

Commissioner Minutes

July 31, 2025 – 1:33 p.m. to 3:49 p.m.

PUBLIC HEARING: CONSIDER A REQUEST BY CANYON COUNTY FOR APPROVAL OF AN ORDINANCE AMENDING CANYON COUNTY ZONING CODE (CCZO), SECTION 07-10-03 TO PROVIDE STANDARDS FOR PRIVATE ROAD AND DRIVEWAY REQUIREMENTS, CASE NO. OR2025-0002

Commissioners Leslie Van Beek, Brad Holton and Zach Brooks

Deputy P.A. Zach Wesley

DSD Planning Supervisor Dan Lister

DSD Assistant Director Josh Johnson

DSD Director Jay Gibbons

Director of Constituent Services Aaron Williams

TJ Wellard

David Ferdinand

Joni Payne-Rule

Mike Greiner

Andy Rule

Matt Wilke

Alan Mills

Greg Payne

Pamela Payne

Carl Anderson

Deputy Clerk Jenen Ross_____

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The Board met today at 1:33 p.m. for a public hearing to consider a request by Canyon County for approval of an ordinance amending Canyon County Zoning Code (CCZO), Section 07-10-03 to provide standards for private road and driveway requirements, case no. OR 2025-0002. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Deputy P.A. Zach Wesley, DSD Planning Supervisor Dan Lister, DSD Assistant Director Josh Johnson, DSD Director Jay Gibbons, Director of Constituent Services Aaron Williams, TJ Wellard, David

Ferdinand, Joni Payne-Rule, Mike Greiner, Andy Rule, Matt Wilke, Alan Mills, Greg Payne, Pamela Payne, Carl Anderson, and Deputy Clerk Jenen Ross.

Dan Lister gave the oral staff report which is a request by Canyon County for approval of an ordinance amending Canyon County Zoning Code (CCZO), Section 07-10-03 to provide standards for private road and driveway requirements which will:

1. Define application requirements, private road & driveway easement and construction standards, and
2. Requiring improvements to be constructed prior to issuance of building permits (instead of
prior to issuance of certificate of occupancy), certifying of improvements and defining when applicable fire district approvals are required.

Historical context was given for the reasoning behind this request and some of the issues prompting the it.

The following testimony was provided:

TJ Wellard offered testimony in opposition. He expressed his concerns regarding the average daily trips number (ADT) and the timeframe for when a road is required to be built. He feels the county put itself in this position because it is regulating private roads and isn't sure why the county is trying to add fire district standards to the ordinance when fire districts already have their own standards. He wondered why is the county is even requiring people to pave private roads and if it is going to adopt and enforce fire district standards.

David Ferdinand offered testimony expressing his concerns about extensive regulations. He feels the choice should be left to those who choose to live on a non-paved road to decide if they want to pave it. In his opinion, it really just comes down to cost.

Joni Payne-Rule read a statement into the record about how this ordinance would financially affect them if they are required to pave a 50-foot gravel road which is adequately supporting the current traffic, noting that gravel is easier and more cost effective to maintain. She wonders why government is dictating the surface material on roads that don't serve the public. Mr. Lister said that his understanding is that if the Rules were to submit their application today for a private road, this ordinance wouldn't be retroactive.

Andy Rule said he agrees with has been stated by the people before him and that he is opposed to the amendments, especially the reduction of the ADT threshold and the new road standard which would place excessive costs on private land owners. He supports the

suggestions made by Alan Mills (these suggestions can be found in the DSD staff report as exhibit 4e).

Mike Greiner is concerned about the potential for waste and restriction if construction of a road is required prior to a building permit or prior to administrative splits as circumstances can change while developments are constructed. He would like to see it left to the developer to determine the feel of their own development and doesn't feel this is such a large problem in the grand scheme. Concerns were expressed about what this could mean for getting through the review process when DSD seems to already be struggling to get applications through their department. He wants to see the review process done by professionals (outside agencies/contractors).

Matt Wilke concurs with Alan Mills' exhibit 4e and the points made in exhibit 4f. He has concerns about costs, additional burden placed on the county with a county engineer being required to review, construction standards, and that the average daily trip number is too low – he feels 200 ADT would be a better number to trip the paving requirement. He likes the idea of leaving the decision up to the owners and developers. He spoke about his own experience in maintaining a paved roadway vs. gravel and the associated cost.

Alan Mills believes what's being talked about today is families, not developers. He doesn't see a developer not wanting to pave a road if they are going to sell lots and they're in it to make money, they'll take on the extra cost; it's going to hurt families. He said gravel roads work for some people and he hates to see the options taken away. He doesn't think this is really going to affect developers. There are families that have administrative splits and are able to help their kids, adding another burden of cost is not helping that. He is in favor of having the fire district turnaround requirement approved by the fire district and feels that any licensed contractor would be able to certify the road. The difference in suggested road widths based on ADT was addressed, Mr. Mills explained that if the development is anticipated to go over the 100 ADT a 24' road would be ready to be paved whereas with a 20' road there would still be improvements necessary. In his opinion, the RUMA is the key to this as it fully outlines and discloses all the requirements so no one can say they didn't know.

Mr. Lister clarified that the cul-de-sac verbiage as a fire district turnaround has been in the ordinance for many years, it doesn't limit the type of turnaround; the fire district is going to dictate their requirements. Mr. Lister said the wording could be revised to something similar to *"...meet the fire district and easement standard"*.

In response to a question from Commissioner Van Beek, Mr. Mills explained how he came up with his road construction standards. He also suggested maybe there could be a process for the Board to consider unique situations on individual basis.

Mr. Johnson said that for dimensional items the Director can vary up to 33% by the Director Decision process but anything greater would have to go to the planning commission. His immediate thought would be the CUP process. Mr. Lister said that state law and county code doesn't include a definition for construction standards so that would need evaluation through a variance or CUP process to vet out the issues. He suggested the variance process should probably be vetted out with the stakeholders such as the highway district, fire district, developers and people who have private roads to evaluate the issues to consider. Commissioner Van Beek expressed her desire for very specific standards being defined in order to avoid being inundated with variance requests.

Greg Payne offered testimony in opposition, his opinion is that private roads are private and there shouldn't be government oversight.

Pamela Payne agrees with what everyone before her has testified to, noting she disagrees with the proposed ordinance.

David Ferdinand read Jon Stosich's comments into the record which included points about consistent standards between the county and fire districts, that paving should be determined by the developer, and enforcement needs to be done at the time of application

Mr. Lister offered rebuttal testimony stating that much of the language has been in the ordinance since 2016. He said the only major changes are to the proposed ADT and timing. Wording regarding the RUMA could be evaluated and language about a sign-off by a county engineer could be changed to licensed engineer. In regard to the fire district turnaround language, although the cul-de-sac verbiage has been in the ordinance it can be updated to just state "fire district standards". The largest change is to the timing, changing completion to prior to issuance of the building permit.

Commissioner Holton said that he would like to see RUMA or strong disclosure language within the code and wants minimum RUMA statements with boilerplate language. He is still working through what he feels might be best in regard to the ADT number as this generally causes a large amount of angst for surrounding neighbors.

Mr. Lister reiterated the items for Board consideration are the timing and ADT (which doesn't have to be changed, it was just considered). He explained the ordinance was reformatted for clarity and to be more understandable for the reader, nothing else was changed. Language regarding review by county engineer can be changed back. The revised ordinance also attempts to provide clarification between "shared driveway" and "private road". DSD will review the RUMA section to add some standards.

Mr. Wesley spoke to the logistics of moving the hearing forward without having to re-notice and/or go back to P&Z.

At the request of the Board, DSD staff will prepare information to be forwarded to today's participants for comment.

Commissioner Holton made a motion to leave public testimony open, continue this hearing to a date certain of August 21st at 1:30 p.m. in the Commissioners' meeting room, to continue the draft and making a decision. The motion was seconded by Commissioner Van Beek and carried unanimously.

Upon the motion of Commissioner Holton and second by Commissioner Van Beek the Board voted unanimously to adjourn the hearing. The hearing concluded at 3:49 p.m. and an audio recording is on file in the Commissioners' Office.