

BLACK CANYON IRRIGATION DISTRICT DEVELOPMENT RESOLUTION NO. 2023-03: ACCESS ROAD REQUIREMENTS 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, the safe and efficient transport of equipment and personnel is essential to the timely operation and maintenance of District irrigation delivery and drainage facilities, and that safe and efficient transport is best and most easily achieved over sufficient all-weather surface (e.g., gravel) access roads;

WHEREAS, the District is authorized to review and reasonably condition encroaching land uses through the written permission requirements of Idaho Code Sections 42-1102, 42-1207, and 42-1209, among others, because of the legal duties the District owes under Idaho Code Section 42-1201, 42-1202, 42-1203, and 42-1204; and

WHEREAS, the District wishes to further centralize, formalize, and codify its facility access road 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 facility access road policies and requirements for use throughout its boundaries:

All new residential subdivisions shall, as part of the District's facility encroachment review process, install minimum 12 foot-wide all-weather (e.g., gravel) access roads within the District facility easement/rights-of-way boundary located within the subdivision consistent with the design and materials requirements contained in the District's published Standards and Specifications. The District shall consider any variance requests on a case by case basis.