currently designated as a combination of Auto-Urban Commercial, Industrial, and Rural and Agricultural and the proposal is the Auto-Urban Commercial designation.
6. Auto-Urban Commercial (AU-C) 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 enhancing areas along the street edge, screening parking lots, and buffering adjacent uses. Such areas are most appropriately zoned Motor Business (MB).”
7. The subject property is currently zoned a combination of the Motor Business (MB) and Agriculture Forestry (AF) Zones.
8. Surrounding properties are within the Agriculture/Forestry (AF), Industrial (I), and Motor Business (MB) Zones.
9. 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.
10. The applicant conducted a neighborhood meeting with affected property owners within 600 feet of the subject property on August 1, 2022 to discuss the proposal.
11. Based upon the availability of public services, constructed adjacent roadway, access and surrounding land use patterns, the City Council concludes that it is appropriate for the property to be designated as AU-C upon annexation into the City of Moscow.

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

II. RELEVANT CRITERIA AND STANDARDS

1. **The proposed Comprehensive Plan amendment is consistent with Comprehensive Plan goals, objectives, and implementation actions.** The proposed Auto-Urban Commercial designation for the subject property is consistent with the purposes, goals, objectives and policies of the Comprehensive Plan and is consistent with the surrounding properties, as well as the surrounding land use and development patterns.
2. **The proposed Comprehensive Plan amendment would provide for the logical and orderly location of land uses, community services and facilities.** The City Council finds that the proposed designation of AU-C is logical and harmonious with the surrounding land uses and development, and is consistent with the land use designations of the surrounding property to the north, west, and southwest of the subject property.
3. **The uses expected to occur as a result of the Comprehensive Plan amendment will be compatible with the surrounding area.** The zoning districts that are consistent with the AU-C

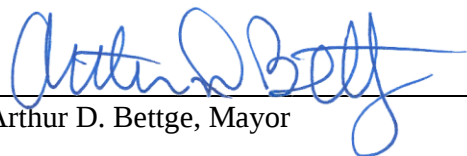
designation exist within the current City Limits boundary to the north, west, and southwest. The adjacent properties to the north, west, and south are primarily commercial.

4. **The size, type, and density of development expected to occur as a result of the Comprehensive Plan amendment will not place an undue burden upon delivery of services provided by any political subdivision within the planning jurisdiction.** The proposed designation is suitable for the area and will not unduly burden the neighborhood of public infrastructure. The subject property has direct access, via national highway, as well as sufficient and available public utility services to meet the needs of existing and future development.
5. **The proposed Comprehensive Plan amendment is deemed to be appropriate in consideration of changing conditions within the community that are not reflected within the current Comprehensive Plan (such as new development or re-development, land use patterns and/or trends, traffic patterns and/or volume, market demands, community vision and/or needs, capital improvements, or new or revised City plans).** The City Council finds that the land use patterns within the immediate vicinity of the subject property have been transitioning into more Auto-Urban Commercial uses. The Auto-Urban Commercial land use designation is consistent with commercial properties adjacent to the north, west, and south. The proposed change would increase the size of the Auto-Urban Commercial designation upon the subject property.

III. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City of Moscow City Council approves the proposed Comprehensive Plan Land Use Designation change request for the 51.53-acre property from the combination of Auto-Urban Commercial, Industrial, and Rural and Agricultural to the Auto-Urban Commercial designation with no conditions.

PASSED BY THE CITY COUNCIL OF THE CITY OF MOSCOW this 7th day of October, 2024.



Arthur D. Bettge, Mayor

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

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS REGARDING A REQUEST FOR THE REZONE OF AN APPROXIMATELY FIFTY-ONE POINT FIVE THREE (51.53) ACRE AREA OF LAND PROPOSED TO BE ANNEXED INTO THE CITY OF MOSCOW AND LOCATED SOUTH OF THE SOUTH FORK OF THE PALOUSE RIVER AND EAST OF HIGHWAY 95 FROM THE COMBINATION OF THE AGRICULTURE FORESTRY (AF) AND MOTOR BUSINESS (MB) ZONES TO THE MOTOR BUSINESS (MB) ZONE.

WHEREAS, the applicant filed an application for Annexation, Comprehensive Plan Land Use Designation, and Rezone on August 2, 2022; and

WHEREAS, this matter came before the Moscow Planning and Zoning Commission during a duly noticed public hearing on May 24, 2023; and

WHEREAS, this matter came before the Moscow City Council during a duly noticed public hearing on October 7, 2024; and

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

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

I. RELEVANT FACTS AND CONCLUSIONS

1. The City Council considered the request pursuant to the City of Moscow 2019 Comprehensive Plan, City of Moscow Zoning Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The subject property is an approximately 51.53-acre property proposed to be annexed into the City of Moscow and generally located south of the South Fork of the Palouse River and East of Highway 95.
3. The subject property contains a property currently used for agricultural production, a portion of Idaho Transportation Department's Highway 95 right-of-way, the southern half of the CHS Primeland property, a car detailing business, and a vacant property.
4. The applicant's original parcel is 29.46 acres in size and currently not adjacent to the City limits boundary. Consequently, the owner has worked with the City to expand the annexation area to include four (4) additional properties who would like to be annexed at this time, bringing the total annexation area to 51.53 acres.

5. Within the 2019 Moscow Comprehensive Plan, the subject property is currently designated as a combination of Auto-Urban Commercial, Industrial, and Rural and Agricultural and the proposal is the Auto-Urban Commercial designation.
6. Auto-Urban Commercial (AU-C) 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 enhancing areas along the street edge, screening parking lots, and buffering adjacent uses. Such areas are most appropriately zoned Motor Business (MB).”
7. The subject property is currently zoned a combination of the Motor Business (MB) and Agriculture Forestry (AF) Zones.
8. Surrounding properties are within the Agriculture/Forestry (AF), Industrial (I), and Motor Business (MB) Zones.
9. The applicant is concurrently proposing to rezone the subject property from the combination of the Agriculture Forestry (AF) and Motor Business (MB) Zones to the Motor Business (MB) Zone.
10. 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.”
11. Uses permitted within the MB Zone include retail enterprises, offices, eating and drinking establishments, printing and publishing houses, religious institutions, residential uses, hotels and motels, off-street parking facilities, kennels, storage facilities, laundromats, and light manufacturing.
12. 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.
13. The applicant conducted a neighborhood meeting with affected property owners within 600 feet of the subject property on August 1, 2022 to discuss the proposed rezone.
14. Based upon the availability of public services, constructed adjacent roadway, access and surrounding land use patterns, the Council concludes that it is appropriate for the property to be zoned Motor Business (MB) upon annexation into the City of Moscow.

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

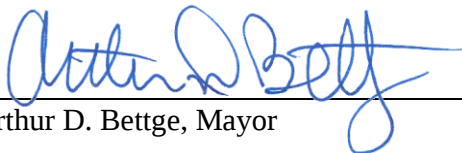
II. RELEVANT CRITERIA AND STANDARDS

- 1. The proposed rezone is consistent with Comprehensive Plan goals, objectives, and implementation actions.** The proposed rezone is consistent with the proposed 2019 Comprehensive Plan Land Use Designation of Auto-Urban Commercial.
- 2. The proposed rezone would provide for the logical and orderly location of land uses and community services and facilities.** The proposed MB Zone is a continuation of the current zoning designation of property adjacent to the north and west. The proposed zoning and uses are consistent with the surrounding area and will not unduly burden the neighborhood of public infrastructure.
- 3. The uses expected to occur as a result of the rezone will be compatible with the surrounding area.** The proposed zoning is consistent with adjacent zoning districts and will create a logical and orderly zoning configuration for the subject area. The adjacent properties in along the Highway 95 corridor are all primarily commercial except for a few residential properties located within the MB Zone on the west side of the highway.
- 4. The size, type, and density of development expected to occur as a result of the rezone will not place an undue burden upon delivery of services provided by any political subdivision within the planning jurisdiction.** The proposed zoning and uses are suitable for the area and will not unduly burden the area of public infrastructure.
- 5. The size, type, and density of development expected to occur as a result of the rezone can be adequately served by the existing transportation network, public facilities and services.** The subject property has street access via Highway 95, which can adequately serve any proposed development allowed in the MB Zone. The subject property has sufficient and available public utility services to meet the needs of existing and future development.

III. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City Council of the City of Moscow approves the rezone request for the 51.53-acre property proposed to be annexed into the City of Moscow and generally located south of the South Fork of the Palouse River and East of Highway 95 from the Motor Business (MB) and Agriculture Forestry (AF) Zones to the Motor Business (MB) Zone with no conditions.

PASSED BY THE CITY COUNCIL OF THE CITY OF MOSCOW this 7th day of October, 2024.



Arthur D. Bettge, Mayor

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

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS REGARDING A REQUEST FOR THE PRELIMINARY PLAT OF A TWENTY-NINE POINT FOUR SIX (29.46) ACRE AREA OF LAND PROPOSED TO BE ANNEXED INTO THE CITY OF MOSCOW AND LOCATED SOUTH OF THE SOUTH FORK OF THE PALOUSE RIVER AND EAST OF HIGHWAY 95, KNOWN AS SOMO ADDITION TO THE CITY OF MOSCOW, IDAHO.

WHEREAS, the applicant filed an application for Annexation, Comprehensive Plan Land Use Designation, Rezone, and Preliminary Plat on August 2, 2022; and

WHEREAS, this matter came before the Moscow Planning and Zoning Commission during a duly noticed public hearing on May 24, 2023; and

WHEREAS, this matter came before the Moscow City Council during a duly noticed public hearing on October 7, 2024; and

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

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

I. RELEVANT FACTS AND CONCLUSIONS

1. The City Council considered the request pursuant to the City of Moscow 2019 Comprehensive Plan, City of Moscow Zoning Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The subject property is an approximately 29.46-acre property proposed to be annexed into the City of Moscow and generally located south of the South Fork of the Palouse River and East of Highway 95.
3. The subject property contains a property currently used for agricultural production.
4. Within the 2019 Moscow Comprehensive Plan, the subject property is currently designated as a combination of Auto-Urban Commercial, Industrial, and Rural and Agricultural and the proposal is the Auto-Urban Commercial designation.
5. Auto-Urban Commercial (AU-C) 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 enhancing areas along the street edge,

screening parking lots, and buffering adjacent uses. Such areas are most appropriately zoned Motor Business (MB)."

6. The subject property is currently zoned Agriculture Forestry (AF).
7. Surrounding properties are within the Agriculture/Forestry (AF), Industrial (I), and Motor Business (MB) Zones.
8. The applicant is concurrently proposing to rezone the subject property from the Agriculture Forestry (AF) Zone to the Motor Business (MB) Zone.
9. 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.”
10. Uses permitted within the MB Zone include retail enterprises, offices, eating and drinking establishments, printing and publishing houses, religious institutions, residential uses, hotels and motels, off-street parking facilities, kennels, storage facilities, laundromats, and light manufacturing.
11. The applicant is proposing to subdivide the 29.46-acre area to create 15 lots ranging from 0.82 to 4.18 acres in size, referred to as SOMO Subdivision.
12. The subject property is proposed to be located within the Motor Business (MB) Zoning District which does not have minimum lot area or minimum lot width requirements. Consequently, all of the proposed lots within the subdivision meet MB Zone requirements.
13. There are two tracts in the northwest and northeast corners of the subject property that are proposed to contain stormwater detention facilities. A pedestrian pathway through Lot 3, Block 2, is intended to provide pedestrian connections to the vacant property to the south.
14. The subdivision is proposing to gain access to Highway 95 at the future intersection of new/old Highway 95. The eastern segment of the four-way intersection is proposed to be extended with a collector street referred to as SOMO Drive, through to the eastern property boundary.
15. SOMO Drive will be constructed to the City’s collector street standard which is a 34-foot paved width with two travel lanes, bike lanes on both sides, and no on-street parking. Curb, gutter, tree lawns, and sidewalks are also required on both sides of the street.
16. Water mains will be extended throughout the subdivision from the existing mains near the future intersection of new/old Highway 95. The property is considered developable in the City’s Comprehensive Water System Plan dated January 2012. The applicant will need to work with the City’s Engineering Department to model the subdivision in order to determine whether the existing system has adequate potable and fire flows to serve future uses within the proposed subdivision.
17. Sanitary sewer is proposed to be extended throughout the subdivision within the alignment of SOMO Drive to its future intersection with Highway 95.
18. Storm sewer will be piped and directed to stormwater detention ponds located within the northwest and northeast corners of the proposed subdivision. The detention facilities of the proposed development will need to meet Moscow’s Stormwater Runoff Control Standards which required the stormwater to be detained to the pre-development rate.

19. The proposed subdivision falls under the requirements of the parkland dedication codes of the City. Based on the preliminary plat, the net developable area is 1,031,437 square feet (sf) or 23.68 acres. The proposed Motor Business Zoning District (MB) has a requirement of 9% of parkland dedication, which requires 92,829 sf or 2.13 acres in parkland dedication.
20. The Parks and Recreation Commission considered staff's recommendation to accept a combination of 1.83 acres of parkland dedication in the floodway of the South Fork of the Palouse River for a future pathway and \$4,050.00 in parkland dedication in lieu fees to satisfy the remainder of the parkland dedication requirements (0.3 acres) for the South Moscow Business Park. The Parks and Recreation Commission considered staff's recommendation on January 26, 2023 and recommended approval of the combination of land and in lieu fees to satisfy the parkland dedication requirement for the South Moscow Business Park as described herein.
21. The subject property contains portions of the 100-year floodplain and floodway of the South Fork of the Palouse River. The SOMO subdivision is proposed to be graded such that there will be no encroachment into the floodway and there will be approximately four lots which will contain portions of the 100-year floodplain. However, the elevation of the proposed lots will be well above the base flood elevations of the 100-year floodplain.
22. The applicant conducted a neighborhood meeting with affected property owners within 600 feet of the subject property on August 1, 2022 to discuss the proposed rezone.

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

II. RELEVANT CRITERIA AND STANDARDS

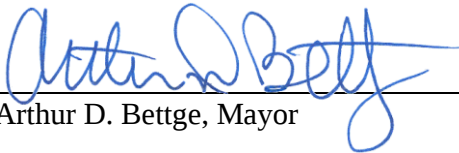
1. **The proposed subdivision is in conformance with all applicable City Code requirements.** The proposed preliminary plat is consistent with and in conformance with the requirements and provisions of the Motor Business (MB) Zoning District, including lot area, dimensions and other relevant provisions. The proposed preliminary plat is also in conformance with the general requirements of the Moscow Subdivision Ordinance including, but not limited to, the provision of the logical and orderly connection to the City's street network, public utilities, and the provision of public parkland.
2. **The proposed subdivision is in general conformance with the Comprehensive Plan.** The proposed preliminary plat is consistent with the City of Moscow Comprehensive Plan and provides for the logical and orderly development and extension of the City's street system. The proposed lots sizes and densities are consistent with the proposed Comprehensive Plan Land Use designation of Auto-Urban Commercial.
3. **Public Services and utilities are available or can be made available and are adequate to accommodate the proposed subdivision.** The subject property has direct access to Highway 95 which is a national highway, and includes the extension of SOMO Drive which is a designated collector street. Water and Sewer connections are readily available in the area at the old/new Highway 95 intersection. The Engineering Department has determined that the existing system has adequate potable and fire flows and sewer capacity to serve the proposed subdivision.
4. **The proposed subdivision will not be detrimental to the public health, safety, or general welfare.** The proposed preliminary plat provides for the extension of City streets and services and will not be detrimental to the public health, safety, or general welfare.

III. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City Council of the City of Moscow approves the preliminary subdivision plat request for the twenty-nine point four six (29.46) acre area of land generally located south of the South Fork of the Palouse River and East of Highway 95 within the City of Moscow with two (2) conditions:

1. The applicant shall be required to conduct a detailed stormwater discharge analysis to include any mitigation actions necessary to ensure that the stormwater facility shall have no downstream adverse impacts subject to the approval of the City Engineer.
2. The applicant shall gain access approval from the Idaho Transportation Department and complete any necessary mitigation for the connection of SOMO Drive to the highway system.

PASSED BY THE CITY COUNCIL OF THE CITY OF MOSCOW this 7th day of October, 2024.



Arthur D. Bettge, Mayor