

BLACK CANYON IRRIGATION DISTRICT DEVELOPMENT RESOLUTION NO. 2023-01 (REV-1): FENCING RECOMMENDATIONS FOR RESIDENTIAL SUBDIVISIONS

WHEREAS, the District, pursuant to Idaho Code Section 43-304, enjoys broad authority to do any and every lawful act necessary to be done to facilitate, perpetuate, and ensure that sufficient water is delivered to lands and landowners in the district for irrigation purposes;

WHEREAS, the District is experiencing increased urbanization and residential development encroaching upon District water delivery and drainage facility easements and rights-of-way, which development oftentimes threatens the integrity and function of the District's irrigation and drainage facilities, including making the same more difficult to operate, maintain, repair and replace;

WHEREAS, protecting the integrity and function of the District easements and rights-of-way can typically be achieved through fencing installation;

WHEREAS, the District is also concerned that increased urbanization and residential development encroaching upon irrigation and drainage facilities creates public safety risks and hazards that can also relatively easily be mitigated by fencing installation;

WHEREAS, the District is authorized to review, and reasonably condition encroaching land uses through the written permission requirements of Idaho Code Sections 42-110, 42-1207, and 42-1209, among others, because of the legal duties the District owes under Idaho Code Section 42-121, 42-1202, 42-1203, and 42-1204; and

WHEREAS, the District wishes to further centralize, formalize, and codify its fencing policies developed over time as discussed in the official meeting minutes of its Board of Directors;

NOW, THEREFORE, BE IT RESOLVED, that the District further confirms and ratifies the following fencing policies and recommendations for use throughout its boundaries:

All new residential subdivisions are recommended, as part of the District's facility encroachment review process, to install fencing along the District facility easement/right-of-way boundary lines located within the subdivision. Unless agreed to in writing by the District otherwise, non-combustible fencing materials shall be used, such as metal or chain link fencing consistent with the design and installation requirements contained in the District's published Standards and Specifications. The District shall consider any variance requests on a case by case basis.