



PLANNING OR ZONING COMMISSION
FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of **Bates & Laird – ZV2026-0005**

The Canyon County Planning and Zoning Commission considers the following:

The applicants, Scott Bates & Jacob Laird, are requesting a variance to reduce the side setback requirements from 10 feet to 4.73 feet. The subject property is approximately 2.55 acres and zoned “A” (Agricultural). The subject property is located at 9516 Leston Ln, also referenced as Parcel R29612, a portion of the NW quarter of Section 17, 2N, 2W, BM, Canyon County, Idaho.

Summary of the Record

1. The record is comprised of the following:

A. The record includes all testimony, the staff report, exhibits, and documents in Case File ZV2026-0005.

1. All exhibits are located in the case staff report dated September 3, 2026.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code of Ordinances (CCCO) §01-17 (Land Use/Land Division Hearing Procedures), CCCO §07-05 (Notice, Hearing and Appeal Procedures), CCCO §07-08 (Variance), CCCO §07-02-03 (Definitions), CCCO §07-10-21 (Setbacks; Minimum Parcel or Lot Size; Height Regulations), and Idaho Code §67-6516 (Variance-Definition-Application-Notice),
 - a. Notice of the public hearing was provided per CCCO §07-05-01.
 - b. A variance is a modification of the bulk and placement requirements of the ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other ordinance provision affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site and that the variance is not in conflict with the public interest. *See Idaho Code §67-6516*
2. The commission shall have those powers and perform those duties assigned by the board that are provided for in the local land use planning act, Idaho Code, title 67, chapter 65, and county ordinances. CCCO §07-03-01, 07-07-01.
3. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCCO §07-05-03.
4. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.
5. The County’s hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCCO 07-05-03(1)(I).

The application, ZV2026-0005, was presented at a public hearing before the Canyon County Planning and Zoning Commission on September 3, 2026. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the proposed conditions of approval and project plans, the Canyon County Planning and Zoning Commission decides as follows:

Table 1. Variance Standards of Evaluation – CCCO §07-08-03

County Ordinance and Review		
Criteria Met?	Code Section	Criteria
Yes	1	A variance shall be granted in compliance with Idaho Code section 67-6516, and notice and an opportunity to be heard shall be provided to property owners adjoining the subject property.
Analysis		Chapter 7, Article 8 of the Canyon County Code provides the variance process consistent with Idaho Code section 67-6516 Per CCCO §07-08-01, a complete application with fees was accepted on June 2, 2026 (Staff Report Exhibit A). The request requires a public hearing due to the proposal exceeding a 33% modification to the county setback requirements. Noticing was completed per CCCO §07-08-01. Property owners within 600 feet were notified of the request and public hearing on July 30, 2026.
Criteria Met?	2	The presiding party shall ask and answer the following questions in their FCOs: A. Will granting the variance be consistent with the comprehensive plan? B. Do characteristics of the site create an undue hardship? C. Is the variance in conflict with the public interest?
No		
Analysis		The date of application acceptance (June 2, 2026) was noted on the application. The application is being considered by the Planning & Zoning Commission at a public hearing on September 3, 2026. Noticing for the hearing was provided for according to Article 5. A. The variance request from 10' to 4.73' would not make the property incompatible with the goals and policies of the Canyon County 2030 Comprehensive Plan. a. The 2030 Comprehensive Plan designates the future land use to be "A" (Agriculture). The parcel is currently zoned "A" (Agricultural). The parcel was created in accordance with the Canyon County Zoning Ordinance. b. The proposed variance supports the following goals and policies of the 2030 Comprehensive Plan. <u>Private Property:</u> G1.01.00: <i>Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.</i> P1.01.03: <i>Ordinances and land-use decisions should avoid imposing unnecessary conditions or procedures on development approvals.</i> <u>Population:</u> G2.01.00: <i>Incorporate population growth trends & projections when making land-use decisions.</i> G2.02.00: <i>Promote housing, business, and service types needed to meet the demand of the future and existing population.</i> <u>Land Use and Community Design:</u> G4.01.00: <i>Support livability and high quality of life as the community changes over time.</i>

P4.01.01: *Maintain a balance between residential growth and agriculture that protects the rural character.*

P4.01.02: *Planning, zoning, and land-use decisions should balance the community's interests and protect private property rights.*

G4.02.00: *Ensure that growth maintains and enhances the unique character throughout the County.*

P4.02.01: *Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.*

G4.03.00: *Develop land in a well-organized and orderly manner while mitigating or avoiding incompatible uses, protecting public health and safety, and creating a vibrant economy through sustainable land use planning.*

G4.07.00: *Protect rural qualities that make the County distinct and conserve and enhance the elements contributing to a good quality of life.*

G4.08.00: *Maintain and enhance the aesthetic beauty of the county.*

B. The characteristics of the site do not create a hardship.

- Canyon County Code or Idaho Code does not define undue hardship for the purposes of a variance. Section 67-6516 states a variance shall not be considered a right or special privilege but may be granted to an applicant only upon a showing of undue hardship because of characteristics of the site. The circumstances justifying the undue hardship must be “peculiar” to the property at issue (*City of Burley v. McCaslin Lumber Co.*, 107 Idaho 906, 693 P.2d 1108 (1984)).
- According to public testimony, the applicant did not supply sufficient evidence supporting that the physical characteristics of the site require the variance request.
- After public testimony and review of the submitted materials, the Planning and Zoning Commission finds that there are other locations on the approximately 2.55 acres of Parcel R29612 where a secondary residence can be built.

C. The variance is in conflict with public interest.

- The proposed variance is expected to have an impact on the adjacent residence.
 - The Planning and Zoning Commission found testimony regarding the legality of the Shared Water Agreement (**Staff Report Exhibit A10**) to be compelling and was concerned that the secondary residence could further complicate this agreement and that granting a variance for the structure would be in conflict with the public interest.
 - Furthermore, the Planning and Zoning Commission found that granting a variance for a secondary residence to encroach into the side setback could create additional burdens on Leston Lane, and no Road Users Maintenance Agreement (RUMA) was provided to alleviate this potential impact.
- The secondary residence would be an expansion or extension of an existing legal nonconforming use.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **denies** Case #ZV2026-0005, a variance of the side setback requirements in an “A” (Agricultural) zone.

Under Idaho Code Section 67-6519, the following actions may be taken to obtain approval:

1. Provide more information on the Shared Well Agreement and RUMA.
2. Provide more evidence on why the characteristics of the site do create a hardship.

DATED this 1 day of October, 2026.

CANYON COUNTY, IDAHO

PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO



Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this 1st day of October, in the year 2026, before me CAITLIN ROSS, a notary public, personally appeared Robert Sturgill, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she) executed the same.



Notary: Caitlin Ross

My Commission Expires: 5/7/2031