



PLANNING AND ZONING COMMISSION

FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:

Fullmer – ZV2026-0004

The Canyon County Planning and Zoning Commission considers the following:

The applicant, Jared Fullmer, is requesting a variance to reduce the front setback requirements from 20 feet to 10 feet. This application is the first step to establish a private road along the Eastern border of the subject property (zoned CR-R-1). The subject property is located at 1012 E Locust Lane, also referenced as Parcel R29204, a portion of the SE quarter of Section 03, 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 ZV2026-0004.

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, ZV2026-0004, 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 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 of Ordinances (CCCO) provides the variance process consistent with the Idaho Code section 67-6516. Per CCCO §07-08-01, a complete application with fees was accepted on April 30, 2026 (Staff Report Exhibit A). The request requires a public hearing due to the proposed 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, April 30, 2026, was noted on the application. The application was 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 20' to 10' would not make the property incompatible with the goals and policies of the Canyon County 2030 Comprehensive Plan - The 2030 Comprehensive Plan designates the future land use to be Residential. The parcel is currently zoned "CR-R1" (Conditional Rezone Single Family Residential). The parcel was created in accordance with the Canyon County Zoning Ordinance. - 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: <i>Maintain a balance between residential growth and agriculture that protects the rural character.</i> P4.01.02: <i>Planning, zoning, and land-use decisions should balance the community's interests and protect private property rights.</i> G4.02.00: <i>Ensure that growth maintains and enhances the unique character throughout the County.</i>

	P4.02.01: <i>Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.</i> G4.03.00: <i>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.</i> G4.07.00: <i>Protect rural qualities that make the County distinct and conserve and enhance the elements contributing to a good quality of life.</i> G4.08.00: <i>Maintain and enhance the aesthetic beauty of the county.</i> 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 (<i>City of Burley v. McCaslin Lumber Co.</i>, 107 Idaho 906, 693 P.2d 1108 (1984)). • The applicant provided evidence of the characteristics of the site creating a hardship within the letter of intent (Staff Report Exhibit A2), site plan (Staff Report Exhibit A3), and email correspondence (Staff Report Exhibits A2.1/A2.2), however, the applicant did not provide adequate evidence for why the proposed location of the private road could only be placed on the Eastern boundary and not be routed West of the existing home. i. According to public testimony heard on September 3, 2026, the proposed private road location was selected out of convenience, not out of necessity due to characteristics of the site that create a hardship. C. The variance is in conflict with public interest. • According to public testimony heard on September 3, 2026, the proposed variance is expected to have an impact on the adjacent residence that currently takes access off of the shared driveway. i. The proposed location of the private road will change the address of Parcel R29211, which currently takes access off of shared driveway where the proposed private road is located. ii. While the private road is being constructed, there will be construction difficulties associated with access. • Concerns from the Boise-Kuna Irrigation District (Staff Report Exhibit D2) were not adequately captured in the proposed conditions of approval located in the staff report. • A public comment received from Rosalyn Kirkman dated August 23, 2026 (Staff Report Exhibit E3) noted concerns regarding irrigation infrastructure, easements, emergency services, and compliance with the development agreement.
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Table 2. Area of City Impact

County Ordinance and Review		
Criteria Met?	Code Section	Criteria
Yes	09-11-25	The following procedures shall be adhered to in processing applications within the Nampa area of city impact: (1) Land Use Applications: All land use applications submitted to Canyon County, including, but not limited to, rezones, conditional rezones, conditional use permits, variances, and land divisions requiring notification of a public hearing, shall be referred to the city of Nampa in the manner as provided for in subsection 09-11-17(3) of this article. • §09-11-17(3): All proposals to amend Canyon County's comprehensive plan, which may pertain to the Nampa area of city impact, but which do not originate from the city of Nampa, shall be referred to the city of Nampa's planning and

		community development director at least thirty (30) calendar days prior to the first county public hearing on the matter and the city of Nampa may make a recommendation before or at said public hearing. After the city receives its initial thirty (30) days' notice, any further notice of proposed changes to the proposal will be provided to the city of Nampa at least seven (7) days prior to the public hearing. If a recommendation is received by the county from the city of Nampa, it shall be given consideration by the county, provided it is factually supported, but such recommendation shall not be binding on the county. If no recommendation is received, Canyon County may proceed without the recommendation of the city of Nampa.
Analysis	The subject parcel is within the City of Nampa's Area of Impact. An agency notice was sent to the City of Nampa on May 12, 2026, and July 30, 2026. No comment was received from the City of Nampa by the comment deadline.	

Order

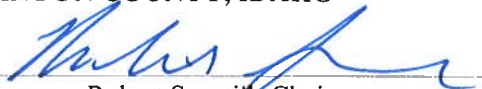
Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **denies** Case #ZV2026-0004, a variance of front setback requirements.

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

1. Locate the private road to the West of the existing home on Parcel R29204.

DATED this 1 day of October, 2026.

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