

ORDINANCE #2008-01

ADAMS COUNTY ROAD ORDINANCE

AN ORDINANCE FOR ADAMS COUNTY, A POLITICAL SUBDIVISION OR THE STATE OF IDAHO, ESTABLISHING ROAD STANDARDS, ESTABLISHING APPLICABILITY, ESTABLISHING ROAD SERVICE CLASSES AND DEFINING CONDITIONS OF DESIGN AND CONSTRUCTION, SETTING FORTH A TABLE OF REQUIREMENTS AND SUPPLEMENTAL DRAWINGS, PROVIDING SEVERABILITY, REPEALING CONFLICTING ORDINANCES, AND PROVIDING AN EFFECTIVE DATE.

SECTION 1: APPLICABILITY

Public roads, roads developed in conjunction with platting of subdivisions, and existing or future private-common-use within subdivisions as defined in Adams County Ordinance 1981-5, or any successor Ordinance, which regulates subdivision development, shall be subject to the Design and Construction Standards adopted by this Ordinance.

SECTION 2: ROAD SERVICES CLASSES ESTABLISHED AND DEFINED

Standards for design and construction depend on Service Classes of the subject roads. The service classes established by this Ordinance are: Public, Private and Private Driveways.

- A. Public Roads (also County Roads) are those motor vehicle travel ways with right-of-way owned by Adams County or dedicated to public use and maintained by Adams County. Right of ways are a minimum of 60 ' wide, obstructions in the right of ways are considered to be subject to removal at the County's request.
- B. Private Roads are motor vehicle travel ways, which are privately owned but serve to provide access, with their current construction or by possible future extension, to access lots.
- C. Private Driveways are roadways serving less than four dwellings.

SECTION 3: ROAD STANDARDS ADOPTED:

Adopted as Resolution 2008-06

Instrument # 116786

COUNCIL, ADAMS, IDAHO

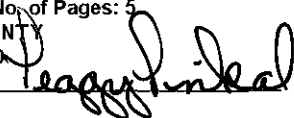
7-22-2008 09:50:03 No. of Pages: 5

Recorded for : ADAMS COUNTY

SHERRY WARD Fee: 0.00

Ex-Officio Recorder Deputy

Index to: ORDINANCE



SECTION 4: DRIVEWAY STANDARDS AND CONDITIONS

- A. Driveways exceeding 250 foot in length shall have a 16-foot wide surface with turnouts every 250 feet (turn out design see drawings). Driveways must terminate in an area that can be used as a turnaround or circular drive. Either a cul-de-sac or hammerhead (see drawing) driveway design will be submitted with building plans. Driveways intersecting County right of way require the same standards as private roads intersecting County rights-of-way.

- B. Driveway Drainage and Grade: At the entrance of any driveway to any road subject to these Standards, there shall be a section of driveway not less than 20 feet long having a grade not steeper than 2% uphill or downhill, to afford drivers of vehicles entering the roadway adequate opportunity to look for traffic before proceeding. Drainage shall not flow onto Public Roadway. Driveways shall not be placed where drivers cannot safely observe traffic on the intersecting road such that entry or exit from the roadway cannot be safely accomplished.

- C. Private Driveways: Surface and base course gravel used on Private Driveways, except that material from specific sources may be approved by the County Road Superintendent without laboratory testing based on the County Road Department's prior experience with material from such sources. Surface course gravel used on Private Driveways shall be granular materials $\frac{3}{4}$ in minus or smaller, 4 inches thick and having an Hveem R-value not less than 80. Pit run base course gravel used on Private Driveways should be granular materials and having a Hveem R-value not less than 55. Base course requirement is waived if native material has a Hveem R-value 55 or grater. Surface course requirement is waived if native material is gradable and has a Hveem R-value 80 or grater, or if native material is sound rock that does not run under traffic nor break during spring thaw. In lieu of determining R-value or experience history of imported base and surface aggregate materials, the pertinent gradation and placement requirements of the Idaho Standards for Public Works Construction, most recent edition, may be applied.

- D. Driveway Grades: Maximum vertical road grades shall not exceed the following:
 - 1. The maximum grades for Private Driveway construction should be 7%.
 - 2. Private Driveways should not exceed 7% in average grade, but may be given permission for grades up to 10% for abnormal construction difficulties such as rock outcrops, provided that

recovery sections with grades not exceeding 7% immediately follow the steep sections and that are approved by the County. Two grades greater than 7% within 1000 ft of each other is the maximum allowed without a variance from the County.

3. To construct a driveway section with grades above 7% the following standards shall be adhered to:
 - a. Grade 10%: A gravel surface shall be a crushed $\frac{3}{4}$ in minus gravel with a minimum of 75% fractures, or equivalent granular material having a Hveem R-value not less than 80.
 - b. Grade 10%: Maximum length of 10% grade shall not exceed 300 feet. Intermediate grade between the 10% critical lengths shall not exceed 7% for a minimum length of 200 feet. Sighting distance along grade shall be a minimum of 200 feet.

SECTION 5: SEVERABILITY:

The provisions of this Ordinance shall be deemed severable. Should any provision of this Ordinance be declared invalid by the Court of competent jurisdiction, the remainder shall continue in full force and effect and shall be interpreted in a manner to effectuate the intent of the Ordinance as a whole.

SECTION 6: RELATIONSHIP TO OTHER ORDINANCES-REPEAL OF CONFLICTING ORDINANCES:

Should any zoning, subdivision, or other Ordinance adopted pursuant to authority granted by Idaho Code Title 67, Chapter 65 or Title 50, Chapter 13, existing as of the effective date of this Ordinance or adopted during the effective duration of this Emergency Ordinance, conflict with the terms of this Ordinance, such conflicting provisions of said other Ordinance are hereby repealed and or invalidated to the extent of such conflict. A subsequently adopted Ordinance may supersede the provisions of this Ordinance if it expressly states that such is its intent.

SECTION 7: VARIANCE AUTHORIZED – STANDARD:

- A. A variance from the express standards established by this Ordinance may be allowed in circumstances where unique site characteristics cause practical difficulties and unnecessary hardships in complying with said standards and when variance from those standards can be accomplished without jeopardizing the public safety or compromising the purpose of this Ordinance.
- B. A request for variance shall accompany the application to establish a road as required by the Road Standards Resolution. Said application

shall be completed by the owner or the owner's agent and shall set forth with particularity the specific variance sought, the specific physical conditions which prompt the request for the variance, and the engineering alternatives which have been considered in order to attempt compliance with the Road Standards Resolution. The Adams County Building Administrator and Fire Chief of said District will confer and offer a decision on the variance.

- C. A notice of any request for variance shall be provided by first class mail to adjoining property owners and to the Fire Chief providing at least 10 (10) days advance notice of the meeting at which the request for variance will be heard. Such Notice will explain the nature of the variance sought and the specific legal standard, which would be varied thereby. Variance applicants shall pay the application fee established by the Board of Commissioners by Resolution and shall submit such documentation as deemed necessary by the Administrator. After hearing from the applicant, any interested parties, and conducting such other independent investigation as the Administrator deems appropriate, the Administrator shall act upon the request for variance and may approve any such variance only if it can find affirmatively:
 - 1. That the variance is necessitated by unique site characteristics, which make compliance with the Ordinance and Road Standards impractical and/or unnecessarily difficult.
 - 2. That the requested variance will not adversely affect the public health, safety and welfare or otherwise substantially impair the property interest of adjoining property owners.
 - 3. That the variance requested cannot be accomplished through implementation of any feasible engineering alternative. Mere cost differential is not evidence of infeasibility.
- D. The decision of the Administrator shall be in writing, shall set forth the reasons therefore, and shall be delivered to the Adams County Board of Commissioners for approval or denial.
- E. Upon a variance request denial, the applicant may appeal to the Board of County Commissioners by providing notice and a statement of the grounds there fore within 28 days of the decision of the Administrator, and payment of such application fee as the Board of Commissioners may establish by Resolution.
- F. On the appeal, the Board of Commissioners may at upon the record compiled before the Administrator, remand the matter to the Administrator for further proceedings, or it may conduct its own hearing. Any decision of the Board shall be in writing and shall set

forth the reasons therefore. The audio record of the appellate hearing shall be retained for one (1) year from the date of hearing.

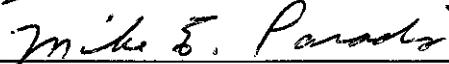
SECTION 8: EFFECTIVE DATE:


This Ordinance shall be effective upon its passage and publication according to law.

APPROVED as an Ordinance of Adams County, Idaho, on the 9th day of June 2008.

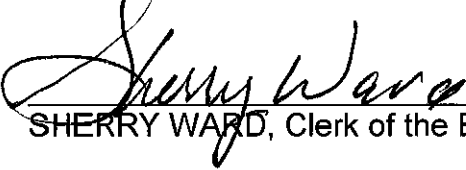
**BOARD OF COUNTY COMMISSIONERS
ADAMS COUNTY, IDAHO**


BILL BROWN, Chairman


MIKE PARADIS, Commissioner


JOE HOLMES, Commissioner

ATTEST:


SHERRY WARD, Clerk of the Board