



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

In the matter of the application of:

Rohrbacher Family Trust – ZV2025-0003

The Canyon County Planning and Zoning Commission considers the following:

A variance of the side setback requirements of 10 feet to 3 feet to accommodate an agricultural structure built on the southern property line. The subject property is approximately 101.92 acres in an "A" (Agricultural) zone. The subject property is located at the Northwest intersection of Shelton Rd and Rohrbacher Ln, also referenced as Parcel R38845, a portion of the NE quarter of Section 10, T5N, R5W, 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 ZV2025-0003.

1. All exhibits are located in the case staff report dated March 19, 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, ZV2025-0003, was presented at a public hearing before the Canyon County Planning and Zoning Commission on March 19, 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:

Variance Code Analysis (CCCO §07-08-03)

Compliant			County Ordinance and Review	
Yes	No	N/A	Code Section	Analysis
☒	☐	☐	07-08-03(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.
			<i>Analysis</i>	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 December 10, 2025 (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 §07-05-01. Property owners within 600 feet were notified of the request and public hearing on February 12, 2026.
☒	☐	☐	07-08-03(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?
			<i>Analysis</i>	A. The variance request from 10' to 3' would not make the property incompatible with the goals and policies in Canyon County's 2030 Comprehensive Plan. - The 2030 Comprehensive Plan designates the future land use to be "A" Agricultural. The parcel is currently zoned "A" (Agricultural). The parcel was created in accordance with the zoning ordinance at the time. - 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>Economic Development:</u> G3.01.00: <i>Promote a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations.</i> G3.04.00: <i>Increase agricultural-based and supportive businesses.</i> P3.04.00: <i>Build Canyon County as the premier location for agricultural-based businesses of all sizes.</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> G4.05.00: <i>Support a diversity of agricultural uses to sustain the agricultural and agriculturally related economy.</i> P4.05.01: <i>Promote future development and land-use decisions that do not create hardship for farmers and agricultural operators.</i> P4.05.03: <i>Encourage uses on agricultural parcels to be planned and placed to limit interference with farming operations, which may include clustering residences and other structures, placement near existing utilities and infrastructure, and placement to minimize conflicts with allowed agricultural uses on the proposed site and adjacent lands.</i> G4.06.00: <i>Development design should improve the area's character and be compatible with the community's visual appearance and the natural environment.</i> P4.06.01: <i>Encourage development design that accommodates topography and promotes conservation of agricultural land.</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> P4.07.01: <i>Plan land uses that are compatible with the surrounding community.</i> G4.08.00: <i>Maintain and enhance the aesthetic beauty of the county.</i> P4.08.01: <i>Protect and enhance the rural landscape as an essential scenic feature of the County.</i> B. The characteristics of the site <u>do</u> create 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)). • In the applicant's letter of intent, the applicant states that due to the existing agricultural operations, as well as the site's topography, the location of the structure was limited to where it was built. See Staff Report Exhibit A2 for the full letter of intent. • These undue hardships can be seen in the site visit photos taken on January 30, 2026 (Staff Report Exhibit C). • Staff finds that the aforementioned characteristics of the site <u>do</u> create hardship. C. The variance is not in conflict with public interest:
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				• The proposed variance is not expected to have an impact on the adjacent residence or emergency services' ability to access any parcels off Rohrbacher Lane. • Comment letters from Southwest District Health and Parma Fire District confirm that the proposed variance is not in conflict with public interest (Staff Report Exhibit D).
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Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **approves** Case ZV2025-0003, a variance to the side setbacks for a home addition, subject to the following conditions as enumerated:

Conditions of Approval

1. All development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use.
2. Within 30 days of approval of this application, a building permit shall be applied for the unpermitted structure requiring the setback variance on Parcel R38845.

DATED this 19 day of March, 2026.

PLANNING AND ZONING COMMISSION CANYON COUNTY, IDAHO



Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this 19 day of March, 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