

CHAPTER 5 – DRIVEWAYS AND PRIVATE ROADS

Sections:

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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 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.

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/egress. The easement width requirement may be reduced to a width not less than twenty-eight (28') feet in accordance with subsection (1)D 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 warranties 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.

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 0.9:1 for subbase.
2. Base to meet the requirements of ISPWC section 802, Table 1 - Type I Crushed Aggregate Base.
3. Subbase to meet the requirement of ISPWC section 801, Table 1 - 8 Inch, 6 Inch, Or 3 Inch Uncrushed Aggregate.
4. Trip generation per dwelling is 9.52 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 of 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 (inches) = $0.0384 \cdot (TI) \cdot (100 - R)$ where GE equals gravel equivalence or the entire section of ISPWC - $\frac{3}{4}$ " 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 building 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 building 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.

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.