

PLANNING & ZONING COMMISSION



Dennis Wilson
Commission Chair
P&Z@ci.moscow.id.us

Regular Meeting
~Minutes~

Mike Ray
Staff Liaison
208.883.7008

<https://www.ci.moscow.id.us/457/Planning-Zoning-Commission>

Wednesday
October 9, 2024

7:00 PM

Council Chambers
206 E Third Street

Wilson called the meeting to order at 6:59 PM

MEMBERS PRESENT: Dennis Wilson, Chair; Joel Hamilton, Cole Mize, Robb Parish, Nels Reese, Sue Scott, Victoria Seever
MEMBERS ABSENT: Rich Beebe, Scott Gropp
OTHERS: Bryce Blankenship
STAFF: Jennifer Fleischman, Mike Ray

REGULAR AGENDA

1. Approval of September 11, 2024 Minutes (ACTION ITEM)

Scott moved for approval of the minutes as written, seconded by Parish. Roll Call Vote; Ayes: Unanimous (7). Nays: None. Abstentions: None. Motion carried.

2. Public Comment

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

None.

3. Public Hearing: Proposal for Rezone and Preliminary Plat for Property Generally Located at the 1700 Block of Mix Road in the Area of City Impact - LUP2024-0031 and LUP2024-0032 (ACTION ITEM)

1. Proposed rezone of a 9.08-acre area of land located at the 1700 Block of Mix Road within the Area of City Impact from the Agriculture/Forestry (AF) Zone to the Farm Ranch (FR) Zone.

2. Proposed preliminary subdivision plat of a 9.08-acre area of land located at the 1700 Block of Mix Road within the Area of City Impact to create three (3) lots ranging from 3.02 acres to 3.03 acres in size, referred to as the Mix Road Subdivision.

The subject property is within the Moscow Area of City Impact. The City of Moscow Planning and Zoning Commission will make a recommendation to the Latah County Board of County Commissioners regarding this matter.

Ray presented the Mix Road subdivision and rezone applications as described above, and recommended approval with two conditions. There were two public comments received after the agenda packet was published. There is a subdivision being built on the east side of Mix Road that has an access road. The City makes a recommendation on Area of City Impact applications and forwards that along to Latah County. The Area of City Impact agreement that is currently in effect was set in 2019. The 10-foot right-of-way dedication condition would be only along the proposed subdivision property. The City typically recommends a condition for frontage improvements, but in the past the County has not required that from applicants.

Public Hearing opened at 7:12 PM

Phil Rheingan (applicant), Moscow, talked about farming on that particular property and how inefficient it is. He agreed to dedicating extra right-of-way as a condition but had concerns about the frontage improvements condition.

Scott Becker (applicant's engineer), Moscow, talked about some problems with the County plowing when curb and gutter have been installed and does not agree with the proposed condition to require frontage improvements. The proposed hammerhead driveways meet firetruck turnaround standards.

Karen Dowling, Moscow, had concerns regarding increasing water usage on the Palouse. The Commission informed her that the Palouse Basin Aquifer Committee is working on a solution and there currently are no codes that put constraints on water usage. Dowling also expressed apprehension about the proposed increase of traffic along Mix Road. The right-of-way dedication would just be along the south and west side of Mix Road. The Commission continued to discuss water usage and conservation concerns.

The Commission accepted the two written comments into the public record (see attached).

Karen Dowling, Moscow, asked about the process for annexation and Staff provided information about why and how property is annexed into the City.

Public Hearing closed at 7:30 PM

The Commission talked about recommending frontage improvements as a condition. The County typically has not imposed the frontage improvements condition put forth by the City. Improvements are requested so that if the property is eventually annexed into the City, the roads would already meet standards. The property to the east and north had the condition of frontage improvements requested as well but the County did not forward that onto the applicant when it was approved. There continued to be discussion about the merits of conditioning frontage improvements versus not. There would not be a private road, just driveways off of Mix Road.

Parish moved to recommend approval of the Rezone with no conditions, as recommended by Staff. The motion was seconded by Seever. Roll Call Vote; Ayes: Unanimous (7). Nays: None. Abstentions: None. Motion carried.

Parish moved to recommend approval of the Preliminary Plat with two conditions, as recommended by Staff. The motion was seconded by Seever. Roll Call Vote; Ayes: Unanimous (6). Nays: None. Abstentions: None. Motion carried.

Seever moved to direct Staff to draft the Relevant Criteria and Standards for the Area of City Impact Rezone and Preliminary Plat, seconded by Reese. Roll Call Vote; Ayes: Unanimous (7). Nays: None. Abstentions: None. Motion carried.

REPORTS

1. Transportation Commission meeting report.

The Transportation Commission met the second week in September and had a presentation from COAST regarding a proposed bus route between Moscow, Pullman, and Colfax. The next regular meeting is scheduled for Thursday, October 10th.

2. Annual American Planning Association (APA) Idaho Fall Conference report.

Scott attended the conference and shared some information regarding Commissioner ethics for public hearings.

ANNOUNCEMENTS

A continuing education book was provided by the Executive Director of the Moscow Affordable Housing Trust (MAHT) for the Commissioners.

UPCOMING EVENTS/MEETINGS

The next regular meeting of the Planning and Zoning Commission is scheduled for October 23, 2024 at 7:00pm.

Wilson declared the meeting adjourned at 7:49 PM



Dennis Wilson, Chair



Date

October 7, 2024

Moscow Planning & Zoning Commission
206 E. Third Street
Moscow, ID83843

RE: Proposal for Rezone and Preliminary Plat for Property Located at the 1700 Block of Mix Road in the Area of City Impact Permit Applications LUP2024-0031 and LUP2024-0032

Dear Planning & Zoning Commission Members,

I reside in the Canterwood Estates neighborhood off Mix Road and am writing this letter in response to the proposed rezoning and preliminary plat of land at 1700 Mix Road.

Summary:

*The Palouse Basin Aquifer System provides the sole drinking water supply for over 80,000 residents in Whitman County (Washington) and Latah County (Idaho). **

There are two main aquifers for the Palouse. The main one is the Grand Rhonde and the other is the Wanapum, a more shallow one (only about 60 feet).

Background:

*Groundwater levels have been declining since the late 1800's when settlers began digging wells on a large scale. Since then, the amount of water being pumped from the aquifer system outpaces what re-enters from the natural recharge process. **

Issue #1

Several years ago the owners of Canterwood Estates were informed that if they wanted to drill private wells they would have to do it by a certain date or it would no longer be allowed. Soon after, rezoning of the farm lands off of Mix Road started happening. Since then, 8 new houses have been built and have been allowed to drill their own wells. And now you are considering rezoning more property and allowing more houses to be built. How can you allow new wells to be drilled by some landowners and ban other landowners in the same area. Quite the double standard!

Issue #2

A farm northeast of our location, drilled a well several years ago for their own farming and selling produce. The well did not produce enough water and they had to quit farming. This would indicate that the aquifer is not able to supply enough water to sustain wells. The basalt layers slope from higher elevation down which is the direction from which water in the aquifer is moving. This sloping goes all the way down to the Columbia Basin region. So this seems very problematic when the area upstream of our area is lacking water!

Conclusion:

According to PBAC and other sources, it is agreed that there is a steady decline in the Palouse aquifer levels. Even with conservation efforts, these efforts will not be able to compete or balance out with extensive and constant growth.

While the rate of decline has decreased over the last 30 years, demonstrating that conservation efforts and technology advancements have been effective, the aquifer water levels continue to drop as demand outstrips supply. State statutes define this as mining an aquifer, an unsustainable practice. This condition can lead to

*either the Washington Department of Ecology (WDOE) or the Idaho Division of Water Resources (IDWR) to declare the Palouse Basin a Critical Groundwater Management Area (CGMA). This could significantly curtail future growth, including housing and businesses, and remove the authority for local decision-making. **

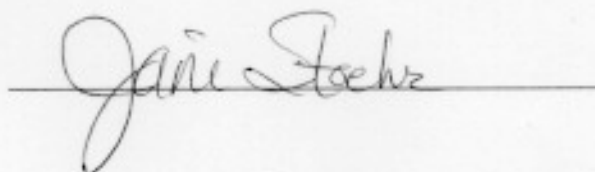
As being part of the Moscow City community, you all should be very familiar with PBAC and their plans and agreements with the city.

** Statements from Palouse Basin Aquifer Committee – 2023 Annual Report*

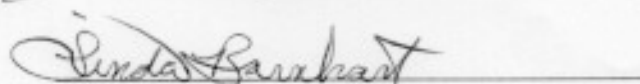
Thank you for your time.

Respectfully,

Jani Stoehr
2601 Mix Road
Moscow, ID
jani@turbonet.com

A handwritten signature in cursive script, reading "Jani Stoehr", written over a horizontal line.

Linda & John Barnhart
1088 Canterwood Drive
Moscow, ID

A handwritten signature in cursive script, appearing to read "Linda & John Barnhart", written over a horizontal line.A handwritten signature in cursive script, reading "Linda Barnhart", written over a horizontal line.

Jennifer Fleischman

From: Aimee Hennrich
Sent: Wednesday, October 9, 2024 1:35 PM
To: Michael Ray; Jennifer Fleischman
Subject: Fw: Kirk Harden

Follow Up Flag: Follow up
Flag Status: Flagged

Please see the comment below from Kirk.

Get [Outlook for iOS](#)

From: Kirk Harden <toehead48@icloud.com>
Sent: Wednesday, October 9, 2024 12:22 PM
To: Aimee Hennrich <ahennrich@ci.moscow.id.us>
Subject: Kirk Harden

[You don't often get email from toehead48@icloud.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

CAUTION: This message originated from outside the City of Moscow's network. Exercise caution when clicking links or opening attachments. If in doubt, please contact Information Systems at extension 7004.

Planning Dept

I feel it makes sense for the proposed development of Phil Rheingans property on Mix Rd. He is a man of his word!

Thanks Kirk Harden

Sent from my iPhone

**BEFORE THE PLANNING AND ZONING COMMISSION
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 A NINE POINT ZERO EIGHT (9.08) ACRE AREA OF LAND LOCATED AT THE 1700 BLOCK OF MIX ROAD WITHIN THE AREA OF CITY IMPACT OF THE CITY OF MOSCOW, IDAHO.

WHEREAS, the applicant filed an application for a Rezone and Preliminary Plat in the Moscow Area of City Impact on September 23, 2024; and

WHEREAS, this matter came before the Moscow Planning and Zoning Commission during a duly noticed public hearing on October 9, 2024; and

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

THE PLANNING AND ZONING COMMISSION OF THE CITY OF MOSCOW, IDAHO, AFTER DUE DELIBERATION AND CONSIDERATION, HEREBY CONCLUDES:

I. RELEVANT FACTS AND CONCLUSIONS

1. The Planning and Zoning Commission considered the request pursuant to the City of Moscow 2019 Comprehensive Plan, City of Moscow Zoning Ordinance, the Local Land Use Planning Act, 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 Planning and Zoning Commission is to conduct one hearing and forward a recommendation on to Latah County.
3. The subject property is a 9.08-acre area of land that is currently undeveloped and being utilized as agricultural property.
4. The subject property is primarily surrounded by agricultural land and rural residential properties.
5. Within the 2019 Moscow Comprehensive Plan, which has been adopted within the Area of City Impact, the subject property is currently designated as Rural and Agriculture.
6. According to the 2019 Comprehensive Plan, Rural and Agriculture designated areas are 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, Public Utilities, Services, and Growth Capacity)”

and beyond the area for which the City is prepared to provide adequate facilities and services during the horizon of this Plan. Generally, these are found around the periphery of the City and throughout the Area of City Impact. The residential development options allow septic/well and septic/public water (where applicable and warranted) at very low densities, consistent with the intended agricultural character. Appropriate current zones for lands with this designation are Agriculture/ Forestry (AF) and Farm, Ranch, and Outdoor Recreation (FR)."

7. The subject property and surrounding adjacent properties are primarily zoned Agriculture/Forestry (AF), except for the four-lot subdivision to the northeast of the subject property which is currently zoned Farm Ranch and Outdoor Recreation (FR). Numerous properties located to the northeast adjacent to Highway 95 are within the Suburban Residential (SR) Zone..
8. The applicant is proposing to rezone the 9.08-acre area from the Agriculture/Forestry (AF) Zone to the Farm Ranch and Outdoor Recreation (FR) Zone.
9. 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."
12. Uses permitted within the FR Zone include single family dwellings, market and community gardens, group child care facilities, public parks and recreation facilities, and bed and breakfast inns.
13. The subject property has property frontage on Mix Road which is designated as a collector which transitions to minor arterial adjacent to the subject property. Mix Road is developed as a 24-foot-wide paved roadway two travel lanes and minimal gravel shoulders on both sides.

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

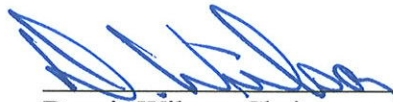
II. RELEVANT CRITERIA AND STANDARDS

- 1. The proposed rezone is consistent with Comprehensive Plan goals, objectives, and implementation actions.** The proposed rezone is consistent with the 2019 Comprehensive Plan Land Use Designation of Rural and Agriculture.
- 2. The proposed rezone would provide for the logical and orderly location of land uses and community services and facilities.** The proposed FR Zone is compatible with the surrounding land uses which are primarily agricultural or rural residential in character.
- 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 surrounding uses and lot sizes and will create a logical and orderly zoning configuration for the subject area. The adjacent properties in all directions are all primarily agricultural and residential.
- 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 neighborhood 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 Mix Road, which can adequately serve any proposed development allowed in the FR Zone. Currently there is insufficient public utility services in the area and the Commission finds that annexation should not be required at this time.

III. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the Planning and Zoning Commission of the City of Moscow recommends approval of the rezone request for the nine point zero eight (9.08) acre property from the Agriculture Forestry (AF) Zone to the Farm Ranch (FR) Zone to Latah County with no conditions.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF MOSCOW this
13th day of November, 2024.



Dennis Wilson, Chair
Planning and Zoning Commission

**BEFORE THE PLANNING AND ZONING COMMISSION
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 NINE POINT ZERO EIGHT (9.08) ACRE AREA OF LAND LOCATED AT THE 1700 BLOCK OF MIX ROAD WITHIN THE AREA OF CITY IMPACT OF THE CITY OF MOSCOW, IDAHO.

WHEREAS, the applicant filed an application for a Rezone and Preliminary Plat in the Moscow Area of City Impact on September 23, 2024; and

WHEREAS, this matter came before the Moscow Planning and Zoning Commission during a duly noticed public hearing on October 9, 2024; and

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

THE PLANNING AND ZONING COMMISSION OF THE CITY OF MOSCOW, IDAHO, AFTER DUE DELIBERATION AND CONSIDERATION, HEREBY CONCLUDES:

I. RELEVANT FACTS AND CONCLUSIONS

1. The Planning and Zoning Commission considered the request pursuant to the City of Moscow 2019 Comprehensive Plan, City of Moscow Zoning Ordinance, the Local Land Use Planning Act, 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 Planning and Zoning Commission is to conduct one hearing and forward a recommendation on to Latah County.
3. The subject property is a 9.08-acre area of land that is currently undeveloped and being utilized as agricultural property.
4. The subject property is primarily surrounded by agricultural land and rural residential properties.
5. Within the 2019 Moscow Comprehensive Plan, which has been adopted within the Area of City Impact, the subject property is currently designated as Rural and Agriculture.
6. According to the 2019 Comprehensive Plan, Rural and Agriculture designated areas are 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, Public Utilities, Services, and Growth Capacity)”

and beyond the area for which the City is prepared to provide adequate facilities and services during the horizon of this Plan. Generally, these are found around the periphery of the City and throughout the Area of City Impact. The residential development options allow septic/well and septic/public water (where applicable and warranted) at very low densities, consistent with the intended agricultural character. Appropriate current zones for lands with this designation are Agriculture/ Forestry (AF) and Farm, Ranch, and Outdoor Recreation (FR)."

7. The subject property and surrounding adjacent properties are primarily zoned Agriculture/Forestry (AF), except for the four-lot subdivision to the northeast of the subject property which is currently zoned Farm Ranch and Outdoor Recreation (FR). Numerous properties located to the northeast adjacent to Highway 95 are within the Suburban Residential (SR) Zone..
8. The applicant is proposing to rezone the 9.08-acre area from the Agriculture/Forestry (AF) Zone to the Farm Ranch and Outdoor Recreation (FR) Zone.
9. 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."
12. Uses permitted within the FR Zone include single family dwellings, market and community gardens, group child care facilities, public parks and recreation facilities, and bed and breakfast inns.
13. The subject property has property frontage on Mix Road which is designated as a collector which transitions to minor arterial adjacent to the subject property. Mix Road is developed as a 24-foot-wide paved roadway two travel lanes and minimal gravel shoulders on both sides.
14. The preliminary plat proposal is to create three (3) lots ranging from 3.02 acres to 3.03 acres in size, referred to as the Mix Road Subdivision.
15. The proposed lots will remain in Latah County and will be served by well and septic systems. Each lot will have a single driveway approach from Mix Road.
16. All proposed lots meet the minimum lot size for the FR Zone which is 3 acres and the minimum lot width which is 125 feet.
17. Since the proposed subdivision has street frontage along Mix Road, an additional 10 feet of right-of-way dedicated for future roadway expansion is recommended by the Engineering Department, as well as street frontage improvements.

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

II. RELEVANT CRITERIA AND STANDARDS

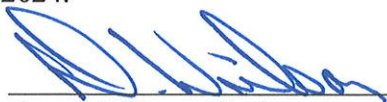
1. **This plat is not contradictory to the Moscow Comprehensive Plan.** The proposed preliminary plat is consistent with the underlying 2019 Comprehensive Plan Land Use Designation of Rural and Agriculture.
2. **This plat is compatible with the Moscow Zoning Ordinance.** The proposed preliminary plat is consistent with and in conformance with the requirements and provisions of the Farm Ranch (FR) Zone.
3. **This plat is compatible with the Moscow Subdivision Ordinance.** The proposed preliminary plat is consistent and in conformance with the general requirements of the Moscow Subdivision Ordinance. With the recommended dedication of an additional 10 feet of road right-of-way along Mix Road and frontage improvements, the future extension of the roadway to a collector standard is feasible.
4. **This plat is considerate of the natural features of the subject land.** The proposed preliminary plat provides for development of the subject property in conformance and consideration of the natural contours of the subject property.
5. **This plat is not expected to place an undue burden on public services and infrastructure, and does not pose an apparent threat to the public health, safety or welfare.** The subject property has direct access to Mix Road, which is a minor arterial. The applicant will be required to obtain proper approval for water and sewer to the subject property.

III. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the Planning and Zoning Commission of the City of Moscow recommends approval of the preliminary plat request for the nine point zero eight (9.08) acre property to Latah County with two conditions:

1. The applicant shall dedicate an additional 10 feet of right-of-way along the full frontage of the property adjacent to Mix Road to provide 35 feet of width east of the existing centerline of Mix Road to meet the existing collector street standard.
2. The applicant shall construct public frontage improvements along Mix Road in accordance with the City of Moscow Standard Construction Drawings and Specifications.

PASSED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF MOSCOW this
13th day of November, 2024.



Dennis Wilson, Chair
Planning and Zoning Commission