

# BOARD of ADJUSTMENT



Jerry Schutz  
Board Chair  
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**Public Hearing**  
~ Minutes ~

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

**Tuesday**  
**January 13, 2026**

**7:00 PM**

**Council Chambers**  
**206 E Third Street**

**Schutz called the meeting to order at 7:00 PM**

MEMBERS PRESENT: Jerry Schutz, Chair; Steve Bush, Marshall Comstock, Ivy Dickinson, Tim Thomson, Laura Weldon  
MEMBERS ABSENT: Tim Kinkeade  
STAFF: Lucy Falcy, Jennifer Fleischman, Mike Ray

## REGULAR AGENDA

### 1. Approval of Minutes from December 23, 2025 (ACTION ITEM)

Thomson moved for approval of the minutes as written, seconded by Weldon. Vote by Acclamation; Ayes: Bush, Dickinson, Schutz, Thomson, Weldon (5) Nays: None. Abstentions: Comstock (1). Motion carried.

### 2. Public Comment

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

None offered.

### 3. Public Hearing: Proposal for a Conditional Use Permit at 1132 White Avenue. Permit Application LUP2025-0035 (ACTION ITEM)

*Conditional Use Permit application for the expansion of an existing Public Service Facility located at 1132 White Avenue within the Medium Density Residential (R-3) Zoning District, per Moscow City Code 4-3-4.*

Falcy presented the Conditional Use Permit (CUP) request as described above and recommended approval with no conditions. If the CUP is approved, the applicant will also be required to submit for a Floodplain Development Permit.

The Public Hearing opened at 7:09 PM

Scott Becker (applicant's representative), Moscow, explained why the applicants proposed to place the new buildings where they are. The property owners are looking into submitting a rezone application to change the zoning from Medium Density Residential to Motor Business.

The Public Hearing closed at 7:10 PM

There was a discussion about how long the public service facility for North Latah County Highway District has been operating out of the subject site. The Board agreed that the proposed changes were in line with the current use.

Comstock moved to approve the CUP at 1132 White Ave with no conditions and directed Staff to prepare the draft Relevant Criteria and Standards document. The motion was seconded by Thomson. Roll Call Vote; Ayes: Unanimous (6). Nays: None. Abstentions: None. Motion carried.

**REPORTS**

**ANNOUNCEMENTS**

**UPCOMING EVENTS/MEETINGS**

*The next Board of Adjustment meeting is scheduled for 5:30 PM on January 20, 2026.*

**The meeting adjourned at 7:12 PM**

  
\_\_\_\_\_  
Jerry Schutz, Chair

20 Jan 2026  
\_\_\_\_\_  
Date

**BEFORE THE BOARD OF ADJUSTMENT  
OF THE CITY OF MOSCOW, COUNTY  
OF LATAH, STATE OF IDAHO**

**REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS**

**REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS  
REGARDING A CONDITIONAL USE PERMIT APPLICATION TO EXPAND A PUBLIC  
SERVICE AND UTILITY FACILITY WITHIN THE MEDIUM DENSITY FAMILY  
RESIDENTIAL (R-3) ZONING DISTRICT PER MOSCOW CITY CODE 4-3-4.**

**WHEREAS**, the applicant filed an application for a Conditional Use Permit on November 17, 2025; and

**WHEREAS**, this matter came before the Moscow Board of Adjustment during a duly noticed public hearing on January 13, 2026; and

**WHEREAS**, during the public hearing and having considered the matter including all testimony presented, the Moscow Zoning Board of Adjustment approved the proposed Conditional Use Permit and instructed Staff to prepare the Reasoned Statement of Relevant Criteria for the Board's review and approval; and

**WHEREAS**, having reviewed the application, including all exhibits entered, and having considered the issues presented:

**THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW, IDAHO, AFTER DUE  
DELIBERATION AND CONSIDERATION, HEREBY CONCLUDES:**

**I. RELEVANT FACTS AND CONCLUSIONS**

1. The Board of Adjustment considered the request pursuant to the City of Moscow Zoning Code, 2019 Comprehensive Plan, and Moscow City Code.
2. The applicant, North Latah County Highway District (NLCHD), is proposing to construct a shop building extension and stand-alone vehicle storage shed on the existing NLCHD property located at 1132 White Avenue. The lean-to extension on an existing building is proposed to cover 1,663 additional square feet in area and be used to store sand. The proposed stand-alone building, located within the 100-year floodplain and partially within the floodway of Paradise Creek, is proposed to store vehicles, cover 2,500 square feet in area, and be designed to allow flood water flow through the structure. All other existing shop buildings will remain. The activities historically conducted on the site will not change. No additional utilities are proposed to serve the proposed development.

3. Chapter 2, Land Use and Community Character, designates the subject property as Public and Semi-Public. Public and Semi-Public designated areas are for government buildings and properties, as well as semi-public or institutional uses such as churches, schools, and medical facilities. In the Future Land Use Plan, it is designated as Civic/Institutional which identifies lands which are governmentally owned or leased and are used for public services necessary for the community.
4. A general goal of Chapter 5.9, Public Utilities, Services, and Growth Capacity, is to “provide for the orderly and efficient delivery and location of public facilities, utilities and services to the residents and businesses within the community.” NLCHD has owned the subject site for seventy-three (73) years and has operated out of that site continuously since at least 1986. The site provides easy arterial access to a necessary public service. The site is surrounded by compatible public and commercial uses.
5. The subject property is located within the Medium Density Residential (R-3) Zoning District, where public service and utility facilities are listed as a conditionally permitted use within the zoning district.
6. Adjacent properties to the north, west and east are also located within the R-3 Zone. Properties to the south are located within the Motor Business (MB) Zone.
7. Adjacent properties to the north, west and east are publicly owned and provide various public services. Properties to the south comprise a variety of commercial uses.
8. NLCHD has obtained various special/conditional use permits for the continued use and development of the site. Specifically, these permits were: LUP 1986-0005, LUP 1991-0010, LUP 1994-0056 and LUP 1994-0059. The site’s historic and current use is to store materials, equipment and vehicles.
9. The subject property is approximately 2.9 acres in area, is mostly paved and houses three separate structures, used for storage and day-to-day operations of NLCHD.
10. The site shares a communal access off of White Avenue in its southwest corner.
11. White Avenue is a designated Minor Arterial.
12. The R-3 Zone permits public service and utility facilities with a Conditional Use Permit. Public Service and Utility Facilities are defined in 4-1-6(D) (116) as:

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

North Latah County Highway District’s staging and storage facility is included in this category of public service facilities.
13. The proposed building projects will meet all application setback and height requirements of the R-3 Zone.
14. Paradise Creek borders the subject site along its entire southern edge. The southeast corner of the subject site is within the Paradise Creek floodway and a larger portion of the subject site is located within the 100-year floodplain.

15. The proposed freestanding structure is proposed to be located within the 100 year floodplain and a portion of it is proposed to be located within the FEMA identified floodway. The application and review provisions of *MCC 4-5 Flood Hazard Areas* apply to this proposal and must be met prior to the issuance of building permits.
16. A Natural Resource Objective in the Moscow Comprehensive Plan is to, “*minimize hazard potentials to new developments from flooding, excessive erosion, and earth slide. (MCP 4-1-2-D).*”
17. The applicant has modified their original proposal to relocate sand storage outside of the floodplain. They have also modified their proposed structure within the floodplain and floodway to allow the free flow of flood waters.

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

## **II. RELEVANT CRITERIA AND STANDARDS**

**1. The proposed use is a conditionally permitted use within the Zoning District:**

The R-3 Zone permits public service and utility facilities with a Conditional Use Permit.

**2. The character of the proposed use will be in harmony with the neighborhood and surrounding land uses:**

The proposed use will be in harmony with the area. Existing adjacent uses include a fairground, park, fire station, and commercial businesses. The application is for further development of an existing use that has been continuously operating at the site for at least forty years.

**3. The proposed use as approved, or as approved with conditions, will not generate nuisances that would be injurious or detrimental to the adjoining properties or the neighborhood (including, but not limited to, noise, dust, glare, vibrations, odors, and the like):**

The two proposed structures will not generate nuisances or be injurious or detrimental to adjoining properties or the neighborhood. The proposed sand storage is located outside of the adjacent flood zone. The structures will utilize existing utilities already on site.

**4. The location, design, and size of the proposed use will be adequately served by existing streets, public facilities and services:**

The existing use of the site has been adequately served by the existing street, public facilities, and services for decades. No additional utilities or services are requested or required.

**5. The proposed use will not endanger the public health or safety if located where proposed:**

The proposed facility will not endanger public health or safety. Traffic to the site will follow historic patterns and have direct access off an arterial road. The proposed storage shed to be located

within the floodplain and partially within the floodway will be required to meet City and Federal standards regarding construction standards and floodwater regulations.

**6. Proposed use meets all applicable development standards of the Zoning Code:**

The proposed use will meet all applicable development standards, including building setback and height restrictions and additional standards applicable to the proposed structure within the 100-year floodplain.

**7. The proposed use will not be in conflict with the Comprehensive Plan:**

The use is consistent with the Comprehensive Plan as it supports the goals and strategies of multiple chapters and does not conflict with other sections of the Plan

**III. DECISION**

Based on the above Reasoned Statement of Relevant Criteria, the City of Moscow Board of Adjustment approves the application for a Conditional Use Permit for expansion of a public service and utility facility at 1132 White Avenue with no conditions.

PASSED BY THE BOARD OF ADJUSTMENT OF THE CITY OF MOSCOW THIS 20<sup>th</sup> DAY OF JANUARY, 2026.



Jerry Schutz, Chair  
Board of Adjustment

\* In accordance with Moscow City Code Section 4-6-5, any applicant, City representative or affected person, may appeal a final decision of the Board of Adjustment or of the Planning and Zoning Commission to the Council within ten (10) calendar days following a final decision of such Board or Commission regarding an interpretation of or administration of the Zoning Code by the Zoning Administrator, which includes: a variance application, conditional use permit, or PUD, by filing written notice of appeal specifying the grounds therefor with the City Clerk, or their designee. Grounds upon which an appeal to the City Council may be made following a final decision of the Board of Adjustment or of the Planning and Zoning Commission includes the following:

1. Decision violates statutory or constitutional provisions;
2. Decision exceeds statutory authority;
3. Decision was made upon unlawful procedure;
4. Decision was unsupported by substantial evidence in the records or as a whole; or
5. Decision was arbitrary, capricious, or an abuse of discretion.