

ORDINANCE NO. 2006- 1

AN ORDINANCE OF ELMORE COUNTY, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, REQUIRING ALL SUBDIVISION DEVELOPERS TO PLAN AND CONSTRUCT PUBLIC ROADWAYS IN ACCORDANCE WITH CERTAIN DEFINED STANDARDS; REQUIRING ALL SUBDIVISION DEVELOPERS TO PLAN AND CONSTRUCT PRIVATE GRAVEL ROADWAYS IN ACCORDANCE WITH CERTAIN DEFINED STANDARDS; ESTABLISHING MINIMUM STANDARDS FOR PUBLIC ROADWAYS; AND PROVIDING AN EFFECTIVE DATE.

STATEMENT OF PURPOSE:

WHEREAS, the Idaho Legislature under I.C. §§ 40-604, 67-6513 and 67-6518 has recognized the authority of local governments to enact ordinances with reference to the supervision, management and maintenance of public and private roads, including establishing standards for planning, developing and maintaining roads located within the county, and;

WHEREAS, the Elmore County Board of County Commissioners does find after due consideration of the issues presented that it is necessary and proper to adopt this ordinance to provide for the safety, promote health and comfort of Elmore County and inhabitants therein, and for the protection of persons and property therein;

PURSUANT to the authority under Article 12, Section 2 of the Constitution of the State of Idaho and the provisions of I.C. chapters 40 and 67;

BE IT ORDAINED BY THE BOARD OF ELMORE COUNTY COMMISSIONERS as follows:

SHORT TITLE: This ordinance shall be known as the "ELMORE COUNTY ROADWAY STANDARDS ORDINANCE."

Section 1: DEFINITIONS:

- (a) **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.
- (b) **Private Road.** A private road means any private access to a public road.

- (c) Subdivision. The division of an original lot, parcel, or tract of land into more than two (2) parts for the transfer of ownership or for the development or addition to, or creation of a cemetery.

Section 2: REGULATIONS AND RESTRICTIONS.

- (a) Public Roads.

- (1) All subdivisions consisting of 5 or more lots developed within the territorial confines of Elmore County shall plan and construct all public roadways 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.

- (2) The roadway designation of "public" will be declared and a typical roadway drawing will be included on the Preliminary Plat.

- (3) The minimum standards for public roads are as follows:

- (A) 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.

- (B) Subgrade shall consist of the natural materials remaining after completion of the clearing and grubbing and good construction material remains.

- (C) Subbase and ballast will be approved pit run material used for the ballast course or subbase course (minimum of 10" deep).

- (D) Base material will consist of crushed aggregate and shall comply with the gradation standards set forth in the jurisdictional highway district's Highway Standards and Development Procedures Manual (minimum of 6" deep).

(E) Surface type 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 (minimum of 26' wide and 3" deep).

(b) Private Roads.

Any subdivision consisting of 2-4 lots developed within the territorial confines of Elmore County may opt to utilize private roads. Any subdivision consisting of 2-4 lots shall plan and construct all private gravel roadways 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, except that private roads shall be exempt from the requirement to utilize an asphalt concrete layer.

Any subdivision consisting of more than 4 lots (5 or more lots) must utilize public roads as defined above and meet the standards set forth in this ordinance for public roads.

(c) Additional Regulations.

(1) Complete roadway construction plans will be approved by the jurisdictional highway district prior to the application being forwarded to the Planning and Zoning Commission.

(2) Both public and private roadways shall be constructed and certified by a licensed engineer before any lot is sold or any Building Permit issued.

(d) Highway District Standards and Development Procedures Manuals may be obtained directly from the jurisdictional highway district, including the Mountain Home Highway District, Glens Ferry Highway District, and/or Atlanta Highway District.

Section 3: SEPARABILITY.

If any clause, sentence, paragraph, section or phrase of this Ordinance or any part thereof is declared and adjudged to be illegal, invalid, or unconstitutional by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof. All ordinances and parts thereof which are in conflict with the provisions of this ordinance are repealed.

Section 4: EFFECTIVE DATE AND REPEAL OF ANY PREVIOUS ORDINANCE.

This Ordinance hereby repeals any previous ordinance relating to roadway standards. This ordinance shall be in full force and effect from and after its passage, approval and publication.

Enacted by the Elmore County Board of County Commissioners as an ordinance on the 24th day of April 2006.



Mary Egusquiza
Mary Egusquiza
Chairman, Board of Commissioners

Larry E. Rose
Larry Rose
Commissioner

Connie M. Crusier
Connie Crusier
Commissioner

ATTEST:

Gail Best
Gail Best, County Clerk

SUMMARY OF ORDINANCE 2006-1

AN ORDINANCE OF ELMORE COUNTY, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, REQUIRING ALL SUBDIVISION DEVELOPERS TO PLAN AND CONSTRUCT PUBLIC ROADWAYS IN ACCORDANCE WITH CERTAIN DEFINED STANDARDS; REQUIRING ALL SUBDIVISION DEVELOPERS TO PLAN AND CONSTRUCT PRIVATE GRAVEL ROADWAYS IN ACCORDANCE WITH CERTAIN DEFINED STANDARDS; ESTABLISHING MINIMUM STANDARDS FOR PUBLIC ROADWAYS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Idaho Legislature under I.C. §40-604, 67-6513 and 67-6518 has recognized the authority of local governments to enact ordinances with reference to the supervision, management and maintenance of public and private roads, including establishing standards for planning, developing and maintaining roads located within the county, and;

WHEREAS, the Elmore County Board of Commissioners does find after due consideration of the issues presented that it is necessary and proper to adopt this ordinance to provide for the safety, promote health and comfort of Elmore County and inhabitants therein, and for the protection of persons and property therein;

PURSUANT to the authority under Article 12, Section 2 of the Constitution of the State of Idaho and the provisions of I.C. chapters 40 and 67;

BE IT ORDAINED BY THE BOARD OF ELMORE COUNTY COMMISSIONERS as follows:

SHORT TITLE: This ordinance shall be known as the "ELMORE COUNTY ROADWAY STANDARDS ORDINANCE."

The following is a list of sections contained in Ordinance 2006-1. A copy of the entire Ordinance is available on request at the Recorder's Office, Elmore County Courthouse, 150 South 4th East, Suite #3, Mountain Home, Idaho.

Section 1: DEFINITIONS

Section 2: REGULATIONS AND RESTRICTIONS

Section 3: SEPARABILITY

Section 4: EFFECTIVE DATE AND REPEAL OF ANY PREVIOUS ORDINANCE

This Ordinance shall be in full force and effect from and after its passage, approval, and publication.

PASSED, at a regular meeting of the Elmore County Board of County Commissioners in the City of Mountain Home, County of Elmore, State of Idaho, held on the 24th day of April, 2006, upon which roll call vote was taken and said Ordinance duly passed by a unanimous vote as an Ordinance of Elmore County, Idaho.

ELMORE COUNTY COMMISSIONERS

/S/ LARRY E. ROSE, Chairman

/S/ MARY EGUSQUIZA, Commissioner

/S/ CONNIE CRUSER, Commissioner

1 Publication - May 3, 2006

**BOARD OF ELMORE COUNTY
COMMISSIONERS
NOTICE OF PUBLIC HEARING**

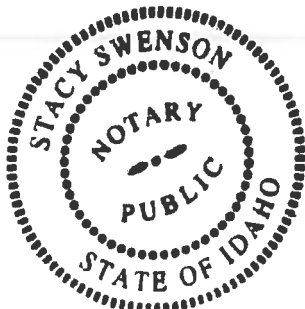
NOTICE IS HEREBY GIVEN that the Board of Elmore County Commissioners will hold a public hearing on Monday, April 24, 2006 at the hour of 3:00 p.m., in the Commissioners Room, basement of the Elmore County Courthouse, 150 South 4th East, Mountain Home, Idaho.

The purpose of this public hearing is to hear testimony on a proposed Ordinance requiring all subdivision developers to plan and construct public roadways in accordance with certain defined standards; requiring all subdivision developers to plan and construct private gravel roadways in accordance with certain defined standards; establishing minimum standards for public roadways; and providing an effective date.

The public is invited to be present and make comment. Persons who are unable to be present at the hearing, or who do not wish to speak, may submit written testimony prior to or during the hearing to the Elmore County Commissioners, 150 South 4th East, Suite #3, Mountain Home, Idaho, 83647. Written testimony will not be taken after the Commissioners close the hearing unless the Commissioners direct otherwise. Written testimony must be on 8.5 x 11 size paper. Any exhibits larger than 8.5 x 11 must be reduced to 8.5 x 11 for the record. The proposed Ordinance can be reviewed on the County's Web Site www.elmorecounty.org under Departments - click Commissioners, or a copy may be obtained in the Recorder's Office, Elmore County Courthouse, 150 South 4th East, Mountain Home, Idaho.

The Elmore County Clerk is responsible for ensuring compliance with the American Disabilities Act of 1993. Provisions will be made for persons with disabilities who are unable to attend this hearing. A grievance procedure is available from M. Bate, Elmore County Courthouse, in accordance with ADA regulations.

GAIL L. BEST
BOARD OF COMMISSIONERS
ELMORE COUNTY, IDAHO
First Publication: April 5, 2006.
Last Publication: April 12, 2006.




AFFIDAVIT OF PUBLICATION

COUNTY OF ELMORE } ss.
STATE OF IDAHO

I, COLEEN W. SWENSON, DO SOLEMNLY SWEAR THAT I
AM THE PUBLISHER OF THE:


MOUNTAIN HOME NEWS

A WEEKLY NEWSPAPER OF GENERAL CIRCULATION,
PUBLISHED ONCE A WEEK, IN MOUNTAIN HOME, IDAHO,
THAT THE NOTICE ATTACHED HERETO WHICH IS A PART OF
PUBLICATION THEREOF, WAS PUBLISHED IN SAID
NEWSPAPER FOR 2 CONSECUTIVE WEEKS, THE
FIRST PUBLICATION HAVING BEEN MADE ON THE 23rd
DAY OF April, 2006, AND THE LAST PUBLICATION
HAVING BEEN MADE ON THE 12th DAY OF
April, 2006; EVERY WEDNESDAY ISSUE OF THE
PAPER DURING THE PERIOD AND TIME OF PUBLICATION AND
THAT THE NOTICE WAS PUBLISHED IN THE PAPER PROPER
AND NOT IN A SUPPLEMENT THEREOF.
AND I FURTHER SWEAR THAT THE SAID MOUNTAIN HOME
NEWS HAS BEEN CONTINUOUSLY AND UNINTERRUPTEDLY
PUBLISHED IN SAID ELMORE COUNTY DURING THE PERIOD
OF 78 CONSECUTIVE WEEKS PRIOR TO THE FIRST
PUBLICATION OF THE ATTACHED NOTICE.



PUBLISHER

SUBSCRIBED AND SWORN TO ME THIS 13th DAY OF
April, 2006.



NOTARY PUBLIC

RESIDING IN MOUNTAIN HOME, ELMORE COUNTY, IDAHO.

MY COMMISSION EXPIRES 11-17-2011.

**SUMMARY OF
ORDINANCE 2006-1**

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WHEREAS, the Elmore County Board of Commissioners does find after due consideration of the issues presented that it is necessary and proper to adopt this ordinance to provide for the safety, promote health and comfort of Elmore County and inhabitants therein, and for the protection of persons and property therein;

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Section 1: DEFINITIONS

Section 2: REGULATIONS AND RESTRICTIONS

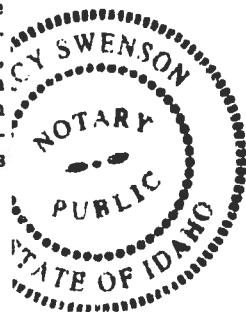
Section 3: SEPARABILITY

Section 4: EFFECTIVE DATE AND REPEAL OF ANY PREVIOUS ORDINANCE

This Ordinance shall be in full force and effect from and after its passage, approval, and publication.

PASSED, at a regular meeting of the Elmore County Board of County Commissioners in the City of Mountain Home, County of Elmore, State of Idaho, held on the 24th day of April, 2006, upon which roll call vote was taken and said Ordinance duly passed by a unanimous vote as an Ordinance of Elmore County, Idaho.

ELMORE COUNTY COMMISSIONERS
/S/ LARRY E. ROSE, Chairman
/S/ MARY EGUSQUIZA, Commissioner
/S/ CONNIE CRUSER,



AFFIDAVIT OF PUBLICATION

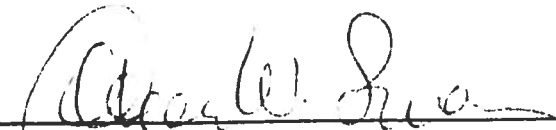
COUNTY OF ELMORE } ss.
STATE OF IDAHO

I, COLEEN W. SWENSON, DO SOLEMNLY SWEAR THAT I AM THE PUBLISHER OF THE:

MOUNTAIN HOME NEWS

A WEEKLY NEWSPAPER OF GENERAL CIRCULATION, PUBLISHED ONCE A WEEK, IN MOUNTAIN HOME, IDAHO, THAT THE NOTICE ATTACHED HERETO WHICH IS A PART OF PUBLICATION THEREOF; WAS PUBLISHED IN SAID NEWSPAPER FOR _____ CONSECUTIVE WEEKS, THE FIRST PUBLICATION HAVING BEEN MADE ON THE _____ DAY OF _____, 2006, AND THE LAST PUBLICATION HAVING BEEN MADE ON THE _____ DAY OF _____, 2006; EVERY WEDNESDAY ISSUE OF THE PAPER DURING THE PERIOD AND TIME OF PUBLICATION AND THAT THE NOTICE WAS PUBLISHED IN THE PAPER PROPER AND NOT IN A SUPPLEMENT THEREOF.

AND I FURTHER SWEAR THAT THE SAID MOUNTAIN HOME NEWS HAS BEEN CONTINUOUSLY AND UNINTERRUPTEDLY PUBLISHED IN SAID ELMORE COUNTY DURING THE PERIOD OF 78 CONSECUTIVE WEEKS PRIOR TO THE FIRST PUBLICATION OF THE ATTACHED NOTICE.


PUBLISHER

SUBSCRIBED AND SWORN TO ME THIS _____ DAY OF _____, 2006.


NOTARY PUBLIC

RESIDING IN MOUNTAIN HOME, ELMORE COUNTY, IDAHO.

MY COMMISSION EXPIRES 11-17-2011.