

**TITLE 6
ELMORE COUNTY
ZONING and DEVELOPMENT ORDINANCE**

CHAPTER 17 - PUBLIC AND PRIVATE ROADS

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Section 6-17-1: Purpose:

- A. Elmore County will not approve development applications, land splits, or any type of zoning related application unless improved roads are provided to all properties. Public road development is encouraged. All public roads will be constructed to the public road standards of the applicable Highway District.

Section 6-17-2: Applicability:

- A. Private Roads may be requested on properties located outside an Area of City Impact.
- B. Private roads may be requested on properties inside an Area of City Impact where the private road is built to the applicable city standards street standard or as required by this Title whichever is more restrictive.

Section 6-17-3: Definitions:

PUBLIC ROAD: A public roadway means a street, road, thoroughfare, alley or highway and includes a right of way for public use (see I.C. §50-1301) that provides vehicular and/or pedestrian access. A public roadway shall include any road designated by any highway district operating within Elmore County and/or approved by an individual highway district.

PRIVATE ROAD: A private road means any private access to a public road.

Section 6-17-4: Process:

- A. Application: An application and fees, as set forth this Chapter, shall be submitted to the Director on forms provided by the Growth and Development Department.
- B. Tentative Approval Requirements: Upon tentative approval of the application by the Director subject to any applicable conditions of approval and the regulations of this Title, the applicant or owner shall have one year to complete the following tasks:
 - 1. Obtain approval from the Elmore County street naming committee for a private road name; and
 - 2. Contact the applicable highway district to install an approved street name sign that complies with the regulations of the Elmore County uniform street naming ordinance; and
 - 3. Record a perpetual access easement with the Elmore County recorder for the private road from a public street to all applicable properties; and
 - 4. After the private road is constructed and the street name sign is installed, schedule an inspection by a qualified engineer; and
 - 5. The applicant or owner shall provide documentation of a binding contract that establishes the party or parties responsible for the repair and maintenance of the private road including regulations for the funding thereof.
 - 6. The applicant or owner will have the qualified engineer fill out the Road Certification Letter obtained from the Growth and Development Office and return it to the Director.
- C. Completion and Final Approval: Upon completion of the items noted above, the Director shall issue a letter stating that the private road has been granted final approval. No building permit shall be issued for any structure using a private road for access to a public street until the private road has been approved.

Section 6-17-5: Standards:

- A. A property may take access from a private road, provided the private road is initiated from a public road, and the private road is located on a sixty (60') foot recorded easement, and the terminus of which shall be located within the property or a seventy (70') foot radius cul-de-sac located within the recorded right-of-way:

1. If located on a seventy (70') foot radius cul-de-sac, the required frontage shall be thirty (30') feet.
 2. If located at the terminus of which shall be located within the property, the required frontage shall be sixty (60') feet, the width of the private road easement.
 3. Access from a private road to another private road shall be prohibited, however an approved private road, with terminus on a public road containing a sixty (60') foot easement may be extended provided the conditions of this Chapter are complied with.
- B. Access shall be taken from the required frontage unless the property has frontage on an alley public or private or approved private road as required by this Chapter and Title (see Title 6, Chapter 11, Subsection 6-11-3: Access To And Frontage On A Roadway.)
- C. All roadways shall be constructed to these minimum standards; the minimum standards for private roads are as follows, unless specifically exempted in this Chapter:
1. Clearing and Grubbing: Clearing and grubbing shall consist of the removal and disposal of all topsoil organics, debris, and other deleterious material from the roadway right-of-way; and
 2. Subgrade: The subgrade shall consist of the natural materials remaining after completion of the clearing and grubbing and good construction material remains; and
 3. Subbase and Ballast: The subbase and ballast shall be approved pit run material used for the ballast course or subbase course and shall have a minimum depth of ten (10") inches; and
 4. Base Material: The base material shall consist of crushed aggregate and shall comply with the graduation standards set forth in the Jurisdictional Highway District's Highway Standards and Development Procedures Manual. The base material shall be a minimum depth of six (6") inches; and
 5. Road Width: All roads shall have a minimum width of twenty-six (26') feet; and
 6. Crown or Transverse Slope: All roads shall be a crown or transverse slope of two (2%) percent to drain water away from the travel way.

7. Surface Type: The surface shall be hot or cold mixed asphalt concrete except as noted on the standard drawings in the Jurisdictional Highway District's Highway Standards and Development Procedures Manual and shall have a minimum depth of three (3") inches.

D. Public and Private Roads:

1. All subdivisions with public road, or a private road providing access to three (3) or more lots or parcels shall plan and construct the private road(s) to Collector or Local Residential Standards as set forth in the current edition of the Jurisdictional Highway District's Highway Standards and Development Procedures Manual and as required in Section 6-17-5. Private roads within a platted subdivision shall be placed within a common lot.
2. Private roads providing access to two (2) or fewer lots or parcels shall be exempt from the requirement to utilize an asphalt concrete layer as described in Section 6-17-5, Subsection (C, 7); all other requirements of that Section and Subsection shall apply. The improved surface shall conform to Highway District Standards for clearing and grubbing as approved by the County Engineer.
3. Private roads shall be constructed on a perpetual access easement or a single platted lot that originates from a public street and provides access to all applicable properties.
4. Any segment of a travel way of a private road greater than five (5%) percent grade shall be constructed and improved with asphalt or concrete paving and constructed as required in Section 6-17-5.
5. Private roads outside an Area of City Impact shall be designed with an easement with a minimum of twenty-six (26') feet in width improved surface on a minimum of sixty (60') feet in width right-of-way easement. Inside an Area of City Impact, conditions listed above shall apply.
6. The primary function of a private road located on a lot shall be to accommodate the private road. Minimum parcel size requirements contained in this Title for private roads shall not apply.
7. All properties abutting an approved private road shall have the same minimum required street frontage as required by the applicable base zone, except: if the turnaround for the private road is located within a property, the required frontage shall be thirty (30') feet the width of the private road easement. The entire turnaround shall be located within a private road easement.

8. The applicable Highway District shall approve the point of connection of a private road to a public street.
9. Private roads shall terminate at a seventy (70') foot radius cul-de-sac or other Elmore County approved turnaround configuration.
10. A private road turnaround may be located in an area of the property other than where the private road enters the property.
11. If an alternate location and/or configuration for a private road turnaround, is proposed, than the following additional standards shall apply:
 - a. The applicant shall provide written approval of the alternate location and/or configuration for a private road turnaround from the appropriate fire district; and
 - b. The County Engineer shall review and approve the alternate location and/or configuration for a private road turnaround.
12. A private road shall not intersect a public road, except at its origination point, unless approved by the applicable highway district, Director and County Engineer.
13. A private road shall not intersect another private road, unless approved by the Director and County Engineer.
14. Gates or other travel way obstacles shall not be allowed on private roads.
15. No segment of the travel way of a private road shall exceed eight (8%) percent grade.
16. Upon review of the proposed private road design, the applicant shall be required to submit a drainage study prior to final action on the private road application.
17. For the purposes of this Title, properties and corner properties that abut a private road shall be counted as taking access off the private road. Temporary dedicated open space lots created, as part of a subdivision shall also be counted as taking access off the private road.

E. Additional Regulations:

1. The Elmore County Engineer shall approve all roadway construction plans prior to an application being forwarded to the Commission for review.
 2. Private roadways shall be constructed and certified as required by this Chapter or Title by a Qualified licensed professional engineer before any lot is sold or any Building Permit issued, except those buildings permits required to construct private roads.
 - a. Private roads shall be completed prior to any lot being sold or any Building Permit issued, except those buildings permits required for the construction of private road. The applicant/owner, may for good cause request a bond or surety agreement with the Growth and Development Department for such construction provided the road is constructed within twelve (12) months of bonding.
 3. Public roadways shall be constructed and certified as required by the Highway District prior to any lot being sold or any Building Permit issued, except those buildings permits required to construct public roads.
 - a. Private roads shall be completed within two (2) years following the acceptance and approval of the roadway design by the Growth and Development Department. The roadway design and certification after construction will be submitted to the Growth and Development Department by a licensed engineer.
 4. All Highway District Standards and Development Procedures and requirements shall be complied with. Highway District Standards and Development Procedures Manuals may be obtained directly from the jurisdictional highway district, including the Mountain Home Highway District, Glenns Ferry Highway District, and/or Atlanta Highway District.
 5. Travel Ways: All travel ways shall be constructed within the easement and shall have a minimum improved width as required by this Chapter and Title.
 6. The full length of the travel way to the turnaround shall maintain the required width of improved surface.
- F. Alternative Standards: Upon the recommendation of the County Engineer or the Director private road alternative design standards may be approved, or recommend for approval when the applicant can demonstrate that the proposed overall design meets or exceeds the intent of the required standards of this Title and that the alternative design shall not be detrimental to the public health, safety, and welfare. Planned Communities and Planned Unit Development Districts shall be encourage to develop alternate design standards provided those design standards are approved by the

applicable Highway District, the County Engineer or the Director and that the alternative design shall not be detrimental to the public health, safety, and welfare.

- G. Private Roads and Property Access Requirements Related to the WUI: Vehicular turnouts for emergency vehicles shall be required on all new private roads. Such turnouts shall be spaced at a maximum interval of seven hundred (700') feet and shall be a minimum of eight (8') feet wide and thirty (30') feet in length or a seventy (70') foot radius cul-de-sac. Road construction shall meet standards as set forth in this Chapter Maintenance of the private road shall include vegetation control as specified in Title 6, Chapter 12.

Section 6-17-6: Required Findings:

- A. In order to approve an application, the Director shall find the following:
1. The design of the private road meets the requirements of this Chapter; and
 2. Granting approval of the private road would not cause damage, hazard, or nuisance, or other detriment to persons, property, or uses in the vicinity; and
 3. The use and location of the private road shall not conflict with the applicable Comprehensive Plan and/or the regional transportation plan.