

PLANNING & ZONING COMMISSION



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

Regular Meeting
~Agenda~

Michael Ray
Staff Liaison
208.883.7008

<https://www.ci.moscow.id.us/581/Agendas-and-Minutes>

Wednesday
September 24, 2025

7:00 PM

Council Chambers
206 E Third Street

WELCOME AND ATTENDANCE

REGULAR AGENDA

1. **Approval of Minutes from September 10, 2025 (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 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.

3. **2025 Area of City Impact Agreement (ACTION ITEM)**

The current Area of City Impact Agreement between the City of Moscow and Latah County was adopted on February 20, 2019. During the 2024 legislative session, Senate Bill 1403 was passed and signed into law. This bill amended Idaho Code §67-6526, making several substantive changes to the regulation of Areas of Impact. All cities and counties are required to review and reestablish their impact areas under the new rules by December 31, 2025. Latah County has provided an updated agreement and boundary for the Commission's review and recommendation.

PROPOSED ACTIONS: Review the draft Area of City Impact Agreement and recommend adoption of the Agreement; or recommend adoption of the Agreement with modifications; or recommend that the agreement not be adopted; or provide Staff further direction as deemed necessary.

REPORTS

1. Transportation Commission meeting report.

ANNOUNCEMENTS

UPCOMING EVENTS/MEETINGS

The next Planning & Zoning Commission regular meeting is scheduled for October 8, 2025.

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.

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
September 10, 2025

7:00 PM

Council Chambers
206 E. Third Street

Wilson called the meeting to order at 6:58 PM

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

REGULAR AGENDA

1. Approval of Minutes from August 13, 2025 (ACTION ITEM)

Hamilton moved for approval of the minutes as written, seconded by Beebe. Roll Call Vote; Ayes: Unanimous (6). 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 offered.

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

Preliminary Subdivision Plat of a 4.59-acre area within Southgate 3rd Addition and located east of the current terminuses of Granville Street and Castleford Street within the City of Moscow: Permit Application LUP2025-0017.

1. Proposed Preliminary Subdivision Plat of a 4.59-acre to create 12 lots ranging from 7,207 to 59,241 square feet in size, referred to as Park Valley Subdivision.

Seever moved to approve the Relevant Criteria and Standards for the Park Valley Preliminary Plat as written, seconded by Beebe. Roll Call Vote; Ayes: Unanimous (6). Nays: None. Abstentions: None. Motion carried.

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

Preliminary Subdivision Plat and Preliminary Planned Unit Development (PUD) of a 2.97-acre area within Southgate 3rd Addition and located east of the current terminuses of Granville Street and Castleford Street within the City of Moscow: Permit Applications LUP2025-0018 and LUP2025-0019.

1. Proposed Preliminary Subdivision Plat and Planned Unit Development (PUD) of a 2.97-acre area to create 8 lots ranging from 9,189 to 19,589 square feet in size, referred to as Sierra Vista Subdivision.

Seever moved to approve both Relevant Criteria and Standards for the Sierra Vista Preliminary Plat and Preliminary PUD, as written. The motion was seconded by Beebe. Roll Call Vote; Ayes: Unanimous (6). Nays: None. Abstentions: None. Motion carried.

REPORTS

1. Transportation Commission meeting report.

The next meeting of the Transportation Commission is scheduled for Thursday September 11. There will be a discussion about updating the Multi-Modal Transportation Plan.

ANNOUNCEMENTS

City Council will be talking about partnering with Whitman County and City of Pullman to expand Sand Road at the meeting scheduled for Monday September 15.

UPCOMING EVENTS/MEETINGS

The next Planning & Zoning Commission regular meeting is scheduled for September 24, 2025.

Staff will add a discussion about the Area of City Impact on the Agenda.

The meeting was adjourned at 7:02 PM

Dennis Wilson, Chair

Date



Idaho Statutes

Idaho Statutes are updated to the website July 1 following the legislative session.

TITLE 67

STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 65

LOCAL LAND USE PLANNING

67-6526. AREAS OF IMPACT. (1) Legislative findings and intent.

(a) The legislature finds that areas of impact are properly under the jurisdiction of the county because the elected representatives of citizens in areas of impact are county officials, not city officials. While cities should receive notice of, and may provide input on, applications brought to the county in an area of impact, cities do not govern or control decisions on those applications. County commissioners make the final determination regarding area of impact boundaries within their county.

(b) An area of impact is where growth and development are expected to occur. Areas of impact should be planned for growth and development and should not be used to stop growth and development that conforms to applicable plans and ordinances. Areas of impact should be established, modified, or confirmed based on the ability and likelihood of a city or cities to annex lands within that area of impact in the near future. A city may adopt a comprehensive plan and conduct infrastructure, capital improvement, and other planning activities that extend beyond its current area of impact. Counties and cities shall review their area of impact boundaries at least every five (5) years to determine if modifications are needed or to confirm existing boundaries and may pursue modification of an established area of impact more frequently than every five (5) years.

(c) Prior to conducting the public hearings required under this chapter to establish, modify, or confirm an area of impact, cities and counties should work together to develop a proposed area of impact to be considered at the public hearing.

(d) Decisions regarding the establishment, modification, or confirmation of areas of impact are legislative actions and are not subject to judicial review or challenge except as provided in subsection (5) of this section.

(2) Establishing an area of impact.

(a) Following the notice and hearing procedures provided in section 67-6509, Idaho Code, and in accordance with the provisions of subsection (4) of this section, the board of county commissioners of each county shall adopt by ordinance a map identifying the area of impact within the unincorporated area of the county for each city located in the county. Written notice of the hearing to be conducted under this subsection shall be provided by the county to each owner of property located within a proposed area of impact. If notice is also published pursuant to section 67-6509, Idaho Code, individual property owners may not challenge the proceeding on the basis that they did not actually receive notice by mail. The cost of the notice shall be

reimbursed to the county by the city whose area of impact is under consideration. The board of county commissioners is not required to receive a recommendation from the planning and zoning commission prior to enacting an ordinance establishing an area of impact. An area of impact must be established before a city may annex adjacent territory pursuant to the provisions of section 50-222, Idaho Code.

(b) If the requirements of paragraph (a) of this subsection are not met in establishing an area of impact, the city may demand compliance with this subsection by providing notice to the board of county commissioners of the demand for compliance. Once a demand has been made, a recommendation committee shall be established. The city and county shall each select a representative to participate on the committee within thirty (30) days of the demand for compliance and the process set forth in this paragraph shall commence.

(i) After the city and county representatives have been selected, they shall in turn select another city representative living within the applicable city and another county representative living in the county and not within any city to serve on the recommending committee. Meetings of the recommending committee may be hosted by the city or county and shall be conducted in accordance with Idaho open meetings law. These four (4) persons shall, by majority vote, provide a written recommendation to the board of county commissioners for an area of impact. The written recommendation shall be submitted to the governing boards within one hundred eighty (180) days after the selection of the recommending committee members.

(ii) If the board of county commissioners fails to enact an ordinance providing for an area of impact within ninety (90) days of receipt of the committee recommendation or expiration of the one hundred eighty (180) days for the committee to make its recommendation, the city may file a petition with the district court to identify the area of impact pursuant to subsection (5) of this section and in accordance with other applicable provisions of this section.

(3) Modification or confirmation of area of impact boundaries.

(a) Modification or confirmation of an existing area of impact boundary may be initiated by a city or cities or the county. If a county is initiating a modification or confirmation of an area of impact, the county shall provide at least thirty (30) days written notice to the applicable city or cities of the hearing on the proposed modification or confirmation. Any modifications to or confirmation of an area of impact boundary must be adopted by an ordinance approved by the board of county commissioners of the applicable county, following the notice and hearing procedures provided in section 67-6509, Idaho Code, and in accordance with the requirements for defining an area of impact as set forth in subsection (4) of this section. At least fifteen (15) days prior to the hearing, written notice of the hearing to be conducted under this paragraph shall be provided by the county to each owner of property located within the portion of the area of impact that is proposed to be modified. If notice is also published pursuant to section 67-6509, Idaho Code, individual property owners may not challenge the proceeding on the basis that they did not actually receive notice by mail. If the modification or confirmation

is proposed by a city, then the cost of the notice shall be reimbursed to the county by such city. If the county is pursuing the modification or confirmation, then the cost of notification shall be borne by the county. The board of county commissioners is not required to receive a recommendation from the planning and zoning commission prior to enacting an ordinance modifying or confirming an area of impact.

(b) Where areas of impact abut each other and adjustments are being proposed, or where areas of impact are proposed to abut each other, the cities involved shall negotiate boundary adjustments to be recommended to the respective city councils. The city council of each city must approve the area of impact or modifications thereto to be proposed to the board of county commissioners. These decisions by the city councils are proposals and not subject to judicial review or challenge. If the cities with impact area boundaries that abut or are proposed to abut each other reach agreement on the proposed boundaries or adjustments thereto, the requested boundaries or adjustments shall be collectively submitted by the cities to the county for consideration in accordance with paragraph (a) of this subsection. If the cities cannot reach agreement, then any or all of the cities involved may submit their requests to the board of county commissioners for consideration pursuant to paragraph (a) of this subsection. In either case, the county shall conduct at least one (1) consolidated public hearing where it considers all such requests together.

(c) The county may accept, reject, or modify a city's requested modification or confirmation regarding an impact area boundary, but if the county does not make a final decision on the request within ninety (90) days of submission of the request, the city may petition the court to make a determination on the request pursuant to subsection (5) of this section.

(4) Provisions applicable to areas of impact.

(a) In defining an initial area of impact or in modifying or confirming an existing area of impact, the criteria set forth in this subsection shall be considered:

- (i) Anticipated commercial and residential growth;
- (ii) Geographic factors;
- (iii) Transportation infrastructure and systems, including connectivity;
- (iv) Areas where municipal or public sewer and water are expected to be provided within five (5) years; and
- (v) Other public service district boundaries.

(b) In addition to the criteria set forth in paragraph (a) of this subsection, an area of impact shall not exceed the areas that are very likely to be annexed to the city within the next five (5) years. Except as otherwise provided in this paragraph, an area of impact shall not extend more than two (2) miles from existing city limits. An area of impact boundary shall not divide county recognized parcels of land. If only a portion of a recognized parcel falls within the two (2) mile limit, then the boundary may extend beyond two (2) miles on that parcel so that it encompasses the entire parcel. Adjustments to an area of impact may be proposed and considered at any time following the initial establishment of the area of impact.

(c) Areas of impact may cross county boundaries only by approval of the governing board of county commissioners after following the procedures and complying with the requirements for modification or confirmation of an area of impact boundary.

(d) Areas of impact shall not overlap.

(e) The applicable county's comprehensive plan and zoning and subdivision ordinances shall apply in the area of impact. The county may adopt individual county comprehensive plan and zoning and subdivision ordinance provisions regarding a specific area of impact.

(f) Following adoption of an area of impact, the board of county commissioners shall provide the city with written notice at least fifteen (15) days in advance of any county public hearings held pursuant to this chapter or to chapter 13, title 50, Idaho Code, involving land within that area of impact.

(g) Areas of impact shall remain fixed until modifications are made pursuant to subsection (3) of this section.

(h) Prior to considering a request to establish, modify, or confirm an area of impact, the governing boards may, but are not required to, submit the request to the planning, zoning, or planning and zoning commission for recommendation. Each commission shall have a reasonable time fixed by its governing board in compliance with all required timelines set forth in this section to make its recommendation to the governing board. The county and the city shall undertake a review of the area of impact at least once every five (5) years and shall consider whether adjustments are in the best interests of the citizenry.

(i) This section shall not preclude annexation or other growth and development in areas of any county within the state of Idaho that are not within the areas of impact provided for herein.

(j) The county's decision establishing, modifying, or confirming the boundaries for an area of impact shall be made in writing and shall contain the reasoning of the board of county commissioners, including application of the facts relied upon by the commissioners and the application of the pertinent requirements and criteria to establish or modify an area of impact.

(k) If the area of impact has been properly established, persons living within the delimited area of impact shall be entitled to representation on the planning, zoning, or the planning and zoning commission of the city of impact. Such representation shall as nearly as possible reflect the proportion of population living within the city as opposed to the population living within the areas of impact for that city. To achieve such proportional representation, membership of the planning, zoning or planning and zoning commission may exceed twelve (12) persons, notwithstanding the provisions of subsection (a) of section 67-6504, Idaho Code. In instances where a city has combined either or both of its planning and zoning functions with the county, representation on the resulting joint planning, zoning or planning and zoning commission shall as nearly as possible reflect the proportion of population living within the impacted city, the area of impact outside the city, and the remaining unincorporated area of the county. Membership on such a joint planning, zoning or planning and zoning commission may exceed twelve (12) persons, notwithstanding the provisions of section 67-6504(a), Idaho Code.

(5) Petitions for review of establishment, modification, or confirmation of area of impact. The decisions by the board of county commissioners regarding the establishment, modification, or confirmation of areas of impact are legislative actions and are not subject to judicial review, declaratory action, or other legal challenge, except as specifically provided in this subsection.

(a)(i) If a county has not complied with the provisions of subsection (2) or (3) of this section, the city seeking the establishment, modification, or confirmation of an area of impact may petition the district court to establish, modify, or confirm an area of impact that meets the criteria and requirements of subsection (4) of this section in accordance with the procedures provided in this subsection. If the modification of an area of impact boundary involves areas of impact boundaries that abut each other or that are proposed to abut each other, then any city whose area of impact abuts or is proposed to abut another area of impact boundary may file a petition challenging the county's determination regarding only those boundaries that abut or that are proposed to abut each other. Any petition regarding a proposed area of impact or portion thereof that is subject to challenge must be filed in the county in which the proposed area of impact or portion thereof is located.

(ii) Before a city may file a petition for review of an area of impact decision made by the county, as provided in paragraph (a) (i) of this subsection, it must first file a request for reconsideration with the board of county commissioners. Such request must be filed within fourteen (14) days of the issuance of the written decision by the board of county commissioners and must specify deficiencies in the decision of the board of county commissioners. Filing a timely request for reconsideration is a prerequisite to the city having standing to file a petition with the district court. The county shall act on and issue a written decision on the request for reconsideration within thirty (30) days of receipt of the request or the request shall be deemed denied. A petition challenging the decision of the county must be filed by the city within twenty-eight (28) days after the issuance of a decision by the county on the request for reconsideration or expiration of the thirty (30) day period for the county to act on the request.

(b) When filing a petition challenging the decision of the board of county commissioners with the clerk of the court, the petitioner shall pay a fee of one hundred dollars (\$100), which fee shall be in full for all clerk's fees except the regular fees provided by law for appeals. The court shall fix a time for the hearing on the petition to be held no less than thirty (30) days and no more than ninety (90) days from the filing of the petition. The petitioner shall serve or cause to be served a copy of the petition and notice of the hearing on the board of county commissioners or county clerk and the mayor or city clerk of such other city whose area of impact boundary is in question pursuant to paragraph (a) of this subsection at least twenty (20) days before the date of the hearing.

(c) No petition, objection, or reply authorized under this subsection need be verified.

(d) The hearing on a petition filed pursuant to this subsection shall be held within the county in which the area of impact or portion thereof is situated. The regular district court reporter shall reduce to writing the testimony and evidence introduced in the same manner as in a trial of civil actions. The judge of the court, either before or after the hearing, may view the lands pertaining to the proposed area of impact, lands on the outside of the city or cities in the same vicinity in which the lands sought to be included in the area of impact are situated, and other lands within the corporate limits of the city that might in any way be affected by the granting of the petition. The judge may consider such modifications as the judge finds in connection with the evidence introduced at the hearing, in making and arriving at a final decision and determination of the matter.

(e)(i) If the court finds that the board of county commissioners did not follow the notice and hearing requirements provided in this subsection, the court shall remand the matter back to the board of county commissioners to comply with the requirements and issue a new decision. If the court finds that the decision of the board of county commissioners was not arbitrary, capricious, or an abuse of discretion, the court shall affirm the decision of the board of commissioners. If the court finds that the decision of the board of county commissioners was arbitrary, capricious, or an abuse of discretion, the court may remand the matter to the board of county commissioners to correct its decision or the court may determine the appropriate boundaries of the area of impact in question before it. It shall not be necessary for the judge of the court to make written findings of fact or conclusions of law unless the court establishes the area of impact boundary. The court may award attorney's fees and costs to the prevailing party in such an action only if it finds that the other party or parties acted without a reasonable basis in fact or law.

(ii) If the court establishes the area of impact boundary, such boundary shall become the area of impact boundary as of the date of the decree establishing the boundary. Within twenty (20) days after the filing of the decree, the petitioner shall file or cause to be filed with the county recorder and with the city clerk a certified copy of the decree. The board of county commissioners shall adopt an ordinance consistent with the court decree within thirty (30) days of the entry of the decree or be subject to contempt and other sanctions or actions deemed appropriate by the court.

(f) Any city or county aggrieved by the decision of the court may appeal from the decision and judgment to the supreme court. The procedure of the appeal shall be the same as the procedure for appeals from final judgment in civil actions.

(6) Cities and counties shall review their existing areas of impact and shall reestablish the areas in conformance with the provisions of this section by December 31, 2025. Failure to timely conduct such review and reestablishment shall nullify the current area of impact boundaries and require the city and county to go through the process set forth in subsection (2) of this section.

History:

[67-6526, added 1975, ch. 188, sec. 2, p. 515; am. 1977, ch. 155, sec. 1, p. 396; am. 1979, ch. 87, sec. 1, p. 212; am. 1993, ch. 55, sec. 1, p. 150; am. 1995, ch. 118, sec. 97, p. 506; am. 1996, ch. 116, sec. 2, p. 428; am. 1999, ch. 251, sec. 1, p. 651; am. 2002, ch. 333, sec. 6, p. 947.; am. 2024, ch. 227, sec. 2, p. 796.]

How current is this law?

LATAH COUNTY, IDAHO ORDINANCE #***
MOSCOW AREA OF CITY IMPACT ORDINANCE

AN ORDINANCE OF LATAH COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, REPEALING THE “MOSCOW AREA OF CITY IMPACT ORDINANCE” ORDINANCE #247, AND ALL AMENDMENTS THERETO; ADOPTING THE MOSCOW AREA OF CITY IMPACT ORDINANCE #365; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE FOR THIS ORDINANCE.

WHEREAS, the Local Land Use Planning Act as enacted by the Idaho Legislature, I.C. 67-6501 *et seq*, requires adoption of an “Area of City Impact” around each city; and

WHEREAS, Latah County and the City of Moscow adopted an Area of City Impact in January 1993, and have coordinated land use planning since that date, as provided by that Agreement, including modifications in 2003, 2004, 2006, 2016, and 2018; and

WHEREAS, the Legislature of the State of Idaho modified the Area of Impact regulations in the Local Land Use Planning Act that set forth new criteria for Areas of City Impact and set a date for certification/adoption by the end of 2025; and

WHEREAS, the adopted Moscow Area of City Impact did not meet the criteria and needed to be changed; and

WHEREAS, Latah County and the City of Moscow have worked together to establish the Area of City Impact and have agreed to the policies and procedures set forth herein; and

WHEREAS, the City of Moscow has annexed significant amounts of property over the past 20 years; and

WHEREAS, after review, the City confirmed the locations that they may annex in the next five years, where they have extended their services to, and other geographic, transportation, and public service district boundaries that are important to them; and

WHEREAS, the Board of Commissioners considered the anticipated commercial and residential growth, geographic factors, Transportation infrastructure and systems including connectivity, areas where municipal or public sewer and water are expected to be provided within five (5) years, other public service district boundaries, areas that are very likely to be annexed to the city within the next five (5) years, size limitations set forth in Idaho Code, that Idaho Code requires that county recognized parcels of land not be split, and that Idaho Code requires that the applicable county’s comprehensive plan and zoning and subdivision ordinances shall apply in the area of impact and that the county may adopt individual county comprehensive plan and zoning and subdivision ordinance provisions regarding a specific area of impact; and

WHEREAS, Idaho Code requires that the City hold one or more places for representatives on their

Planning and Zoning Commissions from the Area of City Impact; and

WHEREAS, after complying with the notice and hearing procedures required by Idaho Code, the Latah County Planning Commission held a duly noticed public hearing, deliberated and recommended approval of said Ordinance on ****, 2025; and

WHEREAS, after considering the recommendation of the Latah County Planning Commission and determining that no material changes would be made to the ordinance, in compliance with Idaho Code, the Latah County Board of County Commissioners approved the adoption of said Ordinance ***, 2025;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Latah County, Idaho:

SECTION 1: REPEALING TITLE 8, CHAPTER 6 “MOSCOW AREA OF CITY IMPACT” FROM ORDINANCE #395 AND ALL AMENDMENTS THERETO AND ORDINANCE #246 AND ALL AMENDMENTS THERETO

That the “Moscow Area of City Impact” – Title 8, Chapter 6, Latah County Ordinance #395 and all amendments thereto be repealed upon the effective date of this Ordinance.

That the “Moscow Area of City Impact Map Ordinance” #246 and all amendments thereto be repealed upon the effective date of this Ordinance.

SECTION 2: ORDINANCE

That the Moscow Area of City Impact Ordinance be adopted as follows:

8-6-1: AREA

This Ordinance shall be in effect for the unincorporated areas of Latah County as shown on this map:

See draft map

8-6-2: DEFINITIONS

For purposes of this Ordinance, the following words when used herein shall have these meanings:

AREA shall mean the City of Moscow’s Area of City Impact as described within Section 8-6-1 of this ORDINANCE.

BOARD shall mean the Board of Latah County Commissioners.

CITY shall mean the City of Moscow.

COUNTY shall mean Latah County.

8-6-3: GOVERNING PLAN AND ORDINANCES

A. The following ordinances and plans shall be adopted, as set forth herein, for the AREA:

1. Latah County's Comprehensive Plan, Land Use Regulations, and Fee Schedule, and subsequent amendments thereto and/or new versions thereof, are hereby adopted by the COUNTY for the Moscow Area of Impact. All other applicable COUNTY Ordinances and Resolutions remain in effect for the AREA.
2. The following amendments to the Land Use Regulations adopted under Title 9 of County Code of Latah County, Ordinance #395, shall apply to the AREA:
 - a. Section 9-3A-4(Q) is hereby deleted.
 - b. Section 9-3A-2(C) and 9-3A-4(J) are limited to fifty (50) animal units.
 - c. Under Section 9-3A-5 "Size and Setback Requirements", the minimum parcel size for parcels in the AREA shall be 40 acres.
 - d. Section 9-8A-12 "NON-CONTIGUOUS SAME OWNERSHIP PARCELS" shall apply as written but shall only allow transfers of eligibilities as specified from eligible parcels within the AREA to eligible parcels outside of the AREA. This section shall not allow any transfers into the AREA or within the AREA.
3. The following provisions shall be adopted for the AREA:
 - a. Off Street Parking:
 - i. Off street parking shall have a plan, drawn to scale which shall be approved prior to any building permit approval. The plan shall be adequate to fully serve the use, show dimensions, and shall, at a minimum, include the following:
 1. Parking and loading spaces (using typical sizing for such)
 2. Circulation areas
 3. Access points
 4. Landscaping areas
 5. Fences and screening
 6. Grading, surfacing, drainage and subgrading
 7. Locations and types of signs, bumper guards and markings
 8. Locations of ADA parking spots and specifications on construction and signage of such.
 9. Stormwater retention areas
 - ii. The COUNTY reserves the right to require a parking lot or space be engineered to meet requirements.

- iii. Parking Lots & Spaces: Parking lots and spaces, upon annexation by the CITY, shall be improved to meet all CITY standards if not required to be built to those full standards at the time of construction. If built to CITY of Moscow standards, such shall be indicated in the permit.
- b. Buffer Yards
 - i. All buffer yards shall be on the perimeter of the property or, with approval by the COUNTY, in an alternate location if the applicant demonstrates it will be equivalent or superior.
 - ii. Buffer yards shall not be on any public right of way or easement.
 - iii. When initiating a use, the following buffers shall be installed. This shall be in addition to any other buffer requirements set forth in the ordinance or via a permit requirement.
 - 1. Commercial zones: Type A bordering Ag/F, RR, Type B bordering SR.
 - 2. Industrial zones: Type A bordering Ag/F, Type B bordering RR, SR.
 - iv. For every 100':
 - 1. Type A - 2 Canopy & 4 Understory Trees, 6 shrubs.
 - 2. Type B - 4 Canopy & 6 Understory Trees, 8 shrubs.
 - 3. Plant sizes: Canopy – 1.5” trunk diameter, Understory – 4’ in height, Shrubs – 15” in height.
 - 4. With approval from the COUNTY, other healthy existing trees and vegetation may be used to partially satisfy these requirements. Plants shall be equidistantly spaced within the buffer.
 - v. All buffer yards are required to be maintained by the property owner. Ongoing approval of the use is contingent upon maintaining the proper buffer.
- c. Garbage Dumpster Areas: Industrial, commercial and multiple family residential developments shall provide on-site locations to be reserved and utilized for the storage of dumpsters adequate in number and capacity to serve the development. Garbage dumpster areas shall be located such that they do not encroach upon any required parking stalls, do not interfere with vehicle maneuvering, and do not require service trucks to be stopped within street travel lanes (other than alleys).
- d. Outdoor Lighting: All new and replacement outdoor lighting shall be full cut-off and designed, installed and maintained in order to prevent light trespass upon adjacent property or a public street. Additional lighting requirements may be specified as part of an approval of an AZP or a CUP.
- e. Subdivisions
 - i. All subdivisions in the AREA shall dedicate public right of way, using the CITY’s transportation plan as guidance, to ensure that right of way minimums are met.

- ii. If a proposed subdivision is adjacent to the CITY or within 1000 feet to the CITY or will be using CITY services, that area shall be annexed and developed within the CITY. If the CITY refuses annexation because the CITY has no future plans to annex the property, property owners may apply for their property to be subdivided under the AREA regulations.

8-6-4: ADMINISTRATION OF THE AREA OF CITY IMPACT

- A. The COUNTY shall administer the applicable Ordinances and Resolutions for the AREA, as identified in 8-6-3 of this Ordinance. COUNTY retains all authority in the AREA including but not limited to applications, requests, inquiries, violations, enforcement, fees, recognizing the approval of all inspections and certificates of occupancy.
- B. The COUNTY shall provide the CITY a period of 30 days prior to a hearing to consider the request and submit comment to the COUNTY. If the CITY submits comment, or a statement it has no comment, prior to the end of the 30-day period, the period shall terminate upon the date of receipt by the COUNTY. The COUNTY shall consider any comment or reply from the CITY as part of its review and/or hearing process.
- C. Following an application, request, complaint, violation, enforcement or inquiry for property in the AREA, the COUNTY may consult with the CITY or have a joint application conference with the applicant and staff from CITY and COUNTY to review and discuss the application, request or inquiry.
- D. When necessary, COUNTY can request the CITY to assist in performing zoning inspections to verify compliance with applicable development standards and special conditions of approval. When a technical inspection of such improvement is needed, COUNTY can request CITY conduct the inspection or require the applicant to provide a written statement of compliance from an engineer certified in the State of Idaho.
- E. Public improvements will be inspected by the respective public agency which permits or oversees such improvements.
- F. All applications that include annexation request or requirement shall be submitted to CITY. If the annexation is not approved by CITY, CITY shall take no further action upon the associated applications and such applications shall be considered null and void.
- G. Pursuant to Idaho Code Section 67-6526(4)(k), based on the population inside the AREA compared to the population in the CITY, the CITY shall comply with the representation requirements therein.

8-6-5: ENFORCEMENT

The COUNTY Prosecuting Attorney may take legal action to enforce land use regulations within the AREA. CITY will make its staff available and will cooperate with COUNTY's enforcement efforts. In certain circumstances, the COUNTY Prosecuting Attorney may, upon consent of the CITY Attorney, appoint the CITY Attorney to take enforcement action in the AREA. Any enforcement action taken by the CITY Attorney shall be on behalf of, and pursuant to the direction of COUNTY.

8-6-6: CONFLICT WITH OTHER ORDINANCES

To the extent that the processes contained in this ORDINANCE conflict with processes contained in COUNTY Ordinances, the processes contained in this ORDINANCE shall control. To the extent that the adopted codes have duplicate regulations, other than as specified in a different section of this ORDINANCE, whichever is more restrictive shall control.

8-6-7: RENEGOTIATION & REVIEW

Pursuant to Idaho Code § 67-6526, this ORDINANCE may be renegotiated and shall be reviewed at least every five (5) years.

SECTION 3: SEVERABILITY

Should any word, clause, phrase, sentence, paragraph, subsection, or other part of this ordinance or any particular application thereof be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance.

SECTION 4: EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law, but shall not be effective until both parties have fully executed the agreement contained herein.

PASSED by the Board of Latah County Commissioners, this day of , 2025.

Thomas C. Lamar, Chair

Tony Johnson, Commissioner

Jason Stooks, Commissioner

ATTEST:

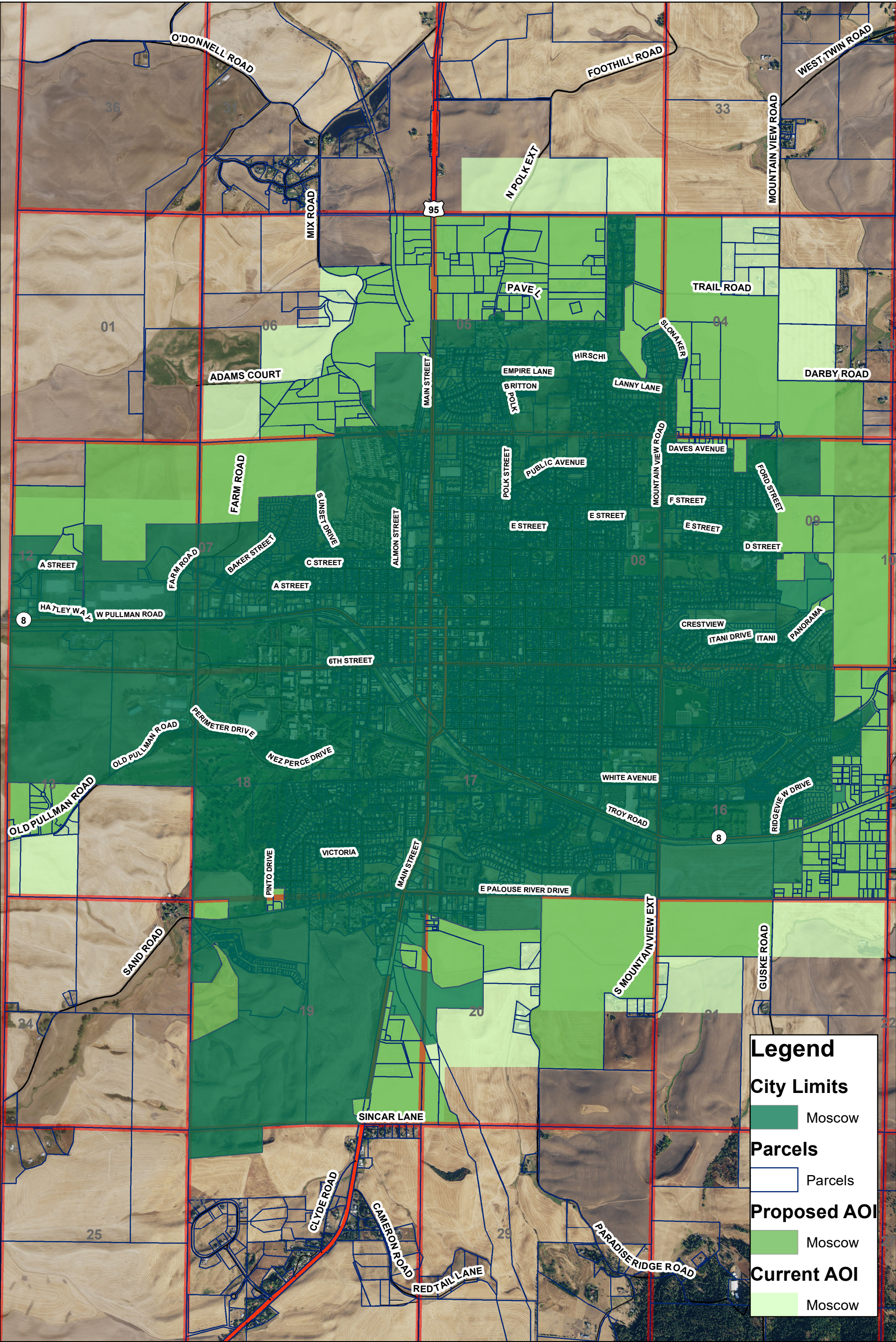
DATE:

Clerk/Deputy Clerk

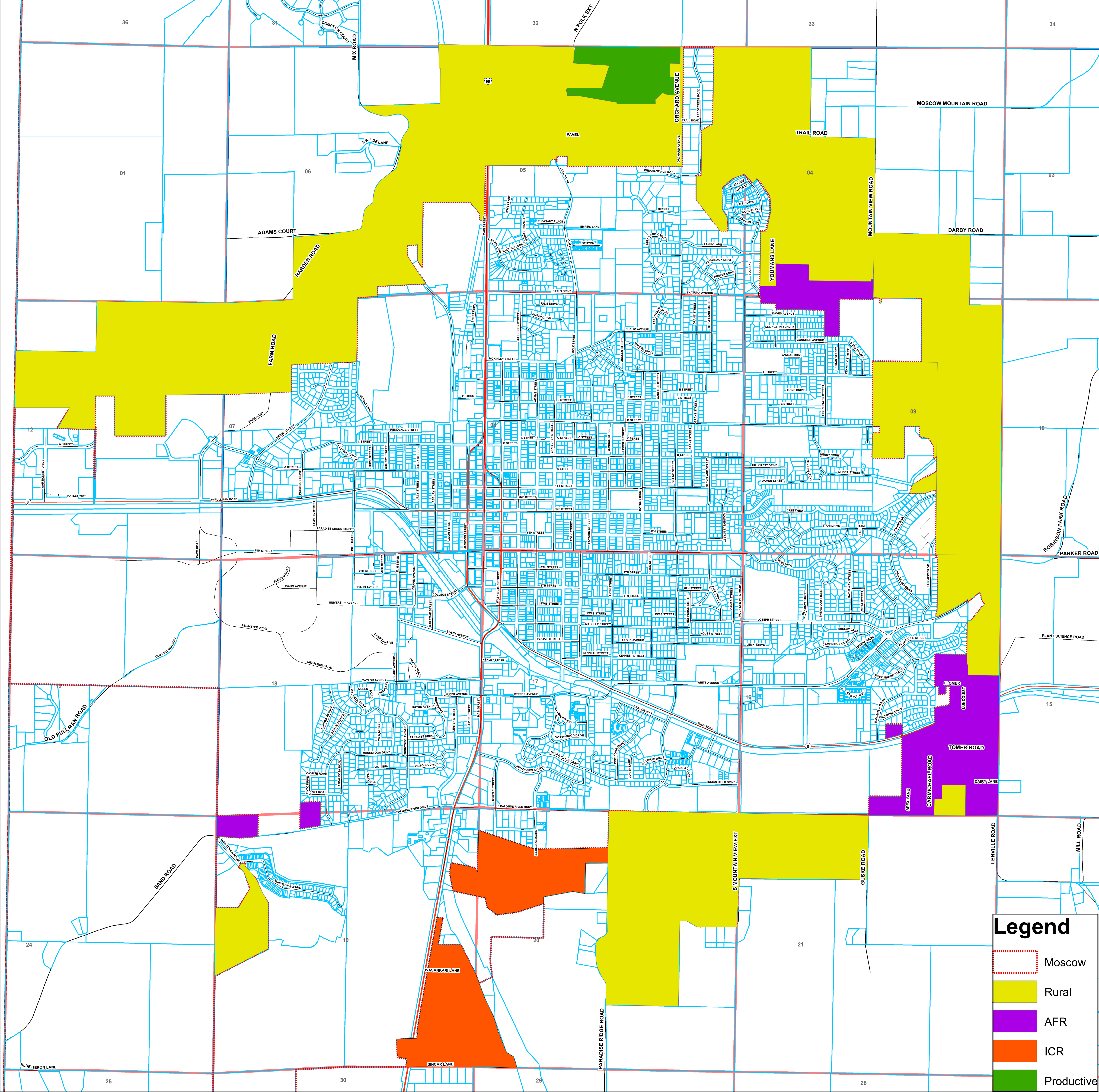
DATE

DRAFT

Moscow



Comp Plan- Proposed Moscow Area of Impact



Zoning- Moscow Area of Impact(Proposed Area)

