

## **CHAPTER 5 - PUBLIC AND PRIVATE ROADS**

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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 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. 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. 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. 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 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 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, then 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.