

CHAPTER 5 — DRIVEWAYS PUBLIC AND PRIVATE ROADS

Sections:

- 10-5-1: Purpose
- 10-5-2: Applicability
- 10-5-3: Process
- 10-5-4: Standards
- 10-5-5: Required Findings

Section 10-5-1: Purpose:

Elmore County will not approve development applications, land splits, or any type of zoning related application unless approved access is 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 10-5-2: Applicability:

A. Frontage, Easement, Or Road Lot Required: For the purpose of providing adequate access for equipment, emergency vehicles and other services to inhabited buildings, each parcel must demonstrate access by one of the following prior to the issuance of a certificate of zoning compliance:

1. Frontage: A minimum property frontage of sixty (60') feet is required along the right of way of a public road for the purpose of ingress/egress. The frontage width requirement may be reduced to a width not less than fifty (50') feet.

2. Driveway or Private Road Application, Easement and Maintenance Agreement:

a. Applications for driveways serving two (2) or more properties and all private roads shall be filed with the Department.

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 Ordinance whichever is more restrictive.

Section 10-5-3: Process:

- A. An application on a form provided by the director and the fees shall be submitted. Additional fees shall be charged for any requested alternative standards which require review by the county engineer.
- B. When the application is filed, the director shall review the application to determine if: 1) the proposed driveway serving two (2) or more properties or private road is in accord with the standards in this section and 2) will not disrupt regional or local long-range transportation plans. Conditions may be placed on the approval to ensure continued compliance with the requirements of this section.

1. Driveways serving two (2) or more properties and all private roads shall be located within a recorded permanent, perpetual easement having a minimum width of sixty (60') feet from the right of way of a public street to the property for the purpose of ingress and egress. The easement width requirement may be reduced to a width not less than twenty-eight (28') feet in accordance with subsection (1) of this section.
2. Driveways serving two (2) or more properties and all private roads shall have a recorded road users maintenance agreement that describes the responsible parties for construction and maintenance, including repairs, and necessary improvements to accommodate additional accesses in the future. The agreement shall also list any construction warrants applicable to the specific driveway or private road. Failure to maintain a previously approved driveway or private road shall be a violation of this article subject to the enforcement procedures.
3. All properties taking access to a private road shall be in compliance with the addressing standards.
4. Driveways serving two (2) or more residences and all private roads shall be located to minimize disruption of existing agricultural practices.

C. Tentative Approval Requirements: Upon tentative approval of the application by the Director subject to any applicable conditions of approval and the regulations of this Ordinance, the applicant or owner shall have one (1) year to complete the following tasks:

1. Obtain approval from the Elmore County Roadway Naming Committee for a private road name; and
2. Record a perpetual access easement with the Clerk for the private road from a public street to all applicable properties. If the private road is serving a subdivision more than four (4) lots the property must be

dedicated as a common lot for the subdivision or dedicated to the applicable Highway District; and

3. After the private road is constructed and the street name sign is installed, schedule an inspection by a State of Idaho licensed civil engineer; and
4. The applicant or owner shall provide and record with the Clerk 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.
5. The applicant or owner will have a State of Idaho licensed civil engineer fill out the Road Certification Letter obtained from the Department and return it to the Director.

D. 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 until the private road has been approved.

E. Width Reduction: The width of a parcel's road frontage, easement or private road may be reduced by the director if the reduction demonstrates all of the following:

1. Will the proposed reduction provide adequate access;
2. Do physical characteristics of the site require a width reduction; and
3. Would approval of the request cause injury, damage, or a safety hazard?

F. Fire District Road Requirements: The construction of driveways or private roads longer than one hundred fifty (150') feet from the public street right of way line to the most distant portion of an inhabited building must be approved in writing from the applicable fire district.

A. Application: An application and fees shall be submitted to the Director on forms provided by the 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 Ordinance, the applicant or owner shall have one year to complete the following tasks:

- ~~1. Obtain approval from the Elmore County Roadway Naming Committee for a private road name; and~~
 - ~~2. Record a perpetual access easement with the Clerk for the private road from a public street to all applicable properties. If the private road is serving a subdivision more than four (4) lots the property must be dedicated as a common lot for the subdivision or dedicated to the applicable Highway District; and~~
 - ~~3. After the private road is constructed and the street name sign is installed, schedule an inspection by a State of Idaho licensed civil engineer; and~~
 - ~~4. The applicant or owner shall provide and record with the Clerk 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.~~
 - ~~5. The applicant or owner will have a State of Idaho licensed civil engineer fill out the Road Certification Letter obtained from the Department 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 until the private road has been approved.~~

Section 10-5-4: Standards:

A. Driveway and Private Road Standards:

1. Driveways:
 - Subbase or Ballast: nine (9") inches uncrushed aggregate (pit run)
 - Base Course: four (4") inches of crushed aggregate (gravel)
 - Surface Width: sixteen (16') feet wide (all-weather driving surface)
2. Private Road:
 - Subbase or Ballast: nine (9") inches uncrushed aggregate (pit run)
 - Base Course: four (4") inches of crushed aggregate (gravel)
 - Surface Width: twenty-four (24') feet wide

B. All roadways shall be constructed to these minimum standards; the minimum standards, unless specifically exempted in this Ordinance:

1. Alternative pavement section designs that include geotextile fabrics, geogrids, cemented treated base, etc., may be submitted to the county for consideration and approval following review by the county engineer. Subbase thickness shall not be less than twice the maximum sized aggregate and base layer thickness shall not exceed ten (10") inches. Base is to be replaced in the GE pavement section at a ratio of 2.2:1 for plant mix and 1.5:1 for subbase.
2. Base to meet the requirements of ISPWC section 802, Table 1 - Type I Crushed Aggregate Base.
3. Subbase to meet the requirements of ISPWC section 801, Table 1 - 8 Inch, 6 Inch, Or 3 Inch Undrained Aggregate.
4. Trip generation per dwelling is 9.5 trips/day per ITE, "Trip Generation 9th Edition", rates for single-family detached housing. Total ADT for a private road is the total daily trips for the total dwellings entitled on properties using any segment of a private road.
5. The structural section of a private road shall be in accordance with the minimum section thickness as indicated in the table. Thinner sections on private roads may be possible based upon a traffic index proposed by the applicant and reviewed by the county engineer, an R-value (ITD method T-8) determined during the geotechnical investigation and the following formula:
$$GE \text{ (inches)} = 0.0384 * (TI) * (100 - R)$$
where GE equals gravel equivalence or the entire section of ISPWC - 3/4" base (section 802), TI = traffic index and R = R-value test result
R-value is to be determined by soil laboratory on a representative sample(s) from the project subgrade. Maximum subgrade R-value for design to be R-35. Subgrade is to be confirmed at the time of construction to be firm and stable. Soft, wet, or deflecting subgrade is to be addressed by project civil/geotechnical engineer(s).
6. Any private road shall be named and a sign conforming to the applicable highway district standards shall be erected and maintained at the property owners' expense. The road must have a road name approved by the Elmore County Road Naming

Committee. Verification of installation of road signs shall be provided to the Department.

C. Inspection and Certification: A driveway or private road must be constructed prior to final inspection of an inhabited building. The construction of driveways longer than one hundred fifty (150') feet from a public/private street right of way to the most distant portion of an inhabited building and private roads shall be inspected and certified by the applicant's engineer prior to obtaining a certificate of occupancy. This requirement may be waived by the director if a road construction warranty has been recorded.

D. Cul-De-Sacs: Cul-de-sacs shall have a fifty (50') feet radius for a driving surface and a seventy (70') feet radius for right of way or easement.

E. Additional Regulations:

1. The Elmore County Engineer shall approve all private roadway construction plans prior to an application being approved.
2. Private roadways shall be constructed and certified as required by this Ordinance by a State of Idaho licensed civil 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 Department for such construction provided the road is constructed within twelve (12) months of bonding.

F. Private Roads and Property Access Requirements shall comply with the WUI requirements of this Ordinance.

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 or common lot, 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 lot or easement:

1. If located on a seventy (70') foot radius cul-de-sac, the required lot 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, unless approved by the County Engineer and Director, 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 Ordinance.~~

~~C. All roadways shall be constructed to these minimum standards; the minimum standards for private roads are as follows, unless specifically exempted in this Ordinance:~~

~~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 gradation 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 applicable 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 five (5) or more lots or parcels shall plan and construct the public road(s) to Collector or Local Residential Standards as set forth in the current edition of the applicable Highway District's Highway Standards and Development Procedures Manual. Public roads within a platted subdivision of five (5) or more lots shall be placed within a common lot. All public roads providing access to five (5) or more lots shall be dedicated to the applicable Highway District.~~
- ~~2. Private roads providing access to four (4) or fewer lots or parcels shall be exempt from the requirement to utilize an asphalt concrete layer; 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 unless approved by the County Engineer and Director.~~
- ~~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 10-5-4.~~
- ~~5. Private roads outside an Area of City Impact shall be designed, with an easement or platted lot, whichever applies, 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 or platted lot, whichever applies. 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 Ordinance 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: the required frontage shall be thirty (30') feet the width if the property abuts or access an approved turnaround. The entire turnaround shall be located within a private road easement or platted lot, whichever applies.~~
- ~~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. No segment of the travel way of a private road shall exceed eight (8%) percent grade.~~

~~15. 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.~~

~~16. For the purposes of this Ordinance, 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 private roadway construction plans prior to a final plat application being forwarded to the Commission for review.~~

~~2. Private roadways shall be constructed and certified as required by this Ordinance by a State of Idaho licensed civil 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 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 Department. The roadway design and certification after construction will be submitted to the Department by a State of Idaho licensed civil 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.~~
- ~~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 Ordinance and that the alternative design shall not be detrimental to the public health, safety, and welfare.~~
- ~~G. Private Roads and Property Access Requirements shall comply with the Wildland Urban Interface requirements of this Ordinance.~~

Section 10-5-5: Required Findings:

- A. In order to approve a private road 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 County transportation plan.

Redline Draft

