

# Private Road Ordinance OR2025-0002

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APPLICANT: CANYON COUNTY DSD

OWNER: CANYON COUNTY



# Request

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Canyon County requests a recommendation of approval to update CCCO Sections 06-05-03 & 07-10-03 regarding private road and driveway to:

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.

The proposed ordinance requires private road improvements before building permit issuance. This ensures that when widening and improvements are necessary, few homes are affected for a shorter period of time. Further, private roads will not gain administrative approval without being certified as complete to the appropriate standard by the County engineer and that the appropriate fire district will need to approve the access requirements from the beginning instead of after the residence has been constructed.



# Background

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Over the years, reliance on the standards set forth for private roads and private driveways (CCZO 07-10-03) has set up unintended consequences.

- Many times, it has set neighbor against neighbor depending on who had to pay for improvements to the road accessed by many.

The propensity of administrative divisions to access utilizing private roads and driveways has pushed the County to propose an update to CCCO 07-10-03 to better define the application process, responsibilities of land owners, standardize improvement standards, and when said improvements are to be completed.



# Major Changes

## Construction Timing:

- Current: Prior to certificate of occupancy
- Recommended by P&Z: Prior to BP issuance
- Other option:
  - Prior to land division approval or prior to BP submittal, whichever occurs first.

## ADT:

- Current: >100 ADT (11<sup>th</sup> dwelling) = Paving standards
- Recommended by P&Z: >60 ADT (7<sup>th</sup> dwelling) = Paving standards
- Other option: No ADT. Paving required upon private road serving more than four parcels (ADT: 38.08/76.16 w/2<sup>nd</sup> dwelling). Paving required for all commercial/industrial uses.



# Other Changes

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- Shared driveway instead of requirements for all driveways.
- Cul-De-Sac requirements to match other agencies. Current: 70' radius easement.
- Fire district review timing.
  - Fire district review language (2005 Ord).
- Reformatting: (1) Private Rd Application standards (2) Shared Driveway Application standards (3) Private Rd. & Driveway Requirements (4) Construction Standards/Requirements



# Evaluation Criteria

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To paraphrase, Idaho Code §67-6511(c)/CCCO 07-06-01(4)B requires that the amendment:

- 1) Not conflict with the adopted Comprehensive Plan and;
- 2) Not result in demonstrable adverse impacts upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction.



# Notification/Comments

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- **Noticing was completed per Idaho Code 67-6511**
- **Stakeholder meeting: May 8, 2025**

## Comments:

- 1. Nampa (Ex. 4a):** No comment.
- 2. Caldwell Rural Fire District (Ex. 4b):** No concerns, provided several section FD apply for new construction and multi-district access/water supply permit for land divisions.
- 3. DEQ (Ex. 4c):** Standard guidance letter, not specific to the ordinance update.
- 4. Mills (Ex. 4d):** (1) Remove FD review requirements; (2) engineering review can be done by a licensed engineer, surveyor, Geotech or licensed contractor; (3) 150 ADT (15 dwellings) before paving requirements; (4) provide County approved turnarounds; and (5) add variance process for construction standards.
  - 1.** Current construction standards (circa 2005 ord.); location of easement to not disrupt ag (circa 2016 Ord.)
- 5. Raciti (Ex. 4e):** The update doesn't consider the impact to rural character or provide different standards based on differing areas of Canyon County. It also will increase the cost of compliance.



# Recommendation/Decision Option

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## Recommendation

- Planning and Zoning Commission recommends approval (Exhibit 1).
- Draft FCOs and Ordinance provided (Exhibit 5) is based on P&Z recommendation.

## Decision Options

- The BOCC may approve, modify, or deny the recommended request.



Questions?

