

**CODE
OF THE
NEW WEST**



Make an educated and informed decision before
purchasing a parcel of land out in the country.

**VALLEY COUNTY
IDAHO**

CODE OF THE NEW WEST

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.

Old West values like integrity, self-reliance and accountability guided their decisions, actions and interactions. Their survival depended upon their ability to cooperate with their neighbors — an attitude of collective responsibility to society and finding non-partisan solutions to environmental problems and other important issues. In keeping with that spirit, we offer this information to help the citizens of Valley County who wish to follow in the footsteps of those rugged individuals by living in the rural areas of Valley County.

CODE OF THE NEW WEST As it Applies to VALLEY COUNTY, IDAHO

Introduction: It is important to become aware of the realities of living in rural Idaho. It is also important for you to know that life in the country is different from life in the city. You need to be prepared.

As you look for a place to make your home, look at the community and its people. County and small town governments are not able to provide the same level of service that city governments provide. However, the County does have a complete set of ordinances, such as: building codes, land use codes, lighting standards, and even rules on how to place your culverts. You should think about transportation, communication, education, health care, employment and public services that are so essential to our modern way of life. To that end, we are providing you with the following information to help you make an educated informed decision before you purchase property or build a home in our county.

- 1.0 **ROADS AND ACCESS:** The fact that you can drive to your property does not necessarily guarantee that you, your guests, and emergency services vehicles can achieve that same level of access at all times. *Please consider:*
 - 1.1 Emergency response times (sheriff, fire suppression, medical care, etc.) cannot be guaranteed. Under some extreme conditions, you may find that emergency response is extremely slow due to circumstances beyond their control. Fire, Ambulance, and Search and Rescue are all volunteer services in the unincorporated areas of Valley County.
 - 1.2 There can be problems with the legal aspects of access, especially if you gain access across property belonging to others. It is wise to obtain legal advice and understand that easements may be necessary.

- 1.3 Valley County maintains approximately 714 miles of roads, ranging from paved to unimproved dirt roads. There are public roads in this county that are not maintained (no grading or snow plowing – some receive summer maintenance and no winter maintenance). Check with the County Engineer’s Office or Road Department to determine the status of a specific road.
- 1.4 Valley County experiences extreme weather conditions and those conditions can damage or destroy roads. It is wise to determine whether or not your private access road was properly engineered and constructed. Even with proper engineering, annual road maintenance will be needed. This can require renting or owning special equipment (tractors, snow blades, etc.) or hiring someone else to do the needed repairs. You should also think about where you will store excess snow.
- 1.5 Many large construction vehicles cannot navigate small, narrow roads. If you plan to build, it is prudent to check out construction access. It may be more expensive and time consuming 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 county roads that have been designated as school bus routes by the school district. You may need to drive your children to the nearest route so they can get to school.
- 1.7 Valley County provides snow removal on designated routes once per day – during extreme weather it may be twice per day on priority routes. In extreme weather even County maintained roads can become impassable. You may need a four-wheel drive vehicle with chains for all four wheels, to travel during those episodes, which could last for several days. Under certain conditions, roads become narrower. Yielding the right of way is not merely a legal concept -- it is a critical safety issue. Living in a rural area means developing special driving skills and personal judgement. Driving off road to avoid bad road sections, and/or driving off road because a road is impassable makes the situation worse, tearing up road banks and accelerating erosion. (Don’t do it.)
- 1.8 Don’t expect neighbors to join a petition asking for improved service from the county. Many rural counties depend on volunteerism. Costs are kept down by the willingness of the populace to go without many things suburban and urban people regard as necessities. Rural people cherish their independence and the willingness to take care of their own.
- 1.9 Natural disasters, especially floods, can destroy roads. Valley County will repair and maintain county roads. However, subdivision/private roads are the responsibility of the land owners 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.

1.10 Unpaved roads generate dust. Dust is part of the rural atmosphere for most residents.

1.11 If your road is unpaved, it is highly unlikely that Valley County will pave it in the foreseeable future. Check carefully with the County when any statement is made by the seller of any property that indicates any unpaved roads will be paved!

1.12 Unpaved roads are usually bumpy and are often muddy and slippery when they are wet. You will experience an increase in vehicle maintenance costs when you regularly travel on rural county roads.

1.13 Mail, newspaper, standard parcel and overnight package delivery can be a problem in rural areas. Confirm with the service providers as to your status.

1.14 Emergency services and delivery vehicles will find you faster if your rural address is clearly displayed at the entrance to your driveway. Valley County requires rural addresses to be clearly displayed.

2.0 **UTILITY SERVICES:** Water, sewer, electric, cable, high speed internet access, telephone and other services may be unavailable or may not operate at urban standards. Repairs can often take much longer than in towns and cities.

2.1 Telephone communications can be a problem, especially in the mountain areas of Valley County. Cellular phones may not work in all areas.

2.2 Sewer service is generally available only within town limits, except if within the Northlake Recreational Sewer and Water District or the Payette Lakes Recreational Sewer and Water District. You will need to use an approved 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 system. Contact Central District Health for requirements.

2.3 If you do not have access to a supply of treated domestic water, you will have to locate an alternative supply. The most common method is use of a well. The cost for drilling and pumping can be considerable. The quality and quantity of well water can vary considerably from location to location and from season to season. There are portions of the county where there is not enough water available for domestic purposes. Water from natural sources such as lakes, streams, rivers, etc. is owned by someone and to use this water requires legal application. It is strongly advised that you research this issue very carefully.

2.4 It may also be difficult to find enough water to provide for your needs such as livestock, lawns or gardens even if you can drill and find water, as your well may only produce a

minimal amount of water. A domestic well only provides for ½ acre of land (Idaho Code 42-111).

- 2.5 Electric service is not available in every area of Valley County. It is important to determine the proximity of electrical power. It can be very expensive to extend power lines to remote areas.
 - 2.6 It may be necessary to cross property owned by others in order to extend electric service to your property in the most cost efficient manner. It is important to make sure that the proper easements are in place to allow lines to be built to your property.
 - 2.7 Electric power in single phase is standard, but a three phase service configuration comes at a premium and is not available everywhere. If you have special power requirements, it is important to know what level of service can be provided to your property.
 - 2.8 The cost of electric service is usually divided into a fee to hook into the system and then a monthly charge consumed. It is important to know both costs before making a decision to purchase a specific piece of property.
 - 2.9 Power outages can occur in outlying areas with more frequency than in more developed areas. A loss of electric power can also interrupt your supply of water from a well. You may also lose food in freezers or refrigerators and power outages can cause problems with computers as well. It is important to be able to survive for up to a week in severe cold with no utilities if you live in the country.
 - 2.10 Trash removal is provided in some areas of the county through Lakeshore Disposal. However, you may need to haul your own trash. In some cases your trash dumpsite may be several miles from your home. It is illegal to create your own trash dump, even on your own land. It is good to know the situation for trash removal as you make the decision to move into the country. Recycling is available and is your responsibility.
- 3.0 **THE PROPERTY:** Owning rural land means knowing how to care for it. Continual stewardship and land management are essential elements of rural life. There are many issues that can affect your property. It is important to research these items before purchasing land.
- 3.1 Easements may require you to allow construction of roads, power lines, sewer lines, etc. across your land. There may be easements that are not on record. 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 surface characteristics in order to extract their minerals. It is very important to know what minerals may be located under the

land and who owns them. Be aware that adjacent mining uses can expand and cause negative impacts.

- 3.3 You may be provided with a plat of your property, but unless the land has been surveyed and pins placed by a licensed surveyor, you cannot assume that the plat is accurate.
- 3.4 Fences that separate properties are often misaligned with the actual property lines. A survey of the land is the only way to confirm the location of your property lines.
- 3.5 Many subdivisions and planned unit developments have covenants that limit the use of the property. It is important to obtain a copy of the covenants (or confirm that there are none) and make sure that you can live with those rules. Also, a lack of covenants can cause problems between neighbors.
- 3.6 Homeowners' associations (HOAs) are required to take care of common elements such as roads, open space, etc. A dysfunctional homeowners association or poor covenants can cause problems for you and even involve you in expensive litigation.
- 3.7 Dues are almost always a requirement for those areas with a HOA. The bylaws of the HOA will tell you how the organization operates and how dues are set.
- 3.8 The surrounding properties will probably not remain as they are indefinitely. You can check with the Valley County Planning and Zoning office to find out what uses are approved and to see what future developments may be in the planning stages. The view from your property may change.
- 3.9 The location of a new residence is a particularly important decision because it is so permanent. Recent arrivals often build their homes on the highest ridge or hilltop on their property. However, what they may not realize is that the farther they can see from their picture window, the easier their home can be seen by others.
- 3.10 Understanding the soil and its limitations can be very helpful. Soil properties affect a site's susceptibility to erosion and help identify whether or not an area is a wetland. Sites suitable for buildings, roads, septic systems, crop or hay production and the type of landscaping can be ascertained from soil properties. The Natural Resources Conservation Service office is a good source for soils information.
- 3.11 Valley County landowners are responsible for controlling noxious weeds on their property. The Valley County weed supervisor can help you to identify noxious weeds and devise the best plan of attack.

3.12 If you have a ditch running across your property, the owners of the ditch have the right to come onto your property with heavy equipment to maintain the ditch and to access the ditch and the water source.

3.13 Water rights that are sold with the property may not give the right to use the water from any ditches crossing your land without coordinating with a neighbor who also uses the water. Other users may have senior rights to the water that can limit your use or require you to pay for the oversizing or other improvements of the ditch.

3.14 It is important to make sure that any water rights you purchase with the land will provide enough water to maintain landscaping, pastures, gardens or livestock.

3.15 The water flowing in irrigation ditches belongs to someone. You cannot assume that because the water flows across your property, you can use it.

3.16 All natural water bodies, including streams and lakes are owned by the State of Idaho. To protect our waterways, several permits are required before altering them in any way. For instance, to install a culvert or a bridge, or to stabilize eroding stream banks, a permit is required from the Idaho Department of Water Resources and/or the Army Corps of Engineers.

3.17 Flowing water can be a hazard, especially to young children. Before you decide to locate your home near an active ditch, consider the possible danger to your family. Ditch owners are not legally responsible for accidents. Also, flow levels may be changed abruptly without warning.

3.18 Irrigation ditches tend to raise the ground water level. Be sure to check if there is a seasonal ground water fluctuation that may affect your basement, well, or septic system.

4.0 **MOTHER NATURE:** Residents of the county usually experience more problems when the elements and earth turn unfriendly. Here are some thoughts for you to consider:

4.1 The physical characteristics of your property can be positive and negative. Trees are a wonderful environmental amenity, but can also involve your home in a forest fire. Building at the top of a forested draw should be considered as dangerous as building in a flash flood area. Grassland fires are not uncommon. Defensible perimeters are very helpful in protecting buildings from forest or grassland fires and inversely can protect the forest or grassland from igniting if your house catches fire. If you start a forest or grassland wildfire, you are responsible for paying for the cost of extinguishing that fire. Southern Idaho Timber Protection Association (SITPA), or local fire departments, can help create a plan to protect your property from fire.

- 4.2 Steep slopes can slide in unusually wet weather. Large rocks can also roll down steep slopes and present a great danger to people and property.
 - 4.3 North facing slopes or canyons rarely see direct sunlight in the winter.
 - 4.4 The topography of the land can tell you where the water will go in the case of heavy precipitation. When property owners fill in ravines, they have found that the water that drained through that ravine now drains through their house.
 - 4.5 Portions of the county have delineated flood plains of flood-prone areas where home construction is either prohibited or regulated. Additional areas may still flood during high water.
 - 4.6 Spring runoff can cause a very small creek to become a major river.
 - 4.7 Nature can provide you with some wonderful neighbors. Most, such as deer and eagles, are positive additions to the environment. However, even “harmless” animals like deer can cause problems like crossing the road unexpectedly or eating your shrubs and trees. Rural development encroaches on the traditional habitat of coyotes, bobcats, mountain lions, ground squirrels, bears, wolves, flies, mosquitoes and other creatures that can be dangerous and you need to know how to avoid them. In general, it is best to enjoy wildlife from a distance and know that if you do not handle your pets and trash properly, it could cause problems for you and the wildlife. The Idaho Department of Fish and Game is a good resource for information. They have many free publications to help educate you about living in the wild.
 - 4.8 Valley County is seismically active. We have earthquakes and large areas of unstable soil associated with the seismic activity. Check with the United States Geological Survey for more information.
 - 4.9 The weather is one of the most talked about things in Idaho. If you plan on making Valley County your permanent home be sure you know what each season is like (temperatures, snow, winds, rainfall, drought). Although each season has its unpredictability, there are some averages that will give you some idea of what to expect. Sometimes we think the severity of the winter isn't that hard to live with until we consider its length.
- 5.0 **AGRICULTURE:** The people who tamed this wild land brought water through an ingenious system of water diversion. This water has allowed agriculture to become an important part of our environment. There are a few things you need to know.

- 5.1 Farmers often work around the clock, especially during planting and harvest time. Hay is often swathed or baled at night. Adjoining agricultural uses may disturb your peace and quiet.
- 5.2 Land preparation and other operations can cause dust, especially during windy and dry weather.
- 5.3 Farmers occasionally burn their ditches and fields to keep them clean of debris, weeds and other obstructions. This burning creates smoke that you may find objectionable.
- 5.4 Chemicals (mainly fertilizers and herbicides) are often used in growing crops. You may be sensitive to these substances and many people actually have allergic reactions. Airplanes that fly early in the morning apply many of these chemicals.
- 5.5 Animals and their manure can cause objectionable odors and attract flies... What else can we say?
- 5.6 Agriculture is an important business in Valley County. If you choose to live among farms and ranches in our rural countryside, do not expect county governments to intervene in the normal day-to-day operations of your agri-business neighbors. In fact, Idaho has "Right to Farm" legislation that protects farmers and ranchers from nuisance and liability lawsuits.
- 5.7 Idaho has an open range law. This means if you do not want cattle, sheep, or other livestock on your property, it is your responsibility to fence them out. It is not the responsibility of the rancher to keep his/her livestock off your property.
- 5.8 Animals can be dangerous. Bulls, stallions, rams, boars, llamas, turkeys, etc. can attack human beings. Children need to know that it is not safe to enter pens or pastures where animals are kept.
- 5.9 Much of Valley County receives minimal precipitation. As a result, we have a problem with fugitive dust. Even with irrigation, grasslands have limited grazing. Your parcel of land can reasonably support only so many animals. In addition, the year round presence of animals can damage and destroy grasslands, leaving the land barren: a difficult and expensive problem to restore. The Valley County Extension Service Office can help you with these issues.
- 5.10 Moving to the country is not a license to let pets roam. Even gentle, beloved family pets can become nuisances, predators, or prey to coyotes, neighbors, etc. State law protects livestock from pets. Pets found attacking or harassing livestock can be shot.
- 5.11 The trailing of livestock herds on roadways is an economic necessity and tradition. Slow down immediately whenever you encounter a livestock drive.

6.0 **PUBLIC LANDS:** Since such a large portion of land in Valley County is public there are several issues that arise from land that is adjacent to public lands. Pamphlets for specific issues can be obtained at the Cascade Ranger District, the McCall Ranger District, or the Idaho Department of Lands office in McCall.

IN CONCLUSION: Images of the Old West draw people to an area once filled with miners, farmers, ranchers, loggers and other agricultural workers. Often newcomers are much more romantic about the West than the old-timers and have false hopes about bringing their urban lifestyles into the great outdoors. They come with false expectations. They believe they can fax and e-mail from the mountaintop. They then realize that up here the information superhighway is a dirt road.

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. We encourage you to research and examine all aspects of country living so you will enjoy the country and not have any unpleasant surprises.

Our County elected officials, administration, and staff pride themselves on their accessibility. By publishing the Code of the New West, Valley County is in no way divesting itself of its responsibility to its constituents. We offer these comments in the sincere hope you better understand how things work in the country.

Valley 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 neighbors' livelihood and property and be aware that your actions may have an adverse impact on your neighbors, human and otherwise.

But then isn't that why you chose to come here?...

People live here and move to Valley County for the open space, the quiet, the availability of outdoor activities. They also value the sense of small community, interest in the arts, dirt roads, lack of crowds and cozy neighborhood restaurants, shops, stores, "saloons" and grocery stores which are owned and operated by people who know and care about their customers as friends.

Although many of the previous statements may sound discouraging, we believe the benefits far outweigh the inconveniences. Not only is it the way it is, but it is the way we like it. That's why we live here and hope that if you choose to be our neighbors, you will embrace the whole experience of living in Idaho.



For information on any of these issues, please contact the appropriate agency, as follows at the end of this document.

Sponsored by: Valley County Board of County Commissioners and Planning and Zoning Commission

Sources:

Code of the West: Larimer County, Montana

Code of the New West: Madison County, Montana

Project Coordinators: Cynda Herrick, Planning & Zoning Department
Gordon Cruickshank, Road Department

TELEPHONE NUMBERS IN VALLEY COUNTY

Valley County Planning and Zoning	(208) 382-7115	Valley County Road Department	(208) 382-7195
Solid Waste Transfer Site	(208) 634-7712	Central District Health Dept.	(208) 634-7194
Weed Control	(208) 382-7199	Sheriff's Administration	(208) 382-7150
Appraisal/Assessment	(208) 382-7126	Valley County Extension Service	(208) 382-7190
Soil and Water Conservation District	(208) 382-3317	Forest Service - Cascade	(208) 382-7400
Valley County Clerk	(208) 382-7100	- McCall	(208) 634-0700
Idaho Dept. of Fish and Game	(208) 634-8137	Idaho Transportation Dept.	(208) 382-4675
BOR: Lake Cascade State Park	(208) 382-4258	City of Cascade	(208) 382-4279
City of Donnelly	(208) 325-8859	City of McCall	(208) 634-7142
Southern Idaho Timber Protection Assoc.	(208) 634-2268	Valley County Engineer	(208) 382-7195

CODE OF THE NEW WEST

As good citizens of Idaho, we promise to:

1. Appreciate the splendor of Idaho's natural beauty; the opportunity to live here; the quality of life we enjoy.
2. Be a good steward of the land; to take personal responsibility for keeping our land weed free and trash free; recycle.
3. Show respect for our state laws, for wildlife, for the land and for the people.
4. Be good will ambassadors, showing friendliness to visitors and our neighbors alike.
5. Take pride in how we maintain our property, our businesses, our communities, and ourselves.
6. Become informed about how things are done in our communities and in the state, so that we fully understand the realities of living in rural Idaho.
7. Take political action: read, vote, become informed, participate when necessary, to preserve and improve the good things we have.
8. Get involved with our communities, to give back some measure of what we receive from being a part of the larger family.
9. Work together for the good of the whole- neighborhood, community, county, state, nation and world.