



CODE of the WEST



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INTRODUCTION

Life in the rural areas of the county is different from life in the city. County governments may not be able to provide the same level of service that city governments provide. To that end, we are providing the following information to help you make an educated and informed decision before you purchase a parcel of land in rural Canyon County.

The famous western writer, Zane Grey, first chronicled the Code of the West. The men and women who came to this part of the country during the westward expansion of the United States were bound by an unwritten code of conduct. The values of integrity and self-reliance guided their decisions, actions, and interactions. In keeping with that spirit, this information is offered to help the citizens of Canyon County follow in the footsteps of those rugged individualists by living in the rural areas of Canyon County.

PROPERTY ACCESS

The fact that you can drive to your property does not necessarily guarantee that your guests and emergency services have that same level of legal ingress/egress. You cannot assume that you have an automatic easement across someone else's property to access your property. Please consider:

1.1 - Emergency response times (sheriff, fire suppression, medical care, etc.) may be much longer than in an incorporated city. Under some extreme conditions, you may find that emergency response is extremely slow due to circumstances beyond anyone's control. Some fire, ambulance, and search and rescue services in Canyon County are volunteer and may provide limited services. Check with the departments or organizations that provide these services if you are contemplating residing in their jurisdictions.

1.2 - There can be problems with the legal aspects of property access, especially if you gain access to your property across property (i.e., an easement) belonging to others. It is wise to obtain legal advice and understand the easement(s) that may be necessary. Also, be sure to check with the Canyon County Development Services Department and the appropriate highway district for property access requirements.

1.3 - Canyon County has four highway districts that maintain hundreds of miles of roads, ranging from paved to unimproved dirt roads. There are also a number of roads not maintained by the highway districts which may include no grading or snow plowing. Additionally, some homeowner associations may be responsible for the maintenance of roads, bridges and other road structures within their designated subdivisions. Make sure you know what type of maintenance to expect and who will provide that maintenance.

1.4 - Canyon County can experience adverse weather conditions that may cause damage to roads. In extreme weather, even highway district-maintained roads can become impassable. You may need a four-wheel drive vehicle with chains on all four wheels to travel during those times.

1.5 - Many large construction vehicles and some fire and rescue vehicles cannot navigate small, narrow roads. If you plan to build, it is prudent to check out what is required for construction and emergency vehicle access. Remember, it may be more expensive to build a rural residence due to delivery fees and the time required for building materials to reach your site.

1.6 - School buses travel only on maintained public roads that have been designated as school bus routes by the local school district (some subdivision roads are private). In order for your child or children to get to school, you may be responsible to drive your children to the nearest county road or designated school bus route. Please check with the appropriate school district for school locations and routes.

1.7 - Unpaved roads generate dust. Dust is an unpleasant fact of life for most rural residents. If your road is unpaved, it is unlikely that any one of the four county highway districts will pave it in the foreseeable future. Check carefully with the highway district to determine future improvements scheduled on your road. Remember that unpaved roads are not always smooth and you may experience increased vehicle maintenance costs when regularly traveling on rural county roads.



1.8 - Mail delivery may not always be available to some rural areas of the county. Ask the postmaster to describe the service available to your area. This may also apply to package delivery services as well.

1.9 - Newspaper delivery is similarly not always available to rural areas, or it may be available as “next day service.” Check with the newspaper of your choice before assuming you can get delivery.

1.10 - Commute time is very different than when living within a city. Please make sure that the time and cost of a longer commute is something you are prepared to accept.

1.11 - Natural disasters, especially floods, can destroy roads. The Highway Districts will repair and maintain the roads within their jurisdictions, however, subdivision roads are the responsibility of the landowners who use those roads. A dry creek bed can become a raging torrent and wash out roads, bridges and culverts. Residents served by private roads and/or bridges have been hit with large bills for repairs and/or reconstruction after floods.

SERVICES

Water, sewer, electric, fire, telephone and other services may be unavailable or may not operate without interruptions. Repairs may take longer due to their rural nature.

2.1 - Cellular communications, internet, and cable television access may be a problem in some areas of Canyon County.

2.2 - Sewer service is not available to sites located outside city limits. You will need to use an approved subsurface sewage (septic) system or other treatment process. The type of soil, depth to ground water or bedrock, slope, etc. will be very important in determining the cost and function of your subsurface sewage system. Ask for assistance from the Southwest District Health Department for information on your parcel and have the proposed subsurface sewage system checked by a reliable licensed installer contractor.

2.3 - If you do not have access to a public water system for domestic water use, you will need to locate an alternate supply. The most common method is use of a water well. The cost for drilling and pumping may be considerable. The quality (anything from nitrates, uranium, and arsenic to odor and taste) and quantity of water (also known as yield) or the depth to water level can vary considerably from location to location and seasonally. All of these factors affect cost. There are portions of the county where there is insufficient yield available for domestic purposes. It is strongly advised that you research this issue very carefully and obtain comprehensive water testing of your domestic water source. Contact a certified well driller for more information (a list is available from the Idaho Department of Water Resources).

2.4 - Idaho State Law (Idaho Code 42-111) allows for a domestic well to water one-half acre of ground to serve domestic needs. It may be difficult to have sufficient yield to

provide for needs such as livestock, lawns or gardens. If you believe you may need more water than allowed from a single domestic well, you will need to obtain a water right from the Idaho Department of Water Resources.

2.5 - Electric service is available in every area of Canyon County. However, it is important to determine the proximity of electric power to your property since it can be expensive to extend power lines to very remote areas. In addition, if you have special power requirements (i.e. three phase service), it is important to know what level of service can be provided to your property.

2.6 - Power outages can occur in outlying areas with a greater frequency than in cities. A loss of electrical power can also interrupt a private water supply from a well. Extended power outages may also cause a loss of food in freezers or refrigerators and power outages may cause problems with computers. It may be important to be able to survive temporarily in severe weather with no utilities when living in a rural area.

2.7 - It may be necessary to cross property owned by others to extend electric and other services to your property. It is important to make sure that the proper easements are in place to allow these utilities to be extended to your property.

2.8 - There are 11 separate fire districts within Canyon County. However, not all land within Canyon County has fire protection service. A Fire Department may not respond to a fire emergency



on your property if you are not in their district. Be sure to verify coverage and permit requirements with the appropriate fire district.

2.9 - Burn permits may be required from your local fire department. Check deq.idaho.gov/airquality to verify that burning is allowed on any particular day.

2.10 - Wildfire is always a danger in a rural area. Check with your local fire department on preventive actions that should be taken to protect your home.

2.11 - Building, electrical and plumbing permits are required for all buildings. Structures used solely for agricultural use may be exempt from obtaining a building permit but are required to obtain a zoning certificate from the Canyon County Development Services Departments. Building permits can be obtained from the Development Services Department; plumbing and electrical permits from the State of Idaho Division of Building Safety.

2.12 - It is illegal to create your own trash dump, even on your own land. It is good to know the cost for trash removal prior to making the decision to move into a rural area. In some cases, the only option may be to haul your trash to a local landfill (state and county law prohibits burning of domestic trash in a burn barrel). Recycling services may not be available in rural areas.

PROPERTY

There are many issues that can affect your property. It is important to research them before purchasing land in rural areas of the county. A title search of the property will ensure no surprises later on. To ensure your property can be used for intended purposes check with the Canyon County Development Services Department.

3.1 - Easements may require you to allow the construction of roads, power lines, water lines, sewer lines, etc. across your land. There may be easements that have not been recorded by the county or as part of the original property. Check these issues carefully.

3.2 - Some property owners do not own the mineral rights under their property. Owners of mineral rights have the ability to change the land's surface characteristics in order to extract minerals. It is important to know what minerals may be located under your land and who owns them. Be aware that adjacent mining uses and gravel pits can expand.

3.3 - You may be provided with a map of your property, but unless the land has been surveyed and pins placed by a licensed surveyor, you should not assume that the map is accurate. On-line maps can be viewed at the Canyon County Assessor's website.

3.4 - Fences that separate properties are sometimes misaligned with the actual property lines. A survey of the land by a licensed surveyor is the only way to confirm the location of property lines.

3.5 - Many subdivisions and planned unit developments have codes, covenants and restrictions (CC&Rs) that limit the use of the property, which may include animal types, species, and numbers. It is important to obtain a copy of the CC&Rs (or to confirm that there are none) and make sure that you can live within those rules. Some homeowners' associations are

required to take care of common elements, roads, open space, etc. Dues are almost always a requirement for those areas with a homeowners' association. The bylaws will tell you how the organization operates and how the dues are set. Remember, enforcement of CC&Rs is a civil matter - they cannot be enforced by the county.

3.6 - Surrounding properties may not remain in their current state indefinitely. You should check with the Canyon County Development Services Department to determine local zoning and to determine if future developments may be in the planning stages. Not all property is eligible for a building permit or land division. Please check these issues with the Canyon County Development Services Department.



3.7 - If there is a ditch, canal or other water conveyance crossing your property, the users of the conveyance may have the right to come onto your property to maintain and access the conveyance. Some ditch companies make it the property owner's responsibility to keep the ditches or canals clean and clear of weeds. The water flowing in irrigation ditches, canals and other conveyances belongs to someone. You cannot assume that because the water flows across or through your property you may use it. Remember that canal or ditch roads may only be used by the canal, ditch company or land owner of record and are not for the public's use.

3.8 - Make certain that the parcel of ground you are

purchasing has water rights. Even water rights sold with the property may not give you the right to use the water from any ditch, canal or other conveyance that crosses your land. You may need to coordinate with neighbors who also use the water. Other users may have senior rights to the water that can limit your use or require you to pay for the over sizing or other improvements of the conveyance mechanism. Contact the Idaho Department of Water Resources regarding water rights availability. (<https://idwr.idaho.gov/>).

3.9 - Flowing water can be a hazard, especially to young children. Before you decide to locate your home near an active ditch, canal or other water conveyance, consider the possible danger to your family.

3.10- If you are purchasing a parcel close to a city or within a city area of impact, annexation in the future is a possibility. Cities, or city areas of impact can change through the annexation process.

3.11 - Canyon County is not an open range and domestic animals cannot run free.

3.12 - Respect other property owners land. Do not trespass, particularly by using bicycles, motorcycles, ATV, UTV, horses, etc. in farm fields and on irrigation canal banks.

3.13 - Homeowners Associations (HOAs) are required to take care of common elements, roads, open space, etc. A dysfunctional homeowners association or poor covenants can cause problems for you and even involve you in expensive litigation.

MOTHER NATURE

Residents of rural areas of the county may experience more problems when the elements and earth turn unfriendly. Here are some thoughts for you to consider.

4.1 - Steep slopes may fail, causing landslides in unusually wet weather. Large rocks may also roll down steep slopes and present a great danger to people and property. Building in areas with steep slopes may also require engineering services.

4.2 - Black ice or icy conditions on rural roadways is always a probability in winter.

4.3 - The topography of the land can give you an indication of where the water will flow during large precipitation events. When property owners fill in natural drainages, they may cause the water that once drained naturally to drain through unwanted areas potentially causing property damage to you or your neighbor's property.

4.4 - Floodplains have been designated by the United States Geologic Survey (USGS) within the county. Portions of the county have delineated floodplains that prohibit home construction in some flood prone areas. Other areas have special building considerations if located within the floodplains. It is advisable to consult Canyon County's Development Services Department about floodplain location before buying or building. You can research an address at FEMA's website at <https://msc.fema.gov/portal/home>.

4.5 - Nature can provide you with some wonderful neighbors such as deer, elk and other wildlife. These are generally seen as positive additions to the environment. However, even 'harmless' wildlife can cross the road unexpectedly and cause traffic accidents. Rural development encroaches on the traditional habitat of coyotes, rattlesnakes, prairie dogs, and other animals that may be dangerous. In general, it is best to enjoy wildlife from a distance. It is important that you handle your pets and trash properly so that they will not create problems for you and/or the wildlife. The Idaho Fish and Game Department can provide information on co-habitation of humans and wildlife.

AGRICULTURE

The people who tamed this wild land brought water to the barren, arid high desert of Idaho through an ingenious system of water diversion. This water has allowed agriculture to become an important part of our environment and economy. Owning rural land means knowing how to care for it. There are a few things you need to know.

5.1 - Farmers often work around the clock, especially during planting and harvest time. For example, hay is often raked and baled at night. It is possible that adjoining agriculture uses may disturb your peace and quiet late into the evening and morning hours.

5.2 - Land preparation and other agricultural operations may cause dust, especially during windy and dry weather. In addition, farm equipment on roads and trucks carrying harvested crops may slow traffic.

5.3 - Farmers occasionally burn ditches and fields to keep them free of debris and weeds, which may create objectionable smoke.

5.4 - Chemicals (mainly fertilizers, insecticides and herbicides) are often used in agricultural activities and may be applied via irrigation systems, ground vehicles or various aircraft. You may be sensitive to these substances and some people may actually have allergic reactions.

5.5 - Animals and manure may cause objectionable odors and dust. Large confined feeding operations and dairies are regulated through the Idaho State Department of Agriculture and questions may be directed to them.

5.6 - Agriculture is an important part of the Canyon County economy. If you choose to live among the farms and ranches

of our rural countryside, do not expect county government to intervene in the normal day-to-day operations of your agribusiness neighbors. In fact, the Idaho Legislature passed the 'Right to Farm' legislation (Idaho Code Chapter 22, 4501-4506) that protects farmers and ranchers from nuisance and liability lawsuits.

5.7 - Canyon County is serious about the control of noxious weeds. The county has adopted the State of Idaho's noxious weed and pest laws. Every landowner is responsible for the abatement of the state's designated noxious weeds, as well as pocket gophers. Canyon County and individual cities have nuisance ordinances requiring the maintenance of property in a manner that prevents fire, safety, or health hazards. If you don't control weeds on your property, they can contaminate agricultural fields near you.

5.8 - Crop isolation is necessary for some types of agricultural seed crops to maintain "true seed type" for a particular crop variety. If you live next to a field needing "isolation" you may be asked not to plant the same type of crop in your garden.

5.9 - Livestock animals being herded from one location to another have the right-of-way on county roads and highways.

5.10 - Insects may be more of a problem in a rural area than they are within city limits. Insects feeding on actively growing crops or emerging from cropland can migrate to landscaping and gardens adjacent to cropland. It will be your responsibility to control them if they are a nuisance.

5.11 - Farm animals such as bulls, stallions, etc. can be dangerous and can even attack humans. People need to know that it may not be safe to enter pens where farm animals are kept.

5.12 Litter may cause damage to growing crops by covering plants and clogging furrows during irrigation.

IN CONCLUSION

Canyon County is a wonderful place to live, work, and raise a family. We hope this information will help enhance the quality of your life here. Respect your neighbor's livelihood and property and be aware that your actions may have adverse impacts on your neighbors, human and otherwise. However, the information presented here is intended as a guideline and an introduction into some of the realities of rural living. You may discover other issues that have not been covered by this document. We encourage you to research and examine all aspects of country living prior to moving to a rural setting so you will enjoy the country and not have any unpleasant surprises.

Canyon County elected officials, administration and staff pride themselves on their accessibility. By participating in the publication of the Code of the West, Canyon County is in no way divesting itself of its responsibility to its constituents. We offer this publication in the sincere hope that it will help you better understand the realities of rural living.

Sources ///

Code of the West: Larimer County

Code of the West: Mesa County

Code of the New West: Beaverhead County

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